

Main Agenda item no.6

MANCHESTER CITY COUNCIL
REPORT FOR RESOLUTION

<u>COMMITTEE</u>	PLANNING AND HIGHWAYS
<u>DATE</u>	15 th February 2007
<u>SUBJECT</u>	080930/FO/2006/N2 Erection of retail foodstore (Class A1- 7711 sqm gross), non-food retail units- 6987 sqm (incorporating Class A1 retail; Restaurant/Bar Uses Classes A3 & A4- max floorspace 465 sqm; hot food takeaway uses Class A5- max floorspace 185sqm); Offices (Class A2 & B1- 4980 sqm); Leisure Use (Class D1 - 2090 sqm) and associated landscaping and car parking.
<u>LOCATION</u>	Land Bounded By Ashton Old Road And Fairfield Road Openshaw
<u>APPLICANT</u>	Dransfield Properties Ltd Wentworth House Maple Court Tankersley Barnsley
<u>AGENT</u>	GVA Grimley 81 Fountain Street Manchester M2 2EE
<u>REPORT OF</u>	HEAD OF PLANNING

PURPOSE OF REPORT

To describe the above application for planning permission, the issues involved and to put forward recommendations.

RECOMMENDATION:

The Head of Planning therefore recommends that the Committee be **MINDED TO APPROVE** planning application **080930/FO/2006/N2** relating to Erection of retail foodstore (Class A1- 7710 sqm gross), non-food retail units- 5027 sqm; Offices (Class A2 & B1- 5027sqm); Restaurant/Bar Uses (Classes A3 & A4- 465 sqm); hot food takeaway uses (Class A5- 185sqm); Leisure Use (Class D1 - 2090 sqm) and associated landscaping and car parking, together with enabling work for the reasons set out in this report, subject to the referral to the Secretary of State for the Environment, Transport and the Regions in accordance with the Town and Country Planning Act 1990 because it represents a departure from the adopted Unitary Development Plan, and under the Town and Country Planning (Shopping Development England & Wales) (No.2)Direction 1993, and subject to statutory notices lapsing, and the conditions set out in paragraph 6.1, and on the basis that the proposal is in accord with the Unitary Development Plan for the City of

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Manchester in particular policies S2.1, S2.4, S2.5, S2.6, E3.3, R1, EM3, EM16, and there are no other considerations of sufficient weight to indicate otherwise.

Financial Consequences for the Revenue Budget

There are no financial consequences for the Revenue Budget.

Financial Consequences for the Capital Budget

There are no financial consequences for the Capital Budget.

Contact Officer(s)

Sue Wills

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Background Documents

Unitary Development Plan for the City of Manchester
DETR Planning Policy Guidance Note 6.
DETR Planning Policy Guidance Note 13.
Guide to Development
DETR Circular 02/99 Environmental Impact Assessment
DETR Circular 07/99 Departures

Responses of:

Access Officer
Head of Engineering Services
Environment Agency
Head of Environmental Health
Greater Manchester Ecology Unit
Tameside Metropolitan Borough The Director Of Planning
North West Regional Assembly
North West Regional Assembly
Department Of Environment
New East Manchester
Tameside Metropolitan Borough The Director Of Planning
Greater Manchester Ecology Unit
Environment & Operations (Refuse & Sustainability)
Environment & Operations (Highway Authority)
Environment & Operations (Trees)
Ward Councillors
Greater Manchester Police
Greater Manchester Passenger Transport Executive

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Environment Agency
Head of Environmental Health
Head of Environmental Health
Head of Engineering Services
Chief Executive's Landscape Practice Group

Third Party Consultations:

918 residents, businesses and other third parties in the area were notified on this application. It is customary for this list to be included in the report to Committee, however for this application it would extent to numerous pages, so in this instance the full list has been placed on the application files and not included in this report. A plan has been attached which shows the extent of notification.

Letters were also received from :

Mr Presswood , 1421 Ashton Old Road M11 1HJ
Mr S. Ricketts, 80 Cheadle Street
Mr D. Clark, 57 Cheadle Street
Roisin Conlon, 2, Godley Close M11 2LN
Mrs M. Machir, 28 Lees Street, M11 !WH
Mr J .Irwin, 30 Lees Street M11 1WH
Mr & Mrs Dwyer, 9 Limebrook Close M11 1LN
Mr P Mellor, 24 Manshaw Road, M11
Susan Pine, 95 Old Lane M11 1DE
Angela Millington, 97 Old Lane M11 1DE
Joyce Davis, 5 Peterchurch Walk M11 2LQ
Mr Roscoe, 9 Printer Street, M11 1DJ
Mr & Mrs C. Hodgkinson, 17 Sexta Street, M11 1AP
Mr & Mrs Kenny, 21 Sexta Street, M11 1AP
Mr Simon Roberts, 21 Sexta Street, M11 1AP

Halliwells on behalf of Mr Ravanpour owner of 1241-1251 Ashton Old Road M11

Roger Hannah & Co on behalf of Mr Jeeves owner of Highland Works , Buckley Street, and Imperial Buildings 32 Buckley Street, Openshaw M11

Wards affected

Bradford Ward

Implications for:

Anti-poverty	Equal Opportunities	Environment	Employment
Yes	Yes	Yes	Yes

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I DESCRIPTION

- 1.1 This proposal details a comprehensive re-development of part of the Openshaw District Centre, and part of the GEC Alstrom industrial site covering an area of 4.65 hectares. The site is bounded by Ashton Old Road to the south, Turton Street and Rock Street to the west, Fairfield Road to the east and the remainder of the former GEC Alstrom site to the north.
- 1.2 The City Council has a land holding interest in part of this site. In considering this application, Members are reminded that they are discharging their duties as the Local Planning Authority and must disregard the City Council's land holding interest.
- 1.3 The existing District Centre is linear and runs from Turton Street to Alpha Street on either side of Ashton Old Road. The area of Openshaw District Centre which would be redeveloped as part of this proposal comprise a mix of shops, hot food takeaways and public houses (approximately 27 units), and office accommodation on Old Lane. A number of units are vacant and the buildings are currently in a state of disrepair and prone to vandalism and graffiti. The remaining part of the application site comprises part of the former GEC Alstrom industrial site to the immediate north.
- 1.4. The proposed development would create a total of 21,754 sq.m of floorspace following the demolition of the existing premises. The scheme would comprise a food store (7,710 sq.m / 83,000 sq.ft gross) and 6,927sq.m non food retail units in the form of a central shopping mall (max 465 sq.m of Class A3/A4 and 185 sq.m. Class A5). The majority of the proposed retail units would have office floorspace at first floor level, and office floorspace would also be located at the junction of Turton Street and Ashton Old Road (5,027 sq.m. overall total). The scheme would also include a leisure unit comprising 2,090 sq.m of floorspace. In all, the scheme would comprise a food store, a two storey shopping mall, and a three storey office block incorporating a kiosk at ground floor at junction of Turton Street and Fairfield Road.
- 1.5 A significant proportion of the proposed car parking would be located to the north of the proposed retail development on the former GEC Alstrom industrial site. However, some customer car parking would be located to the front of the development The proposed car park would provide 660 car parking spaces (24 parent/child spaces and 36 allocated for disabled users) and has the capacity for 20 motorcycle and 60 bicycle spaces, and would serve the proposed store, the new shopping centre and the wider district centre.
- 1.6 The proposed food store would be open 24 hours a day, however, it is envisaged that the shopping centre would not operate on a 24 hour basis. It is proposed to make units within the proposed shopping mall subject to a condition for the hours of operation to be agreed, prior to the businesses opening.

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- 1.7 Vehicular access to the site would be taken from Turton Street, Rock Street, and Fairfield Road (servicing being taken from Fairfield Road), with additional pedestrian access through the proposed mall.

2 CONSULTATIONS

- 2.1 A two day public consultation event was held by the applicant and New East Manchester in order to engage with local residents, tenants groups, and local businesses etc between 3 p.m. and 7 p.m. on the 8th and 10th March 2005, with 209 people signing the attendance record. The applicant has also made presentations to the High Leigh residents association, the Higher Openshaw residents association, the Parkhouse & Peter Church residents associations and the Old Lane Residents Association between March 2003 and July 2006.

