

Our ref. AB2107/LPA150125

Planning  
Manchester City Council  
PO Box 532  
Manchester  
M60 2LA

15<sup>th</sup> January 2025

Dear Sir/Madam,

**APPLICATION TO DISCHARGE REQUIREMENTS OF CONDITIONS 6(b), 8(b), 9, 14 AND 16 IMPOSED UPON GRANTING OF SECTION 73 APPLICATION REF. 140480/JO/2024  
TESCO STORES LTD., ALTRINCHAM ROAD, MANCHESTER, M23 9TJ**

On behalf of our client, Chicken Cabins Ltd., please find enclosed an application seeking to discharge the requirements of conditions 6(b), 8(b), 9, 14 and 16 imposed upon the granting, on 1st November 2024, of Section 73 application ref. 140480/JO/2024, relating to land at Tesco, Altrincham Road, Manchester, M23 9TJ.

This discharge of condition application, which is being submitted to Manchester City Council (the LPA) electronically by way of the Planning Portal website, comprises the following documentation ;

- Completed application forms.
- This covering letter prepared by Beamish Planning Consultancy.
- Decision notice, dated 1<sup>st</sup> November 2024, relating to Section 73 application ref. 140480/JO/2024.
- Assessment of noise from fixed plant equipment prepared by Sharps Redmore (condition 6(b)).
- Lighting verification report prepared by Chiara Lighting Limited (condition 8(b)).
- Drawing no. 1747-4/1 Rev. L – drainage details (sheet 1 of 2) prepared by Stevenson Calam Associates (condition 14).
- Drawing no. 1747-4/2 Rev. A – drainage details (sheet 2 of 2) prepared by Stevenson Calam Associates (condition 14).
- CCTV Inspection Report (dated 14<sup>th</sup> October 2024) prepared by UK Drainage Services (condition 14).
- Email from McFadden Group Limited (dated 8<sup>th</sup> January 2025) confirming that the drainage has been installed as per the previously approved drawings, except as installed to reflect the content of revised drawing nos. 1747-4/1 Rev. L and 1747-4/2 Rev. A (condition 14).
- Drainage Strategy Revision 04 (dated July 2024) prepared by Waterco (condition 14).
- Detailed Travel Plan (dated November 2024) prepared by Motion (condition 16).

Payment of the statutory application fee of £145, plus the Planning Portal service charge fee of £70, has been made electronically when submitting this discharge application via the Planning Portal website.

Planning permission (application ref. 132835/FO/2022) was granted by the LPA in May 2022 for the following development at the application site ;

'Erection of a single storey building to form mixed restaurant and hot food takeaway use (sui generis), incorporating a 'drive-thru' facility, car and cycle parking, the creation of a new pedestrian and cycle footpath link into the site from Altrincham Road and associated landscaping within part of existing supermarket car park.'

Although a number of applications were subsequently submitted to discharge the requirements of several of the conditions imposed upon the granting of planning application ref. 132835/FO/2022, in July 2024 a Section 73 application (ref. 140480/JO/2024) was submitted to the LPA which sought approval from the LPA for both a varied site layout and also approval of details previously approved as part of the earlier discharge of conditions applications, in order to avoid duplicate conditions being imposed upon the granting of that Section 73 application.

That Section 73 application was subsequently approved by the LPA on 1<sup>st</sup> November 2024, by which time the development had largely been completed.

Accordingly, this further discharge of conditions applications seeks to discharge the requirements of those conditions imposed upon the granting of Section 73 application ref. 140480/JO/2024 which require further information to be submitted to and approved by the LPA, i.e. conditions 6(b), 8(b), 9, 14 and 16.

Part (b) of condition 6 states ;

*'Prior to the operational phase of the development hereby approved, a verification report shall be submitted to and approved in writing by the City Council as local planning authority to validate that the work undertaken throughout the development conforms to the recommendations and requirements of the approved impact assessment. The report shall also undertake post completion testing to confirm that the noise criteria have been met. Any instances of non-conformity with the recommendations in the report shall be detailed along with any measures required to ensure compliance with the agreed noise criteria.'*

The accompanying Assessment of Noise from Fixed Plant Equipment prepared by Sharps Redmore is based on post-completion testing and confirms that the noise criteria (it is acknowledged that this assessment references condition 7(b) as imposed upon planning permission ref. 132835/FO/2022, but the wording of that condition is identical to condition 6(b) relating to Section 73 permission ref. 140480/JO/2024, and for the avoidance of doubt this Assessment seeks to discharge the requirements of the latter condition).

