

Planning

Growth & Development

Delegated officer report for planning application

Application no. 136025/JO/2023

Date registered valid: 19 January 2023

Proposal: Variation of condition number 33 (off site highway works) attached to planning permission referenced 130189/FO/2021 to amend the wording of the condition from 'Prior to commencement of above ground works' to 'Prior to occupation'

Address: Fallowfield Shopping Centre, Birchfields Road, Manchester, M14 6FS

Ward(s): Rusholme Ward

Applicant: Lidl Great Britain Limited

Agent (if any): Mr Joshua Ambrus Rapleys

Case officer: Steven McCoombe
Tel: 0161 234 4607
Email: steven.mccoombe@manchester.gov.uk

Recommendation: Approve

Date of recommendation: 17 April 2023

Application details

Type of application: Variation or Removal of Condition

Development type: Smallscale Major Retail

Date of site visit: 22 February 2023

Standard consultations:

Printed: 2 February 2023 Expired: 23 February 2023

Neighbour notifications

Printed: 2 February 2023 Expired: 23 February 2023

Site notice

Posted: 22 February 2023 Expired: 15 March 2023

Press advert

Published: 7 February 2023 Expired: 28 February 2023

Departure from Development Plan: No

Environmental Statement: Not required

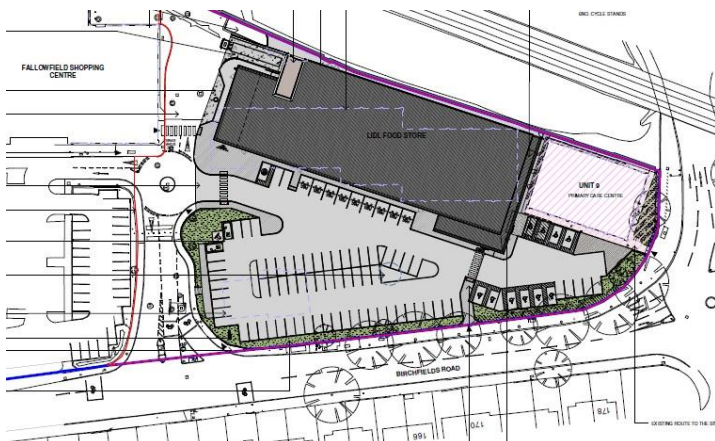
Description of site/building and surroundings

The application site forms part of the existing Fallowfield Retail Park which is proposed to be redeveloped pursuant to planning permission referenced 130189/FO/2021 which allowed for the demolition of existing units 4, 5, 6, 7, 8, and 10 and erection of a single storey building to form new retail foodstore (Use Class E) and separate hot food delivery unit (sui generis) with associated car parking and landscaping. It is proposed that the retail store be operated by Lidl.

Fallowfield Retail Park is an out of centre retail park comprising 9 single storey units, eight of which are retail units and with one unit is used as a medical centre.

To the west, the retail park is supported by a large, surface level, communal car park.

The host retail park is bounded by Birchfields Road to the west, Birchfields Primary school to the north, Moseley Road to the south and functioning railway lines to the east. Opposite the site on the other side of Birchfields Road are two storey, residential dwellinghouses.



Proposed site plan showing the position of the proposed store, the site access and the nearest residential properties opposite along Birchfields Road

The site is enclosed by a timber rail and soft landscaping, with vehicular access gained via a signalised junction off Birchfields Road. The proposed development will be accessed via the existing vehicular access off Birchfield Road and via a mini-roundabout within the site itself. A shared service yard is located to the rear left hand side of the proposed building.

The immediate area surrounding the site contains a mixture of residential and educational institutions to the west and north; commercial units to the south; and railway lines to the east. Opposite the site to the west, the area is predominantly residential in character.

Listed building: Not applicable

Conservation area: No

Tree Preservation Order: No

Description of development

Planning permission is sought to vary condition 33 (off site highways works) attached to planning permission referenced 130189/FO/2021 which allowed for the demolition of existing units 4, 5, 6, 7, 8, and 10 and erection of a single storey building to form new retail foodstore (Use Class E) and separate hot food delivery unit (sui generis).

Condition 33 presently states:

Prior to the commencement of above ground works, full details of all necessary off-site highway works, to be implemented via a S.278 agreement, shall be submitted to and approved in writing by the City Council as Local Planning Authority and be implemented in accordance with a timescale to be agreed by the City Council as Local Planning Authority. Such works should include:

-The provision of signal-controlled pedestrian facilities at the Birchfields Road access junction;

-Bus stop improvements to the nearest bus stops to the site. Namely, seat provision;

-Improvements to pedestrian routes serving the development the north and east of the site, including the path along the boundary between the retail park and the neighbouring school, the route that leads to the halls of residence (Unsworth Park), the uncontrolled crossing at Kingsway/Moseley Road roundabout. The improvements shall entail new dropped kerbs and tactile pavement to crossing points and the resurfacing of the central crossing section across the central reserve adjacent to the Kingsway/Moseley Road roundabout.

The development shall not be occupied until all the necessary off-site highway works have an agreed timescale for implementation.

Reason - To encourage walking to the site and in the interests of highway safety, pursuant to Policies DM1 and SP1 of the Manchester Core Strategy.

As resolution of aspects of this condition is taking slightly longer than originally anticipated, the applicant wishes to amend the condition submission timing requirements to allow for construction progress to be made on site which will assist the delivery of the project. It is therefore proposed to change the timescale for the submission of associated information from prior to commencement of development to prior to occupation of the approved units.

