BEAMISH PLANNING CONSULTANCY

Our ref. AB2107/LPA100724

Planning
Manchester City Council
PO Box 532
Manchester
M60 2LA

10th July 2024

Dear Sir/Madam,

SECTION 73 APPLICATION RELATING TO PLANNING PERMISSION REF. 132835/FO/2022
TESCO STORES LTD., ALTRINCHAM ROAD, MANCHESTER, M23 9TJ

Please find enclosed an application under Section 73 of the Town and Country Planning 1990 (as amended) seeking to vary conditions 2 (approved plans), 8 (refuse storage), 10 (contamination), 12 (vehicle charging), 13 (pedestrian walkway), 14 (drainage strategy), 18 (crime reduction), 19 (landscaping) and 20 (construction management) imposed upon the granting of planning application ref. 132835/FO/2022 relating to land at Tesco, Altrincham Road, Manchester, M23 9TJ.

This Section 73 application, which is being submitted to Manchester City Council (the LPA) by way of the Planning Portal website, comprising the following documentation ;

- Completed application form.
- Decision notice, dated 31st May 2022, relating to planning application ref. 132835/FO/2022.
- This covering letter/supporting statement prepared by Beamish Planning Consultancy.
- Transport Statement Addendum (version 1.1 dated 10th June 2024) prepared by motion.
- Drawing no. 0000/2022/P121 Revision B (proposed site layout plan) prepared by Frank Belshaw Building Surveyors Limited (conditions 2, 12, and 13).
- Drawing no. 0000/2022/P123 Revision B – proposed landscaping plan prepared by Frank Belshaw Building Surveyors Limited (conditions 2 and 19).
- Drawing no. 0000/2022/G910 Revision F – working drawing landscaping plan prepared by Frank Belshaw Building Surveyors Limited (conditions 2 and 19).
- Drawing no. 0000/2022/P100 - proposed floor plan prepared by Frank Belshaw Building Surveyors Limited (condition 8).
- Details of Biffa's Collection Vehicles (condition 8).
- Site Investigation Report dated March 2021 prepared by Crossfield Consulting Geotechnical Environmental (condition 10).
- Correspondence dated 22nd May 2024 from Crossfield Consulting (condition 10).
- Drainage Strategy (Revision 04 dated July 2024) prepared by Waterco (condition 14).
- Drawing no. 1747-4/1 Rev. H – drainage details (sheet 1 of 2) prepared by Stevenson Calam Associates (condition 14)
- Drawing no. 1747-4/2 – drainage details (sheet 2 of 2) prepared by Stevenson Calam Associates (condition 14)
- Drawing no. 1747-4/3 Rev. E – external works (sheet 1 of 2) prepared by Stevenson Calam Associates (condition 14)

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- Drawing no. 1747-4/4 – external works (sheet 2 of 2) prepared by Stevenson Calam Associates (condition 14).
- Drawing no. 1747-4/5 Rev. A – foundation details and stanchion setting out plan prepared by Stevenson Calam Associates (condition 14).
- Drawing no. 1747-4/6 Rev. A – ground floor slab details prepared by Stevenson Calam Associates (condition 14).
- Drawing no. 1747-4/7 Rev. A – roof framing plan prepared by Stevenson Calam Associates (condition 14).
- Drawing no. 1747-4/8 Rev. A – section through building & view on grid line 'H' prepared by Stevenson Calam Associates (condition 14).
- Drawing no. 1747-4/9 Rev. A – view on grid lines 'A', 'B', 'C', & 'M' prepared by Stevenson Calam Associates (condition 14).
- Drawing no. 1747-4/10 Rev. A – elevation details on grid lines 1 & 8 prepared by Stevenson Calam Associates (condition 14).
- Drawing no. 1747/4/20 Rev. A – flood exceedance flow routes prepared by Stevenson Calam Associates (condition 14).
- Drawing no. 0000/2022/G900 Revision A – proposed ground floor shell plan prepared by Frank Belshaw Building Surveyors (condition 18).
- Drawing no. 0000/2022/G902 Revision A – building sections sheet 1 prepared by Frank Belshaw Building Surveyors (condition 18).
- Drawing no. 0000/2022/G903 Revision A – building sections sheet 2 prepared by Frank Belshaw Building Surveyors (condition 18).
- Drawing no. 0000/2022/G905 Revision A – working elevations sheet 1 prepared by Frank Belshaw Building Surveyors (condition 18).
- Drawing no. 0000/2022/G906 Revision A – working elevations sheet 2 prepared by Frank Belshaw Building Surveyors (condition 18).
- Drawing no. 0000/2022/G907 Revision A – doors & window schedule prepared by Frank Belshaw Building Surveyors (condition 18).
- Letter from Greater Manchester Police dated 12th October 2022 (condition 18).
- Construction & Environmental Management Plan Revision B May 2024 (condition 20).

