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
ALDI Stores Ltd C/o Agent	Turley Associates The Chancery 58 Spring Gardens Manchester M2 1EW

Part I – Particulars of Application

Date of Application	Application ref. no.
19 May 2008	086696/JO/2008/N2

Particulars and location of development:

Variation of conditions 8 (service and delivery hours) and the removal of condition 25 (delivery banksman) in relation to the hours of delivery and servicing without the need of a delivery banksman

Site Of Former Maynes Coach Depot
974-998 Ashton New Road
Clayton
Manchester
M11 4RX

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 Temporary Approval

It is considered that the proposal will generally accord with the policies contained within the Development Plan, specifically the Unitary Development Policies EM3, EM16, DC9, S2, E3.3, DC16, DC26, H2.2, T1.8, T2.6 and T3.1 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 in that the development would improve the quality of retail facilities within the local neighbourhood centre within easy access of existing residential properties, there would not be any significant impacts on the residential amenities of adjoining

occupiers; would improve the access to shopping facilities for disabled people, would not compromise the provision of the Metrolink expansion and generally the proposal would provide a high quality facility within the area to the benefit of the wider surrounding community allowing the continuing regeneration of the locality.
Date of Decision 23 October 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 permission hereby granted is for a limited period only, expiring on 23rd April 2010, after which the only applicable permission and conditions for the buildings, works and use comprising the development will be the previous one with reference 084018/FO/2007/N2. On 24th April 2010, the operations of the store shall only be in compliance with the conditions attached to approval 084018/FO/2007/N2.

Reason - In the interests of amenity, pursuant to Policies DC26, H2.2 and E3.5 of the adopted UDP for the City of Manchester.

2) 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 Planning Statement, Design and Access Statement, an Environmental Screening Opinion letter, Transport Assessment, Bat, Bird and Habitat Survey, Environmental Noise Impact Assessment, Crime Impact Statement, Remedial Method Statement and the drawings numbered ALDM1214, 0014-MID/50, 0014-MID/108/B, 0014-MID/109, 0014-MID/110, 0014-MID/111, 0014-MID/112/A, and the CGI Perspective Drawing, stamped as received by the Local Planning Authority on the 30th July 2007, the additional ram raid bollard information stamped as received by the Local Planning Authority on the 27th September 2007, and the letter from Mayer Brown Limited and attached drawing numbered 0014MID/108/C received by email on the 24th October 2007 and the application forms, the accompanying letter from Turley Associates and the drawing numbered ALDM1291, stamped as received by the Local Planning Authority on the 16th May 2008, and the Noise Report by Cheshire Environmental Services received by email on the 28th August 2008.

Reason - To ensure that the development is carried out in accordance with the approved plans. Pursuant to policies EM3, EM16, DC9, S2, E3.3, T1.8, DC26 and H2.2 of the Manchester Unitary Development Plan, 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.

3) No development that is hereby approved shall commence unless and until samples and specifications of all materials to be used on all external elevations of

the development 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, as specified in policy S2, E3.3, and H2.2 of the Unitary Development Plan for the City of Manchester.

4) Notwithstanding the submitted landscape drawing, no development shall commence until a hard and soft landscaping treatment scheme 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 that respects the character and visual amenities of the area, in accordance with policies E3.3, DC26 and H2.2 of the Unitary Development Plan for the City of Manchester and the Guide to Development in Manchester Supplementary Planning Document.

5) No development approved by this permission shall be commenced until a desk study has been undertaken and agreed in writing by the Local Planning Authority to investigate and produce an assessment of the risk of the potential for on-site contamination. If the desk study identifies potential contamination a detailed site investigation and risk assessment should be carried out to establish the degree and nature of the contamination and its potential to pollute the environment or cause harm to human health. If remediation measures are necessary they will be implemented in accordance with the assessment and to the satisfaction of the Local Planning Authority.

Reason

To ensure a safe form of development that poses no unacceptable risk of pollution, pursuant to Policy H2.2 of the UDP for the City of Manchester.

6) The development hereby permitted shall not begin until a scheme to deal with contamination of land and/or groundwater has been submitted and approved by the LPA and until the measures approved in that scheme have been fully implemented. The scheme shall include all of the following measures unless the LPA dispenses with any such requirement specifically and in writing:

1. A site investigation shall be carried out by a competent person to fully and effectively characterise the nature and extent of any land and/or groundwater contamination and its implications. The site investigation shall not be commenced until:

(i) The requirements of the LPA for site investigations have been fully established; and
(ii) The extent and methodology have been agreed in writing with the LPA.

2. A written method statement for the remediation of land and/or groundwater contamination affecting the site shall be agreed in writing with the LPA prior to commencement and all requirements shall be implemented and completed to the satisfaction of the LPA by a competent person. No deviation shall be made from this scheme without the express written agreement of the LPA.

4. If during the works contamination is encountered which has not previously been identified then work shall cease in that area, the additional contamination shall be fully assessed and an appropriate remediation scheme agreed with the LPA.