As such, the proposed condition wording reads as follows:

Prior to occupation of the units hereby approved, full details of all necessary off-site highway works, to be implemented via a S.278 agreement, shall be submitted to and approved in writing by the City Council as Local Planning Authority and be implemented in accordance with a timescale to be agreed by the City Council as Local Planning Authority. Such works should include:

-The provision of signal-controlled pedestrian facilities at the Birchfields Road access junction;

-Bus stop improvements to the nearest bus stops to the site. Namely, seat provision;

-Improvements to pedestrian routes serving the development the north and east of the site, including the path along the boundary between the retail park and the neighbouring school, the route that leads to the halls of residence (Unsworth Park), the uncontrolled crossing at Kingsway/Moseley Road roundabout. The improvements shall entail new dropped kerbs and tactile pavement to crossing points and the resurfacing of the central crossing section across the central reserve adjacent to the Kingsway/Moseley Road roundabout.

The development shall not be occupied until all the necessary off-site highway works have an agreed timescale for implementation.

Reason - To encourage walking to the site and in the interests of highway safety, pursuant to Policies DM1 and SP1 of the Manchester Core Strategy.

Consultations & Notification Responses

Local Residents/Occupiers – 1 representation of support has been received on the basis that the site is presently an eyesore and all works should commence without delay.

Highways Services – As there is currently no resolution as to what junction improvement scheme the applicant will deliver, if the condition is changed to 'prior to occupation' it is considered that there will be less opportunity for the issues to be satisfactorily addressed.

TFGM - As there is currently no resolution as to what junction improvement scheme the applicant will deliver, it is considered that there will be less opportunity for the issues to be satisfactorily addressed.

Planning History

134931/JO/2022

Variation of condition 10 (servicing hours) attached to planning permission referenced 130189/FO/2021 to allow servicing Monday to Sunday (including Bank Holiday) 05:00 to 00:00 hrs. *Refused 21 November 2022.*

130189/FO/2021

Demolition of existing units 4, 5, 6, 7, 8, and 10 and erection of a single storey building to form new retail foodstore (Use Class E) and separate hot food delivery unit (sui generis) with associated car parking and landscaping. *Approved 12 May 2022.*

131990/DEM/2021

Prior Approval for the demolition of units 4-8 and 10 at Fallowfield Shopping Centre. *Approved 25 November 2021.*

128975/DEM/2020

Prior Approval for the demolition of the overhead canopy relating to units 3 and 4. *Approved 26 January 2021.*

090133/FO/2009/N2

Change of use of retail unit (Class A1) to health centre (Class D1) and associated external alterations. *Approved 16 July 2009.*

079605/FO/2006/N2

Erection of single storey building (494sqm total) comprising class A1 retail use. Associated alterations to existing parking and landscaping. *Approved 3 August 2006.*

070183/OO/2003/N2

Outline application for siting and means of access to increase shopping floorspace by 614 sqm with alterations to car park. *Approved 18 February 2004.*

043793/MO/CENTL2/93

Erection of a neighbourhood shopping centre comprising 8 retail units and a "drive-thru" restaurant including 258 car parking spaces after demolition of existing bus depot. *Approved 23 September 1993.*

042615

Erection of buildings to form a neighbourhood shopping centre including a restaurant/leisure facility with 303 vehicle parking spaces after demolition of existing bus depot. *Approved 21 January 1993.*

Policy

Policies DM1 and SP1 of the Manchester Core Strategy along with guidance contained within the National Planning Policy Framework (NPPF) is considered relevant to the consideration of this application.

Issues

Principle

The proposed variation would not change the requirements of the condition, only the timing for the submission and agreement of information. It is therefore considered that the proposal would be in accordance with local and national policy.

As the required off site highway works are still required to be delivered and would be in situ prior to the approved units becoming operational, there would be no material impact to highway safety or the operation of the highway.

Whilst Highways and TfGM have raised concerns that the change to the timescale trigger for the agreement of information would leave less time for issues to be resolved, the condition would still require that all off site highways issues be resolved before the store becomes operational. In that regard there would be no material impact to the operation of the highway in the meantime.

On this basis, it is considered that the proposed variation is acceptable.

Other Legislative Requirements

Equality Act 2010

Section 149 (Public Sector Equality Duty) of the Equality Act 2010 requires due regard to the need to: Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act and; Advance equality of opportunity between persons who share a protected characteristic and persons who do not share it. The Equality Duty does not impose a legal requirement to conduct an Equality Impact Assessment. Compliance with the Equality Duty involves consciously thinking about the aims of the Equality Duty as part of the process of decision-making.

Human Rights Act 1998 considerations

This application needs to be considered against the provisions of the Human Rights Act 1998. Under Article 6, the applicants (and those third parties, including local residents, who have made representations) have a right to a fair hearing and to this end the local planning authority must give full consideration to their comments.

Protocol 1 Article 1, and Article 8 where appropriate, confer(s) a right of respect for a person's home, other land and business assets. In taking account of all material considerations, including Council policy as set out in the Core Strategy and saved policies of the Unitary Development Plan, the Director of Planning, Building Control & Licensing has concluded that some rights conferred by these articles on the applicant(s)/objector(s)/resident(s) and other occupiers and owners of nearby land that might be affected may be interfered with but that that interference is in accordance with the law and justified by being in the public interest and on the basis of the planning merits of the development proposal. She believes that any restriction on these rights posed by the recommendation given is proportionate to the wider benefits of and that such a decision falls within the margin of discretion afforded to the Council under the Town and Country Planning Acts.

Recommendation: Approve

Article 35 Declaration

Officers have worked with the applicant in a positive and proactive manner based on seeking solutions to problems arising in relation to dealing with the planning application. Pre application advice has been sought in respect of this matter where early discussions took place regarding the changes. The proposal is considered to be acceptable and therefore determined within a timely manner.

Condition(s) to be attached to decision for approval OR Reasons for recommendation to refuse

- 1) The development must be begun not later than 12 May 2025.