The statutory Section 73 application fee of £293, plus the Planning Portal service charge fee of £70, has been paid when submitting this application via the Planning Portal website.

Relevant planning history

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.'

The granting of that permission was subject to a number of restrictive conditions which require further information to be submitted to and approved by the LPA. These include condition 10 (ground contamination), Part A of which has already been discharged by way of the split decision issued by the LPA on 21st February 2024 in respect of discharge application ref. CDN/23/0076.

Additionally, conditions 8 (refuse storage), 12 (vehicle charging), 13 (pedestrian walkway), 18 (crime reduction) and 19 (landscaping) were successfully discharged by way of the LPA's approval (dated 15th January 2024) of discharge application ref. CDN/23/0153.

However, the information submitted as part of discharge application ref. CDN/23/0076, which was submitted to discharge the requirements of conditions 14 (drainage) and 20 (construction management), was deemed by the LPA to not be acceptable/sufficient, for the following reasons ;

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'Condition no. 14 (drainage) - Insufficient information has been submitted to discharge the condition. To discharge the condition the following information is required:

a) A finalised drainage layout showing all components, outfalls, levels and connectivity.
b) Assessment of overland flow routes for extreme events that is diverted away from buildings (including basements). Overland flow routes need to be designed to convey the flood water in a safe manner in the event of a blockage or exceedance of the proposed drainage system capacity including inlet structures. A layout with overland flow routes needs to be presented with appreciation of these overland flow routes with regards to the properties on site and adjacent properties off site.
c) Hydraulic calculation of the proposed drainage system to ensure the drainage network is hydraulically efficient. Please provide critical storms for the 1:2, 1:30 and 1:100+cc.
d) Cover/invert levels need to be included on the Drainage Plan.

Condition no. 20 (construction management) - The hours of operation contained within the submitted construction management plan do not comply with the City Council's policy on building works, as a result, this condition has not been discharged.'

In May 2024, this Practice submitted an amended discharge of condition application (LPA ref. CDN/24/0252) seeking to address the reasons for the LPA's refusal of earlier discharge application ref. CDN/23/0076 and secure the discharge of conditions 14 and 20.

On 1st July 2024 that application was partially approved and partially refused by the LPA, with the LPA discharging the requirements of condition 20 (construction management) but refusing to discharge the requirements of condition 14 (drainage) on the basis that the submitted information was insufficient to discharge the requirements of the condition.

Subsequently, on 8th July 2024 this Practice submitted a further discharge of condition application (which is currently awaiting validation by the LPA) seeking to address the reasons for the LPA's refusal to discharge the requirements of condition 14.

Details of application

This application, under Section 73 of the Town and Country Planning Act 1990 (as amended), seeks approval for a revised proposed site layout, as detailed by way of drawing no. 0000/2022/P121 Revision B prepared by Frank Belshaw Building Surveyors Limited.

The vehicle lane providing access into the approved mixed restaurant and hot food takeaway use will commence earlier within the Tesco car park than as originally approved, and a revised circulation route is also proposed for the Tesco car park, with two dedicated right turn filter lanes facilitating vehicular access into the Tesco car park.

As detailed within the accompanying Transport Statement Addendum prepared by motion, the level of vehicular parking associated with the proposed mixed restaurant and hot food takeaway will not be reduced as a result of the proposed revised site layout from what was previously approved.

However, since the original approval, the number of existing car parking spaces within the Tesco car park has changed as a result of minor layout changes unconnected with the consented scheme which is the subject of this Section 73 application, with 525 spaces currently provided. As a result of the revised proposed site layout, 140 existing car park spaces within the Tesco car park would be lost, compared with 71 spaces lost by the consented scheme. It should be noted that the number of both blue badge and EV charging spaces within the Tesco car park will remain unchanged, and the level of cycle parking will also remain unchanged.

The servicing and delivery arrangements remain unchanged from the consented scheme, and swept path analysis (Appendix B to the accompanying Transport Statement Addendum) demonstrates that an 11.5 metre rigid delivery vehicle (the same as assessed within the original submission) can access and egress the mixed restaurant and hot food takeaway site in a forward gear.

In terms of trip generation, as the revised site layout does not amend the gross floor area of the proposed unit from the consented scheme, the trip generation analysis undertaken as part of the original submission remains appropriate/applicable.

Section 3 of the Transport Statement Addendum provides an updated parking demand analysis, based upon the revised scheme and the findings of a car parking demand survey undertaken on 6th April 2024. That survey demonstrates that the Tesco generates a peak parking demand of 225 spaces on a typical weekend period, with a minimum spare capacity of 300 spaces.

