

Important – Planning permission & notices of consent

Compliance with conditions

- Your planning approval or consent is attached. It will contain conditions that you must comply with.
- Please read the conditions and understand their requirements and restrictions, for example submission and approval of details or measures to protect trees.
- Some conditions will require action before you start development and it is imperative that you seek to have these discharged before any work commences.
- Whilst every effort has been made to group conditions logically, it is your responsibility to ensure that you are aware of the requirements and/or restrictions of all conditions.
- If you fail to comply with the conditions this may result in a breach of planning control and this may lead to enforcement action.
- Failure to comply with conditions may also result in the development not being lawful.
- It is in your interests to demonstrate that conditions have been complied with. Failure to do so may cause difficulties if the property is sold or transferred.
- A fee is payable for each request to discharge conditions.
- For advice on any of these matters, please contact Planning, Manchester City Council, PO Box 532, Town Hall, Manchester M60 2LA or email planning@manchester.gov.uk

Town & Country Planning Act 1990 (as amended)

Planning Permission

Applicant

SDI (Manchester Cheetham Hill) Limited
C/o Agent

Agent (if used)

Mr Steve Buckley
Peacock and Smith
53 King Street
Manchester
M2 4LQ

Part 1 – Particulars of the application/development

Proposal: Variation of conditions 12 (delivery hours) and 13 (opening hours) attached to planning permission referenced 121707/JO/2018 to allow deliveries to take place between 07:00 and 22:00 Monday to Saturday and 9.00 to 17.00 Sundays and the store to open 08:00 to 22:00 Monday to Saturday and 9.00 to 17.00 Sundays.

Location: Unit A2 Cheetham Hill Retail Park, Queens Road, Manchester, M8 8BB

Date of application: 18 October 2019

Application number: 124866/JO/2019

Part 2 – Particulars of decision

Manchester City Council gives notice that the development referred to in Part 1 has been **Approved** in accordance with the application and plans submitted subject to the condition(s) listed below (if any).

Article 35 Declaration

Officers have worked with the applicant in a positive and proactive manner based on seeking solutions to problems arising in relation to dealing with the planning application. Issues have been addressed through the planning application in relation to the proposed hours amendments. The submission of additional information in response to these matters now appears to be acceptable in terms of potential impacts on the wider area. Therefore, the scheme is now acceptable and in accordance with the Development Plan.

Condition(s) attached to this decision

1) The development must be begun not later than the expiration of three years beginning from the 29th April 2019 attached to planning permission 121708/FO/2019.

Reason - Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990.

2) The development hereby approved shall be carried out in accordance with the following drawings and documents:

Notwithstanding any references to the provision of a Lidl foodstore on this site:

Design and Access Statement

Planning Statement

Flood Risk Technical Note

CPS16-068 002 B

CPS16-068 004 A

CPS16-068 006 F

CPS16-068 007 E

CPS16-068 009 D

stamped as received by the Local Planning Authority on the 30th October 2018

Site Layout Plan numbered CPS16-068 001 Rev D

18/3058/ME-07

Air Conditioning Technical Data

40 Bay Low Noise V Block data

stamped as received by the Local Planning Authority on the 28th November 2018

Waste Management Strategy

stamped as received by the Local Planning Authority on the 6th December 2018

Acoustic Report completed by Aecom dated 17th December 2018

stamped as received by the Local Planning Authority on the 17th December 2018

Cheetham Hill Junction Modelling Rev 1 dated 9th April 2019

stamped as received by the Local Planning Authority on the 9th April 2019

Letter from Peacock and Smith dated 25th June 2019

Acoustic Report no. 102194 prepared by Miller Goodhall Ltd dated 18th October 2019

stamped as received by the Local Planning Authority on the 18th October 2019.

Technical Note issue 01 dated 04/11/2019 received via email by the Local Planning Authority on the 6th November 2019

Reason - To ensure that the development is carried out in accordance with the approved plans. Pursuant to policies SP1 and DM1 of the Core Strategy.

3) 3) Prior to the use of any new external materials as part of the development hereby approved, samples and specifications of all materials to be used on all external elevations of the development shall be submitted to and approved in writing by the City Council as local planning authority. The development shall then be completed in accordance with these approved materials.

Reason - To ensure that the appearance of the development is acceptable to the City Council as local planning authority in the interests of the visual amenity of the area within which the site is located, as specified in policies SP1 and DM1 of the Core Strategy.

4) This permission relates to the reconfiguration of internal floorspace to create new Units numbered A1, A2 and B1 with a new internal mezzanine floorspace not exceeding a maximum floorspace of 4,351 sqm gross. The hereby approved floorspace, as identified on the submitted application plans, shall include 1,153 sqm of food retail space within Unit A2, and the remaining floorspace shall be used for non-food retail purposes only and for no other purpose (including any other purpose within Class A1 of the Schedule of The Town & Country Planning (Use Classes) Order 1987 or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order).