The application has been advertised as a major development, as a departure and as affecting a public right of way.

- 2.2 **Local Residents and Local Businesses** - a letter has been received on behalf of a company who has ownership of two premises on Buckley Street lodging an objection on the grounds that the scheme is not necessary .

40 letters have also been received from local residents supporting the scheme (including 22 unaddressed letters).

Residents feel that :

- The proposal will bring much needed shopping facilities and job opportunities to Openshaw. Residents advise they are travelling into Manchester or into Ashton to shop due to the lack of facilities locally, which is difficult for the elderly and those reliant on public transport ;
- The scheme will regenerate Openshaw from a dull , run down area to a modern centre, which would enhance the local area, and make it a better place to live;
- With all the new housing, which is being built around the area, residents need these facilities to support the new residents moving into the area.
- Concern has been expressed that traffic will use Wheler Street as a 'cut – through', and will lead to associated highway safety issues ,as there are many children and elderly people who use Wheler Street. They recommend that traffic calming measures are considered. They also suggest a pedestrian crossing at the junction of Ashton Old Road and Fairfield Road;
- Residents on Old Lane have expressed concern over the location of the entrance to the service area for the supermarket being very close to existing houses, and that noise from delivery trucks and refuse vehicles entering and leaving would give rise to disamenity. They believe it would be better if the service area were moved to one of the

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other boundaries of the site where there are no houses and the impact on local residents would be greatly reduced;

- A resident has expressed concern that the design of the shopping mall where the entrance to the supermarket faces the smaller shop units would serve to attract youths to congregate and give rise to anti social behaviour. The resident cites the former Beswick District Centre as an example of where this has occurred previously.

One letter of objection has been received from the occupier of 1421 Ashton Old Road on the grounds that :-

(a) There has not been extensive consultation with residents on the actual proposed plans and this needs to be done;

(b) The applicant's have field to deliver major development elsewhere in the past, and it is believed that what will be delivered will again bear little resemblance to the plans shown.

(c) There will be a detrimental effect on residential properties, particularly in the High Legh and Edge Lane areas, and the development would not integrate with the Toxteth Street development.

(d) The proposed development will destroy existing fragile retail facilities on Ashton Old Road.

(e) No environmental impact assessment has been requested, and there will be additional traffic on Ashton Old Road, which will be in conflict with MetroLink. Additional pollution would also have an impact on resident's health.

2.3 **Higher Openshaw Neighbourhood Association** – fully support the scheme, and the desire to make Openshaw a more desirable place to live.

2.4 **Ward Councillors** – Councillor John Longsdon has written to support the proposed development. Councillor John Smith has written to express support for the proposal as he believes it would greatly assist the regeneration of East Manchester and Openshaw in particular.

Councillor Swannick has also written to support the proposed development and has advised that the scheme for a new District Centre is vital for the regeneration of the Bradford ward, which is one of the most deprived wards in the country according to the Indices of Multiple Deprivation, and of the Openshaw area in particular. Significant progress has been made in attracting housebuilders to the area, and more than 500 new properties are planned for the Toxteth Street site adjacent to the proposed District Centre. At present shopping in Openshaw is very poor, offering little choice to residents. Many of the old shop units are derelict or operating as hot food take-aways attracting passing trade. Most local people with cars go to supermarkets outside the immediate area and residents without cars are dependent on public transport or the local minibus services to do their

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shopping. The quality of shopping facilities could be very significant in attracting and retaining future residents. The scheme as proposed has received almost unanimous support from local residents and as a local councillor he advises the most frequently asked question about the new District Centre is how soon it will be completed.

- 2.5 **Greater Manchester Police Architectural Liaison Officer** - Advises that this scheme has been the subject of a pre-planning consultation with the A.L. Officers, and they confirm they have no concerns regarding the submitted drawings.
- 2.6 **Head of Environmental Health** - Recommends conditions relating to storage and collection of refuse, acoustic insulation measures to secure a reduction in noise emanating from any restaurant and bar uses, fume extraction, acoustic insulation in relation to the buildings and any externally mounted ancillary equipment, external lighting scheme to be designed to control glare, deliveries to be restricted to between 7.30 to 20.00 on Mondays to Saturdays, and 10:00 to 18:00 hrs on Sundays.
- 2.7 **Environment Agency** - The proposed surface water drainage design calculations received by the Environment Agency are satisfactory, however, these should be revised at a later stage to include greater storage volumes.

On this basis they have withdrawn their previous objection but request that any approval includes conditions relating to surface water regulation systems; measures in relation to bats, and contaminated land (in particular the potential of the proposed development to pollute the water environment).

They also recommend that this development should assess the feasibility of incorporating SUDS within this scheme. Such a development should also assess other sustainable development options such as directing roof water to proposed wetlands, if deemed feasible, or green roof structures etc.

Existing trees and shrubs should be retained and, where possible, should be sited in accordance with British Standards: 'BS 3998:2005 Recommendations for tree work' and 'BS 5837:2005 Guide for trees in relation to construction'. The applicant should incorporate a landscaping scheme composed of solely native species.

- 2.8 **G.M.P.T.E** - The site is well located in relation to public transport, being within walking distance of the bus stops on both Fairfield Road and Ashton Old Road, which offer frequent services to a number of destinations including Manchester, Stockport and Ashton. The bus stops on Ashton Old Road form part of the Manchester – Ashton – Stalybridge Quality Bus Corridor. The site is also within reasonable walking distance of Gorton railway station which offers access to approximately two trains per hour between Manchester and Glossop. The site is also just within reasonable walking distance (800 metres in this instance) of the proposed Manchester to Ashton Metrolink extension, Edge Lane stop.

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It is considered important that the applicant liaise with Manchester City Council's Quality Bus Corridor Team to ensure the QBC proposals along Ashton Old Road (including the upgrading and possible relocating of bus stops and shelters) are consistent with the proposed redevelopment of the Ashton Old Road frontage. The QBC bus stop on the Ashton Old Road frontage of the site is well located, however direct pedestrian desire lines between this bus stop and the retail facilities are blocked by car parking in front of the development, to the detriment of the pedestrian / public transport user.

The proposed road layout on Fairfield Road appears to ignore the location bus stops and needs to be redesigned to accommodate them.

- 2.9 **Tameside Metropolitan Borough Council** - Has no objections to the proposals. They have viewed the proposed development against their 2006 retail study and determined that some convenience spending in Tameside area generated by residents in East Manchester would revert, but concluded that this would not be seriously detrimental to their nearby centres and could be accommodated.

- 2.10 **Landscape Practice Group** - Have examined the proposal and have made detailed observations regarding the submitted planting schedule, planting density and planting methods, maintenance, choice of species, size of trees, and integral watering systems.

They noted some attractive mature trees on the site, some of which could in their opinion be retained as part of the new development.

They recommend more tree planting be incorporated into the landscape scheme than is shown on the existing preliminary hard and soft landscape proposals plan. There is scope for more tree planting both within the car park areas and within some of the corner sites (whilst still allowing clear visibility lines for traffic). More trees could also be planted along the Ashton Old Road frontage as part of the 500mm walling with integrated seating proposals.

The Landscape Buffer Strip along Rock Street requires considerable design input to ensure that this elevation is screened as far as possible from the residents in the properties overlooking the site. The planting should include planting at differing plants heights, the trees should include both evergreen and deciduous varieties in order to create as much screening throughout the year. Native species should also be incorporated in to this planting mix in order to add some biodiversity.

- 2.11 **New East Manchester** - New East Manchester strongly supports this application as the proposed development will make a significant contribution to the regeneration of Openshaw District Centre and the wider Openshaw area. It will support one of the key objectives of NEM's Regeneration Framework, which is to create sustainable communities. In meeting this objective it is essential that the economic resurgence the area is undergoing

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is accompanied by a range of measures to enhance the social, economic and physical conditions of the area and contains the range and quality of facilities necessary to ensure the long-term viability of the area.

The Existing Centre

Openshaw District Centre area has suffered a similar decline to many other local and district centres in East Manchester as a result of population and economic decline, and a change in retail shopping patterns now operates on the margins of viability and within a very poor environment.

