

Important – Planning permission & notices of consent

Compliance with conditions

- Your planning approval or consent is attached. It will contain conditions that you must comply with.
- Please read the conditions and understand their requirements and restrictions, for example submission and approval of details or measures to protect trees.
- Some conditions will require action before you start development and it is imperative that you seek to have these discharged before any work commences.
- Whilst every effort has been made to group conditions logically, it is your responsibility to ensure that you are aware of the requirements and/or restrictions of all conditions.
- If you fail to comply with the conditions this may result in a breach of planning control and this may lead to enforcement action.
- Failure to comply with conditions may also result in the development not being lawful.
- It is in your interests to demonstrate that conditions have been complied with. Failure to do so may cause difficulties if the property is sold or transferred.
- A fee is payable for each request to discharge conditions.
- For advice on any of these matters, please contact Planning, Manchester City Council, PO Box 532, Town Hall, Manchester M60 2LA or email planning@manchester.gov.uk

Town & Country Planning Act 1990 (as amended)

Planning Permission

Applicant

Mr. Dean Walker
Chicken Cabins Ltd.
Foston House
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Ilkley
LS29 9LU

Agent (if used)

Mr. Adam Beamish
Beamish Planning Consultancy
Apartment 231
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Nottingham
NG2 4RE

Part 1 – Particulars of the application/development

Proposal: 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

Location: Tesco Stores Ltd , Altrincham Road, Manchester, Manchester, M23 9TJ

Date of application: 3 February 2022

Application number: 132835/FO/2022

Part 2 – Particulars of decision

Manchester City Council gives notice that the development referred to in Part 1 has been **Approved** in accordance with the application and plans submitted subject to the condition(s) listed below (if any).

Article 35 Declaration

Officers have worked with the applicant in a positive and proactive manner to resolve any problems arising in relation to dealing with the planning application.

Condition(s) attached to this decision

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 following drawings stamped as received on 3 February 2022:

- a) Location Plan
- b) Site Plan
- c) DML-XX-GF-DR-M-5001 P01
- d) 0000/2022/P100
- e) 0000/2022/P101
- f) 0000/2022/P123A
- g) 0000/2022/P211
- h) 0000/2022/P212

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

3) The development hereby approved shall be implemented using the materials detailed on drawing nos. 0000/2022/P211 and 0000/2022/P212, stamped as received on 3 February 2022.

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, as specified in policies SP1 and DM1 of the Manchester Core Strategy.

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

- a) 1100hrs to 2300hrs

Reason - In interests of residential amenity in order to reduce noise and general disturbance in accordance with policies SP1 and DM1 of the Manchester Core Strategy and saved UDP Policy DC26.

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

- a) 0730hrs to 2000hrs on Mondays to Saturdays
- b) 1000hrs to 1800hrs on Sundays and Bank Holidays

Reason - In interests of residential amenity in order to reduce noise and general disturbance in accordance with policies SP1 and DM1 of the Manchester Core Strategy and saved UDP Policy DC26.

6) Fumes, vapours and odours shall be extracted and discharged from the premises in accordance with the Mechanical Engineering Specification prepared by Denmech (ref. 1010-DML010-XX-XX-RP-M-5001 P01), stamped as received on 3 February 2022.

Reason - In the interests of the amenities of the occupiers of nearby residential properties, pursuant to Policy DM1 in the Manchester Core Strategy.

7) a) All externally mounted ancillary plant, equipment and servicing shall be selected and/or acoustically treated in accordance with the Noise Impact Assessment (Sharps Redmore, ref. 2120813), stamped as received on 3 February 2022.

b) Prior to the operational phase of the development hereby approved, a verification report shall be submitted to and approved in writing by the City Council as local planning authority to validate that the work undertaken throughout the development conforms to the recommendations and requirements of the approved impact

assessment. The report shall also undertake post completion testing to confirm that the noise criteria have been met. Any instances of non-conformity with the recommendations in the report shall be detailed along with any measures required to ensure compliance with the agreed noise criteria.

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 Policy DM1 in the Manchester Core Strategy and saved UDP Policy DC26.