5. Upon completion of the works, this condition shall not be discharged until a verification report has been submitted to, and approved by, the LPA.

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 Policy H2.2 of the adopted UDP for the City of Manchester.

7) The premises shall not be open outside the following hours, unless otherwise agreed in writing by the City Council as local planning authority:-

Monday to Saturday 8:00am - 8:00pm, Sundays and Bank Holidays 10:00am - 5:00pm

Reason - In interests of residential amenity in order to reduce noise and general disturbance in accordance with Policies H2.2 and DC26 and the Unitary Development Plan for the City of Manchester.

8) Deliveries, servicing and collections, including waste collections shall only take place outside the store opening hours between the following times:

Monday to Friday 7:00am to 8:00am and 8:00pm and 12.00am
Saturdays 7:30am to 8:00am and 8:00pm to 12.00am
Sundays and Bank Holidays 9:00am to 10:00am and 5:00pm to 10:00pm

Reason

In interests of residential amenity in order to reduce noise and general disturbance in accordance with Policies H2.2 and DC26 and the Unitary Development Plan for the City of Manchester.

9) The retail foodstore hereby approved shall only be serviced in strict accordance with the strategy outlined within Turley Associates letter dated 16th May 2008, which includes a maximum of 2 HGV deliveries a day, lasting a maximum of 30 minutes per delivery, with all deliveries being unloaded within the sheltered canopy, and with operations carried out by the stores own delivery personnel, unless other wise agreed in writing with the Local Planning Authority. The details of this approved servicing and delivery strategy shall be implemented as part of the development and shall remain in situ whilst the use or development is in operation.

Reason

In interests of residential amenity in order to reduce noise and general disturbance in accordance with Policies H2.2 and DC26 and the Unitary Development Plan for the City of Manchester.

10) No vehicle reversing alarms shall be used within the site between the following hours, where all alarms shall be switched off by the vehicle drivers:

10:00pm and 8:00am Mondays to Saturdays
8:00pm to 9:00am Sundays and Bank Holidays

Reason

To safeguard the amenities of the occupiers of nearby accommodation, pursuant to Policies H2.2 of the adopted UDP for the City of Manchester.

11) Prior to all servicing and delivery vehicles arriving at the site, any refrigeration units within or attached to the vehicles shall be turned off by vehicle drivers between the following hours:

10:00pm and 8:00am Mondays to Saturdays
8:00pm to 9:00am Sundays and Bank Holidays

Reason

To safeguard the amenities of the occupiers of nearby accommodation, pursuant to Policies H2.2 of the adopted UDP for the City of Manchester.

12) Whilst all servicing and delivery vehicles are waiting/stationary within the site, the engines of the vehicles shall be turned off by the vehicle drivers between the following hours:

10:00pm and 8:00am Mondays to Saturdays
8:00pm to 9:00am Sundays and Bank Holidays

Reason

To safeguard the amenities of the occupiers of nearby accommodation, pursuant to Policies H2.2 of the adopted UDP for the City of Manchester.

13) Before first occupation of the development the building, 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 policy H2.2 of the Manchester Unitary Development Plan.

14) Before the development hereby approved commences, full details regarding the waste management strategy for the development, namely the refuse storage space for segregated waste collection and recycling and details of all internal and external storage areas, 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 policy H2.2 of the adopted UDP.

15) No external lighting shall be erected on or around the site without the prior written approval of the Local Planning Authority. Details of any proposed external lighting within the site must be submitted to and approved in writing by the City Council as Local Planning Authority. The lighting must only be implemented in accordance with the approved details.

Reason

To safeguard the amenities of the occupiers of nearby residential accommodation once the development is completed, pursuant to Policy H2.2 of the adopted UDP for the City of Manchester.

16) Details of a Travel Plan with the objective of helping to encourage sustainable modes of travel; and including particulars of its implementation and monitoring of effectiveness and how measures to improve effectiveness shall be implemented shall be submitted to and approved in writing by the City Council as local planning authority by 3 months after the store is first opened. For so long as the use is in operation the local planning authority shall be provided with such information as specified in the Travel Plan and all measures that are identified that can improve the effectiveness of the Travel Plan shall be adopted and implemented within a timescale agreed in writing by the local planning authority.

Reason -

In accordance with the provisions contained within the Policies of the adopted UDP for the City of Manchester, Planning Policy Statement 1 'Creating Sustainable Communities', 3 'Housing' and the Regional Planning Guidance RPG13.

17) Notwithstanding the approved drawings, full highway engineering details in relation to the modified vehicular access onto Ashton New Road in connection with the future expansion of Metrolink shall be submitted and approved in writing with the Local Planning Authority, including the modification and widening of the access, swept path details, possible signalisation of the junction, pedestrian footways and pedestrian desire lines, dropped kerbs, surfaces and visibility splays. The development shall be carried out in accordance with the details thereby approved.

Reason

In the interests of residential amenity and highway safety, pursuant to Policies H2.2, T2.6, T3.1 and T3.7 of the adopted UDP for the City of Manchester.

