

14th June 2022

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Our ref: EP494
Your ref: PP-11323183

Dear Sirs

**MINOR-MATERIAL AMENDMENT (S73) TO PLANNING PERMISSION 119731/FO/2018
CHESHIRE CHEESE PH & VACANT LAND (FORMERLY NOS 32-38), OLDHAM ROAD, MANCHESTER,
M4 5FE**

I write on behalf of our client, Cheshire Cheese Assets Ltd, with regard to the above development and have pleasure in enclosing a minor-material amendment application (S73) which seeks approval for a minor variation to the approved hours of operation stated in condition 9. Accordingly, please find enclosed the following documents for your consideration:

The Application

This application is submitted via the Planning Portal ref: PP-11323183 and comprises the following:

- Application forms (completed on the Planning Portal): and
- Covering Letter.

The fee of £234.00 (and PP admin fee) has been paid directly via the Planning Portal.

This letter provides additional information in support of the proposed amendment to condition 9. The proposed changes to the wording of condition 5 are as follows:

Existing Condition No./Wording	Proposed Condition Wording
9. The ground floor retail unit shall not be open outside the following hours:-07.00 – 23.00 hrs daily.	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.

Assessment

The medical unit, Urgent Care 365, is now operating from the approved unit between the hours of 7am-11pm.

This is a new and emerging form of development which operates in a similar way to NHS doctor's surgeries. It employs qualified medical staff, offers private care, clinics and services to visiting members of the public on a private basis, including through personal Health Insurance. Such facilities are common in other countries where NHS services are not available and will complement NHS

services, leading to reduced waiting times across the sector. It does not provide emergency services nor cause nuisance to local amenities.

Specifically in terms of 24/7 opening, this is proposed in order to provide greater flexibility. The majority of appointments will be made during the working day, but some emergency appointments would be conducted during the night-time, offering patients the comfort of night-time health care. During the late evening and night-time, this would be by appointment only, where patients would book appointments online or via telephone and would have to access the premises via an intercom. This would not be a night-time walk-in surgery. The types of practices would be non-emergency and the surgery would in no way be akin to a typical A&E Department.

There would be no ambulance visits to and from the premises, but on the rare occasion where somebody books an appointment and is seriously ill upon arrival etc or is taken ill during the appointment then an ambulance may be called but this would be akin to how a GP surgery would operate or any other premises where somebody became seriously ill on-site.

Other Conditions

Approval of this S73 application would generate a new decision notice. As such, for completeness, the following conditions can be reworded to compliance or deleted as they have been previously discharged:

Existing Condition No./Wording	Proposed Condition Wording
3. No above ground development that is hereby approved shall commence unless and until samples and specifications of all 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.	3. The external materials, approved under discharge of condition application CDN/20/0771 on 16 June 2021, as detailed on 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, are to be implemented in full unless otherwise agreed by the City Council as Local Planning Authority.
4. Prior to first occupation of the development hereby approved, the City Council as Local Planning Authority must acknowledge in writing that it has received written confirmation of a Secured by Design accreditation.	Can this condition be deleted? Discharged under application CDN/22/0336. The certificate demonstrating 'Secured by Design' status, received by the City Council as Local Planning Authority on 25 May 2022, was confirmed as being satisfactory.
6. Notwithstanding the information contained within the submitted Environmental Noise Impact Assessment Report by Hann Tucker Associated received by the City Council as Local Planning Authority on 16 April 2018, the building hereby approved shall be acoustically insulated and treated to limit the break out and break-in of noise in accordance with a noise study of the premises and a scheme of acoustic treatment that has been submitted to and approved in writing by the City Council as Local Planning Authority.	6. The development shall be carried out in accordance with the information contained with the submitted Residential Acoustic Design Review Report (Ref: 25227/ADR1) and supplementary Technical Memorandum produced by Hann Tucker Associates (Ref: HT: 25227/PTM1), as approved under condition discharge application CDN/20/0802 on 10 March 2022, unless otherwise agreed in writing by the City Council as Local Planning Authority.
10. Notwithstanding details submitted, no part of the development hereby approved shall be	10. The waste management strategy (Ref: B10103-AEW-RP-A-0002 (P3)) approved by the City Council as

occupied until a scheme for the storage (including segregated waste recycling) and disposal of refuse 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.	Local Planning Authority on 28 June 2021, under condition discharge application CDN/21/0363 shall be implemented as part of the development and shall remain in situ whilst the use or development is in operation.
13. Prior to the first occupation of the residential development hereby approved, details of electric car charging points shall be submitted for approval in writing by the City Council, as Local Planning Authority.	13. The details of 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 date sheet, approved under condition discharge application CDN/21/0363 on 28 June 2021, shall be implemented in full, unless otherwise agreed in writing by the City Council as Local Planning Authority.
15. Notwithstanding the submitted Flood Risk Assessment and Drainage Strategy produced by Waterman Structures Ltd, no development with the exception of demolition and any necessary remedial works shall take place until surface water drainage works, designed in accordance with Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement national standards, have been submitted to and approved in writing by the City Council as Local Planning Authority. The following additional information should be provided: - 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 a Critical Drainage Area; - 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 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	15. The drainage details approved under condition discharge application CDN/20/0634 on 19 January 2021 shall be implemented in full, unless otherwise agreed in writing by the City Council as Local Planning Authority. The approved details are contained with the following drawings and document: - 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; - 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.