The analysis proceeds to demonstrate that there will be a combined (i.e. both the Tesco and the mixed restaurant and hot food takeaway) peak parking demand of 254 spaces during a typical weekend period, and therefore, despite the loss of 140 parking spaces associated with the revised scheme, the minimum spare capacity will be 131 parking spaces, i.e. sufficient spare capacity to cater for the parking demand associated with both units will remain, and sufficient spare capacity for the parking demand associated with each individual unit and its respective parking area.

Consequently, the revised proposed site layout would have no residual cumulative impacts in terms of highway safety or the surrounding highway and transport networks.

Condition 8

By way of this application we also seek the variation of condition 8 (refuse storage) so that, rather than requiring a further discharge application, the revised wording of condition 8 simply requires the details discharged by way of previous discharge application ref. CDN/23/0153 to be implemented and retained in situ whilst the approved development is in operation.

For the sake of completeness this Section 73 application includes the same refuse storage details (i.e. drawing no. 0000/2022/P100 - proposed floor plan prepared by Frank Belshaw Building Surveyors Limited and details of Biffa's collection vehicles) as those approved by the LPA by way of its approval of previous discharge application ref. CDN/23/0153, given that the revised proposed site layout has no refuse storage implications.

Conditions 12 and 13

Similarly, by way of this application we also seek the variation of condition 12 (vehicle charging) and 13 (pedestrian walkway) so that, rather than requiring further discharge applications, the revised wording of conditions 12 and 13 requires the details provided by way of accompanying drawing no. 0000/2022/P121 Revision B (proposed site layout plan) to be implemented and retained in situ whilst the approved development is in operation.

Given that drawing no. 0000/2022/P121 Revision B shows the same pedestrian walkway as that which was previously discharged by way of the LPA's granting of application ref. CDN/23/0153, and the same drawing shows an increased provision of vehicle charging points compared to what was previously discharged by way of the LPA's granting of application ref. CDN/23/0153, the proposed variation of these conditions should be considered favourably by the LPA.

Condition 14

By way of this application we also seek the variation of condition 14 (drainage) so that, rather than requiring a further discharge application, the revised wording of condition 14 simply requires the surface water drainage works to be implemented in accordance with the details now being submitted, i.e. the Drainage Strategy (Revision 04 dated July 2024) prepared by Waterco and the numerous drawings prepared by Stevenson Calam Associates.

Noting the LPA's previous refusals to discharge the requirements of condition 14 as imposed upon the granting of planning application ref. 132835/FO/2022, the documentation now being submitted addresses the comments made on those previous applications by both the Flood Risk Management Team and United Utilities Water Limited.

Condition 18

By way of this application we also seek the variation of condition 18 (Principle of Secure by Design) so that, rather than requiring a further discharge application, the revised wording of condition 18 simply requires the details discharged by way of previous discharge application ref. CDN/23/0153 to be implemented and retained in situ whilst the approved development is in operation.

For the sake of completeness this Section 73 application includes the same details as those approved by the LPA by way of its approval of previous discharge application ref. CDN/23/0153, given that the revised proposed site layout has no implications upon Secure by Design matters.

Condition 19

By way of this application we also seek the variation of condition 19 (landscaping) so that, rather than requiring further discharge applications, the revised wording of condition 19 requires the details provided by way of accompanying drawing nos. 0000/2022/P123 Revision B (proposed landscaping plan) and 0000/2022/G910 Revision F (working drawing landscaping plan) to be implemented within 12 months of the approved development first being occupied.

The varied condition will also retain the requirement that 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.

Given that both drawings submitted in respect of this condition reflect the same landscaping proposals as those which were previously discharged by way of the LPA's granting of application ref. CDN/23/0153, the proposed variation of this condition should be considered favourably by the LPA.

Condition 20

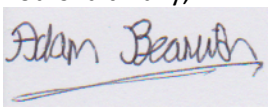
Finally by way of this application we also seek the variation of condition 20 (construction management) so that, rather than requiring a further discharge application, the revised wording of condition 20 simply requires the Construction & Environmental Management Plan discharged by way of the LPA's recent approval of discharge application ref. CDN/24/0252 (relating to condition 20) to be reflected in the new decision notice issued by way of this Section 73 application.

Conclusion

For the reasons set out within this supporting statement, conditions 2, 8, 10, 12, 13, 14, 18, 19 and 20 should be varied both to reflect both the revised proposed site layout and also the details already approved by the LPA by way of its discharge of the requirements of the same conditions imposed upon the granting of original planning application ref. 132835/FO/2022.

We look forward to dialogue with the Case Officer to whom this Section 73 application is allocated over the coming weeks, and should any further information or clarification be required please do not hesitate to contact us.

Yours faithfully,



Adam Beamish
BA (Hons), DIP TRP, MRTPI

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