8) Prior to the commencement of above ground works, a scheme for the storage and disposal of refuse shall be 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 development is in operation.

Reason - In the interests of amenity and public health, pursuant to Policy DM1 in the Manchester Core Strategy.

9) a) Any external lighting shall be designed and installed in accordance with the Lighting Assessment (External Lighting document by Liteideas) stamped as received on 3 February 2022.

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

Reason - To safeguard the amenities of the occupiers of nearby properties, pursuant to Policy DM1 in the Manchester Core Strategy.

10) A) Before the development hereby approved commences, a report (the Preliminary Risk Assessment) to identify and evaluate all potential sources and impacts of any ground contamination, groundwater contamination and/or ground gas relevant to the site shall be submitted to and approved in writing by the City Council as local planning authority. The Preliminary Risk Assessment shall conform to City Council's current guidance document (Planning Guidance in Relation to Ground Contamination). In the event of the Preliminary Risk Assessment identifying risks which in the written opinion of the Local Planning Authority require further investigation, the development shall not commence until a scheme for the investigation of the site and the identification of remediation measures (the Site Investigation Proposal) has been submitted to and approved in writing by the City Council as local planning authority.

The measures for investigating the site identified in the Site Investigation Proposal shall be carried out, before development commences and a report prepared outlining what measures, if any, are required to remediate the land (the Site Investigation Report and/or Remediation Strategy) which shall be submitted to and approved in writing by the City Council as local planning authority.

B) When the development within each phase commences, the development shall be carried out in accordance with the previously agreed Remediation Strategy and a

Completion/Verification Report shall be submitted to and approved in writing by the City Council as local planning authority.

In the event that ground contamination, groundwater contamination and/or ground gas, not previously identified, are found to be present on the site at any time before the development in each phase is occupied, then development shall cease and/or the development shall not be occupied until, a report outlining what measures, if any, are required to remediate the land (the Revised Remediation Strategy) is submitted to and approved in writing by the City Council as local planning authority and the development shall be carried out in accordance with the Revised Remediation Strategy, which shall take precedence over any Remediation Strategy or earlier Revised Remediation Strategy.

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 policy DM1 of the Manchester Core Strategy.

11) The car parking hereby approved shall be laid out, demarcated and made available prior to the occupation of the commercial development hereby approved.

Reason - In the interests of pedestrian and highways safety and to ensure the satisfactory development of the site, pursuant to Policy DM1 in the Manchester Core Strategy.

12) Above-ground construction works shall not commence until details of the measures to be incorporated into the development to allow for the provision of electric vehicle charging points have been submitted to and approved by the City Council as Local Planning Authority.

Reason - To promote sustainable development and in the interests of residential amenity, pursuant to Policies DM1 and EN16 in the Manchester Core Strategy.

13) Prior to the commencement of above ground works, a scheme extending the hatched pedestrian walkway running parallel with the northern site boundary shall be submitted to and be approved by the City Council as local planning authority.

Before the operational phase of the development hereby approved commences, the hatching scheme shall be implemented and thereafter maintained in accordance with the approved details.

Reason - In the interests of pedestrian and highways safety and to ensure the satisfactory development of the site, pursuant to Policy DM1 in the Manchester Core Strategy.

14) No 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 Local Planning Authority.

Reason - To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution, pursuant to Policies EN08 and EN14 in the Manchester Core Strategy and in light of national policies within the NPPF and NPPG.

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

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

Reason - To manage flooding and pollution and to ensure that a managing body is in place for the sustainable drainage system and there is funding and maintenance mechanism for the lifetime of the development, pursuant to Policies EN08 and EN14 in the Manchester Core Strategy and in light of national policies within the NPPF and NPPG.

16) The cycle parking facilities, as shown on drawing no. 0000/2022/P121A and 123A, stamped as received on 3 February 2022, shall be installed and thereafter remain in situ prior to the commencement of the operational phase of the development hereby approved.

Reason - In the interests of air quality and to encourage the use of transport other than the car, pursuant to Policy EN16 in the Manchester Core Strategy.