Part (b) of condition 8 states ;

*'Prior to occupation of the development a verification report will be required to validate that the work undertaken throughout the development conforms to the recommendations and requirements in the approved light consultant's report. The report shall also undertake post completion testing to confirm that acceptable criteria have been met. Any instances of non-conformity with the recommendations in the report shall be detailed along with any measures required to ensure compliance with the criteria.'*

Please refer to the accompanying report prepared by Chiara Lighting Limited which was undertaken post-completion and which confirms that the external lighting implemented as part of the approved development conforms to the recommendations and requirements as set out in the approved light consultant's report.

Condition 9 states ;

*When the development within each phase commences, the development shall be carried out in accordance with the previously agreed Remediation Strategy 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 in each phase is occupied, then development shall cease and/or the development shall not be occupied until, a report outlining what measures, if any, are required to remediate the land (the Revised Remediation Strategy) 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 Strategy, which shall take precedence over any Remediation Strategy or earlier Revised Remediation Strategy.*

The previously agreed/approved Remediation Strategy confirmed that there was no requirement for remedial works unless any groundwater contamination and/or ground gas, not previously identified, was found to be present on the site during construction of the approved development.

We are advised by the construction company who undertook the construction of the approved development that no groundwater contamination and/or ground gas, not previously identified, was found to be present on the site during construction.

Accordingly, we trust that this confirmation is sufficient to secure the discharge of condition 9. Indeed, we would point out that on both 4<sup>th</sup> November 2024 and 18<sup>th</sup> November 2024 this Practice did email David Lawless, the Case Officer at the LPA for all previous applications relating to this development, seeking clarification as to whether this confirmation was sufficient for the purposes of discharging this condition, but unfortunately no response was ever received.

Condition 14 states ;

*'No development hereby permitted shall be occupied until details of the implementation, maintenance and management of the sustainable drainage scheme have been submitted to and approved by the local planning authority. The scheme shall be implemented and thereafter managed and maintained in accordance with the approved details. Those details shall include:*

- a) Verification report providing photographic evidence of construction as per design drawings;*
- b) As built construction drawings if different from design construction drawings;*
- c) Management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable drainage scheme throughout its lifetime.'*

To discharge the requirements of condition 14, please refer to several of the attached documents. Firstly, submitted by way of this discharge application are new drawing nos. 1747-4/1 Rev. L (drainage details sheet 1 of 2) and 1747-4/2 Rev. A (drainage details sheet 2 of 2) prepared by Stevenson Calam Associates. These revised drawings supersede drawing nos. 1747-4/1 Rev. H and 1747-4/1 which were approved as part of the LPA's approval of Section 73 application ref. 140480/JO/2024 and reflect the drainage scheme as constructed on-site, i.e. they address the requirements of part (a) of condition 14.

A CCTV Inspection Report (dated 14<sup>th</sup> October 2024) prepared by UK Drainage Services is being submitted to address the requirements of part (a) of condition 14. Also being submitted to address the requirements of part (a) of condition 14 is an email from McFadden Group Limited dated 8<sup>th</sup> January 2025 confirming that the drainage scheme has been installed as per the previously approved drawings, except for as installed to reflect the revised details as per drawing nos. 1747-4/1 Rev. L (drainage details sheet 1 of 2) and 1747-4/2 Rev. A. As that email also sets out, unfortunately the photos taken at the time of the drainage installation have been lost.

Finally in respect of condition 14, the previously approved Drainage Strategy (Revision 04 dated July 2024) prepared by Waterco, is submitted as part of this discharge application as Appendix H of that Drainage Strategy comprises a maintenance schedule, and accordingly we trust this address the requirements of part (c) of condition 14.

Condition 16 states ;

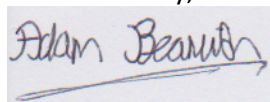
*'The development hereby approved shall not be occupied until a detailed Travel Plan has been submitted to and approved by the City Council as local planning authority. The detailed Travel Plan shall be developed in accordance with the Framework Travel Plan (prepared by Mode Transport Planning and stamped as received on 3 February 2022) and implemented in accordance with an agreed timeframe.'*

Please refer to the accompanying Detailed Travel Plan (dated November 2024) prepared by Motion, which contains the information required to discharge the requirements of condition 16.

Accordingly, we trust that the requirements of conditions 6(b), 8(b), 9, 14 and 16 as imposed upon the granting of Section 73 application ref. 140480/JO/2024 can now be discharged in an expedite manner.

We look forward to corresponding with the Case Officer to whom this discharge application is allocated in the near future, but in the meantime should any further information or clarification be required please do not hesitate to contact us.

Yours faithfully,

A handwritten signature in blue ink that reads "Adam Beamish". The signature is written in a cursive style and is positioned above a horizontal line.

Adam Beamish  
BA (Hons), DIP TRP, MRTPI