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 following drawings and documents:

Site Location Plan (7397-SMR-00-XX-DR-A-2001-A3-C2);
Existing Site Plan (7397-SMR-00-XX-DR-A-2002-A3-C2);
Proposed Site Plan (7397-SMR-00-XX-DR-A-2003-A3-C2);
External Works Plan (7397-SMR-00-DR-DR-A-2004-A3-C2);
Proposed GA Floor Plans (7397-SMR-00-ZZ-DR-A-2005-A3-C2);
Proposed Elevations (7397-SMR-00-ZZ-DR-A-2006-A3-C2);
Site Sections (7397-SMR-00-ZZ-DR-A-2010-A3-C2); and
Proposed Roof Plan (7397-SMR-00-ZZ-DR-A-2108-A3-C1).

Received by the City Council as Local Planning Authority on 10 February 2022.

Landscape Plan (R/2472/1A) - received by the City Council as Local Planning Authority on 23 March 2022.

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

3) With the exception of demolition, no above ground development that is hereby approved shall commence unless and until samples and specifications of all other materials to be used on all external elevations of the development, have been submitted to and approved in writing by the City Council as Local Planning Authority. The development shall only be implemented in accordance with the agreed materials.

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, pursuant to policies SP1, EN3 and DM1 of the Manchester Core Strategy.

4) Notwithstanding details submitted, prior to the commencement of development, a construction management and demolition management plan outlining working practices during development shall be submitted to and approved in writing by the City Council as Local Planning Authority, which for the avoidance of doubt should include;

- Measures to control noise and vibrations;
- Dust suppression measures;
- Compound locations where relevant;
- Location, removal and recycling of waste;
- Detail of an emergency contact telephone number;
- Parking of construction vehicles; and
- Sheeting over of construction vehicles.

The development shall only be carried out in accordance with the approved construction management/demolition management plan.

Reason - To safeguard the amenities of nearby residents pursuant to policies SP1, EN19 and DM1 of the Manchester Core Strategy.

5) (a) Prior to occupation of the proposed retail store (Class E), details of a local labour agreement in order to demonstrate commitment to recruit local labour for the operational

element of the development shall be submitted for approval in writing by the City Council, as Local Planning Authority.

(b) The approved document shall be implemented as part of the occupation of the development. Within six months of the first occupation of the development details of the results of the scheme shall be submitted for consideration.

Reason - To ensure the applicant has demonstrated a commitment to recruiting local labour, pursuant to policies SP1, EC1 and DM1 of the Manchester Core Strategy.

6) The development hereby approved shall be implemented in accordance with the submitted Phase 1 Site Investigation and Preliminary Risk Assessment (Ref: 806.01.01) and Phase 2 Ground Investigation Report (Ref: 806.-02.01), produced by Remada and received by the City Council as Local Planning Authority on 6 September 2021 and 26 April 2021 respectively.

Prior to occupation of the units hereby approved, details of a watching brief, an analysis of any imported soils and any waste transfer notes, shall be submitted for approval in writing by the City Council as Local Planning Authority. The development shall then be carried out in accordance with the approved details.

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, pursuant to policies DM1 and EN18 of the Manchester Core Strategy.

7) When the development commences, the development shall be carried out in accordance with the previously agreed Phase 2 Ground Investigation (Ref: 806.02.01, received by the City Council as Local Planning Authority on 26 April 2022. Following completion of the development, a verification report shall be submitted to confirm no contamination was found. This 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 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.

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, pursuant to policies DM1 and EN18 of the Manchester Core Strategy.

8) The retail unit (Class E) hereby approved shall not be open outside the following hours:-

07:00 to 23.00 hrs Monday to Sunday;

10.00 to 17.00 hrs Sundays and Bank Holidays;

Reason - To safeguard residential amenity, pursuant to saved policy DC26 of the Unitary Development Plan for the City of Manchester and policies SP1 and DM1 of the Core Strategy.

9) The hot food delivery unit (sui generis) hereby approved shall not be open outside the following hours:

11.30 to 00.00 hrs daily.

Reason - To safeguard residential amenity, pursuant to saved policy DC26 of the Unitary Development Plan for the City of Manchester and policies SP1 and DM1 of the Core Strategy.

10) Deliveries, servicing and collections, including waste collections shall not take place outside of the following hours:

07.30 to 20.00 hrs Monday to Saturday;

No deliveries/waste collections on Sundays and Bank Holidays.

Reason - To safeguard the amenities of nearby occupiers, pursuant to Policies DM1 and SP1 of the Manchester Core Strategy.

11) The development hereby approved shall only be implemented in accordance with the physical security specifications outlined within sections 3.3 and section 4 of the submitted Crime Impact Statement (Ref: 2020/0499/CIS/01 - version A) dated 14 April 2021, received by the City Council as Local Planning Authority on 26 April 2021.

Reason - To reduce the risk of crime pursuant to policies SP1 and DM1 of the Manchester Core Strategy and to reflect the guidance contained in the National Planning Policy Framework.

12) The development hereby approved shall only be implemented in accordance with the cycle parking details shown on drawing referenced SMR-00-ZZ-DR-A-2014-A3-P1, received by the City Council as Local Planning Authority on 26 September 2022, as agreed as part of discharge of condition application referenced CDN/22/0687. The cycle parking arrangements shall be implemented prior to first occupation of the units hereby approved.

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 in order to comply with policies SP1, T1 and DM1 of the Manchester Core Strategy.

13) The landscaping scheme incorporating replacement tree planting shown on Landscape Plan (R/2472/1A), received by the City Council as Local Planning Authority on 23 March 2022 shall be implemented in full prior to the first occupation of the units hereby approved. 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, in accordance with policies SP1 and DM1 of the Manchester Core Strategy.

14) In this condition "retained tree" means an existing tree, shrub or hedge which is to be as shown as retained on the approved plans and particulars; and paragraphs (a) and (b) below shall have effect until the expiration of 5 years from the date of the occupation of the building for its permitted use.

(a) No retained tree shown on the approved drawings shall be cut down, uprooted or destroyed, nor shall any retained tree be topped or lopped other than in accordance with the approved plans and particulars, without the written approval of the local planning authority. Any topping or lopping approved shall be carried out in accordance with British Standard 5387 (Trees in relation to construction)

(b) If any retained tree is removed, uprooted or destroyed or dies, another tree shall be planted at the same place and that tree shall be of such size and species, and shall be planted at such time, as may be specified in writing by the local planning authority.