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

Reason - To encourage the use of transport other than single occupancy of a car in accordance with the principles of sustainable transport, pursuant to the provisions contained within policy SP1 in the Core Strategy Development Plan Document.

18) Above ground works shall not commence until details of the measures to be incorporated into the development, to demonstrate how the principles of Secure by Design would be achieved, have been submitted to and approved in writing by the City Council as local planning authority. The development shall only be carried out in accordance with these approved details.

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.

19) No above ground works shall commence until a hard and soft landscaping treatment scheme has been submitted to and approved in writing by the City Council as local planning authority. The approved scheme shall be implemented not later than 12 months from the date the buildings are first occupied. 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, EN9 and DM1 of the Manchester Core Strategy.

20) No development shall take place, including any demolition works, until a construction management plan or construction method statement has been submitted to and approved in writing by the Local Planning Authority. The approved plan/statement shall be adhered to throughout the demolition/construction period. The plan/statement shall provide for:

- a) A construction programme including phasing of works;
- b) 24 hour emergency contact number;
- c) Expected number and type of vehicles accessing the site: o Deliveries, waste, cranes, equipment, plant, works, visitors; o Size of construction vehicles; o The use of a consolidation operation or scheme for the delivery of materials and goods; o Phasing of works;
- d) Means by which a reduction in the number of movements and parking on nearby streets can be achieved (including measures taken to ensure satisfactory access and movement for existing occupiers of neighbouring properties during construction): Programming; Waste management; Construction methodology; Shared deliveries; Car sharing; Travel planning; Local workforce; Parking facilities for staff and visitors; On-site facilities; A scheme to encourage the use of public transport and cycling;
- e) Routes for construction traffic, avoiding weight and size restrictions to reduce unsuitable traffic on residential roads;
- f) Locations for loading/unloading, waiting/holding areas and means of communication for delivery vehicles if space is unavailable within or near the site;
- g) Locations for storage of plant/waste/construction materials;
- h) Arrangements for the turning of vehicles, to be within the site unless completely unavoidable;
- i) Arrangements to receive abnormal loads or unusually large vehicles;
- j) Swept paths showing access for the largest vehicles regularly accessing the site and measures to ensure adequate space is available;
- k) Any necessary temporary traffic management measures;
- l) Measures to protect vulnerable road users (cyclists and pedestrians);
- m) Arrangements for temporary facilities for any bus stops or routes;
- n) Method of preventing mud being carried onto the highway;
- o) Methods of communicating the Construction Management Plan to staff, visitors and neighbouring residents and businesses.

Manchester City Council encourages all contractors to be 'considerate contractors' when working in the city by being aware of the needs of neighbours and the environment. Membership of the Considerate Constructors Scheme is highly recommended.

Reason - In the interests of safe operation of the adopted highway in the lead into development both during the demolition and construction phase of the development, pursuant to policies SP1, EN19 and DM1 of the Manchester Core Strategy.

Informatives

Building Regulations 2010

This permission does not grant approval under Building Regulations.

Street Naming & Numbering Requirements

Manchester City Council is responsible for allocating street naming and numbering within Manchester for new developments or property conversions. Individuals or businesses are not permitted to allocate their own property numbers, building or street names.

If your development includes the creation of new dwellings (either new build or conversion of existing buildings), creation of new commercial properties or the subdivision of existing properties you must ensure that you request new or changes to addresses through us so they can be officially allocated and registered in accordance with the Public Health Act 1925 Sections 17-19 & Greater Manchester Act 1981 Section 22.

Failure to do this may result in difficulties for the developer/occupier when requiring services such as connections to utilities, phone lines and postal services and may delay your development.

You can apply online at the following address:

http://www.manchester.gov.uk/info/100011/roads_parking_and_transport/1988/naming_and_numbering_of_houses_buildings_streets_and_roads/2

Informative for condition 8 - New developments shall have refuse storage space for segregated waste collection and recycling. Internal and external storage areas are required.