18) No clearance of vegetation or trees from the site should be carried out in the bird nesting season (March to July inclusive). If clearance during the nesting season is unavoidable then a survey for nesting birds must be undertaken prior to work commencing and submitted to and approved in writing by the City Council as local planning authority. If nesting birds are found by the survey and are likely to be disturbed by clearance works then clearance should be delayed until after the young have fledged.

Reason

The site supports habitats suitable for use by nesting birds, which are protected by the Wildlife and Countryside Act 1981, and pursuant to Policy E2.4 in the Unitary Development Plan for the City of Manchester.

19) In accordance with the Sustainability Statement within the Design and Access Statement stamped as received by the Local Planning Authority on the 30th July 2007, the development hereby approved shall incorporate measures to minimise the environmental impact and energy use of the building and shall achieve an Building Research Establishment Industrial rating of 'very good'. Written confirmation of the achieved rating shall be submitted to and approved in writing by the City Council as local planning authority before the development is occupied, unless otherwise agreed in writing by the local planning authority.

Reason

In the interests of minimising the impact on the environment of the development pursuant to policies E1.5 and E1.6 in the Unitary Development Plan for the City of Manchester, the Guide to Development in Manchester Supplementary Planning Document and Planning Guidance, Planning Policy Statement 1 (PPS1), and the Regional Spatial Strategy for the North West.

20) The development shall not be occupied unless accreditation, confirming achievement of the Secured by Design standards in respect of the development has been issued by Greater Manchester Police, unless otherwise agreed in writing by City Council as local planning authority.

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".

21) Details of the proposed boundary treatment, including colour, shall be submitted to and approved in writing by the City Council, as local planning authority, before the use commences.

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, E3.3 and E3.5 of the adopted UDP.

22) The car parking indicated on the approved plans shall be surfaced, demarcated and made available for use prior to the building hereby approved being occupied. The car park shall then be available at all times whilst the site is occupied.

Reason - To ensure that there is adequate parking for the development proposed when the building is occupied in order to comply with Policies H2.2 and T2.6 of the Unitary Development Plan for the City of Manchester.

23) The security bollards across the vehicular access into the new car parking area hereby approved, shall be fully raised during the following hours except and only for such time as is necessary to allow for the access and egress of delivery/servicing vehicles:

Monday to Saturday 6.30am to 10pm
Sunday and Bank Holidays 8am to 7pm

Reason

To reduce the risk of antisocial behaviour and 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".

24) The details of an emergency telephone contact number for the developer and the contractor shall be displayed in a publicly accessible location on the site from the commencement of development until construction works are complete unless otherwise agreed in writing by the City Council as local planning authority.

Reason - To prevent detrimental impact on the amenity of nearby residents and in the interests of local amenity in order to comply with Policy H2.2 of the Unitary Development Plan for the City of Manchester.

25) Details of the materials to be used for all footpaths and for the areas between the pavement and the line of the proposed building, including the provisions of dropped kerbs and tactile paving for diasabled access shall be submitted to and approved in writing by the City Council as the local planning authority. Any works approved shall be implemented in full within six months, or as otherwise agreed in writing by the local planning authority, of any part of the development first being occupied.

Reason - In the interests of amenity and to ensure that paving materials are consistent with the use of these areas as pedestrian routes and in accordance with policies DC9, E3.3, DC26 amd H2.2 of the Unitary Development Plan for the City of Manchester, and the Guide to Development in Manchester Supplementary Planning Document.

26) The wheels of contractors vehicles leaving the site shall be cleaned and the access roads leading to the site swept daily in accordance with a management scheme submitted to and approved in writing by the City Council as local planning authority prior to any works commencing on site.

Reason - In the interest of pedestrian and highway safety, as specified in policy H2.2 of the Unitary Development Plan for the City of Manchester.

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

Reason

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

28) Notwithstanding the approved drawings, full details are required to be submitted and approved in writing with the Local Planning Authority in connection with the proposed servicing arrangements for the new retail pod unit hereby approved, including the dedicated loading/unloading bay and the frequency of deliveries and servicing activities. The development shall be carried out in accordance with the details thereby approved.

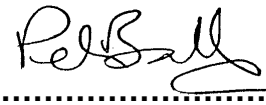
Reason

In the interests of residential amenity and highway safety, pursuant to Policies H2.2, T2.6, T3.1 and T3.7 of the adopted UDP for the City of Manchester.

29) Notwithstanding the approved drawings, full details in relation to the design of the raised pedestrian crossing over which the HGV's would be reversing over shall be submitted to and approved in writing by the City Council as Local Planning Authority. The gradient must be carefully determined bearing in mind the type of manoeuvre, the fact that its on a bend and the risk to pedestrians. The development shall be carried out in accordance with the details thereby approved.

Reason

In the interests of residential amenity and highway safety, pursuant to Policies H2.2, T2.6, T3.1 and T3.7 of the adopted UDP 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.