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
Dransfield Properties Ltd Wentworth House Maple Court Tankersley Barnsley S75 3DP	GVA Grimley Ltd 81 Fountain Street Manchester M2 2EE

Part I – Particulars of Application

Date of Application	Application ref. no.
1 February 2010	092298/JO/2010/N2

Particulars and location of development:

Variation of condition 6 of planning permission 080930/FO/2006/N2 to reduce the height of the food store elevation facing the proposed shopping mall and associated external alterations to entrance facade

Land Bounded By Ashton Old Road
Fairfield Road And Turton Street
Openshaw

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
on the basis that the proposals are in accordance with RPG 13 and policy EC8 , and Unitary Development Plan policies R1, S1.2, S1.3, S2.1, S2.4, S2.5 S2.6, and E3.3 of the Unitary Development Plan for the City of Manchester.
Date of Decision 12 March 2010

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) If any of the development is carried out in phases, references in any condition to development or phase of development shall apply to that phase of development being carried out and not to the development as a whole.

Reason - To ensure the satisfactory development of the site and to ensure that the conditions attached to the consent are complied with for each phase or contract related to the implementation to which they are relevant.

2) A landscaping scheme including a maintenance regime shall be submitted to and approved in writing by the City Council as local planning authority prior to the commencement of the development. The approved scheme shall be implemented not later than 12 months from the date the buildings are first occupied. Any trees or shrubs removed, dying or becoming severely damaged or becoming severely diseased within 5 years of planting shall be replaced by trees or shrubs of a similar size or species to those originally required to be planted unless otherwise agreed 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 policy H2.2 and policy E3.3 of the Unitary Development Plan for the City of Manchester.

3) Notwithstanding the materials shown on the plans, 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, 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, and E3.3 of the Unitary Development Plan for the City of Manchester .

4) The car parking indicated on the approved plans shall be surfaced, demarcated and made available for use prior to the buildings hereby approved being occupied. The car park spaces shall then be available at all times whilst the buildings are occupied.

Reason

To ensure that there is adequate car parking for the development proposed when the building is occupied, pursuant to policy E3.3 of the Unitary Development Plan for the City of Manchester.

5) The development hereby approved shall be carried out in accordance with the drawings numbered 02-027 -PL01, 02-027 -PL04, 02-027 -PL05,02-027 -PL06, 02-027 -PL07, 02-027 -PL10, 02-027 -PL11, 02-027 -PL12, 02-027 -PL14, 02-027 -PL15, 02-027 -PL16, NS3929-910 Drainage Plan, 0406-EA, Ecological _ Habitat Assessment, Bat Survey , Planning _ Regeneration Statement, Retail Statement, Transport Assessment, Site Investigation Report, Design _ Access Statement Landscape Design Statement, Phase II Environmental Audit stamped as received by the Local Planning Authority on 26th September 2006, 02-027-PL18 stamped as received by the Local Planning Authority on 4th October 2006, letter dated 10th October 2006 and 0406-1 rev.A Landscape Plan, 0406 - Trees , stamped as received by the Local Planning Authority on 10th October 2006, 02-027 PL02 rev.B, and P104-1870-R5 Lighting solutions , stamped as received by the Local Planning Authority on 7th December 2006 , Access Statement rev.A and BREEAM Statement and 02-027 PL03 rev.D stamped as received by the Local Planning Authority on 26th January 2007,

as amended by plan ref: 02-027 PL08 rev.A stamped as received by the Local Planning Authority on 10th February 2009;

as amended by plan ref: NS3929-052 rev.B (drainage plan) stamped as received by the Local Planning Authority on 5th June 2009;
as amended by plan ref: 02-027 PL-32 rev.B , 07 , 136 SK03 rev.A, 0406-4 (Plant R) rev.A and 0406-04 (Plant F) rev.A Landscape Plans stamped as received by the Local Planning Authority on 6th July 2009;

as amended by plan ref: 03-027 , SK47 rev.B and 02-047 SK42 rev.B stamped as received by the Local Planning Authority on 3rd March 2009;

as amended by plan ref: 03-027 , SK53 rev. F stamped as received by the Local Planning Authority on 2nd September 2009;

as amended by plan ref: SK-52 rev.B and 02-027 -PL13A stamped as received by the Local Planning Authority on 1st February 2010, unless otherwise agreed in writing by the City Council as Local Planning Authority.

Reason

To ensure that the development is carried out in accordance with the approved plans.

Reason

To ensure that the development is carried out in accordance with the approved plans.