Need for Scheme

If Openshaw District Centre is to have a sustainable future then intervention is necessary to provide the range of retail, leisure facilities that a successful centre should contain. Intervention is also necessary to support other regeneration projects being promoted within the Openshaw area such as the redevelopment of the Toxteth Street area for new family housing and to serve the large amount of new housing being developed and planned within the Openshaw area over the next few years.

Comments on the Application

The scheme has been developed to primarily serve local needs and secure the regeneration of the District Centre in Openshaw and will not undermine other local or district centres. It is considered that this application represents the most viable and desirable option for the redevelopment of the District Centre in order to provide new quality retail and leisure facilities and act as a focus and catalyst for the regeneration of the whole District Centre. Specifically they have the following comments to make on the application:

- The scheme has good pedestrian and cycle links to the High Legh area, which is currently somewhat severed from the District Centre area and to the Toxteth Street area.
- The scheme will complement other regeneration initiatives taking place in the District Centre and Openshaw area, such as the Toxteth Street housing redevelopment, the refurbishment of the former St. Peter's School Sports Hall and the new Health Centre.
- The layout and location of the scheme, will provide a focus for the District Centre, and its retail and other facilities will result in a greater concentration of services and facilities in the area, which is more convenient and accessible, especially to the less mobile, than the current centre that is spread for some distance along a major and very busy highway.
- The scheme greatly improves parking provision in the Centre
- The vehicular access and circulation within the scheme has been carefully thought out and provides for two points of access to the site with the main customer access into the scheme being from Tunstall Street. This arrangement will avoid the potential overloading of the Fairfield Road / Ashton Old Road junction, which will serve the Toxteth Street redevelopment.
- The scheme proposes a mix of building heights between one and three storeys, which is consistent and will complement existing buildings in the District Centre.

In conclusion, NEM see this scheme as extremely important to the regeneration of the Openshaw area and the most appropriate way of

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securing the long term sustainable future of the District Centre. The scheme has been well thought out in terms of the layout, pedestrian and vehicular movement and in terms of the scale and nature of the uses proposed.

- 2.12 **Greater Manchester Ecology Unit** - An updated bat survey in relation to the above application has been undertaken by a licensed and experienced bat consultant, whose work is known to the Ecology Unit. The consultant considered the buildings to have low potential as maternity roost sites but did consider there to be some potential for the buildings to be used as hibernation or temporary roost sites. Given these findings, it is recommended that the buildings with slate roofs are demolished with care under the supervision of a licensed bat consultant, with the slates being removed by hand. This recommendation should therefore form a part of the planning conditions of any permission, if granted.

In addition, the bat consultant recommended that roosting opportunities for bats be included within the new buildings, in line with PPS9. This should also be required by planning condition. If the above conditions are attached to any permission and are adhered to, the applicants will have taken reasonable steps in relation to bats.

- 2.13 **Director of Operational Services** - Any significant comments will be reported to Committee.

- 2.14 **Head of Engineering Services** - Advises the development will, subject to detailed design, be both operationally effective in terms of vehicle movements and be of benefit to the public realm particularly for the movement of pedestrians and cyclists. Further works will be undertaken, via a section 278 (Highways Act 1980) agreement, in conjunction with GMPTE and GMUTC, on the detailed design of bus stops, pedestrian crossings, signing, lighting, materials and access arrangements for pedestrians and cyclists. The location of parking for cycles, motor cycles and disabled parking will be subject to further consideration to ensure the most beneficial arrangements are implemented. The travel plan framework has been submitted and will be delivered subject to approvals by MCC's Travel Change team. He notes that the servicing route strategy for the western service area is from the Ashton Old Road/Turton Street junction only and will not access the site through the residential area to the northwest of the site. Highway closures and dedications will be required to be dealt with at the earliest opportunity.

Five conditions are required to cover:

1. off-site highways works
2. agreement of design of on-site pedestrian and cycle routes
3. travel plan (including monitoring etc)
4. servicing route strategy
5. construction strategy (including routes for construction vehicles etc)

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Therefore as far as the design stands so far he can fully support the application subject to detailed design work (under the s. 278) and conditions to ensure this can take place.

- 2.15 **North west Regional Assembly** - Would like to take this opportunity to advise that the Examination in Public into the Submitted Draft of the Regional Spatial Strategy for the Northwest of England¹ was on the 31st October 2006. As the draft plan has now passed through a number of stages of consultation, its objectives and policies should be offered some consideration when considering planning applications. Until adoption of the Submitted Draft RSS, regional planning guidance in the form of Regional Spatial Strategy (RPG13)² will continue to be the adopted RSS for the North West and an integral part of the statutory development plan. They note that reference is made to the RSS in the planning and regeneration statement submitted as part of the application.

Adopted RSS policy EC8 and Submitted Draft RSS policy W5 both offer broad support for the redevelopment and improvement of retail facilities within the Regional Centre of Manchester and its associated District Centres. Adopted RSS policy SD1 and Submitted Draft RSS policy MCR1 also offer general support for the regeneration objectives the proposal is seeking to promote and achieve.

The submitted retail statement appears to address all the required PPS6 tests and so would be in accordance with Adopted and Submitted Draft RSS policies DP1 which encourages a sequential approach to development in a location accessible by a range of means of transport.

The proposal should provide a suitable catalyst for the regeneration of the area to the south of Ashton Old Road which appears to be well connected to the proposal by a number of pedestrian "Toucan Crossing Points".

- 2.16 **Government Office for the North West** - Any significant comments will be reported to Committee.

3 ISSUES

3.1 Environmental Impact Assessment

The proposed development was subject to a screening opinion on 7th March 2006 in accordance with the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999 and Circular 2/99 ('The Regulations'). In light of the information contained in the submitted plan refs :02-27 (SK) 03, 02-27 (SK) 04, 02/027 22 rev.K, letter dated 15 September 2005, Openshaw District Centre Retail Need Study, additional traffic information provided in letter and enclosures from Faber Maunsell received 1st November 2005, it was concluded that in this particular instance, although the development will have some impact on the area, an Environmental Impact Assessment was not required. The applicant

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was however advised that any planning submission would have to be accompanied by a very robust Retail Impact Assessment, and the City Council as Local Planning Authority reserved the right to seek an Environmental Impact Assessment if any planning application was not accompanied by such a Retail Impact Assessment, and if any future planning submissions on this site were significantly different, either in size, form or in terms of uses.

3.2 Relevant Planning Policies

3.3 Planning Policy Statement Note No.1 : Delivering Sustainable Development

PPS1 (Creating Sustainable Communities) promotes sustainable development and sets a number of objectives. These include the promotion of urban regeneration, the creation of inclusive communities and the need to focus development that attracts large numbers of people in existing centres.

The guidance recognises the need to identify the needs and broader interests of the community, the need to secure a better quality of life for the community as a whole, and the need to ensure non-car based access to jobs, health , education , shops , leisure and community facilities.

3.4 Planning Policy Statement Note 6 : Planning for Town Centres

This government guidance on retail development was published in 2005 and post dates adoption of the Unitary Development Plan. It seeks to promote and enhance existing centres by focusing development in such centres and encouraging a wide range of services in a good environment , accessible to all.

The Guidance confirm a key objective as one which seeks to enhance consumer choice by making provision for shopping, leisure and local services which provide community choice, particularly among socially excluded groups.

With regard to existing centres that are in decline, the guidance states that Councils should access the scope for consolidating and strengthening those centres by seeking to focus a wider range of services there, promote diversification and improve the environment.

In respect of local centres the guidance states that such a network is essential to provide easily accessible shopping to meet peoples day to day needs.

A requirement of government guidance is for the applicant to demonstrate a need for and the likely impact of large retail proposals. A Retail Statement has therefore been submitted and this is discussed more fully in the following sections. However, what the retail statement does suggest is that recent evidence indicates a pattern of decline in the district centre with a trend of increasing vacancies. Part the retail element of this proposal is located within the boundary of the district centre which is delineated in the adopted UDP , however, the boundary solely reflected the extent of the

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centre in terms of a row of shops on each side of Ashton Old Road, thereby providing little opportunity to enhance and broaden the range of provision within the district centre other than to overlap the boundary. This proposal would meet qualitative shortfalls in both comparison and convenience retail provision.