Reason - In granting this permission, the City Council has had regard to the policies set out in SP1, EC4, C1, C2, C3, C9 and DM1 of the Core Strategy and saved Policy CC18 of the Unitary Development Plan and considers that planning permission would have been refused for unrestricted use within Class A1 of the Use Classes Order.

5) The proposed car parking as shown on the approved Site Layout Plan numbered CPS16-068 001 Rev C stamped as received by the Local Planning Authority on the 30th October 2018, shall be surfaced, demarcated and made available for use before the new retail units hereby approved are first occupied. The car park shall then be available at all times whilst the site is occupied.

Reason - To ensure that there is adequate car parking for the development proposed when the building is occupied, pursuant to Policies T2, SP1 and DM1 of the Core Strategy.

6) Prior to the first occupation of the new retail floorspace hereby approved, a detailed scheme for the provision of space and facilities for secure bicycle parking across the development shall be submitted to and approved in writing by the City Council as the Local Planning Authority. The development shall then be completed in accordance with the approved scheme and the approved space and facilities shall then be retained and permanently reserved for bicycle parking.

Reason - To ensure that adequate provision is made for bicycle parking so that persons occupying or visiting the development have a range of options in relation to mode of transport in order to comply with Policies SP1, T1, T2, EN6 and DM1 of the Core Strategy and the guidance provided within the National Planning Policy Framework and the Guide to Development in Manchester Supplementary Planning Document and Planning Guidance.

7) Prior to the commencement of the development hereby approved, a detailed construction management plan outlining working practices during development shall be submitted to and approved in writing by the local planning authority, which for the avoidance of doubt should include;

- o Display of an emergency contact number;
- o Hours of working;
- o Details of Wheel Washing;
- o Dust suppression measures;
- o Compound locations where relevant;
- o Location, removal and recycling of waste;
- o Routing strategy and swept path analysis;
- o Parking of construction vehicles and staff;
- o Sheeting over of construction vehicles;
- o Community Consultation strategy; and

- o A dilapidation survey including photographs and commentary on the current condition of carriageways and footways on the construction vehicle routes surrounding the site.

Development shall be carried out in accordance with the approved construction management plan.

Reason - To safeguard the amenities of nearby residents and highway safety, pursuant to policies SP1, EN19 and DM1 of the Manchester Core Strategy (July 2012).

8) Before the development hereby approved is first occupied, a Travel Plan shall be submitted to and agreed in writing by the City Council as Local Planning Authority. In this condition a Travel Plan means a document which includes:

- i) the measures proposed to be taken to reduce dependency on the private car by those [attending or] employed in the development
- ii) a commitment to surveying the travel patterns of staff during the first three months of use of the development and thereafter from time to time
- iii) mechanisms for the implementation of the measures to reduce dependency on the private car
- iv) measures for the delivery of specified travel plan services
- v) measures to monitor and review the effectiveness of the Travel Plan in achieving the objective of reducing dependency on the private car

Within six months of the first use of the development, a revised Travel Plan which takes into account the information about travel patterns gathered pursuant to item (ii) above shall be submitted to and approved in writing by the City Council as local planning authority. Any Travel Plan which has been approved by the City Council as local planning authority shall be implemented in full at all times when the development hereby approved is in use.

Reason - To assist promoting the use of sustainable forms of travel to the development, pursuant to policies SP1, T2 and DM1 of the Core Strategy and the Guide to Development in Manchester SPD (2007).

9) a) The development hereby approved, in particular the new externally mounted ancillary plant, equipment, acoustic plant enclosure shall be acoustically treated in accordance with the mitigation measures outlined within the Acoustic Report completed by Aecom dated 17th December 2018.

b) A verification report shall then be submitted to and approved in writing by the City Council as local planning authority prior to the first use of the equipment on site, in order to secure a reduction in the level of noise emanating from the site.

Reason - To minimise the impact of the development and to prevent a general increase in pre-existing background noise levels around the site pursuant to policies SP1 and DM1 of the Core Strategy.

10) Notwithstanding the references to a Lidl foodstore, the development hereby approved shall be operated in accordance with the Waste Management Strategy stamped as received by the Local Planning Authority on the 6th December 2018, in relation to the scheme for the storage (including segregated waste recycling) and disposal of refuse. The details of this approved scheme shall be implemented as part of the development and shall remain in situ whilst the use or development is in operation.

Reason - In the interests of amenity and public health, pursuant to policies SP1 and DM1 of the Core Strategy and guidance provided within the Guide to Development in Manchester Supplementary Planning Document and Planning Guidance.

11) The development shall include the installation of a proprietary gas protection membrane, in order to alleviate any possibility of landfill gas ingress to the building. Appropriate and comprehensive construction designs shall be submitted to and approved in writing by the City Council as local planning authority.