(c) The erection of fencing for the protection of any retained tree shall be undertaken in accordance with the approved plans and particulars before any equipment, machinery or materials are brought on to the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the written consent of the local planning authority.

Reason - In order avoid damage to trees/shrubs adjacent to and within the site which are of important amenity value to the area and in order to protect the character of the area, in accordance with policies EN9 and EN15 of the Manchester Core Strategy.

15) Prior to first occupation of the commercial units hereby approved, the bio-diversity enhancement measures detailed within Section 5 of the submitted Ecological Impact Assessment (Ref: MAN.1230.027.EC.R.00) produced by Enzygo, received by the City Council as Local Planning Authority on 26 April 2021 shall be implemented in full and retained and maintained thereafter.

Reason -To mitigate the loss of vegetation and to promote bio-diversity, pursuant to policy EN15 of the Manchester Core Strategy and the National Planning Policy Framework.

16) Notwithstanding details submitted, a detailed Travel Plan shall be submitted to and agreed in writing by the City Council as Local Planning Authority prior to first occupancy of the units hereby approved. In this condition a Travel Plan means a document which includes:

- (1) The measures proposed to be taken to reduce dependency on the private car by those attending or employed in the development;
- (2) A commitment to surveying the travel patterns of staff and customers during the first three months of the development and thereafter from time to time;
- (3) Mechanisms for the implementation of the measures to reduce dependency on the private car; and
- (4) Measures for the delivery of specified travel plan services; and measures to monitor and review the effectiveness of the Travel Plan in achieving the objective of reducing dependency on the private car.

Within six months of the first use of the development, a revised Travel Plan which takes into account the information about travel patterns gathered pursuant to item (2) above shall be submitted to the City Council as local planning authority for approval. Any Travel Plan which has been approved by the City Council as local planning authority shall be implemented in full at all times when the development hereby approved is in use.

Reason - To reduce dependency on the car travel and to promote alternative means of transport, pursuant to policies DM1 and SP1 of the Manchester Core Strategy.

17) The commercial units hereby approved shall not be occupied until there has been submitted to and approved in writing by the Local Planning Authority a plan indicating the positions, design, materials and type of any new boundary treatment/gates to be erected. The development shall only be carried out in accordance with the approved details and shall thereafter be retained.

Reason - In the interests of security and 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 SP1 and DM1 of the Manchester Core Strategy.

18) The development hereby approved shall only be implemented in accordance with the Car Park Management Strategy (Ref: RC/200272/CPMS/00) produced by SCP, received by the City Council as Local Planning Authority on 26 September 2022, agreed as part of discharge of condition application referenced CDN/22/0687. The agreed strategy shall be in place prior to first occupation of the units hereby approved and shall remain in use so long as the approved uses are operational.

Reason - To mitigate harm to the operation of the highway and the amenity of noise sensitive occupiers, pursuant to policies DM1 and SP1 of the Manchester Core Strategy

19) The electric vehicle charging points shown on drawing referenced 7397-SMR-00-XX-DR-A-2003-A3-C2, received by the City Council as Local Planning Authority on 10 February 2022, shall be installed and operational prior to the commercial units hereby approved being occupied and be retained thereafter.

Reason - In the interest of air quality, pursuant to policies DM1 and EN16 of the Manchester Core Strategy.

20) The accessible parking spaces shown on drawing referenced 7397-SMR-00-XX-DR-A-2003-A3-C2, received by the City Council as Local Planning Authority on 10 February 2022, shall be implemented prior to the commercial units hereby approved being occupied and be retained thereafter.

Reason - To ensures sufficient accessible car parking provision, pursuant to policies DM1 and SP1 of the Manchester Core Strategy.

21) Notwithstanding details submitted, prior to the first occupation of the retail unit (Class E) hereby approved, a Servicing Strategy shall be submitted to and agreed in writing by the City Council as Local Planning Authority. The strategy shall include details of the number and frequency of deliveries/collections, vehicle sizes, delivery times, noise management, access and safety arrangements. The agreed Strategy shall be implemented as part of the development and remain in use so long as the approved uses are operational.

Reason - To mitigate harm to the operation of the highway and the amenity of noise sensitive occupiers, pursuant to policies DM1 and SP1 of the Manchester Core Strategy.

22) Prior to the commencement of development, A BAPA (Basic Asset Protection Agreement) will need to be agreed between the developer and Network Rail. Confirmation of the agreement and the agreed measures shall be submitted to approved in writing by the City Council as Local Planning Authority prior to works commencing on site. The development shall only be implemented in accordance with the measures agreed by Network Rail.

Reason - To safeguard adjoining railway land and in the interest of public safety, pursuant to policies DM1 and SP1 of the Manchester Core Strategy.

23) Notwithstanding details submitted, none of the commercial units hereby approved shall be occupied until a scheme for the storage (including segregated waste recycling) and disposal of refuse for both units, has been submitted to and approved in writing by the City Council as Local

Planning Authority. 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 public health and residential amenity, pursuant to policies DM1 and SP1 of the Manchester Core Strategy.

24) The development hereby approved shall only be implemented in accordance with the external equipment specification received by the City Council as Local Planning Authority on 10 June 2022 approved as part of discharge of condition application referenced CDN/22/0379. The approved scheme shall be implemented prior to occupancy and shall remain operational thereafter.

Reason - In the interests of the amenities of the occupiers nearby properties in order to comply with saved policy DC10 of the Unitary Development Plan for the City of Manchester and policies SP1 and DM1 of the Manchester Core Strategy.

25) Prior to any above ground works commencing, an Environmental Standards report shall be submitted to and approved in writing by the City Council as Local Planning Authority. A post construction review certificate/statement shall be submitted for approval upon completion of the development.