3.5 Planning Policy Guidance Note 13 : Transport

The key aims of PPG13 are to seek to encourage alternative modes of transport which have less environmental impact and reduces reliance on the private car, and promote accessibility to jobs, shopping, leisure facilities and services by public transport, walking and cycling. The applicants have submitted a traffic impact assessment, which has been examined by the Head of Engineering Services. This site is located at the junction of Ashton Road and Fairfield, both of which carry a number of bus services, which in the case of Ashton Old road are frequent.

The illustrative plans suggest the site could accommodate up to 660 parking spaces to serve the proposed store, shopping mall and centre including the proposed leisure use, and the District Centre.

The plans also indicate that parent and child spaces, and spaces for disabled people would be provided together with dedicated motorcycle spaces and cycle racks. The developer will also develop a Green Travel Plan to encourage travel to and from the site by non-car based travel models. It is concluded that the proposal accords with the principles of PPG13.

3.6 Regional Planning Guidance for the North West

Policy UR1 identifies the sustainable regeneration of the Region's urban areas as being a clear priority, and policy UR4 establishes targets for the recycling of land and buildings. It sets a target of achieving 90% in Manchester between 1996 and 2016. Policy DP1 (draft RSS) states that 'proposals and schemes should... promote appropriate mixes of uses within a site or wider neighbourhood, contribute towards reducing the need to travel and assist people to meet their needs locally'.

3.7 Regional Economic Strategy

The Regional Economic Strategy contains a commitment to developing cleaner, safer, and greener communities throughout the regions. The proposed development would support this aim by the redevelopment of a run down and failing centre with a development incorporating high quality buildings and urban realm.

3.8 New East Manchester Regeneration Framework

The framework's objectives include :

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- Creating sustainable communities and ensuring that the economic resurgence is accompanied by a range of measures to secure benefits for all local people and to enhance the social, economic and physical condition of the area such that it becomes a safe friendly area in which to live and work and contains the range and quality of facilities, necessary to ensure the long-term viability of the area;
- To maximise the contribution that East Manchester makes to national, regional and local competitiveness.

The Framework acknowledges the poor quality of shopping provision within Openshaw, and suggests consideration, rationalisation and improvement of the centre. This proposal accords with the Framework.

3.9 Unitary Development Plan

Part 1 Policies

- 3.10 Policy S2.1 advises that the Council recognises the importance of good quality local and convenience shopping facilities within easy reach of people's homes and will ensure that all parts of the City are well provided for and that facilities are accessible to everyone. New shops to meet local need will be encouraged. The proposed facilities within the district centre would accord with this policy in that it would provide new quality local shopping provision for the residents of Openshaw and other communities across East Manchester.
- 3.11 Policy S2.4 advises that new shopping facilities should not significantly affect the amenities of nearby residential areas particularly through increased traffic congestion, noise and pollution from cars. This scheme would involve the re-development of under-utilised shop units and vacant industrial floorspace for a retail foodstore and new shopping mall accessed from Fairfield Road, Turton Street and Rock Street. Given access would be from existing routes in the local area, it is considered that the proposed development would not be significantly detrimental to the amenities of nearby residential communities. However, measures in relation to minimising the effects of the location of the proposed food store service area, have been introduced and include a landscaped buffer and boundary wall to reduce the impact of potential noise and disturbance, and a condition to restrict the hours of operation of the proposed service area.
- 3.12 Policy S2.5 requires that new shopping facilities are designed to high standards with adequate parking and should provide a safe and attractive environment for shoppers. Policy S2.6 requires major proposals to provide a range of facilities including bus and taxi lay-bys, cycle parking, and toilets. The indicative plans show a modern well designed development, which provides focal features at key points, interest on main frontages and integrates into existing development. Plans also indicate the provision of cycle parking, and spaces allocated for disabled people, and parent and child users, in these respects the proposal complies with policies S2.5 and S2.6.

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- 3.13 Policy E3.3 advises that the Council will seek to upgrade the appearance of the City's major radial and orbital roads and rail routes. This scheme will create a quality development at the fronting onto a radial route.
- 3.14 Policy R1 states that the Council will pursue an area based regeneration strategy working with local communities, public sector and the private and voluntary sectors and Central Government in order to achieve a holistic approach to dealing with economic, social and environmental problems. The Council will also ensure the regeneration programmes maintain and create a district centre comprising a mix of uses which would be accessible by a range of modes of transport, and which would create jobs for the local community. The scheme accords with the objectives of policy R1.
- 3.15 **Part 2 of the UDP**
- 3.16 The site falls within partly within Openshaw District Centre. The District Centre and surrounding area are allocated within policy EM16 of the UDP (Lower and Higher Openshaw). This policy states that development will be permitted which includes retail, community facilities and mixed use development within Openshaw District Centre, the redevelopment, improvement and modernisation of residential neighbourhoods; within the residential neighbourhoods a greater mix of housing types, sizes and tenures, particularly family accommodation and owner-occupied housing; provision of a hierarchy of streets which is permeable to pedestrians and cyclists and connects to the residential neighbourhoods, adjacent areas and proposed quality bus corridor along Ashton Old Road, and mixed use developments along the Ashton Old Road frontage.
- 3.17 It is considered that this proposal would accord with policy EM16, as it would redevelop the existing run down shopping facilities and would create a development with a mix of uses to revitalise the district centre. The proposal would also be highly permeable with connections to adjoining streets. This policy was formulated to consolidate the role of the District Centre in the community as part of a range of shopping facilities available to local residents. This proposal broadly accords with policy EM16.
- 3.18 Policy EM3 Advises that within Openshaw District Centre, retail A1, A2 and A3 (hot food and drink uses), mixed use development and employment B1, leisure and community facilities will be permitted to support the Centres vitality and viability. It also advises that where suitable sites or buildings for conversion to retail or leisure are not available within the centre, then sites on the edge of centres will be permitted, provided that a need can be demonstrated.
- 3.19 Part of the retail element of this proposal is located within the boundary of the district centre which is delimited in the adopted UDP , however, the boundary solely reflected the extent of the centre in terms of a row of shops on each side of Ashton Old Road, thereby providing little opportunity to enhance and broaden the range of provision within the district centre other

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than to overlap the boundary. As such this application has been advertised as a departure, and the proposal would be referred to Government Office for the North West both in terms of the Major Shopping Directive and as a departure.

- 3.20 In determining the acceptability of the application proposals, it is therefore necessary to consider not only the retail policy and retail impact issues, but also the regeneration, community stability and environmental impact issues it raises.

3.21 Retail Assessment

The application has been accompanied by a Retail Assessment. The assessment examines shopping patterns and trends within the district centre and seeks to identify if a quantitative and/or qualitative need can be demonstrated.

The applicant's retail impact study has been the subject of an independent audit by a retail consultant on behalf of the Council and extensive discussions and exchanges of information have taken place between the two parties to clarify retail impact issues.

Part of the application site is located in an existing district centre, and the retail impact work demonstrates that there is an identifiable quantitative need arising within the Openshaw catchment for the scope of food and non-food floorspace proposed within the scheme. It also identifies a qualitative need in the locality. The assessment identified a pattern of decline in the district centre, and a lack of major quality foodstore and only one key comparison attractors.

The buildings in Openshaw District Centre are in a state of degradation and subject to vandalism. It is considered that there is a deficiency in the existing comparison and convenience provision, and that the development proposed would provide a high quality, sustainable located development, which would serve the shopping needs of the local population. The Retail Assessment suggests that the scope of the provision is appropriate to the district centre and that other than the application site there are no other sequentially preferable sites available to meet the needs of Openshaw catchment..

It is anticipated that the development of the mall and the foodstore partly within the district centre will improve investor confidence in the centre as a whole and thereby improve its commercial viability.

It is considered that the retail element of the development is located partly within a district centre and meets qualitative and quantitative shortfalls in both comparison and convenience retail provision in Openshaw District Centre.

The size and form of the proposed development is one that would predominantly serve the local Openshaw area, but its location fronting onto

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Ashton Old Road (a main radial route into Manchester) would also enable the development to attract passing trade.

