MANCHESTER
CITY COUNCIL

IMPORTANT

Planning Permission and 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 required to protect trees.
- Some conditions will require action before you start the development and it is imperative that you seek to have these discharged before any work commences.
- 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 of £85 is payable for each request to discharge conditions.
- For advice on any of these matters, please contact the Planning Service, Manchester City Council, PO Box 463, Manchester M60 3NY or email planning@manchester.gov.uk

Town and Country Planning Act 1990

PLANNING PERMISSION

MANCHESTER CITY COUNCIL

Name and Address of Applicant	Name and Address of Agent
Tesco Stores Cirrus Building Shire Park Welwyn Garden City Hertfordshire	G L Hearn 1 St James Square Manchester M2 6DN

Part I – Particulars of Application

Date of Application	Application ref. no.
12 June 2008	085921/JO/2008/N2

Particulars and location of development:

Variation of Condition No.3 of planning approval 078079/JO/2008/N2 to allow elevational layout and boundary amendments to the previously approved drawings for the erection of a new foodstore,retail units, market hall and petrol filling station with associated car parking and landscaping

New Gorton District Centre
Land Bounded By Hyde Road, Wellington Street And Garratt Way, Gorton
Manchester
M18 8HE

Part II – Particulars of Decision

The Manchester City Council hereby give notice in pursuance of the provisions of the Town and Country Planning Act 1990 of the following decision

Decision Approved

APPROVE on the basis that the proposals are in accordance with RPG 13 which states that people should be able to meet their retail needs locally and policy EC8 which en-courages new retail development within existing town centre boundaries. The regeneration of the currently run-down and partially vacant Gorton District Centre and the in-crease in vitality and viability of the area, particularly the Hyde Road frontage, is supported by Unitary Development Plan policies GO2, R1, S1.2, S1.3, S2.1, S2.4, S2.5 and S2.6. The visual improvements to the area as a result of high quality buildings and improved landscaping comply with policy E3.3 of the Unitary Development Plan for the City of Manchester. The improvement to the setting of the Grade II listed Plough public house complies with policy DC19 of the Unitary Development Plan and the improvements to visual and residential amenity brought about by the regeneration of the area accord with policy H2.2 of the Unitary Development

Plan for the City of Manchester and the principles set out in the Guide to Development in Manchester Supplementary Planning Document and Planning Guidance, Planning Policy Statement 1, Planning Policy Statement 6 and Policies DP2, DP3 and ER13 of the Regional Spatial Strategy.
Date of Decision 7 August 2008

for the carrying out of development referred to in Part 1 hereof in accordance with the application and plans submitted subject to the following conditions:

Part III – Conditions and Reasons

1) The development must be begun not later than the expiration of three years beginning with the date of this permission.

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

2) Construction of the works hereby approved by this permission shall not take place until samples and specifications of the materials to be used on all external elevations of the development, including the graphic displays on the market, and the public realm, car parking and other hard surface areas, have been submitted to and approved in writing by the City Council as local planning authority. The development shall be constructed only using the approved materials unless otherwise agreed in writing by the City Council as local planning authority.

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, pursuant to policies H2.2, S1.2, E3.3, and GO2 of the Unitary Development Plan for the City of Manchester .

3) The development hereby approved shall be carried out in accordance with the following drawings and documents unless otherwise agreed in writing by the City Council as Local Planning Authority:

The application forms, letter containing the Design and Access Statement, and drawings numbered GLH/J010615, P2306-617/B, P2306-618, 4477.P3/L, P2306-100/S and P2306-101/T, stamped as received by the Local Planning Authority on the 21st February 2008, and the amended drawings numbered 4477.C33/B, 4477.A19/A, 4477.A20, received on the 15th April 2008, P2306-621/A received by email on the 13th May 2008, 4477.P31/A received on the 6th June 2008, 4477.P1/W received on the 8th May 2008 and P24 Rev C received by email on the 9th July 2008.

Reason - To ensure that the development is carried out in accordance with the approved plans, pursuant to Policies EC3, GO2, R1, S1.2, S1.3, S2.1, S2.4, S2.5, S2.6, DC19 and H2.2, and the principles set out in the Guide to Development in Manchester Supplementary Planning Document and Planning Guidance, Planning Policy Statement 1, Planning Policy Statement 6 and Policies DP2, DP3 and ER13 of the Regional Spatial Strategy.

4) The class A1 foodstore shall not be occupied until the car parking shown on the approved plans has been surfaced, demarcated and made available for use. 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 policy T2.4 and S2.5 of the unitary Development Plan for the City of Manchester.

5) Before the development hereby approved is occupied, the Class A1 foodstore, together with any externally mounted ancillary equipment, shall be acoustically insulated in accordance with a scheme submitted to and approved in writing by the City Council as local planning authority in order to secure a reduction in the level of noise emanating from the equipment.