6) The development hereby approved shall incorporate measures to minimise the risk of crime and to meet the specific security needs of the application site and the development. Any security measures to be implemented in compliance with this condition shall seek to achieve the 'Secure by Design' accreditation awarded by the Greater Manchester Police. Written confirmation of those

measures are to be provided to the City Council, as the Local Planning Authority.

Reason - In pursuance of the Council's duty under section 17 of the Crime and Disorder Act 1998 to consider crime and disorder implications in exercising its planning functions; to promote the well-being of the area in pursuance of the Council's powers under section 2 of the Local Government Act 2000, and to reflect the guidance contained in PPS1 "Delivering Sustainable Development".

7) The wheels of contractors vehicles leaving the site during the construction period 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. The measures hereby approved shall be used thereafter throughout each phase of construction.

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

8) 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 prejudical or a nuisance to the adjacent premises in the interests of public health and amenity, pursuant to policy H2.2 of the Unitary Development Plan for the City of Manchester.

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

Reason

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

10) 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) a desk-top study has been completed satisfying the requirements of paragraph (1) above;
(ii) The requirements of the LPA for site investigations have been fully established; and
(iii) 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/ groundwater/ ground gas is detected and appropriate remedial action is taken in the interests of public safety, pursuant to policies H2.2 and H2.7 of the Unitary Development Plan for Manchester (adopted 1995)

11) 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.

12) Prior to the occupation of the buildings, a scheme for the extraction of any fumes, vapours and odours from the premises hereby approved shall be submitted to, and approved in writing by, the City Council as Local Planning Authority. The approved scheme shall be implemented before the use commences.

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

13) Details of access proposals for mobility impaired persons including route widths, levels and gradients, shall be submitted to and approved in writing by the City Council as local planning authority before development commences. The approved details shall be implemented before the development is first brought into use.

Reason

To ensure that satisfactory disabled access is provided by reference to the provisions of the Unitary Development Plan for the City of Manchester and the Disability Discrimination Act 1995. However, in approving the relevant drawings, the City Council as the local planning authority does not hereby give any warranty that the provisions of the Disability Discrimination Act 1995 have been complied with.

14) Before the development hereby approved commences a scheme for the storage and disposal of refuse , including storage space for segregated waste collection and recycling, shall be submitted to and approved in writing by the City Council as Local Planning Authority. Internal and external areas are required. 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 S2.4 and H2.2 of the adopted UDP.

15) Before the development hereby approved is occupied, the buildings, 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.

16) No loading or unloading (including waste collections) shall be carried out after 8.00p.m. Mondays to Saturdays with no loading on Sundays and Bank Holidays. Loading and unloading shall be restricted to the period between 07:30 a.m. and 8:00p.m. daily.

Reason

In the interests of residential amenity, pursuant to policy H2.2 of the Unitary Development Plan for the City of Manchester.

17) The permitted hours of the Class A1, A2, A3, A4 , A5, B1, and D2 uses within the shopping mall are to be submitted and agreed in writing by the City Council as Local Planning Authority, prior to the ocupation of the buildings. The premises shall not be open outside the approved hours.

Reason

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

18) If when the lighting units are illuminated they cause undue glare or light spillage to the detriment of adjoining and nearby residential properties, baffles and/or cut-offs shall be installed on the units and adjustments shall be made to the angle of the lighting units and the direction of illumination, which shall thereafter be retained in accordance with details which have received the prior written approval of the Local Planning Authority.

Reason

In order to minimise the impact of the illumination of the lights on the occupiers of existing and proposed nearby residential accommodation, pursuant to policy H2.2 of the Unitary Development Plan for the City of Manchester.

19) No roller shutters or security grilles shall be installed within the development unless they are in accordance with plans and particulars (showing 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 the housing being colour-coated,) which have been previously approved in writing by the City Council as Local Planning Authority.

Reason

In the interests of visual amenity, pursuant to policy DC14, policy S1.2 and policy E3.3 of the Unitary Development Plan for the City of Manchester.

20) Any proposed roller shutters on the frontage of the proposed shop units and food store shall be open/raised from 9.00 a.m. until the business closes in the evening.

Reason

In order to ensure that the appearance of the building is in keeping with the character of the area.

21) This permission hereby approved relates:-

- a retail food store of no more than 7,711 sq.m.
- non-food retail floorspace incorporating Class A1 retail; Restaurant/Bar Uses Classes A
- Class A2 / B1 office uses maximum of 4,980sq.m. within the development
- Class D2 uses maximum of 2,090 sq.m. within the development

unless otherwise agreed in writing by the City Council as Local Planning Authority.

Reason

For the avoidance of doubt as changes to any element of the development may have consequences in terms of national and local policy considerations.