However, the Retail Assessment indicates that the proposal when assessed in conjunction the recently approved food store at Gorton, would inevitably have a level of impact on competing stores and centres. This impact is largely due to the affect of the scheme clawing back spending , which is currently arising within, but leaking out of the Openshaw catchment i.e. spending which should be taking place within Openshaw Centre.

It is considered that the information before the City Council indicates that the proposal meets the tests contained within Government Policy and shopping policies of the Adopted UDP regarding the issues of need; scale; the sequential approach towards selecting sites for development; and the likely economic effects on other centres nearby . The proposal clearly accords with the intention of policy to direct investment in retail and leisure uses to existing centres.

3.22 Principle of Development

The proposed development would comprise a large retail foodstore, unit shops, offices and a leisure use. This mix of uses will create vitality and diversity in the area providing increased activity at all times of the day.

The plans indicate a proposal of high quality both in terms of layout of the site and the design of the buildings, and their finishes, which together with the uses involved will provide a range of facilities to enhance the district centre.

One of the larger components of the scheme is the proposed food store which would sit to the west of the proposed shop units. This has been identified as being a modern well designed building visible from both Ashton Old Road and Turton Street.

An important consideration in the development of this site is how it relates to existing and surrounding uses. The requirement is that good pedestrian and cycle links are created, not just between the individual elements being proposed, but that it fully integrates into the adjacent communities. The detailed layout plans focus on these links, and demonstrate the development would achieve this integration. These routes would be safe, secure and user friendly and would encourage and support the development of a pedestrian link through the scheme. This will encourage people to continue to use the centre by a full range of transport modes including walking and cycling thereby reducing reliance on the car.

Quality design and good management of the public realm will be essential to creating a safe and viable location. To this end it is important to create pedestrian-friendly environments, whilst accommodating the vehicle and servicing requirements.

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3.23 Layout and Design

The design and layout of the development has been designed within the spirit of the Guide to Development for Manchester. The main public aspect of the site fronts onto Ashton Old Road. The main pedestrian access points to the site, establish the links between the proposed development and the district centre.

The proposed frontage onto Ashton Old Road would comprise low rise units at the back of pavement to the southern end of the site adjacent to the junction with Turton Street, with the main development set back into the site to maximise the scope for pedestrian flow and linkage. A feature boundary wall and entrance point to the proposed development would be located at the back edge of pavement. The wall has been designed to incorporate a series of tree pockets and provide a boulevard feel to the edge of the boundary.

The proposed mall would comprise extensive areas of glazed shop fronts with overhanging roofs and exposed steel framework which firms the framing to the brise-soleil details. The mall area would have a centrally positioned canopy running along its length creating a feeling of enclosure and providing weather protection.

The proposed food store would comprise a glazed curtain wall along the mall elevation of the building, with the remaining elevations comprising glazing set between brick piers and brickwork. The food store would a two storey structure in height , but the only element of floorspace at first floor level would be a relatively small café and staff accommodation at the side of the store, with external windows creating visual interest to the Ashton Old Road frontage.

3.24 Secure by Design

The proposed scheme is intended to have a designated security presence including CCTV coverage which would be linked by to an office security office. It is proposed that the development would be lit by white light to make recognition and convictions easier. The entire site would also be lit and managed, and all service yards would be gated.

The proposed food store would be a 24 hour operation, and the use of transparent materials comprising the main elevation would maximise natural surveillance.

In accordance with policy DC14, if roller shutters are provided these would need to comprise grills set inside the glazing to provide security whilst not creating a blank frontage. It is recommended that this aspect of the scheme is conditioned. A condition is also recommended that during day time hours, shutters are not down, thereby avoiding a blank frontage to individual shops.

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The landscaping proposals would be maintained to keep the height to 1200mm above ground level to reduce the risk of hiding places. On the basis of the information which has been submitted, and the comments made by Greater Manchester Police Architectural Liaison Officers, it is considered that Secure by Design accreditation would be achievable for this development.

3.25 Ground Conditions

The applicant has submitted a ground conditions survey which indicates that if the site is maintained as a commercial or industrial use, CLEA guidelines suggest the contaminants found, at the levels on the site, would not constitute a hazard and therefore remediation of the site would not be required. The results of the contamination survey and previous surveys show that although the site was contaminated with various materials, they all appear to be below the threshold limits. In addition this site is situated over a non- aquifer and therefore it is unlikely that the ground water table will be affected. This however, does not discount that localised 'hot spots' of contamination may be encountered during the construction phase of the works which would require appropriate remediation treatment as necessary upon any discovery. It is therefore recommended that a contaminated land condition, including verification requirements be attached to any planning approval.

3.26 Transport Impact Assessment

The Transport Impact Assessment (T.I.A) provides a detailed evaluation of the transport effects and proposes measures associated with the district centre development.

Local accessibility, existing traffic conditions, highway facilities and transportation constraints affecting this proposal are reviewed as they effect the potential operation of the development. The conclusion reached by the T.I.A. is that :

- The development has been designed to maximise pedestrian movement to and from neighbouring residential areas and encourage links to the District Centre.
- Highway improvements including the provision of improved pedestrian crossing facilities at the junction of Fairfield road and Ashton Old road and the provision of an upgraded Toucan crossing will improve highway and pedestrian safety.
- The rear car parking area has two access points, and incorporates landscaping and walkways which will help to reduce traffic speeds and also deter traffic from using this area as a through route from Turton Street to Fairfield Road.

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- On site car parking will be of adequate quantity, appropriate layout and appropriately managed.
- A road safety assessment shows that the existing layout results in a very poor accident record for vulnerable users, and that the proposed improvements would result in a marked improvement for pedestrian safety.

Design details have, at this stage, not been provided in relation to the provision of secure cycle storage. It is therefore recommended that this issue be covered by planning condition.

3.27 Parking and Access

Vehicular access is proposed from Fairfield Road and Turton Street with servicing areas being accessed from separate access points from Fairfield Road and Turton Street.

660 parking spaces would be provided including 36 disabled spaces, 24 parent and child up to 94 cycle spaces provided in two phases with 60 spaces constructed initially, and 26 motorcycle spaces. The applicant has confirmed that the use of the cycle spaces would be monitored through the travel plan, and if additional demand is identified, additional spaces would be provided to meet demand.

The scheme would also include a package of highway improvements including:-

- Upgrading of the existing zebra crossing facility on Ashton Old road to a Toucan;
- Widening Ashton Old Road to provide four 3.25m lanes and upgrading of the Fairfield Road signals (including an all – red pedestrian crossing phase);
- Provision of a west bound cycle lane, an east bound bus and cycle lane, and cycle stop lines at all signals on Ashton Old Road;
- Provision of new improved bus stops on Ashton Old Road;
- Installation of new traffic signalised junction at Turton Street/Ashton Old road to include pedestrian crossings;
- Upgrading lighting and public realm improvements along Ashton
- Old Road;

Pedestrian access to the food store, and car park would either be through the proposed shopping mall or from Rock Street , Rock Street, Ashton Old Road or Fairfield Road.

It is considered that the programme of works outlined above would mitigate the potential effects of the proposed development on the local highway network in terms of pedestrian and highway safety.

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3.28 Landscaping

The applicant has provided a landscape scheme which introduces peripheral tree and shrub/hedge planting to the northern edge of the site and to Fairfield Road, with a predominantly hard landscaped area to the Ashton Old Road frontage which includes two raised grassed seating areas and trees set within the proposed boundary treatment. Trees would be planted throughout both parking areas, and the boundary to Turton Street would comprise a landscaped buffer strip, which varies in depth to 11metres where it would directly abut the food store service area.

Although 43 trees need to be removed to allow the development, 178 replacement trees are proposed adjacent to those being removed.

3.29 Ecology

The existing site comprises part of a large industrial building and the bases of demolished buildings, terraced housing, and small warehouses, industrial and retail properties. Recent demolition sites have been temporarily grassed, while more established cleared sites contain a number of trees of mid age maturity. An ecological and habitat assessment was carried out, and acknowledges that whilst the existing trees would attract birds for roosting and feeding the ecological value of the open spaces is very limited.

An external inspection of the industrial building has revealed no evidence of bats, but the comments from the Ecology Unit have been forwarded to the application and further information is now awaited.