Reason - In order to minimise the environmental impact of the development pursuant to policies SP1, T1-T3, EN4-EN7 and DM1 of the Manchester Core Strategy.

26) Notwithstanding details submitted, no above ground development shall take place until surface water drainage works have been implemented in accordance with Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacements national standards and details that have been submitted to and approved in writing by the City Council as Local Planning Authority.

In order to avoid/discharge the above drainage condition the following additional information has to be provided:

- Maximised integration of green SuDS components if practicable, to compensate for the proposed loss of bioretentive features on-site. An appraisal of green SuDS components demonstrating maximised integration should be submitted;

- Details of surface water attenuation that offers a reduction in surface water runoff rate in line with the Manchester Trafford and Salford Strategic Flood Risk Assessment, i.e. at least a 50% reduction in runoff rate compared to the existing rates, as the site is located within Levenshulme Fallowfield Critical Drainage Area. Please note that all new connections to the watercourses shall comply with reduction of flows to Greenfield runoff rates;

- An existing and proposed impermeable areas drawing to accompany all discharge rate calculations;

- Runoff volume in the 1 in 100 year, 6 hours rainfall shall be constrained to a value as close as is reasonable practicable to the greenfield runoff volume for the same event, but never to exceed the runoff volume from the development site prior to redevelopment;

- Evidence that the drainage system has been designed (unless an area is designated to hold and/or convey water as part of the design) so that flooding does not occur during a 1 in 100 year rainfall event with allowance for 40% climate change in any part of a building;

-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;

- Results of ground investigation carried out under Building Research Establishment Digest 365. Site investigations should be undertaken in locations and at proposed depths of the proposed infiltration devices. Proposal of the attenuation that is achieving half emptying time within 24 hours. If no ground investigations are possible or infiltration is not feasible on site, evidence of alternative surface water disposal routes (as follows) is required;

-Where surface water is connected to the ordinary watercourse, agreement in principle from Manchester City Council as Lead Local Flood Authority is required. Please note that all new connections to the watercourses shall comply with reduction of flows to Greenfield runoff rates. An email of acceptance of proposed flows and/or new connection will suffice.

-Where surface water is connected to ordinary watercourse, any works within or adjacent to the watercourse that would affect it would require consent from Manchester City Council as Lead Local Flood Authority;

-Where surface water is connected to the public sewer, agreement in principle from United Utilities is required that there is adequate spare capacity in the existing system taking future development requirements into account. An email of acceptance of proposed flows and/or new connection will suffice;

-For sites where proposed development would cause unusual pollution risk to surface water (large car park areas (>50 parking spaces) or industrial estates), evidence of pollution control measures (preferably through SuDS) is required.

- Hydraulic calculation of the proposed drainage system;

- Construction details of flow control and SuDS elements.

Reason: To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution, pursuant to policies EN8 and EN14 of the Manchester Core Strategy.

27) The development hereby approved shall not be occupied until details of the implementation, maintenance and management of a 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;
- As built construction drawings if different from design construction drawings;
- 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.

Reason - To prevent the increased risk of flooding, to improve and protect water quality and ensure future maintenance of the surface water drainage system, pursuant to policy EN17 of the Manchester Core Strategy.

28) a) Any externally mounted ancillary plant, equipment and servicing to be installed shall be selected and/or acoustically treated in accordance with a scheme designed so as to achieve a rating level of 5dB (LAeq) below the typical background (LA90) level at the nearest noise sensitive location. Prior to its installation, the scheme shall 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 site.

b) Prior to any externally mounted ancillary plant, equipment and servicing to be installed becoming operational, an approved 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 in the approved acoustic report. 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.

Reason - To minimise the impact of the development and to prevent a general increase in pre-existing background noise levels around the site, 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.

29) The development hereby approved shall be implemented in accordance with the criteria and noise mitigation measures detailed within the submitted Noise Assessment (Ref:102452_V3), produced by Miller Goodall, dated 16 April 2021 and received by the City Council as Local Planning Authority on 26 April 2021.

Reason - To safeguard the amenity of nearby properties, pursuant to saved policy DC26 of the Unitary Development Plan for the City of Manchester and policies SP1 and DM1 of the Manchester Core Strategy.

30) The development hereby approved shall only be implemented in accordance with the details contained within the Noise Management Plan (Ref: 102452-3) produced by Miller Goodall, dated 24 August 2022, received by the City Council as Local Planning Authority on 26 September 2022, agreed as part of discharge of condition application referenced CDN/22/0687.

Reason - To safeguard the amenities of the occupiers of the building and occupiers of nearby properties, pursuant to policies SP1 and DM1 of the Manchester Core Strategy and saved policy DC26 of the Unitary Development Plan for the City of Manchester.

31) The development hereby approved shall only be implemented in accordance with the agreed lighting details shown on drawings referenced 00 (design notes and luminaire schedule) and 01 (lighting layout), received by the City Council as Local Planning Authority on 27 April 2021 and shall remain in operation for so long as the development is occupied.

Reason - In the interests of amenity, crime reduction and the personal safety of those using the proposed development pursuant to policies DM1 and SP1 of the Manchester Core Strategy.

32) If any lighting at the development hereby approved, when illuminated, causes glare or light spillage which in the opinion of the Council as local planning authority causes detriment to adjoining and nearby residential properties, within 14 days of a written request, a scheme for the elimination of such glare or light spillage shall be submitted to the Council as Local Planning Authority and once approved shall thereafter be retained in accordance with details which have received prior written approval of the City Council as Local Planning Authority.

Reason - In order to minimise the impact of the illumination of the lights on the occupiers of nearby residential accommodation, pursuant to policies DM1 and SP1 of the Manchester Core Strategy.