Informative for condition 14 - In order to discharge this condition the following additional information has to be provided:

- a. Consideration of alternative green SuDS solution (that is either utilising infiltration or attenuation) if practicable;
- b. 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 Conurbation Core Critical Drainage Area;
- c. 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;
- d. 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;
- e. 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.

- f. 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.
- g. For sites where proposed development would cause unusual pollution risk to surface water, evidence of pollution control measures (preferably through SuDS) is required.
- h. Where an application is part of a larger site it is essential that the new proposal does not compromise the existing site wide drainage already in place.
- i. Hydraulic calculation of the proposed drainage system;
- j. Construction details of flow control and SuDS elements.

Informative for condition 18 - Guidance on British Standard specifications required to accord with the principle of Secured by Design:

Similar restaurants, to the proposed developments have attracted regular incidents of public order offences and violent crime. To deter criminal behaviour and other incidents it is highly recommended that the following measures should be considered essential to deter offenders and protect legitimate customers and staff.

- a) CCTV coverage should be provided to the food service areas, seating areas, toilet lobbies, external doors, the building perimeter, drive-through areas, and parking area.
- b) High quality lighting should be provided to the building perimeters, external doors, and to the car parking, and vehicle and pedestrian routes through the site.
- c) The service counter should be elevated and wide, which increases the distance between staff and any potentially aggressive patrons and aids surveillance of all parts of the premises.
- d) A panic alarm should be in both restaurants with panic buttons fitted under the bar and in the management office so that staff can alert other staff members that assistance is required.

To reduce the risk of theft from person the internal layout of the restaurant should be designed with clear queuing and seating areas. Ad hoc queuing often leads to conflict and can facilitate pick pocketing through confusion and should be clearly defined, i.e. with different floor treatments/colours or with barriers.

Drive-through windows should be fitted with restrictors to prevent people climbing or reaching in.

The cash/safe room should have solid masonry walls, no false/suspended ceilings, a certified doorset (to BS PAS 24, STS202, or LPS 1175 SR2) with a thumb-turn lock and a security-certified safe providing adequate capacity and overnight cover. The internal walls to the adjacent unit/s should be similarly robust. The correct size and category of safe should be determined by an assessment of prospective takings and to meet insurance needs. A time-delay (with minimum 10 minute delay) safe certified to LPS 1183 should be used to store cash. Cash chutes should also be employed to ensure large amounts of cash are not kept in the tills.

Opening hours should be consistent with similar businesses in the local area.

Vehicular access should be restricted when the premises are closed. An arm barrier, or similar, should be deployed at night to restrict access.

Public toilets can give rise to anti-social behaviour problems. The following issues should be considered:

- a) Fittings should be flush to avoid tampering and concealed cisterns, pipe work etc. should be used.
- b) Graffiti and vandal resistant materials, such as stainless steel, laminates and plastics should be considered.
- c) Consider hanging cubicle doors as outward opening as this will aid gaining access in an emergency. An alternative measure is to reduce toilet doors in size by a minimum of 200mm from the floor and to reduce the top height.
- d) Provide 'Chelsea Clip'/karibina style hooks on the back of cubicle doors or partitions for bags and coats.
- e) Consider the safety of vending machines. Cash boxes can be tampered with, consider fitting them with alarms.
- f) Consider setting out a rota and putting notices in toilet facilities that make users aware that regular checks will be carried out. A built in visited/checked chart should be provided.

It is essential that the physical security measures listed below are incorporated into the scheme. Integrated, risk-commensurate security measures aim to place secure physical barriers or surveillance in the path of the criminal.

The following checklist forms the physical security requirements for this scheme to achieve Secured by Design accreditation.

