MANCHESTER CITY COUNCIL

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 of £97 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

MANCHESTER CITY COUNCIL

Town & Country Planning Act 1990 (as amended)

Planning Permission

Applicant

ASDA Stores Limited
C/O Agent

Agent (if used)

Mrs Jenny Taylor-Smith
Drivers Jonas Deloitte
1 City Square
Leeds
Yorkshire
LS1 2AL

Part 1 Particulars of the application/development

Proposal: Variation of condition 4 of planning approval 092428/FO/2010/N2 to allow store to open from 8.00am to 10.00pm Monday to Saturdays and 10.00am to 4.00pm Sundays & Bank Holidays

Location: Asda Stores, 83 Reddish Lane, Gorton, Manchester, M18 7JH

Date of application: 29 November 2012

Application number: 100869/JO/2012/N2

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 31 Declaration

Officers have worked with the applicant in a positive and proactive manner to based on seeking solutions to problems arising in relation to dealing with the planning application. Dialogue has been entered into with the applicants to ensure that a store management scheme was put into place to protect nearby residents from potential noise disturbance. It is considered that this dialogue has resulted in positive and proactive engagement with the applicant and ensured compliance with Core Strategy policies SP1, DM1 and C5 and the guidance contained in the NPPF.

Reason(s) for decision

On the basis that the proposal is in accord with Core Strategy for Manchester policies SP1 and DM1 and the principles of National Planning Policy Framework in that it would provide additional facilities for the community and would not have a harmful impact upon the amenities of local residents

Condition(s) attached to this decision

1) The development hereby approved shall be carried out in accordance with the following drawings and documents: 185D PL-01 stamped as received by the City Council, as Local Planning Authority on 2 November 2012 and the Store Management Plan, dated 18 February 2013 and stamped as received by the City Council, as Local Planning Authority on 27 February 2013

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

2) 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 prior to installation, in order to secure a reduction in the level of noise emanating from the site/property.

Externally mounted ancillary plant, equipment and servicing shall be acoustically treated in accordance with a scheme designed so as to achieve a noise level of 5dB below the existing background (LA90) in each octave band at the nearest noise sensitive location.

Reason - To safeguard the amenities of the occupiers of nearby residential accommodation, pursuant to policies DM1, C5 and SP1 of the Manchester Core Strategy.

3) The hard and soft landscaping scheme approved by the City Council as local planning authority is as shown on drawing ref 1293-LL-01A, stamped as received by the City Council, as Local Planning Authority on 12th February 2010. 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.

Reason - To ensure that a satisfactory landscaping scheme for the development is carried out that respects the character and visual amenities of the area, pursuant to policies DM1 and SP1 of the Manchester Core Strategy.

4) The premises shall not be open outside the following hours:

Monday to Saturday: 8.00 am to 10.00pm;
Sundays and Bank Holidays: 10.00am to 4.00 pm

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

5) No deliveries, services or collections, including waste collections shall take place on site outside the following hours:
7.30 am to 8.00 pm - Monday to Saturday.
No deliveries on Sundays and Bank Holidays.

Reason - In order to protect the amenity of local residents and pursuant to saved policy DC26 of the Unitary Development Plan for the City of Manchester and policies DM1 and SP1 of the Manchester Core Strategy.

6) The shall be no activity. operations, loading or unloading, within the servicing yard, outside the hours of:

7.30 am to 8.00 pm, Monday to Saturday;

Reason - In order to protect the amenity of local residents and pursuant to saved policy DC26 of the Unitary Development Plan for the City of Manchester and policies DM1 and SP1 of the Manchester Core Strategy.

7) The operation of the site, between the hours of 8.00pm to 10.00pm Monday to Saturday, including all activity relating to loading and unloading at the site and activity within the servicing yard, shall only take place in accordance with the Store Management Plan, dated 18 February 2013 and stamped as received by the City Council, as Local Planning Authority on 28 February 2013

Reason

In order to protect the amenity of local residents and pursuant to saved policy DC26 of the Unitary Development Plan for the City of Manchester and policies DM1 and SP1 of the Manchester Core Strategy.

8) Prior to the new approved opening hours coming into operation, details of the cordoning off of part of the car parking area, between the hours of 8.00pm to 10.00pm Monday to Saturday, shall be submitted to and approved in writing by the City Council, as Local Planning Authority. The agreed measures shall the be carried out on each night that the premises are open between the hours of 8.00pm and 10.00pm

Reason

In order to protect the amenity of local residents and pursuant to saved policy DC26 of the Unitary Development Plan for the City of Manchester and policies DM1 and SP1 of the Manchester Core Strategy.

9) The permission hereby approved relates to 1,051 sq metres of Class A1 retail floorspace, of which no more than 891 sq metres shall be used as retail space accessible by the public (i.e. front of house).

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, pursuant to policies DM1 and SP1 of the Manchester Core Strategy.

Informatives

This permission does not grant approval under Building Regulations.

Date: 22 April 2013

Signed: 

Julie Roscoe
Head of Planning
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, 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.

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 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

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 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.