Reason

To safeguard the amenities of the occupiers of nearby residential accommodation, pursuant to policies H2.2, DC26.5 and S2.4 of the Unitary Development Plan for the City of Manchester.

6) Proposed times of deliveries, servicing and collections to and from the site, including waste collections, shall be submitted to and agreed in writing by the City Council as Local Planning Authority and shall be adhered to as agreed thereafter.

Reason

To safeguard the amenities of the occupiers of nearby residential accommodation, pursuant to policies H2.2, DC26.5 and S2.4 of the Unitary Development Plan for the City of Manchester.

7) Car washing and vacuuming facilities at the site shall not operate outside the following hours:

Monday to Saturday	08.00 to 20.00
Sundays	10.00 to 18.00

Reason

To safeguard the amenities of the occupiers of nearby residential accommodation, pursuant to policies H2.2 and DC26.1 of the Unitary Development Plan for the City of Manchester.

8) Before development commences a scheme for the extraction of any fumes, vapours and odours from any kitchen areas within the development hereby approved shall be submitted to, and approved in writing by, the City Council as Local Planning Authority. The approved scheme shall be implemented in full prior to first occupation and retained as approved thereafter unless otherwise agreed in writing by the Local Planning Authority.

Reason - In the interests of the amenities of the occupiers nearby properties, pursuant to policy H2.2 of the Unitary Development Plan for the City of Manchester.

9) The use of any external tannoy system at the site shall only be used in the event of an emergency.

Reason

To safeguard the amenities of the occupiers of nearby residential accommodation, pursuant to policies H2.2 and DC26.1 of the Unitary Development Plan for the City of Manchester.

10) Before the development hereby approved commences, a scheme for the building lighting and lighting of the external areas, including the height, location, design and colour of lighting columns, shall be submitted to and approved in writing by the Council as Local Planning Authority, and the approved scheme shall be implemented in full prior to occupation of the Class A1 foodstore and retained as approved thereafter unless otherwise agreed in writing by the City Council.

Reason

In the interests of security pursuant to policies H2.2, S2.5 and E3.5 of the Unitary Development Plan for the City of Manchester.

11) Before the development hereby approved commences a scheme for the storage and disposal of refuse shall be submitted to and approved in writing by the City Council as Local Planning Authority. The details of the 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 H2.2 and S2.4 of the adopted UDP.

12) No demolition shall take place on the site until a scheme for the protection and relocation of any bats found to be present on the site has been submitted to and approved in writing by the City Council as Local Planning Authority. The approved scheme shall then be implemented as approved.

Reason - Although no bats are currently known to be present on the site, should their presence be detected in the future, pursuant to policies E2.3, E2.4 of the adopted UDP.

13) No roof coverings of existing buildings on the site shall be removed otherwise than by hand between March and October.
Reason

Reason
Although no bats are currently known to be present on site, any bats found to be present must be unharmed during demolition, pursuant to policy E2.4 of the adopted UDP.

14) In addition to the approved landscape proposals shown on drawings numbered 5410633/01/RevC, 5410633/02/RevC and 5410633/03/RevC and the planting shown on the site layout drawing numbered 4477/P1/Rev W, within one month of the date of this approval a scheme for the hard and soft landscaping of the area to the south of the petrol filling station along Hyde Road and for the area to the north of the market building along Garrett Way has been submitted to and approved in writing by the City Council as local planning authority. The approved scheme shall be implemented not later than 12 months from the date the buildings are first occupied. If within a period of 5 years from the date of the planting of any tree or shrub, that tree or shrub or any tree or shrub planted in replacement for it, is removed, uprooted or destroyed or dies, or becomes, in the opinion of the local planning authority, seriously damaged or defective, another tree or shrub of the same species and size as that originally planted shall be planted at the same place, unless otherwise agree in writing by the City Council as local planning authority.

Reason

To ensure that a satisfactory landscaping scheme for the development is carried out, pursuant to policies GO2, E3.3, and H2.2 of the Unitary Development Plan for the City of Manchester.

15) No trees shall be felled, or have any works undertaken on them, during the bird nesting season (March to July inclusive), unless otherwise agreed with the City Council as Local Planning Authority.

Reason

To ensure the protection of wildlife habitats in the locality, pursuant to policy E2.4 of the Unitary Development Plan for the City of Manchester.

16) No development shall commence until details of the measures to be incorporated into the development (or phase thereof) to demonstrate how secure by design accreditation will be achieved have been submitted to and approved in writing by the City Council as local planning authority. The development shall only be carried out in accordance with these approved details. The development hereby approved shall not be occupied or used until the Council as local planning authority has acknowledged in writing that it has received written confirmation of a secure by design accreditation.