3.30 Boundary Treatment

Boundary treatment to the food store service yard comprises a low brick wall and piers with infill cladding panels. The service yard to the shop units would have a high brick wall and gates. A feature boundary wall and entrance point to the proposed development would be located at the back edge of pavement on Ashton Old Road. The wall has been designed to incorporate a series of vistas through the structure and tree pockets have been incorporated to provide a boulevard feel to the edge of the boundary.

Although boundary treatment has been indicated, full specifications and details have yet to be provided. It is therefore recommended that a condition be attached to any planning approval in this respect.

3.31 Sustainability

The applicant has indicated that the proposed development has been designed to achieve a very good BREEAM rating. This assessment has been carried out by an independent assessor and looks at management, energy use, health and wellbeing, pollution, transport, ecology, water, land use and materials.

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3.32 Recycling Facilities

The scheme includes facilities for recycling within the car park in the north-eastern area of the site.

3.33 Noise/Impact on Residential Properties

Although the service yard to the foodstore would be screened from residential properties on Turton Street, by a high boundary treatment and a landscaped buffer, it is recommended that servicing hours are restricted to reduce the impact of HGV movements (i.e. refrigerated vehicles during the early hours), and that an acoustic insulation scheme is submitted. Although there may be some impact the levels attributable to on-site activity are forecast not expected to exceed guideline acceptable values. The Head of Environmental Health is currently in discussions with the applicant regarding noise issues and any matters arising will be reported.

3.34 Disabled Access

36 parking spaces have been allocated for disabled use, and have been located so that they are located adjacent to the store/mall entrances and proposed offices, and are accessible from a safe independent pedestrian route.

All buildings would have level access, which would be clearly identified and well lit, with appropriate external door widths, and contrasting bands any wholly glazed doors to the shop units to ease use by partially sighted people. The applicant has been asked to consider a number of revisions in relation to improving accessibility for disabled users particularly in relation to increasing the clearance on internal doors, increase in numbers of accessible parking bays, hazard warnings for obstructions and other matters. These issues have been forwarded to the applicant for further consideration.

3.35 Comments by Objectors

Consultations with residents have taken place as part of the planning application process and the scheme has been advertised on site and in the local press. Although a local resident feels that not enough consultation has been carried out, consultation with 918 residents and local businesses has been undertaken, statutory procedures have been followed, and residents in the local area are fully aware of the proposal. In terms of adverse effects on adjoining occupiers, this is addressed elsewhere in this report.

In regard to the matter of the submission of an Environmental Impact Assessment, a screening opinion was carried out on 7th March 2006 in accordance with the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999 and Circular 2/99

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('The Regulations'). On the basis of the information submitted (which included a traffic Impact Assessment), it was concluded that in this particular instance, although the development will have some impact on the area, an Environmental Impact Assessment was not required.

- 3.36 **Sculpture** – the applicant has commissioned a sculpture to represent the history of the area. The site of the proposed development was home to Sir Joseph Whitworth's factory that produced steam powered hammers, and the proposed sculpture has been drawn from elements of an Openshaw Steam Hammer. The proposed sculpture would be completed in burnished stainless steel, and would be illuminated.

4.0 **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 the right to a fair hearing and to this end the Committee must give full consideration to their comments.

Article 8 and Protocol 1 Article 1 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 Unitary Development Plan, the Head of Planning has concluded that some rights conferred by these Articles on the applicant(s)/objectors/residents 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. He believes that any restriction on these rights posed by approval of the application is proportionate to the wider benefits of approval and that such a decision falls within the margin of discretion afforded to the Council under the Town and Country Planning Acts.

5.0 **CONCLUSION**

- 5.1 The redevelopment of this site with an attractive, quality development will bring major environmental and regeneration benefits creating in the order of 400 jobs.

The proposals would also bring about the comprehensive redevelopment of a substantial part of the centre and will be a major catalyst for further regeneration.

It is considered that the retail element of the scheme would be a significant improvement of on that currently available on site, and the provision of quality office space that meets a local need will deliver further employment opportunities. The development would significantly improve the range and quality of food and non-food opportunities in the area.

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Where the development has the potential to impact on the area, in other regards, it is considered that there are measures that can and will be introduced to minimise possible adverse impact, for example noise, dust, etc. The firm conclusion, however, is that the proposal would deliver clear positive benefits by introducing a quality mixed use scheme into East Manchester which will create a significant number of jobs in an area where there are high and long-term unemployment problems in an accessible location for pedestrians and those travelling by public transport. Further, it will create a large number of part time jobs, suitable for those requiring flexible working hours and create important opportunities to develop skill levels.

6.0 **RECOMMENDATION:**

6.1 The Head of Planning therefore recommends that the Committee **be Minded to Approve** planning application **080930/FO/2006/N2**(subject to reffrral to the Secretary of State under the shopping directive and because the application represents a departure, on the basis that the proposals are in accordance with RPG 13 which states that people should be able to meet their retail needs locally and policy EC8 which encourages new retail development within existing town centre boundaries. The regeneration of the currently run-down and partially vacant Openshaw District Centre and the increase in vitality and viability of the area, particularly the Hyde Road frontage, is supported by Unitary Development Plan policies R1, S1.2, S1.3, S2.1, S2.4, S2.5 and S2.6. The visual improvements to the area as a result of high quality buildings and improved landscaping comply with policy E3.3 of the Unitary Development Plan for the City of Manchester.

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) Before any building or phase of development is commenced, the applicant shall submit detailed plans and particulars to the Council, and obtain their approval under the Town and Country Planning Acts, as are required by condition nos.3 to 40 of this permission.

Reason - To ensure the satisfactory development of the site and to ensure that the conditions attached to the consent are complied with for each phase or contract related to the implementation to which they are relevant.

3) A landscaping scheme including a maintenance regime shall be submitted to and approved in writing by the City Council as local planning authority prior to the commencement of the development. The approved scheme shall be implemented not later than 12 months from the date the buildings are first occupied. Any trees or shrubs removed, dying or becoming severely damaged or becoming severely

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diseased within 5 years of planting shall be replaced by trees or shrubs of a similar size or species to those originally required to be planted unless otherwise agreed in writing by the City Council as local planning authority.

Reason

To ensure that a satisfactory landscaping scheme for the development is carried out, pursuant to policy H2.2 and policy E3.3 of the Unitary Development Plan for the City of Manchester.

4) Notwithstanding the materials shown on the plans, construction of the works hereby approved by this permission shall not take place until samples and specifications of the materials to be used on all external elevations of the development, and the public realm, car parking and other hard surface areas, have been submitted to and approved in writing by the City Council as local planning authority. The development shall be constructed only using the approved materials unless otherwise agreed in writing by the City Council as local planning authority.

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, pursuant to policies H2.2, S1.2, and E3.3 of the Unitary Development Plan for the City of Manchester .

5) The car parking indicated on the approved plans shall be surfaced, demarcated and made available for use prior to the buildings hereby approved being occupied. The car park spaces shall then be available at all times whilst the buildings are occupied.

Reason

To ensure that there is adequate car parking for the development proposed when the building is occupied, pursuant to policy E3.3 of the Unitary Development Plan for the City of Manchester.

6) The development hereby approved shall be carried out in accordance with the drawings numbered 02-027 -PL01, 02-027 -PL04, 02-027 -PL05,02-027 -PL06, 02-027 -PL07, 02-027 -PL08, 02-027 -PL09, 02-027 -PL10, 02-027 -PL11, 02-027 -PL12, 02-027 -PL13, 02-027 -PL14, 02-027 -PL15, 02-027 -PL16, NS3929-910 Drainage Plan, 0406- EA , Ecological _ Habitat Assessment, Bat Survey , Planning _ Regeneration Statement, Retail Statement, Transport Assessment, Site Investigation Report, Design _ Access Statement Landscape Design Statement, Phase II Environmental Audit stamped as received by the Local Planning Authority on 26th September 2006, 02-027-PL18 stamped as received by the Local Planning Authority on 4th October 2006, letter dated 10th October 2006 and 0406-1 rev.A Landscape Plan, 0406 - Trees , stamped as received by the Local

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Planning Authority on 10th October 2006, 02-027 PL02 rev.B, and P104-1870-R5 Lighting solutions , stamped as received by the Local Planning Authority on 7th December 2006 , Access Statement rev.A and BREEAM Statement and 02-027 PL03 rev.D stamped as received by the Local Planning Authority on 26th January 2007 unless otherwise agreed in writing by the City Council as Local Planning Authority.