Reason - The development site lies within 250 metres of a registered landfill site or in close proximity to a potential historical source of landfill gas, pursuant to policies DM1 and EN18 of the Core Strategy.

12) No deliveries, servicing and collections, including waste collections, shall be carried out before 07:00 a.m. and after 10.00p.m. on Mondays to Saturdays and 09:00am to 05.00pm on Sundays/Bank Holidays.

Reason - In the interests of residential amenity, pursuant to saved policy DC26 of the Unitary Development Plan for the City of Manchester, policies SP1 and DM1 of the Core Strategy for Manchester.

13) Unit A2 within the development, shall not be open outside the following hours:

Monday to Saturday 8.00am to 10.00pm
Sundays and Bank Holidays 9.00am to 5.00pm

Reason - In interests of residential amenity in order to reduce noise and general disturbance in accordance with policy DM1 of the Core Strategy and the guidance contained in the National Planning Policy Framework..

14) Prior to the first use of the development hereby approved, details of the proposed acoustic barrier (as outlined on page 12 & 13 of the Acoustic Report no. 102194 prepared by Miller Goodhall Ltd stamped as received by the Local Planning Authority on the 18th October 2019) shall be submitted for approval in writing by the City Council as Local Planning Authority. The approved details shall then be implemented prior to the first use of the development and thereafter retained and maintained in situ for as long as the development remains in use.

Reason: To secure a reduction in noise from delivery vehicles or other sources in order to protect residents from noise disturbance pursuant to policies SP1, and DM1 of the Core Strategy (2017) and saved policy DC26 of the Unitary Development Plan for the City of Manchester (1995).

Informatives

Building Regulations 2010

This permission does not grant approval under Building Regulations.

Street Naming & Numbering Requirements

Manchester City Council is responsible for allocating street naming and numbering within Manchester for new developments or property conversions. Individuals or businesses are not permitted to allocate their own property numbers, building or street names.

If your development includes the creation of new dwellings (either new build or conversion of existing buildings), creation of new commercial properties or the subdivision of existing properties you must ensure that you request new or changes to addresses through us so they can be officially allocated and registered in accordance with the Public Health Act 1925 Sections 17-19 & Greater Manchester Act 1981 Section 22.

Failure to do this may result in difficulties for the developer/occupier when requiring services such as connections to utilities, phone lines and postal services and may delay your development.

You can apply online at the following address:

http://www.manchester.gov.uk/info/100011/roads_parking_and_transport/1988/naming_and_numbering_of_houses_buildings_streets_and_roads/2

Mining Information

The proposed development lies within an area which could be subject to current coal mining or hazards resulting from past coal mining. Please read the Standing Advice from the Coal Authority in Appendix A.

Date: 17 January 2020

Signed: 

Julie Roscoe
Director of Planning, Building Control & Licensing

Manchester City Council, P O Box 532, Town Hall, Manchester M60 2LA

Notes

1. This permission refers only to that required under the Town and Country Planning Act 1990 does not include any consent or approval under any other enactment, byelaw, order or regulation.

2 If the applicant is aggrieved by the decision of the local planning authority to refuse permission or approval for the proposed development, or to grant permission or approval subject to conditions, they may appeal to the Secretary of State in accordance with Section 78(1) of the Town and Country Planning Act 1990 within six months of the date of the notice of the decision.

The Planning Inspectorate have introduced an online appeals service that can be used to make appeals online. This service is available through the gov.uk website – www.gov.uk/planning-inspectorate . The Inspectorate will publish details of your appeal on the internet. Alternatively If you are unable to access the online appeal form, please contact the Planning Inspectorate to obtain a paper copy of the appeal form on tel: 0303 444 5000.

The Secretary of State has power to allow a longer period for the giving of a notice of appeal but they will not normally be prepared to exercise this power unless there are special circumstances that excuse the delay in giving notice of appeal.

If you intend to submit an appeal that you would like examined by inquiry then you must notify the City Council (planning@manchester.gov.uk) and the Planning Inspectorate (inquiryappeals@planninginspectorate.gov.uk) at least 10 days before submitting the appeal. Further details are on GOV.UK.

3. The statutory requirements are those set out in Section 79(6) of the Town and Country Planning Act 1990, namely Sections 70(1) and 72(1) of the Act.

4. If either the local planning authority or the Secretary of State refuses permission to develop land or grants it subject to conditions, the owner may claim that they can neither put the land to a reasonably beneficial use in its existing state nor render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.

In these circumstances, the owner may serve a purchase notice on the Council in whose area the land is situated. This notice will require the Council to purchase their interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990

5. In certain circumstances, a claim may be made against the local planning authority for compensation, where permission is refused or granted subject to conditions by the Secretary of State on appeal or on a reference of the application to them. The circumstances in which such compensation is payable are set out in Section 114 of the Town and Country Planning Act 1990.