

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

Cheshire Cheese Assets Ltd
C/o Agent

Agent (if used)

James Berggren
EdgePlan Ltd
7 Charlotte Street
Manchester
M1 4DZ

Part 1 – Particulars of the application/development

Proposal: Variation of planning condition 9 attached to planning permission referenced 119731/FO/2018 to allow the ground floor commercial to open between the hours of 07:00 and 23:00 and in the event the unit is occupied by a medical facility, between the hours of 23:00 to 07:00, with the premises operating on appointment only basis

Location: 32 Oldham Road, Manchester, M4 5FE

Date of application: 14 June 2022

Application number: 134049/JO/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 / agent in a positive and proactive manner to guide the application through all stages of the planning process and resolve any issues that arose in dealing with the planning application.

Condition(s) attached to this decision

1) The development hereby approved shall be carried out in accordance with the following drawings and documents:

Drawings numbered 502/P4, 608/P1, 609/P1, 610/P1, 511/P4, 512/P4, 613/P1, 614/P1, 615/P1, 521/P3 and 522/P3 received by the City Council as Local Planning Authority on 16 August 2018, drawing numbered 507/P5 (as result of a non material amendment referenced 128521/NMC/2021) received by the City Council as Local Planning Authority on 6 November 2020 and drawings numbered 516/P5 517/ P5 and 518/P5 (as part of non material amendment referenced 131768/NMC/2021), received by the City Council as Local Planning Authority on 29 September 2021.

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.

2) The development must be begun not later than 15 November 2021.

Reason - Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990.

3) The development hereby approved shall only be implemented in accordance with the external materials detailed within the materials schedule produced by AEW Architects (Ref: B10103-AEW-XX-XX-SH-A-650 - Rev P2), together with the accompanying technical specification details and photographs, received by the City Council as Local Planning Authority on 19 May 2021, agreed pursuant to condition discharge application referenced CDN/20/0771.

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 Core Strategy.

4) The development hereby approved shall only be implemented in accordance with the 'Secured by Design' certification, received by the City Council as Local Planning Authority on 25 May 2022, pursuant to condition discharge application referenced CDN/22/0336.

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

5) Prior to first occupation of the ground floor retail unit hereby approved, full details of any roller shutters to the shopfront of the premises shall be submitted for approval in writing by the City Council, as Local Planning Authority. For the avoidance of doubt the shutters shall be fitted internally to the premises. The approved details shall be implemented prior to the first occupation of the retail unit and thereafter retained.

Reason - To ensure that the roller shutters are appropriate in visual amenity terms, pursuant to policies SP1, EN1 and DM1 of the Manchester Core Strategy (2012) and saved policy E3.3 of the Unitary Development Plan for the City of Manchester.

6) The development hereby approved shall only be implemented in accordance with the details contained within the submitted Residential Acoustic Design Review Report (Ref: 25227/ADR1) and supplementary Technical Memorandum produced by Hann Tucker Associates (Ref: HT: 25227/PTM1), received by the City Council as Local Planning Authority on 9 December 2020 and 4 February 2022 respectively, pursuant to discharge of condition application referenced CDN/20/0802.

Reason - To safeguard the amenities of the occupiers of the building and occupiers 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 Core Strategy.

7) All externally mounted ancillary plant or equipment shall be selected and/or acoustically insulated in accordance with a scheme designed so as to achieve a rating noise level of 5dB (LAeq) below the existing background (LA90) at the nearest noise sensitive location. Following the installation of any external equipment, a post completion report shall be submitted to and approved in writing by the City Council as Local Planning Authority to validate that the plant has been installed as per the required limits. The post completion report shall be submitted within 1 month of first use of the external equipment and the agreed limits shall remain in operation thereafter.

Reason - To safeguard the amenities of existing and future occupiers of nearby residential accommodation, pursuant to saved policies DC10 and DC26 of the Unitary Development Plan for the City of Manchester and policies SP1 and DM1 of the Core Strategy.

8) Deliveries (except for newspapers, mail and associated items) servicing and collections (including waste collections) relating to the ground floor retail unit only, shall not take place outside of the following hours:

07.30 to 20.00 hrs Monday to Saturday.

10.00 to 18.00 hrs Sundays and Bank Holidays

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

9) The ground floor retail unit shall not be open outside the following hours: 07.00 - 23.00 hrs daily, unless the unit is occupied by a medical facility that operates by appointment only between the hours of 23:00 - 07:00.

Reason - In interests of residential amenity in order to reduce noise and general disturbance in accordance with saved policy DC26 of the Unitary Development Plan for the City of Manchester and policies SP1 and DM1 of the Core Strategy.