Reason

To ensure that the development is carried out in accordance with the approved plans.

7) The development hereby approved shall incorporate measures to minimise the risk of crime and to meet the specific security needs of the application site and the development. Any security measures to be implemented in compliance with this condition shall seek to achieve the 'Secure by Design' accreditation awarded by the Greater Manchester Police. Written confirmation of those measures are to be provided to the City Council, as the Local Planning Authority.

Reason - In pursuance of the Council's duty under section 17 of the Crime and Disorder Act 1998 to consider crime and disorder implications in exercising its planning functions; to promote the well-being of the area in pursuance of the Council's powers under section 2 of the Local Government Act 2000, and to reflect the guidance contained in PPS1 "Delivering Sustainable Development".

8) The wheels of contractors vehicles leaving the site during the construction period shall be cleaned and the access roads leading to the site swept daily in accordance with a management scheme submitted to and approved in writing by the City Council as local planning authority prior to any works commencing on site. The measures hereby approved shall be used thereafter throughout each phase of construction.

Reason

To ensure that the proposed development does not cause unacceptable amounts of dust in the vicinity and to ensure that local roads are kept clear of mud, pursuant to policy H2.2 of the Unitary Development

9) All contractors vehicles entering and leaving the site during the construction period shall be properly sheeted.

Reason

To ensure that the proposed development is not prejudicial or a nuisance to the adjacent premises in the interests of public health and amenity, pursuant to policy H2.2 of the Unitary Development Plan for the City of Manchester.

10) The details of an emergency telephone contact number shall be displayed in a publicly accessible location on the site and shall remain so displayed during the

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construction period, unless otherwise agreed in writing by the City Council as local planning authority.

Reason

In the interests of local amenity, pursuant to policy H2.2 of the Unitary Development Plan for the City of Manchester.

11) The development hereby permitted shall not begin until a scheme to deal with the contamination of land and/ or groundwater has been submitted to, and approved by, the City Council as local planning authority and until the measures approved in that scheme have been fully implemented. The scheme shall include all of the following measures, unless otherwise agreed in writing with the City Council as local planning authority:

1. A desk study shall be carried out in accordance with a scheme by a named person approved in writing by the City Council as local planning authority to identify all potential sources and impacts of land and/ or groundwater contamination and ground gas relevant to the site;
2. A site investigation shall be carried out by a named person approved in writing by the City Council as local planning authority to fully and effectively identify the nature and extent of any land and/ or groundwater contamination and ground gas and its implications. The site investigation shall not be commenced until:
 - (i) a desk-top study has been completed satisfying the requirements of (1) above;
 - (ii) the requirements of the City Council as local planning authority for site investigations have been agreed in writing;
 - (iii) The extent and methodology have been agreed in writing with the City Council as local planning authority;
3. In the event of remediation appearing to the City Council to be desirable, a written statement for the remediation of land and/ or groundwater contamination and ground gas affecting the site shall be agreed in writing with the City Council as local planning authority prior to commencement of development and all requirements shall be implemented and completed to the satisfaction of the City Council as local planning authority;
4. If during the works contamination or ground gas is encountered which have not previously been identified, then work shall cease in that area, the City Council shall be notified in writing of the contamination and the contamination shall be fully assessed and remediated in accordance with a scheme agreed in writing with the City Council as local planning authority;
5. Upon completion of the approved works, a report verifying that the scheme to deal with the contamination has been fully implemented shall be submitted to and approved in writing by the City Council as local planning authority prior to first occupation of the development.

Reason

To ensure that the presence of or the potential for any contaminated land/ groundwater/ ground gas is detected and appropriate remedial action is taken in

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the interests of public safety, pursuant to policies H2.2 and H2.7 of the Unitary Development Plan for Manchester (adopted 1995)

12) No part of the development shall be occupied until space and facilities for bicycle parking have been provided in accordance with details to be submitted to and approved in writing by the City Council as local planning authority. These facilities shall then be retained and permanently reserved for bicycle parking.

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, pursuant to policy T3.7 of the Unitary Development Plan for the City of Manchester.

13) Before development commences a scheme for the extraction of any fumes, vapours and odours from any part the development hereby approved shall be submitted to, and approved in writing by, the City Council as Local Planning Authority. The approved scheme shall be implemented before the use commences.

Reason

In the interests of the amenities of the occupiers nearby properties, pursuant to policy H2.2 of the Unitary Development Plan for the City of Manchester

14) Details of access proposals for mobility impaired persons including route widths, levels and gradients, shall be submitted to and approved in writing by the City Council as local planning authority before development commences. The approved details shall be implemented before the development is first brought into use.

Reason

To ensure that satisfactory disabled access is provided by reference to the provisions of the Unitary Development Plan for the City of Manchester and the Disability Discrimination Act 1995. However, in approving the relevant drawings, the City Council as the local planning authority does not hereby give any warranty that the provisions of the Disability Discrimination Act 1995 have been complied with.

15) Before the development hereby approved commences a scheme for the storage and disposal of refuse , including storage space for segregated waste collection and recycling, shall be submitted to and approved in writing by the City Council as Local Planning Authority. Internal and external areas are required. 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.

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In the interests of amenity and public health, pursuant to policies S2.4 and H2.2 of the adopted UDP.

16) Before the development hereby approved is occupied, the building, together with any externally mounted ancillary equipment, shall be acoustically insulated in accordance with a scheme 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 equipment.

Reason

To safeguard the amenities of the occupiers of nearby residential accommodation, pursuant to policies H2.2, DC26.5 and S2.4 of the Unitary Development Plan for the City of Manchester.

17) No loading or unloading (including waste collections) shall be carried out after 8.00p.m. Mondays to Saturdays with no loading on Sundays and Bank Holidays. Loading and unloading shall be restricted to the period between 07:30 a.m. and 8:00p.m. daily.

Reason

In the interests of residential amenity, pursuant to policy H2.2 of the Unitary Development Plan for the City of Manchester.

18) The permitted hours of the Class A1, A2, A3, A4 , B1, and D1 uses within the shopping mall are to be submitted and agreed in writing by the City Council as Local Planning Authority, prior to the occupation of the buildings.

Reason

To safeguard the amenities of the occupiers of nearby residential accommodation when the development is complete, pursuant to H2.2 of the Unitary Development Plan for the City of Manchester.

19) If when the lighting units are illuminated they cause undue glare or light spillage to the detriment of adjoining and nearby residential properties, baffles and/or cut-offs shall be installed on the units and adjustments shall be made to the angle of the lighting units and the direction of illumination, which shall thereafter be retained in accordance with details which have received the prior written approval of the Local Planning Authority.

Reason

In order to minimise the impact of the illumination of the lights on the occupiers of existing and proposed nearby residential accommodation, pursuant to policy H2.2 of the Unitary Development Plan for the City of Manchester.

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20) Details of any roller shutters or security grilles to be installed within the development shall be submitted to and agreed in writing by the City Council as Local Planning Authority before they are in place. Roller shutters and grilles shall of an open grille construction, with the housing for the mechanism recessed behind the plane of the wall where the mechanism is to be located and be colour-coated.

Reason

In the interests of visual amenity, pursuant to policy DC14, policy S1.2 and policy E3.3 of the Unitary Development Plan for the City of Manchester.

21) Any proposed roller shutters on the frontage of the proposed shop units and food store shall be open/raised from 9.00 a.m. until the business closes in the evening.

Reason

In order to ensure that the appearance of the building is in keeping with the character of the area.

22) No demolition shall take place on the site until a scheme for the protection and relocation of any bats found to be present on the site has been submitted to and approved in writing by the City Council as Local Planning Authority. The approved scheme shall then be implemented as approved.

Reason

Although no bats are currently known to be present on the site, should their presence be detected in the future, pursuant to policies E2.3, E2.4 of the adopted UDP.

