



Paul Butler Associates

Planning, Development & Heritage Consultants

11 April 2022

Mrs Julie Roscoe
Head of Planning
Manchester City Council
Town Hall
Albert Square
Manchester
M60 2LA

14.880

FAO Lucy Harrison

Dear Mrs Roscoe

Location: Site Fronting Bentinck Street And Chester Road, Manchester, M15 4LN (Sky Gardens)
Proposal: Redevelopment of site with a mixed-use development comprising 174 dwellings (Use Class C3) and 4 commercial units (to include Use Classes A1, A2, A3, A4, B1a), with associated car parking and a landscaped public square
Application: 115211/FO/2017

On behalf of our client, De Trafford, please find enclosed an application for the variation of conditions attached to planning permission 115211/FO/2017, under Section 73 of the Town and Country Planning Act 1990.

The application proposes a slight change to the wording of planning conditions 15 (commercial unit opening hours) and 21 (deliveries). The proposed amendments to the condition wording is discussed in turn below:

Condition 15 – commercial unit opening hours

It is proposed to vary the consented opening hours for the (former) A1 use to align with the consented operating hours for the (former) A3 and A4 uses. This extension to opening hours would not result in any loss of amenity to neighbouring residents and would not be associated with any adverse planning impacts. It is noted that the (former) A3 and A4 uses are permitted to operate until 23.00 Monday to Sunday (including Bank Holidays). Any impact associated with the operation of a restaurant or drinking establishment is likely to be greater than that associated with the operation of a convenience retail store. In addition, it is noted that retail now falls within the same use class (Class E) as restaurants, therefore allowing a change of use between such uses without the need for opening hours to be considered as part of a planning application.

The consented hours for the Co-op convenience retail store located in proximity to the site at 254 Chester Road are: Monday to Saturday 07:00 to 23:00 Sundays and Bank Holidays 08:00 to 23:00 (application reference CDN/19/0816, approved 27 September 2019). The permitted opening hours establish that a retail use operating until 23:00 is acceptable in this location.

Overall, it is considered that the proposed variation to the operating hours is acceptable. The proposed variation to condition 15 is set out below:

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The commercial uses shall not be open outside the following hours:

A1, A2 and B1a Uses - 07:00 to 23:00 Monday to Sunday (including Bank Holidays)

A3 Use - 07:00 to 23:00 Monday to Sunday (including Bank Holidays)

A4 Use - 12:00 to 23:00 Monday to Sunday (including Bank Holidays).

Condition 21 - deliveries

Condition 21 does not allow loading / unloading on Sunday and Bank Holidays. Feedback from potential end users has confirmed that deliveries on Sundays & Bank Holidays are required. In order to allow flexibility and efficient operation of the retail unit, it is proposed to amend the servicing hours to reflect the opening hours of the premises.

It is not considered that there would be any adverse loss of amenity to neighbouring residents, and that the proposed variation is acceptable.

The proposed amendment to the wording of condition 21 is set out below:

No loading or unloading shall be carried out on the site outside the hours of 07:00 to 23:00, Monday to Sunday (including Bank Holidays).

We are keen to work with the Council to ensure that these amendments can be approved as soon as possible.

If you require any additional information, please do not hesitate to get in touch.

Yours sincerely



Lynsay Ewart BSc(Hons) MSc MRTPI
Senior Planner