33) Prior to occupation of the units hereby approved, full details of all necessary off-site highway works, to be implemented via a S.278 agreement, shall be submitted to and approved in writing by the City Council as Local Planning Authority and be implemented in accordance with a timescale to be agreed by the City Council as Local Planning Authority. Such works should include:

- The provision of signal-controlled pedestrian facilities at the Birchfields Road access junction;

- Bus stop improvements to the nearest bus stops to the site. Namely, seat provision;

- Improvements to pedestrian routes serving the development the north and east of the site, including the path along the boundary between the retail park and the neighbouring school, the route that leads to the halls of residence (Unsworth Park), the uncontrolled crossing at Kingsway/Moseley Road roundabout. The improvements shall entail new dropped kerbs and tactile pavement to crossing points and the resurfacing of the central crossing section across the central reserve adjacent to the Kingsway/Moseley Road roundabout.

The development shall not be occupied until all the necessary off-site highway works have an agreed timescale for implementation.

Reason - To encourage walking to the site and in the interests of highway safety, pursuant to Policies DM1 and SP1 of the Manchester Core Strategy.

34) The development hereby approved shall only be carried out in accordance with mitigation measures detailed within the submitted Air Quality Assessment produced by Miller Goodall dated 16 April 2021 received by the City Council, as Local Planning Authority on 26 April 2021.

Reason - To minimise the impact upon air quality and in order to minimise the environmental impact of the development, pursuant to policy EN16 of the Manchester Core Strategy, National Planning Guidance and National Planning Policy Framework (NPPF).

35) The development hereby approved shall only be implemented in accordance with the HS2 detailed design and method statements for all of the ground-floor structures and for any structures below ground level, including piling (temporary and permanent, detailed with the following information, agreed as part of discharge of condition application referenced CDN/22/0379:

- Drawings referenced 4407-MP- 00-B1-DR-S-0201-S2, 4407-MP-00-ZZ-DR-S-0204-S2-P02 received by the City Council as Local Planning Authority on 10 June 2022;

- Drawings referenced 4892-MP-00-B2-DR-S-0200 -S2-P01, 4892-MP-00-ZZ-DR-S-0151-S2-P01 and 4892-MP-00-ZZ-DR-S-0150-S2-P02 received by the City Council as Local Planning Authority on 17 October 2022;

- Letter from Miller Goodall dated 30 September 2022 (Ref: 102912-L01-v0).

Reasons - to safeguard the HS2 programme and to protect HS2 assets, pursuant to policies DM1 and SP1 of the Manchester Core Strategy.

36) The method statements to be submitted shall include arrangements to secure that, during any period when concurrent construction is taking place of both the development hereby permitted and of the proposed HS2 infrastructure in or adjacent to the site of that development, the construction of the HS2 infrastructure is not impeded. The development shall be carried out in all respects in accordance with the approved designs and method statements, and all structures and works comprised within the development hereby permitted which are required by the approved design statements in order to procure the matters mentioned in paragraph 1 of this condition shall be completed, in their entirety, before any part of the proposed development building(s) hereby permitted is/are occupied.

Reasons - to safeguard the HS2 programme and to protect HS2 assets, pursuant to policies DM1 and SP1 of the Manchester Core Strategy.

37) No works below ground level comprised within the proposed development hereby permitted shall be carried out at any time when the HS2 underground construction is in progress within 100 metres of the land on which the development hereby permitted is situated.

Reasons - to safeguard the HS2 programme and to protect HS2 assets, pursuant to policies DM1 and SP1 of the Manchester Core Strategy.

38) No signage of any type, including internal window vinyls shall be installed to any areas of glazing or curtain walling. Building advertisements shall be restricted solely to the billboard locations, as shown on drawing referenced 7397-SMR-00-ZZ-DR-A-2006-A3-C2 received by the City Council as Local Planning Authority on 10 February 2022.

Reason - To prevent the proliferation of advertisement and to safeguard visual amenity, pursuant to saved policy E3.3 of the Unitary Development Plan for the City of Manchester and policies DM1, EN1 and SP1 of the Manchester Core Strategy.

Appendix 1 – List of consultees & neighbours notified

High Speed Two (HS2) Limited
Highway Services
Transport For Greater Manchester

6, Kingsmere Avenue, Manchester, M19 2DB
41 Lytham Road, Manchester, Manchester, M19 2AT
146 Birchfields Road, Manchester, M14 6PE
35 Kingsway Ave, Manchester, M19 2DH
3 King Edward Street, Manchester, M19 3FY
168 Birchfields Road, Fallowfield, Manchester, M14 6Fs
41 Collingwood Road, Manchester, M192AP
174 Birchfields Road, Manchester, M14 6PE
51 - 53 Lindsay Avenue, Manchester, M19 2AR
Flat Above, 57 Kingsway, Manchester, M19 2LL
Sainsbury's, Unit A, Fallowfield Shopping Centre, Birchfields Road, Manchester, M14 6PP
53A Kingsway, Manchester, M19 2LL
166 Birchfields Road, Manchester, M14 6PE
41 Lytham Road, Manchester, M19 2AT
Kwik Fit, Belvedere Road, Manchester, M14 6PD
178 Birchfields Road, Manchester, M14 6PE
170 Birchfields Road, Manchester, M14 6PE
176 Birchfields Road, Manchester, M14 6PE
41 Collingwood Road, Manchester, M19 2AP
43 Collingwood Road, Manchester, M19 2AP
Unit E, Fallowfield Shopping Centre, Birchfields Road, Manchester, M14 6FS
53 Lindsay Avenue, Manchester, M19 2AR
Unit F, Fallowfield Shopping Centre, Birchfields Road, Manchester, M14 6FS
6 Peaceville Road, Manchester, M19 2DQ
Aaa (uk) Ltd, 244 - 250 Moseley Road, Manchester, M14 6PD
47 Kingsway, Manchester, M19 2LL
57 Kingsway, Manchester, M19 2LL
169 Birchfields Road, Manchester, M14 6PJ
172 Birchfields Road, Manchester, M14 6PE
96 Monica Grove, Manchester, M19 2BW
132 Birchfields Road, Manchester, M14 6PE
128 Birchfields Road, Manchester, M14 6PF
32 Lindsay Avenue, Manchester, M19 2AG
44 Lytham Road, Manchester, M19 2AS
33 Kingsway Avenue, Manchester, M19 2DH
37 Kingsway Avenue, Manchester, M19 2DH
Unit G, Fallowfield Shopping Centre, Birchfields Road, Manchester, M14 6FS
Unit C, Fallowfield Shopping Centre, Birchfields Road, Manchester, M14 6FS
90 Birchfields Road, Manchester, M14 6PH
84 Birchfields Road, Manchester, M14 6PH
33 Lindsay Avenue, Manchester, M19 2AR
38 Lindsay Avenue, Manchester, M19 2AG
46 Lindsay Avenue, Manchester, M19 2AG
51 Kingsway, Manchester, M19 2LL
63 Kingsway, Manchester, M19 2LL
61 Kingsway, Manchester, M19 2LL
Autopoint, 15 Belvedere Road, Manchester, M14 6BA
17 Belvedere Road, Manchester, M14 6BA