10) The development hereby approved shall only be implemented in accordance with the waste management strategy (Ref: B10103-AEW-RP-A-0002 (P3)) received by the City Council as Local Planning Authority on 22 June 2021, pursuant to condition discharge application referenced CDN/21/0363.

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.

11) The car parking area indicated on drawings numbered 507/P4, 512/P4 and 502/P4 received by the City Council as Local Planning Authority on 16 August 2018, shall be surfaced, demarcated and made available for use prior to any of the residential units hereby approved being occupied. The parking area shall be for the sole use of residential occupants of the development and shall be available for use at all times whilst the apartments are occupied.

Reason - To ensure that there is adequate car parking for the development proposed when the building is occupied, pursuant to policies DM1, T2 and SP1 of the Manchester Core Strategy.

12) The bicycle storage area indicated on drawing numbered 507/P4 and 512/P4 received by the City Council as Local Planning Authority on 16 August 2018 shall be implemented in full and made available for use prior to first occupation of the development hereby approved. The approved scheme shall remain available for use whilst the apartments are occupied and retained thereafter.

Reason - To ensure there is adequate bicycle parking provision, pursuant to policies DM1, T1 and SP1 of the Manchester Core Strategy.

13) The development hereby approved shall only be implemented in accordance with the electric vehicle charging point, shown on drawing referenced B10103-AEW-XX-00-DR-A-507/P6, together with the accompanying specification provided on the Pod Point Solo Charger data sheet, received by the City Council as Local Planning Authority on 11 May 202, pursuant to discharge of condition application referenced CDN/21/0363.

The approved details shall then be implemented as part of the development and be in place prior to the first occupation of any of the residential units and be retained thereafter.

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

14) The development hereby approved shall be carried out in accordance with the Residential Travel Plan prepared by prepared by WSP dated March 2018 received by the City Council as Local Planning Authority on 28 August 2018.

In this condition a Travel Plan means a document which includes:

- i) the measures proposed to be taken to reduce dependency on the private car by those living at the development;
- ii) a commitment to surveying the travel patterns of patient/visitors/staff during the first three months of the first use of the building and thereafter from time to time
- iii) mechanisms for the implementation of the measures to reduce dependency on the private car
- iv) measures for the delivery of specified travel plan services
- v) 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 building, a Travel Plan which takes into account the information about travel patterns gathered pursuant to item (ii) above shall be submitted for approval in writing by the City Council as Local Planning Authority. 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 assist promoting the use of sustainable forms of travel for residents, pursuant to policies T1, T2 and DM1 of the Manchester Core Strategy.

15) The development hereby approved shall only be implemented in accordance with the drainage strategy contained within the following documents, pursuant to discharge of condition application referenced CDN/20/0634:

-Flood Risk Assessment & Drainage Strategy (Ref: WSL14445-100-R-1.1.1-FRA) produced by Waterman Structures Ltd, Storm Sewer Design and drawings numbered WSL-ZZ-ZZ-SDR-S-92002 REV T02, WSL-ZZ-ZZ-DR-S-92003 REV P01, received by the City Council as Local Planning Authority on 6 October 2020;

-Agreement by United Utilities on the surface water flows and connection to the combined public sewer, received by e-mail to the City Council as Local Planning Authority on 6 November 2020;

-The updated drainage layout drawing numbered WSL-ZZ-ZZ-DR-S-92001/CO2 received by the City Council as Local Planning Authority on 6 January 2021.

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.

16) The development hereby approved shall only be implemented in accordance with the drainage verification details, including the photograph of the hydrobrake installed and the back water valve details, received via e-mails from Edgeplan dated 20 April 2022 and 4 May 2022 respectively, pursuant to discharge of condition application referenced CDN/21/0882.

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.

17) Prior to the commencement of development, if any invasive species are detected, an invasive non-native species protocol shall be submitted to and approved by the City Council as Local Planning Authority, detailing the containment, control and removal of Japanese Knotweed and Himalayan Balsam on site. The measures shall be carried out strictly in accordance with the approved scheme and implemented prior to the commencement of the development hereby approved.

Reason - To control the spread of invasive species, pursuant to policy EN15 of the Manchester Core Strategy (2012).

18) The development hereby approved shall only be implemented in accordance with the details on drawing referenced 70088459-100/P02, received by the City Council as Local Planning Authority by e-mail dated 18 January 2022, pursuant to discharge of condition application referenced CDN/21/0749.

The approved scheme shall be implemented and be in place prior to the first occupation of the flats hereby approved and retained thereafter.

Reason - To ensure safe access to the development site in the interest of pedestrian and highway safety pursuant to policies SP1, EN1 and DM1 of the Manchester Core Strategy.

19) The development hereby approved shall only be carried out in accordance with mitigation measures detailed within the submitted Air Quality Assessment produced by

Temple dated 5 April 2018 received by the City Council, as Local Planning Authority on 16 April 2018.