- a) External doors must be compliant with and certified to BS PAS 24, STS202, or LPS 1175 SR2.
- b) Sliding/revolving doors should be tested and certified to ENV 1627-30 (WK2+). External escape-only doors (as with external doors in general) should be certified to BS PAS 24, or LPS 1175 SR2. It is crucial that the door ironmongery is permitted for use on these doors under the security certification of the product.
- c) Letterboxes within doors must be located a minimum of 400mm away from internal handle and locking hardware.
- d) Windows must be compliant with and certified to BS PAS 24 or BS 7950.
- e) Ground floor and easily accessible opening lights (escape requirements permitting) must be key-lockable, and have fixed/lockable opening restrictors (not releasable from the outside) limited to 100mm.
- f) Any curtain walling panels should include laminated glazing and should be securely fixed directly to the floor slabs where possible, rather than to perimeter columns.
- g) Shutters must be tested and certified to LPS 1175 SR2 (or SR1 if perforated laths are required), and installed in accordance with manufacturer's instructions.
- h) Glazing to a height of 2400mm (or if otherwise accessible) must incorporate at least one pane of glass with a 1.5mm PVB interlayer (e.g. 7.5mm laminated glass), or a glass rated as P4A under EN 356. The remaining pane in a double glazed unit may be toughened glass.
- i) An intruder alarm should cover the proposed restaurant and should be linked to contacts on all external doors. PIR detectors should cover all rooms with windows. The alarm signal should terminate at a recognised Alarm Receiving Centre. The system should comply with the current version of the EN 50131-1 standard and be eligible for a Police response as defined by the ACPO Policy on Police Response to Security Systems, Level 1 status.
- j) Access control systems should be operable by swipe card or fob, and not numeric key pads. The following doors should operate on access control:

- o External doors
- o All internal doors from public space (e.g. dining area and toilet lobby) into staff-only space.
- o The manager's office.
- o Key pad is acceptable to control access into the kitchen area of the restaurant from customer areas.

External lighting must be provided to pedestrian routes within the site in accordance with BS 5489.

Fittings should produce 'white' light, as opposed to yellow/orange light. Metal halide (or bulbs with a comparable output) should be used, as these offer superior colour rendition over alternatives such as high and low pressure sodium bulbs.

Dusk 'til dawn lights, operated by photoelectric cell/daylight sensor, should be installed to all external doors.

Lighting fixtures must not be positioned to provide climbing aids over boundary treatments. Electrical and architectural layouts should be developed together to avoid this.

Any CCTV system that may be used within this proposal will require certain specifications and intelligent placement of cameras to compliment the design of the development.

Date: 31 May 2022

Signed:



Julie Roscoe
Director of Planning, Building Control & Licensing

Manchester City Council, P O Box 532, Town Hall, Manchester M60 2LA

Notes

1. This permission refers only to that required under the Town and Country Planning Act 1990 does not include any consent or approval under any other enactment, byelaw, order or regulation.

2 If the applicant is aggrieved by the decision of the local planning authority to refuse permission or approval for the proposed development, or to grant permission or approval subject to conditions, they may appeal to the 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 gov.uk website – www.gov.uk/planning-inspectorate. The Inspectorate will publish details of your appeal on the internet. Alternatively If you are unable to access the online appeal form, please contact the Planning Inspectorate to obtain a paper copy of the appeal form on tel: 0303 444 5000.

The Secretary of State has power to allow a longer period for the giving of a notice of appeal but they will not normally be prepared to exercise this power unless there are special circumstances that excuse the delay in giving notice of appeal.

If you intend to submit an appeal that you would like examined by inquiry then you must notify the City Council (planning@manchester.gov.uk) and the Planning Inspectorate (inquiryappeals@planninginspectorate.gov.uk) at least 10 days before submitting the appeal. Further details are on GOV.UK.

3. The statutory requirements are those set out in Section 79(6) of the Town and Country Planning Act 1990, namely Sections 70(1) and 72(1) of the Act.

4. If either the local planning authority or the Secretary of State refuses permission to develop land or grants it subject to conditions, the owner may claim that they can neither put the land to a reasonably beneficial use in its existing state nor render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.

In these circumstances, the owner may serve a purchase notice on the Council in whose area the land is situated. This notice will require the Council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990

5. In certain circumstances, a claim may be made against the local planning authority for compensation, where permission is refused or granted subject to conditions by the Secretary of State on appeal or on a reference of the application to them. The circumstances in which such compensation is payable are set out in Section 114 of the Town and Country Planning Act 1990.