42 Lytham Road, Manchester, M19 2AS
47 Lindsay Avenue, Manchester, M19 2AR
49 Lindsay Avenue, Manchester, M19 2AR
35 Lindsay Avenue, Manchester, M19 2AR
45 Lindsay Avenue, Manchester, M19 2AR
37 Lindsay Avenue, Manchester, M19 2AR
244 - 250 Moseley Road, Manchester, M14 6PD
51A Kingsway, Manchester, M19 2LL
50 Kingsway, Manchester, M19 2DD
2 Peaceville Road, Manchester, M19 2DQ
55A Kingsway, Manchester, M19 2LL
54 Kingsway, Manchester, M19 2DD
52 Kingsway, Manchester, M19 2DD
Manchester Enterprise Academy Central, 60A Lytham Road, Manchester, M14 6PL
43 Lytham Road, Manchester, M19 2AT
Unit J, Fallowfield Shopping Centre, Birchfields Road, Manchester, M14 6FS
Hawthorn Medical Centre, Unit K, Fallowfield Shopping Centre, Birchfields Road, Manchester, M14 6FS
5 Kingsmere Avenue, Manchester, M19 2DB
37 Lytham Road, Manchester, M19 2AT
31 Lindsay Avenue, Manchester, M19 2AR
65 Kingsway, Manchester, M19 2LL
Flat 9, Apex House, 266 Moseley Road, Manchester, M19 2ZH
Flat 7, Apex House, 266 Moseley Road, Manchester, M19 2ZH
Flat 6, Apex House, 266 Moseley Road, Manchester, M19 2ZH
Flat 8, Apex House, 266 Moseley Road, Manchester, M19 2ZH
Flat 5, Apex House, 266 Moseley Road, Manchester, M19 2ZH
Flat 17, Apex House, 266 Moseley Road, Manchester, M19 2ZH
Flat 21, Apex House, 266 Moseley Road, Manchester, M19 2ZH
Flat 19, Apex House, 266 Moseley Road, Manchester, M19 2ZH
Flat 18, Apex House, 266 Moseley Road, Manchester, M19 2ZH
Flat 16, Apex House, 266 Moseley Road, Manchester, M19 2ZH
Flat 20, Apex House, 266 Moseley Road, Manchester, M19 2ZH
Flat 15, Apex House, 266 Moseley Road, Manchester, M19 2ZH
Flat 12, Apex House, 266 Moseley Road, Manchester, M19 2ZH
Flat 13, Apex House, 266 Moseley Road, Manchester, M19 2ZH
Flat 10, Apex House, 266 Moseley Road, Manchester, M19 2ZH
Flat 14, Apex House, 266 Moseley Road, Manchester, M19 2ZH
Flat 11, Apex House, 266 Moseley Road, Manchester, M19 2ZH
Flat 3, Apex House, 266 Moseley Road, Manchester, M19 2ZH
Flat 4, Apex House, 266 Moseley Road, Manchester, M19 2ZH
Flat 1, Apex House, 266 Moseley Road, Manchester, M19 2ZH
39 Collingwood Road, Manchester, M19 2AP
40 Lindsay Avenue, Manchester, M19 2AG
44 Lindsay Avenue, Manchester, M19 2AG
48 Lindsay Avenue, Manchester, M19 2AG
42 Lindsay Avenue, Manchester, M19 2AG
36 Lindsay Avenue, Manchester, M19 2AG
34 Lindsay Avenue, Manchester, M19 2AG
58 Kingsway, Manchester, M19 2DA
78 Kingsway, Manchester, M19 2DA
68 Kingsway, Manchester, M19 2DA
37 Collingwood Road, Manchester, M19 2AP
33 Lytham Road, Manchester, M19 2AT