Reason - To reduce the risk of crime pursuant to Policy E3.5 of the Unitary Development Plan of the City of Manchester and to reflect the guidance contained in Planning Policy Statement "Delivering Sustainable Development".

17) All vehicles entering and leaving the site during the construction period are to pass through a wheel wash. Details of the wheel wash shall be submitted to and approved in writing by the City Council as local planning authority prior to the development commencing.

Reason

To ensure that the proposed development does not cause unacceptable amounts of dust in the vicinity and to ensure that local roads are kept clear of

mud, pursuant to policy H2.2 of the Unitary Development Plan for the City of Manchester.

18) All contractors vehicles entering and leaving the site during the construction period shall be securely sheeted.

Reason

To ensure that the proposed development is not prejudicial or a nuisance to the occupiers of adjacent properties in the interests of public health and amenity, pursuant to policy H2.2 of the Unitary Development Plan for the City of Manchester.

19) The details of an emergency telephone contact number shall be displayed in a publicly accessible location on the site and shall remain so displayed unless otherwise agreed in writing by the City Council as local planning authority.

Reason

In the interests of health and safety and local amenity pursuant to policy H2.2 of the Unitary Development Plan for the City of Manchester.

20) a) Before the development hereby approved commences, a report (the Preliminary Risk Assessment the Desk Study) to identify and evaluate all potential sources and impacts of any ground contamination, groundwater contamination and/or ground gas relevant to the site shall be submitted to and approved in writing by the City Council as local planning authority. The Preliminary Risk Assessment shall conform to City Council's current guidance document (Planning Guidance in Relation to Ground Contamination).

The Desk Study shall be prepared by a suitably qualified person whose competence to carry out the Desk Study has been approved in writing by the City Council as local planning authority (an "Expert").

In the event of the Preliminary Risk Assessment Desk Study identifying risks which in the written opinion of the Local Planning Authority require further investigation, the development shall not commence until a scheme for the investigation of the site and the identification of remediation measures (the Site Investigation Proposal Scheme) has been submitted to and approved in writing by the City Council as local planning authority.

The measures for investigating the site identified in the Site Investigation Proposal Scheme shall be carried out, by an Expert before development commences and the Expert shall prepare a report prepared outlining what measures, if any, are required to remediate the land (the Site Investigation Report and/or Remediation Strategy) which shall be submitted to and approved in writing by the City Council as local planning authority.

b) When the development commences, the development shall be carried out in accordance with the previously agreed Remediation Strategy Site Investigation Report.and a Completion/Verification Report shall be submitted to and approved in writing by the City Council as local planning authority.

In the event that ground contamination, groundwater contamination and/or ground gas, not previously identified, are found to be present on the site at any time before the development is occupied, then development shall cease and/or the development shall not be occupied until, an Expert has prepared a report outlining what measures, if any, are required to remediate the land (the Revised Remediation StrategySite Investigation Report) which shall be is submitted to and approved in writing by the City Council as local planning authority and the development shall be carried out in accordance with the Revised Remediation StrategySite Investigation Report, which shall take precedence over any Remediation Strategy Site Investigation Report or earlier Revised Remediation Strategy Investigation Report.

Reason - To ensure that the presence of or the potential for any contaminated land and/or groundwater is detected and appropriate remedial action is taken in the interests of public safety, pursuant to H2.2 of the Unitary Development Plan for the City of Manchester.

21) Prior to being discharged into any watercourse, surface water sewer or soakaway system, all surface water drainage from the surface water system shall be passed through an oil interceptor designed and constructed to have a capacity and details compatible with the site being drained. Roof water shall not pass through the interceptor.

Reason

To prevent pollution of the water environment, pursuant to policy E1.3 of the adopted UDP.

22) No part of the development shall be occupied until space and facilities for bicycle parking have been provided in accordance with details to be submitted to and approved in writing by the City Council as local planning authority. These 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, pursuant to policy T3.7 of the Unitary Development Plan for the City of Manchester.

23) No part of the indoor market, retail units and petrol station shall be occupied until the hours of operation of such parts have been agreed in writing by the City Council as Local Planning Authority. Such parts of the indoor market, retail units and petrol station shall thereafter not operate outside the approved hours.

Reason

To safeguard the amenities of the occupiers of nearby residential accommodation when the development is complete, pursuant to policy H2.2 of the Unitary Development Plan for the City of Manchester.

24) Any roller shutters or security grilles installed shall be of an open grille construction, with the housing for the mechanism recessed behind the plane of

the wall where the mechanism is to be located and be colour-coated in accordance with a scheme to be agreed in writing with the City Council as local planning authority before they are in place.

Reason

In the interests of visual amenity, pursuant to policy GO2, and S1.2 of the Unitary Development Plan for the City of Manchester

25) The total amount of retail floorspace open to the public shall not exceed 5,691 square metres net in respect of the Class A1 foodstore and shall not exceed 1,338 square metres net in respect of the two storey retail units, unless otherwise agreed in writing by the City Council as Local Planning Authority (up to a maximum of 8,338 sq m and 1672 sq m gross).

