



## **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.
- 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](mailto: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                                     |
|-----------------------------------------------------------------------------------|---------------------------------------------------------------|
| Universities Superannuation Scheme<br>Royal Liver Building<br>Liverpool<br>L3 1PY | GVA Grimley<br><br>81 Fountain Street<br>Manchester<br>M2 2EE |

**Part I – Particulars of Application**

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|                     |                      |
|---------------------|----------------------|
| Date of Application | Application ref. no. |
| 19 January 2007     | 081686/FO/2006/N1    |

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**Particulars and location of development:**

Erection of 5 no. retail units (Classes A1, A3, A5 - (total 748 sqm))

Manchester Fort Shopping Centre  
Cheetham Hill Road  
Cheetham  
Manchester  
M8 8EP

**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 in light of the development plan, including policies CC17, CC18, H2.2, R1.1, S1.2, S2.3, S2.4 and S2.5 of the Unitary Development Plan for the City of Manchester (adopted 1995), policies DP1, DP3, DP4, UR1, UR10 and EC8 of the Regional Planning Guidance for the North West (RPG13), and central government guidance contained within PPS1, PPS6 and PPG13 on the basis that the proposal would contribute to the vitality and viability of the shopping park and regeneration area, while being appropriately accessible and not having a significant economic impact on existing centres, and there are no material planning considerations of sufficient weight to indicate otherwise.

**Date of Decision    16 March 2007**

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) The development hereby approved shall be carried out in accordance with:

the planning statement, design and access statement, transport statement and drawings numbered 9111 101 unit 37 GA & elevations, 9111 102 unit 38-39&40 GA & elevations, 9111 108 unit 41 GA & elevations, 9111 105 revA context elevations, 9111 100 revA site lines plan & elevation, 659-210 typical cycle storage, 659-207 typical tree root protection detail, NTT/153/003 P2 HGV swept path analysis, NTT/153/003 P2 large refuge swept path analysis, NTT/153/001 P1 proposed right turn lane access into southern car park, 659-202 phase 3 hard landscape plan, 659-201D phase 3 landscape plan, 659-200A, 659-205 column in landscape detail, 659-208 tree pit detail in car park, and 659-209 pedestrian deterrent fencing, each date stamped as received by the local planning authority on 18 December 2006;

the drawings numbered 9111 107 site location plan and 9111 104 typical section, each date stamped as received by the local planning authority on 3 January 2007;

the drawing numbered 9111 106 revC date stamped as received by the local planning authority on 15 January 2007;

the drawings numbered 9111 109 waste management strategy, 9111 117 unit 41 - annotated elevations, 9111 116 units 38-39&40 annotated elev, and 9111 115 unit 37 annotated elevations, each date stamped as received by the local planning authority on 28 February 2007,

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, pursuant to policies CC18 and H2.2 of the Unitary Development Plan for the City of Manchester (adopted 1995).

3) The Use Class A1 units hereby approved shall only be used for non-food purposes and for no other purpose in Class A1 of the schedule to the Town and Country Planning (Use Classes) Order 1987, or any provision equivalent to a class in any statutory instrument revoking or re-enacting that order.

Reason

The site is in an area where food retailing is not normally permitted, pursuant to policy CC18 of the Unitary Development Plan for the City of Manchester (adopted 1995).

4) Notwithstanding the approved 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, including the proposed 100% non-vision glazing, 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 policy S2.5 of the Unitary Development Plan for the City of Manchester (adopted 1995).

5) Any roller shutters or security grilles to be 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 and public safety, pursuant to policy S2.5 of the Unitary Development Plan for the City of Manchester (adopted 1995).

6) Upon occupation of the commercial units, any proposed roller shutters on the frontage of the proposed units shall be open/raised during the occupying business hours of opening.

Reason

In the interests of visual amenity, pursuant to policy S2.5 of the Unitary Development Plan for the City of Manchester (adopted 1995).

7) Prior to occupation of each of the units hereby approved, full details of refuse storage and collection arrangements for the respective units, to incorporate the segregation of recyclable waste, shall be submitted to and approved in writing by the City Council as local planning authority. The approved details shall be implemented prior to occupation of the units, and shall be retained at all times thereafter, unless otherwise agreed in writing by the City Council as local planning authority.

Reason

In the interests of amenity and public health, pursuant to policy H2.2 of the Unitary Development Plan for the City of Manchester (adopted 1995) and the Guide to Development in Manchester 2.

8) Prior to occupation of each of the units hereby approved, a scheme for the extraction of any fumes, vapours and odours from the respective units shall be submitted to, and approved in writing by, the City Council as Local Planning Authority. The approved details shall be implemented prior to occupation and retained at all times thereafter, unless otherwise agreed in writing by the City Council as local planning authority.

**Reason**

In the interests of amenity, pursuant to policy S2.5 of the Unitary Development Plan for the City of Manchester (adopted 1995).