22) Details of a Travel Plan Strategy, 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 objectives of the overall site`s Travel Plan Strategy. 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 results of the monitoring and review processes shall be submitted in writing to the local planning authority and any measures that are identified that can improve the effectiveness of the Travel Plan Strategy shall be adopted and implemented.

Reason

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

23) 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.

24) 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.

25) No development approved by this permission shall be commenced until a scheme for the provision and implementation, of surface water regulation system has been approved by the Local Planning Authority in consultation with the Environment Agency. The scheme shall be completed in accordance with the approved plans.

Reason

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

26) The development hereby approved shall incorporate measures to minimize the environmental impact and energy use of the building and shall seek to

achieve Building Research Establishment Environmental Assessment Methodology (BREEAM) rating of at least 'very good'. Written confirmation of the 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 environmental impact of the development, pursuant to Manchester Unitary Development Plan policy E1.5.

27) Before premises hereby approved for Class A3, A4, A5 and D2 uses are first occupied the premises shall be 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 property.

Reason

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

28) Demolition of all buildings with slate roofs shall be carried out with the supervision of a licensed bat consultant, with the slates being removed by hand. If bats are found to inhabit these buildings as temporary roost or hiberation sites, no development shall commence until a scheme for the conservation of this species has been agreed with the Local Planning Authority.

Reason

To protect bats and their roost sites. The site includes existing buildings that have the potential to contain bats. The implementation of these measures would ensure that there would be adequate protection measures in place during a phased construction, pursuant to policies E2.3 and E2.4 of the Unitary Development Plan for Manchester (adopted 1995).

29) Prior to development commencing , the premises shall incorporate roosting opportunities for bats in accordance with a scheme submitted to and approved in writing by the City Council as local planning authority in order to secure the conservation of this species .

Reason

To protect bats and their roost sites. The site includes existing buildings that have the potential to contain bats. The implementation of these measures would ensure that there would be adequate protection measures in place during a phased construction, pursuant to policies E2.3 and E2.4 of the Unitary Development Plan for Manchester (adopted 1995).

30) Prior to the development opening , a detailed design for the proposed Steam Hammer sculpture, including lighting shall be submitted to, and approved in writing by, the City Council as Local Planning Authority. The approved

scheme shall be implemented within 12 months of the development opening and shall be retained in situ thereafter.

Reason

In the interests of the amenities of the occupiers nearby properties, pursuant to policy E3.3 of the Unitary Development Plan for the City of Manchester

31) Before the development hereby approved commences a signage design strategy for the commercial units shall be submitted to and approved in writing by the City Council as local planning authority.The development shall only be carried out in accordance with the approved details

Reason

To protect the visual amenity of the development, pursuant to policy E3.3 and H2.2 of the adopted Manchester Unitary Development Plan.

32) Prior to commencement of works on site, a strategy for the management of construction traffic, including information regarding site approach routes, hours of deliveries and directional signage shall be submitted to and approved in writing by the City Council as local planning authority.The approved scheme shall be implemented prior to the commencement of the development, and shall be retained in situ thereafter during the construction period.

Reason - To safeguard the amenities of nearby residents, pursuant to Policy H2.2 of the Unitary Development Plan for the City of Manchester.

33) Prior to occupation of the buildings hereby approved, a strategy for the management of service vehicles, including information regarding site approach routes, hours of deliveries and directional signage shall be submitted to and approved in writing by the City Council as local planning authority.The approved scheme shall be implemented prior to the occupation of units within the development, and shall be retained in situ thereafter.

Reason - To safeguard the amenities of nearby residents, pursuant to Policy H2.2 of the Unitary Development Plan for the City of Manchester.

34) All trees, shrubs and hedges within the site and/or trees whose root structure may extend within the site, which are to be retained shall be fenced off before any building or other operation approved by this permission is carried out within the vicinity in accordance with British Standard BS 5837:2005. Thereafter, no excavation or other building or engineering operations shall take place and no plant, machinery or materials (including excavated material) shall be placed, deposited, stored or stacked within any such fence during the construction period.

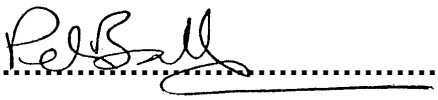
Reason

In order avoid damage to trees/shrubs adjacent to and within the site which are of important amenity value to the area, pursuant to policy DC16.1 of the Unitary Development Plan for the City of Manchester.

35) Prior to the commencement of development, full details of all proposed boundary treatments within the development site shall be submitted to, and approved in writing by, the City Council as local planning authority. The development shall be implemented in accordance with the approved details.

Reason

In the interests of the visual amenity of the area, pursuant to policy H2.2 of the Unitary Development Plan for Manchester(adopted 1995).

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.