Reason

Changes to any element of the development may have consequences in terms of national and local policy considerations, particularly policy S2.2 of the Unitary Development Plan for the City of Manchester.

26) Details of a Travel Plan Strategy with the objective of reducing car useage for staff and customers travelling to the site, implementation and monitoring of effectiveness shall be submitted to and approved in writing by the City Council as local planning authority. The strategy shall outline procedures and policies that the developer and occupants of the site will adopt to secure the objective. Additionally, the strategy shall outline the monitoring procedures and review mechanisms that are to be put in place to ensure that the strategy and its implementation remains effective. The approved strategy will be implemented in accordance with the strategy's timetable and shall remain in force for so long as the development is occupied.

Reason

In accordance with the provisions contained within Planning Policy Guidance 13.

27)) Details of any roller shutters to be installed on the frontage of the two storey retail units, indoor market and Class A1 food store shall be submitted to and agreed in writing by the City Council and be installed and retained as such thereafter. The roller shutters should be opened at times agreed in writing by the Council as Local Planning Authority.

Reason

In order to ensure that the appearance of the building is in keeping with the character of the area pursuant to policies H2.2 and GO2 of the Unitary Development Plan for the City of Manchester.

28) No development hereby approved shall be commenced until off-site highways works as identified in the Traffic Assessment submitted by Savell Bird and Axonon 23rd December 2005 have been agreed and approved in writing by the City Council as Local Planning Authority.

Reason

In the interest of highway safety pursuant to policy T2.1 of the Unitary Development Plan for the City of Manchester.

29) Before development commences, the location and elevational/plan details of the recycling facility is to be agreed in writing with the City Council as Local Planning Authority and shall be implemented and retained as agreed thereafter.

Reason

In the interests of residential amenity and the environment pursuant to policies H2.2 and E1.2 of the Unitary Development Plan for the City of Manchester

30) The development hereby approved shall achieve a post-construction Building Research Establishment Environmental Assessment Method (BREEAM) rating of at least 'very good' or 'excellent'. A post construction review certificate shall be submitted to and approved in writing by the City Council as local planning authority before any of the buildings hereby approved are first occupied.

Reason - In order to minimise the environmental impact of the development pursuant to policies E1.5 and E1.6 in the Unitary Development Plan for the City of Manchester, policies ER13 and DP3 of Regional Planning Guidance for the North West (RPG13) and the principles contained within The Guide to Development in Manchester 2 SPD and Planning Policy Statement 1.

31) Prior to the commencement of development and not withstanding the approved plans, final details of the location and timescale for installation of bus stops along Hyde Road serving the development site are to be submitted to and agreed in writing by the City Council as Local Planning Authority and are to be implemented and retained as agreed thereafter.

Reason
In the interests of improving public transport provision pursuant to policy T1.2 of the Unitary Development Plan for the City of Manchester.

Signed……

Peter Babb, Head of Planning

on behalf of the Council
Town Hall,
Manchester M60 3NY

NOTES

1. Leaflets attached:

2. 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**.**

3. 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, he may appeal to the First 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 Appeals area of the Planning Portal – www.planningportal.gov.uk/pcs. The Inspectorate will publish details of your appeal on the internet (on the Appeals area of the Planning Portal).

This may include a copy of the original planning application form and any supporting documents supplied to the local planning authority. By you or your agent, together with the completed appeal form and information you submit to the Planning Inspectorate. Please ensure that you only provide information, including personal information, that you are happy will be made available to others in this way. If you supply personal information belonging to a third party please ensure you have their permission. More detailed information about data protection and privacy matters is available on the Planning Portal.

Alternatively, appeals can be made on a form which is obtainable from Planning Inspectorate, Customer Support Unit, Room 3/15, Eagle Wing, Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 or by telephone 0117 372 6372.

The First Secretary of State has power to allow a longer period for the giving of a notice of appeal but he will not normally be prepared to exercise this power unless there are special circumstances that excuse the delay in giving notice of appeal. The First Secretary of State is not required to entertain an appeal if it appears to him that permission for the proposed development could not have been granted by the local planning authority, or could not have been so granted otherwise than subject to the conditions imposed by them, having regard to the statutory requirements to the provisions of the development order, and to any directions given under the order. He does not in practice refuse to entertain appeals solely because the decision of the local planning authority was based on a direction given by him.

4. 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.

5. If either the local planning authority of the First Secretary of State refuses permission to develop land or grants it subject to conditions, the owner may claim that he 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 his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990

6. 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 First Secretary of State on appeal or on a reference of the application to him. The circumstances in which such compensation is payable are set out in Section 114 of the Town and Country Planning Act 1990.