9) 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 Sunday 0700-2300

**Reason**

To safeguard the amenities of the occupiers of nearby residential accommodation, pursuant to policy H2.2 of the Unitary Development Plan for the City of Manchester (adopted 1995).

10) Prior to occupation, each of the units, together with any externally mounted ancillary equipment, shall respectively be acoustically insulated in accordance with a scheme to be 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 development.

**Reason**

To safeguard the amenities of the occupiers of nearby residential accommodation, pursuant to policies H2.2 of the Unitary Development Plan for the City of Manchester (adopted 1995).

11) 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 desk study carried out by a competent person to identify and evaluate all potential sources and impacts of land and/or groundwater contamination relevant to the site. The requirements of the LPA shall be fully established before the desktop study is commenced and it shall conform to any such requirements.

2. 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.

3. 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. The development site lies within 250 metres of a registered landfill site.

12) All trees, shrubs and hedges within the site and/or trees whose root structure may extend within the site, which are to be retained as shown on the approved plan ref. 659-201D phase 3 landscape plan, shall be fenced off before any building work 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 S2.5 of the Unitary Development Plan for the City of Manchester (adopted 1995).

13) Additional landscape details including proposed details and depth of mulch to planting beds and five year management and maintenance proposals 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 landscape 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 S2.5 of the Unitary Development Plan for the City of Manchester (adopted 1995).

14) 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 the City Council as local planning authority.

Reason

To reduce the risk of crime pursuant to policy E3.5 of the Unitary Development Plan for the City of Manchester (adopted 1995), and the Guide to Development in Manchester 2, and to reflect the guidance contained within PPS1 "Delivering Sustainable Development".

15) Each unit hereby approved shall not be occupied unless the associated building has been awarded a BREEAM rating of 'very good', by an assessor licensed by the Building Research Establishment, unless otherwise agreed in writing by the City Council as local planning authority.

Reason

In the interests of minimising the environmental impact of the development, pursuant to policy E1.5 of the Unitary Development Plan for the City of Manchester (adopted 1995) and the Guide to Development in Manchester 2.

16) The development hereby approved shall include a building lighting scheme and a scheme for the illumination of external areas during the period between dusk and dawn, or as may be otherwise agreed in writing by the City Council as local planning authority. Full details of such a scheme shall be submitted to and approved in writing by the local planning authority before the development commences. The approved scheme shall be implemented in full before the development is first occupied unless otherwise agreed in writing by the local planning authority.

Reason

In the interests of amenity, crime reduction and the personal safety of those using the proposed development, pursuant to policies S2.5 and E3.5 of the Unitary Development Plan for the City of Manchester (adopted 1995).

17) The car and bicycle parking indicated on the approved plans shall be surfaced, demarcated and made available for use prior to the building hereby approved being occupied. The facilities 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 H2.2 and T3.7 of the Unitary Development Plan for the City of Manchester (adopted 1995).

18) 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, in the interests of highway safety.

19) Prior to commencement of the development hereby approved, details of secure cycle storage for employees' long-stay purposes at the premises, additional to the proposed cycle racks, shall be submitted to and approved in writing by the City Council as local planning authority. The approved scheme shall be implemented as part of the development, unless otherwise agreed in writing by the City Council as local planning authority and retained at all times thereafter.

Reason

In order to ensure a viable range of transport modes for employees working at the site and to minimise the risk of crime, pursuant to policies T3.7 and E3.5 of the Unitary Development Plan for the City of Manchester (adopted 1995) and the Guide to Development in Manchester 2.

20) Prior to first occupation of the units hereby approved, details of the locations of litter bins of a size and type to be approved in writing by the City Council as local planning authority shall be installed on the forecourt of the premises and shall be permanently installed.

Reason

To maintain the quality of the street environment in the locality of the development, pursuant to policy H2.2 of the Unitary Development Plan for Manchester (adopted 1995)

21) Notwithstanding the approved plans, details of proposed boundary treatments, including measures to define pedestrian spaces and routes against vehicular traffic and parking, shall be submitted to and approved in writing by the City Council, as local planning authority, before the development commences. The approved details shall be carried out as part of the development, 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 DC9 and S2.5 of the Unitary Development Plan for the City of Manchester (adopted 1995) and the Guide to Development in Manchester 2.

22) Details of access proposals for disabled people 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**

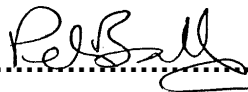
To ensure that satisfactory disabled access is provided by reference to the provisions of the Unitary Development Plan for the City of Manchester, the Disability Discrimination Act 1995 and the Guide to Development in Manchester 2. However, in approving the relevant drawings, the City Council as the local planning authority does not hereby give any warranty that the provisions of the Disability Discrimination Act 1995 have been complied with.

23) The use class A1 floor space hereby approved is limited to a maximum of 279sqm.

**Reason**

For the avoidance of doubt and to accord with policy CC18 of the Manchester Unitary Development Plan.

**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](http://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.

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 or 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.