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 Core Strategy, National Planning Guidance and National Planning Policy Framework (NPPF).

20) The development hereby approved shall only be implemented in accordance with the Construction and Environmental Management Plan (Ref: 27th August 2020 Rev B) produced by ABGI Construction Ltd, received by the City Council as Local Planning Authority by e-mail from EdgePlan Ltd dated 27 August 2020, pursuant to discharge of condition application referenced CDN/20/0021.

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

21) The development hereby approved shall only be implemented in accordance with the measures set out within Section 3 of the submitted Energy Statement, produced by Hurstwood Environmental Consulting (Ref: 201029c) received by the City Council as Local Planning Authority on 6 January 2021, pursuant to discharge of condition application referenced CDN/20/0737. A post construction review certificate/statement shall be submitted for approval within a timescale that has been previously agreed in writing, to the City Council as Local Planning Authority.

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.

22) The development hereby approved shall only be implemented in accordance with the submitted Written Scheme of Investigation prepared by CFA Archaeology Ltd and Archaeology Desk Based Assessment prepared by CFA Archaeology Ltd received by the City Council as Local Planning Authority on 8 August 2019. The following matters are outstanding, pursuant to discharge of condition application referenced CDN/19/0674 and shall be submitted and agreed by the City Council as Local Planning Authority in accordance with an agreed timescale.

- Historic England Level 3 archaeological building survey;
- Targeted evaluation trenching;
- Targeted open area excavation, if required.
- A programme for post investigation assessment to include:
- Analysis of the site investigation records and finds;
- Production of a final report on the significance of the archaeological and historical interest represented.
- Dissemination of the results commensurate with their significance.
- Provision for archive deposition of the report and records of the site investigation.

Reason - To record and advance understanding of heritage assets impacted on by the development and to make information about the archaeological heritage interest publicly accessible, pursuant to saved policy DC20 of the Unitary Development Plan for the City of Manchester and Section 16 of the National Planning Policy Framework (NPPF).

23) The development hereby approved shall only be implemented in accordance with the submitted details received by the City Council as Local Planning Authority on 8

October 2020, pursuant to discharge of condition applications referenced CDN/20/0645 and CDN/21/0430 Namely:

- Supplementary Geo-Environmental Appraisal produced by GroundTech Consulting (October 2020) - Ref: GRO-19134-1834;
- Calibration Certificate dated 13 March 2020;
- Calibration Certificate dated 19 March 2020.
- Covering letter and ABGi letter dated 04 June 2021, which confirms no ground remediation is required.

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.

24) The development hereby approved shall only be implemented in accordance with the agreed window design shown on drawings numbered B10103-AEW-XX-XX-DR-A-616/P3, E100/02, Z100/03, Z101/02, A100/02, A101/02, 11303.10001470C_01/B, Pro Steel Brick Faced Lintel data sheet, screw fix details and associated photographs, received by the City Council as Local Planning Authority on 15 June 2021, pursuant to discharge of condition application referenced CDN/20/0778.

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.

25) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification) none of the apartments hereby approved shall be used for any other purpose (including any other purpose in Class C3 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 as amended by The Town and Country Planning (Use Classes) (Amendment) (England) Order 2020, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification) other than the purpose(s) of C3(a).

Reason - In the interests of residential amenity, to safeguard the character of the area and to maintain the sustainability of the local community through the provision of accommodation that is suitable for people living as families pursuant to policies DM1 and H11 of the Manchester Core Strategy and the guidance contained within the National Planning Policy Framework.

26) The ground floor retail commercial unit hereby approved shall not be used for any other purpose other than Class E of The Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020 or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification) other than the purpose(s) of Class E.

Reason - In the interests of residential amenity, pursuant to policies DM1 and SP1 of the Manchester Core Strategy and the guidance contained within the National Planning Policy Framework.

27) The development hereby approved shall only be implemented in accordance with the accessible parking provision detailed on drawing referenced B10103-AEW-XX-00-DR-A-617/P1, received by the City Council as Local Planning Authority on 26 April

2021, pursuant to discharge of condition application referenced CDN/21/0330. The accessible provision shall be retained thereafter.

Reason To ensure that there is adequate disabled parking provision for future occupants of the development pursuant to policies DM1 and SP1 of the Manchester Core Strategy.

28) The hours of use hereby agreed shall only operate in strict accordance with the measures detailed within the submitted Management Plan received by the City Council as Local Planning Authority on 20 September 2022.

Reason - To safeguard amenity, 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.

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

Mining Information

The proposed development lies within an area which could be subject to current coal mining or hazards resulting from past coal mining. Please read the Standing Advice from the Coal Authority in Appendix A.

Date: 21 September 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 their 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.