60 Lytham Road, Manchester, M19 2AS
35 Kingsway Avenue, Manchester, M19 2DH
31 Kingsway Avenue, Manchester, M19 2DH
158 Birchfields Road, Manchester, M14 6PE
116 Birchfields Road, Manchester, M14 6PF
148 Birchfields Road, Manchester, M14 6PE
82 Birchfields Road, Manchester, M14 6PH
108 Birchfields Road, Manchester, M14 6PH
134 Birchfields Road, Manchester, M14 6PE
70 Kingsway, Manchester, M19 2DA
11 Kingsmere Avenue, Manchester, M19 2DB
159 Birchfields Road, Manchester, M14 6PJ
181 Birchfields Road, Manchester, M14 6PJ
58 Lytham Road, Manchester, M19 2AS
161 Birchfields Road, Manchester, M14 6PJ
31 Lytham Road, Manchester, M19 2AT
56 Lytham Road, Manchester, M19 2AS
152 Birchfields Road, Manchester, M14 6PE
162 Birchfields Road, Manchester, M14 6PE
179 Birchfields Road, Manchester, M14 6PJ
175 Birchfields Road, Manchester, M14 6PJ
61A Kingsway, Manchester, M19 2LL
59 Kingsway, Manchester, M19 2LL
44 Kingsway Avenue, Manchester, M19 2DH
52 Lytham Road, Manchester, M19 2AS
50 Lytham Road, Manchester, M19 2AS
39 Lindsay Avenue, Manchester, M19 2AR
104 Birchfields Road, Manchester, M14 6PH
124 Birchfields Road, Manchester, M14 6PF
120 Birchfields Road, Manchester, M14 6PF
160 Birchfields Road, Manchester, M14 6PE
62 Lytham Road, Manchester, M14 6PL
76 Kingsway, Manchester, M19 2DA
114 Birchfields Road, Manchester, M14 6PF
138 Birchfields Road, Manchester, M14 6PE
185 Birchfields Road, Manchester, M14 6PJ
177 Birchfields Road, Manchester, M14 6PJ
98 Birchfields Road, Manchester, M14 6PH
56 Kingsway, Manchester, M19 2DA
3 Kingsmere Avenue, Manchester, M19 2DB
35 Lytham Road, Manchester, M19 2AT
110 Birchfields Road, Manchester, M14 6PF
46 Kingsway Avenue, Manchester, M19 2DH
2 Kingsmere Avenue, Manchester, M19 2DB
1 Kingsmere Avenue, Manchester, M19 2DB
64 Lytham Road, Manchester, M14 6PL
171 Birchfields Road, Manchester, M14 6PJ
163 Birchfields Road, Manchester, M14 6PJ
130 Birchfields Road, Manchester, M14 6PF
154 Birchfields Road, Manchester, M14 6PE
136 Birchfields Road, Manchester, M14 6PE
144 Birchfields Road, Manchester, M14 6PE
29 Kingsway Avenue, Manchester, M19 2DH
173 Birchfields Road, Manchester, M14 6PJ

48 Kingsway Avenue, Manchester, M19 2DH
50 Kingsway Avenue, Manchester, M19 2DH
Unit H, Fallowfield Shopping Centre, Birchfields Road, Manchester, M14 6FS
39 Lytham Road, Manchester, M19 2AT
142 Birchfields Road, Manchester, M14 6PE
Unit D, Fallowfield Shopping Centre, Birchfields Road, Manchester, M14 6FS
Unit B, Fallowfield Shopping Centre, Birchfields Road, Manchester, M14 6FS
183 Birchfields Road, Manchester, M14 6PJ
94 Birchfields Road, Manchester, M14 6PH
86 Birchfields Road, Manchester, M14 6PH
106 Birchfields Road, Manchester, M14 6PH
100 Birchfields Road, Manchester, M14 6PH
122 Birchfields Road, Manchester, M14 6PF
118 Birchfields Road, Manchester, M14 6PF
4 Peaceville Road, Manchester, M19 2DQ
48 Lytham Road, Manchester, M19 2AS
96 Birchfields Road, Manchester, M14 6PH
92 Birchfields Road, Manchester, M14 6PH
88 Birchfields Road, Manchester, M14 6PH
102 Birchfields Road, Manchester, M14 6PH
74 Kingsway, Manchester, M19 2DA
66 Kingsway, Manchester, M19 2DA
72 Kingsway, Manchester, M19 2DA
60 Kingsway, Manchester, M19 2DA
69 Kingsway, Manchester, M19 2LL
67 Kingsway, Manchester, M19 2LL
10 Kingsmere Avenue, Manchester, M19 2DB
4 Kingsmere Avenue, Manchester, M19 2DB
167 Birchfields Road, Manchester, M14 6PJ
Birchfields Primary School, Lytham Road, Manchester, M14 6PL
156 Birchfields Road, Manchester, M14 6PE
150 Birchfields Road, Manchester, M14 6PE
30 Lindsay Avenue, Manchester, M19 2AG
165 Birchfields Road, Manchester, M14 6PJ
168 Birchfields Road, Manchester, M14 6PE
157 Birchfields Road, Manchester, M14 6PJ
112 Birchfields Road, Manchester, M14 6PF
164 Birchfields Road, Manchester, M14 6PE
140 Birchfields Road, Manchester, M14 6PE
53 Kingsway, Manchester, M19 2LL
55 Kingsway, Manchester, M19 2LL
49 Kingsway, Manchester, M19 2LL
7 Kingsmere Avenue, Manchester, M19 2DB
6 Kingsmere Avenue, Manchester, M19 2DB
46 Lytham Road, Manchester, M19 2AS
64 Kingsway, Manchester, M19 2DA
8 Kingsmere Avenue, Manchester, M19 2DB
12 Kingsmere Avenue, Manchester, M19 2DB
43 Lindsay Avenue, Manchester, M19 2AR
62 Kingsway, Manchester, M19 2DA
42 Kingsway Avenue, Manchester, M19 2DH
9 Kingsmere Avenue, Manchester, M19 2DB
54 Lytham Road, Manchester, M19 2AS
41 Lindsay Avenue, Manchester, M19 2AR

41 Collingwood Road, West Point, Manchester, M19 2AP
78 Connaught Avenue, Burnage, Manchester, M19 2NN
3, King Edward Street, Manchester, M19 3FY

Appendix 2 – Planning constraints

Article 4 Direction - Removal Of PD Rights Change Of Use From Class C3 To Class C4
Aircraft Safeguarding Zone - Aircraft Safeguarding Zone - All Exceeding 90M
HS2 Phase 2b Safeguarding Zones - HS2 Safeguarding Zones (June 2022)
HS2 Phase 2b Safeguarding Zones - HS2 Safeguarding Zones (October 2020)
Susceptible to Surf Water Flood (Less) -
Susceptible to Surf Water Flood (Less) -
Susceptible to Surf Water Flood (Less) -
Susceptible to Surf Water Flood (Middle) -
Susceptible to Surf Water Flood (Middle) -
Susceptible to Surf Water Flood (Middle) -
Susceptible to Surf Water Flood (Middle) -
Area Team Boundary - Name: SOUTH AREA