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. The flood water should be routed away from the buildings and towards the less vulnerable areas i.e. open spaces, car parks and roads. 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. - Hydraulic calculation of the existing and proposed drainage system; - Construction details of flow control and SuDS elements.	
16. 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.	16. The drainage verification details, approved under condition discharge application CDN/21/0882 on 16 May 2022, 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, shall be implemented in full, unless otherwise agreed in writing by the City Council as Local Planning Authority.
18. The demolition of building is likely to cause harm to Common Pipistrelle bats and shall not in any circumstances commence unless the City Council as Local Planning Authority has been provided with either: a) a license issued by Natural England pursuant to Regulation 53, of the Conservation of Habitats and Species Regulations 2010 authorising the specified activity/development go ahead: or b):a reasonable avoidance method statement to be carried out under a low impact licence (bat mitigation licence CL21) : or b) a statement in writing form the relevant licensing body or LPA to the effect that it does not consider	18. The information approved by the City Council as Local Planning Authority under condition discharge application CDN/20/0124 on 17 March 2020, provided confirmation of a Low Impact Bat Licence being issued by Natural England, as satisfactory. Alternatively, can this condition be deleted?

that the specified development will require a license. If the demolition hereby approved does not commence before 30th April 2019, further emergence surveys will be carried out for bat roosts and the finding supplied to and agreed in writing by the LPA.	
19. Prior to any part of the development hereby approved being occupied, a scheme of highway works and details of footpath reinstatement/resurfacing in relation to the footpaths and for the areas between the pavement and building line shall be submitted for approval in writing by the City Council, as Local Planning Authority. For the avoidance of doubt this shall include the following: - Details of materials, including natural stone or other high quality materials to be used for the footpaths and for the areas between the pavement and the line of the proposed building/public realm The approved scheme shall be implemented and be in place prior to the first occupation of the flats hereby approved and retained thereafter.	19. The highway works detailed on drawing referenced 70088459-100/P02, approved by the City Council as Local Planning Authority under condition discharge application CDN/21/0749 shall be implemented in full.
21. Prior to the commencement of development, a construction management plan outlining working practices during development shall be submitted to and approved in writing by the local planning authority, which for the avoidance of doubt should include; - 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 plan.	21. The development shall be carried out in accordance with the Construction and Environmental Management Plan (Ref: 27th August 2020 Rev B) produced by ABGI Construction Ltd, approved by the City Council as Local Planning Authority under condition discharge application CDN/20/0021 dated 8 September 2020.
22. 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	22. The development shall be carried out in accordance with the measures set out within Section 3 of the Energy Statement, produced by Hurstwood Environmental Consulting (Ref: 201029c) approved under condition discharge application CDN/20/0737

submitted for approval within a timescale that has been previously agreed in writing, to the City Council as Local Planning Authority.	on dated 12 January 2021. A post construction review certificate/statement shall be submitted to the City Council as Local Planning Authority for approval to confirm the measures are implemented.
23. No development shall take place until the applicant or their agents or successors in title has secured the implementation of a programme of archaeological works. The works are to be undertaken in accordance with a Written Scheme of Investigation (WSI) submitted to and approved in writing by Manchester Planning Authority. The WSI shall cover the following: 1. A phased programme and methodology of investigation and recording to include: - a desk-based documentary assessment; - a Historic England Level 3 archaeological building survey; - targeted evaluation trenching; - targeted open area excavation. 2. 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. 3. Dissemination of the results commensurate with their significance. 4. Provision for archive deposition of the report and records of the site investigation. 5. Nomination of a competent person or persons/organisation to undertake the works set out within the approved WSI.	23. The development undertaken in accordance with the details contained within the Written Scheme of Investigation prepared by CFA Archaeology Ltd and Archaeology Desk Based Assessment prepared by CFA Archaeology Ltd, approved under condition discharge application CDN/19/0674, dated 3 October 2019.
24. Notwithstanding the details outlined in the submitted Phase I Geo-environmental Investigation report produced by Subadra and received by the City Council as Local Planning Authority on 16 April 2018, 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 in accordance with a detailed schedule and a report prepared outlining what measures, if any, are required to remediate the land shall be submitted	24. The development shall be implemented in accordance with the following details that were discharged under application CDN/20/0645: - 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.

to and approved in writing by the City Council as local planning authority. The development shall only be implemented in accordance with the agreed details.	
25. When the development 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 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.	25. The development shall be carried out in accordance with the previously agreed Remediation Strategy. The second part of the condition was discharged under CDN/21/0430, confirming that no ground remediation was required. This element can be deleted from the condition wording.
26. Prior to above ground works commencing, full details of the proposed window design of the building hereby approved (including section drawings), shall be 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 details.	26. The 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, approved under condition discharge application CDN/20/0778 on 16 June 2021 shall be implemented in full and retained thereafter.
29. No demolition or alteration by way of substantial partial demolition shall take place until arrangements have been put in place to secure the implementation of the development hereby approved. These details shall be submitted to and approved in writing by the City Council as Local Planning Authority and shall include details of the timescale for carrying out the redevelopment.	<i>The details contained within the signed design and build contract with ABGi Construction Ltd, received by the City Council as Local Planning Authority on 13 March 2020 were discharged under condition discharge application CDN/20/0197.</i> Can this condition be deleted?
30. Prior to first occupation of the development hereby approved, full details of the disabled parking provision including that of mobility vehicles, shall be submitted to and approved in writing by the City Council as local planning authority, and thereafter implemented in accordance with the agreed details.	30. Accessible parking provision shall be implemented in accordance with the accessible parking provision detailed on drawing referenced B10103-AEW-XX-00-DR-A-617/P1, approved under condition discharge application CDN/21/0330 dated 10 May 2021.

Furthermore, a NMA application (130903/NMC/2021) was approved on 22 July 2021. It is requested that condition 28 be reworded to accord with the NMA application:

"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".

I trust that you have all the information that you require to validate and subsequently determine the application. Should you however require any further information then please do not hesitate to contact me.

Yours faithfully



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