23) This permission hereby approved relates to :-

- a retail food store of no more than 7,711 sq.m.
- non-food retail floorspace incorporating Class A1 retail; Restaurant/Bar Uses Classes A3 & A4(max floorspace 465 sqm); hot food takeaway uses Class A5 (max floorspace 185sqm) of no more than 6,987 sq.m in total within the development.
- Class A2 / B1 office uses maximum of 4,980sq.m. within the development
- Class D1 uses maximum of 2,090 sq.m. within the development

unless otherwise agreed in writing by the City Council as Local Planning Authority.

Reason

For the avoidance of doubt as changes to any element of the development may have consequences in terms of national and local policy considerations.

24) Details of a Travel Plan Strategy, implementation and monitoring of effectiveness shall be submitted to and approved in writing by the City Council as

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local planning authority. The strategy shall outline procedures and policies that the developer and occupants of the site will adopt to secure the objectives of the overall site's Travel Plan Strategy. Additionally, the strategy shall outline the monitoring procedures and review mechanisms that are to be put in place to ensure that the strategy and its implementation remains effective. The results of the monitoring and review processes shall be submitted in writing to the local planning authority and any measures that are identified that can improve the effectiveness of the Travel Plan Strategy shall be adopted and implemented.

Reason

In accordance with the provisions contained within Planning Policy Guidance 13.

25) The class A1 foodstore shall not be occupied until the car parking shown on the approved plans has been surfaced, demarcated and made available for use. The car park shall then be available at all times whilst the site is occupied.

Reason

To ensure that there is adequate car parking for the development proposed when the building is occupied, pursuant to policy T2.4 and S2.5 of the unitary Development Plan for the City of Manchester.

26) No trees shall be felled, or have any works undertaken on them, during the bird nesting season (March to July inclusive), unless otherwise agreed with the City Council as Local Planning Authority.

Reason

To ensure the protection of wildlife habitats in the locality, pursuant to policy E2.4 of the Unitary Development Plan for the City of Manchester.

27) No development approved by this permission shall be commenced until a scheme for the provision and implementation, of surface water regulation system has been approved by the Local Planning Authority in consultation with the Environment Agency. The scheme shall be completed in accordance with the approved plans.

Reason

To prevent pollution of the water environment, pursuant to policy E1.3 of the adopted UDP.

28) The development hereby approved shall incorporate measures to minimize the environmental impact and energy use of the building and shall seek to achieve Building Research Establishment Environmental Assessment Methodology (BREEAM) rating of at least 'very good'. Written confirmation of the rating shall be

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submitted to and approved in writing by the City Council as Local Planning Authority before the development is occupied, unless otherwise agreed in writing by the Local Planning Authority.

Reason

In the interests of minimising the environmental impact of the development, pursuant to Manchester Unitary Development Plan policy E1.5.

29) Before premises hereby approved for Class A3, A4, A5 and D1 uses are first occupied the premises shall be insulated in accordance with a scheme 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 property.

Reason

To safeguard the amenities of the occupiers of nearby accommodation, pursuant to policy H2.2 of the Unitary Development Plan for the City of Manchester.

30) Demolition of all buildings with slate roofs shall be carried out with the supervision of a licensed bat consultant, with the slates being removed by hand. If bats are found to inhabit these buildings as temporary roost or hibernation sites, no development shall commence until a scheme for the conservation of this species has been agreed with the Local Planning Authority.

REASON

To protect bats and their roost sites. The site includes existing buildings that have the potential to contain bats. The implementation of these measures would ensure that there would be adequate protection measures in place during a phased construction, pursuant to policies E2.3 and E2.4 of the Unitary Development Plan for Manchester (adopted 1995).

31) Prior to development commencing, the premises shall incorporate roosting opportunities for bats in accordance with a scheme submitted to and approved in writing by the City Council as local planning authority in order to secure the conservation of this species.

REASON

To protect bats and their roost sites. The site includes existing buildings that have the potential to contain bats. The implementation of these measures would ensure that there would be adequate protection measures in place during a phased construction, pursuant to policies E2.3 and E2.4 of the Unitary Development Plan for Manchester (adopted 1995).

32) Before development commences a detailed design for the proposed Steam Hammer sculpture, including lighting shall be submitted to, and approved in writing

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by, the City Council as Local Planning Authority. The approved scheme shall be implemented within 12 months of the development commencing, and shall be retained in situ thereafter.

Reason

In the interests of the amenities of the occupiers nearby properties, pursuant to policy E3.3 of the Unitary Development Plan for the City of Manchester

33) Full detailed designs (including specifications) of all site highways works, shall be submitted to and approved in writing by the City Council as Local Planning Authority, prior to the development commencing. The development shall be implemented in accordance with the approved details, prior to the commercial units being brought into use, unless otherwise agreed with the local planning authority.

Reason

In the interests of highway safety, pursuant to policy T3.1 of the Unitary Development Plan for the City of Manchester.

34) Before the development hereby approved commences a signage design strategy for the commercial units shall be submitted to and approved in writing by the City Council as local planning authority. The development shall only be carried out in accordance with the approved details

Reason

To protect the visual amenity of the development, pursuant to policy E3.3 and H2.2 of the adopted Manchester Unitary Development Plan.

35) The Class A1 food store hereby approved and identified on drawing no. 02-027 PL03 rev.C shall not be occupied and open for trading until the two storey building for Class A1, A2, A3, A4 ,A5 and D1 uses on the Ashton Old Road / Fairfield Road frontage (as identified on drawing no. 02-027 PL03 rev. C) is constructed to a shell specification to be agreed with the City Council as Local Planning Authority and is capable of and ready for being fitted out for occupation, unless otherwise agreed in writing with the Local Planning Authority.

Reason

To secure comprehensive development of the site and to ensure that the development hereby approved is carried out as a mixed use scheme, pursuant to S2.1 , S2.4, S2.5 and S2.6 of the adopted Unitary Development Plan for the City of Manchester.

36) Notwithstanding the pedestrian routes and cycle parking shown on 02-027 PI-03 rev.D , full design details of all on -site pedestrian and cycle routes , and cycle parking location shall be submitted to, and approved in writing by, the City Council

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as Local Planning Authority. The approved scheme shall be implemented prior to the occupation of the development, and shall be retained in situ thereafter.

Reason

In the interests of pedestrian and highway safety, pursuant to policy T3.1 of the Unitary Development Plan for the City of Manchester.

37) Notwithstanding the details of the car park shown on 02-027 PI-03 rev.D (received by e-mail on 26th January 2007), full design details of all disabled parking bays, motorcycle parking bays, servicing bay within the front car park and the re-cycling facility in the rear care park shall be submitted to, and approved in writing by, the City Council as Local Planning Authority. The approved scheme shall be implemented prior to the occupation of the development, and shall be retained in situ thereafter.

Reason

In the interests of pedestrian and highway safety, pursuant to policy T3.1 of the Unitary Development Plan for the City of Manchester.

38) Prior to commencement of works on site, a strategy for the management of construction traffic, including information regarding site approach routes, hours of deliveries and directional signage shall be submitted to and approved in writing by the City Council as local planning authority. The approved scheme shall be implemented prior to the commencement of the development, and shall be retained in situ thereafter during the construction period.

Reason - To safeguard the amenities of nearby residents, pursuant to Policy H2.2 of the Unitary Development Plan for the City of Manchester.

39) Prior to commencement of works on site, a strategy for the management of service vehicles, including information regarding site approach routes, hours of deliveries and directional signage shall be submitted to and approved in writing by the City Council as local planning authority. The approved scheme shall be implemented prior to the occupation of units within the development, and shall be retained in situ thereafter.

Reason - To safeguard the amenities of nearby residents, pursuant to Policy H2.2 of the Unitary Development Plan for the City of Manchester.

40) All trees, shrubs and hedges within the site and/or trees whose root structure may extend within the site, which are to be retained shall be fenced off before any building or other operation approved by this permission is carried out within the vicinity in accordance with British Standard BS 5837:2005. Thereafter, no excavation or other building or engineering operations shall take place and no plant, machinery or materials (including excavated material) shall be placed, deposited, stored or stacked within any such fence during the construction period.

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Reason

In order avoid damage to trees/shrubs adjacent to and within the site which are of important amenity value to the area, pursuant to policy DC16.1 of the Unitary Development Plan for the City of Manchester.

41) Prior to development commencing a local labour agreement shall be submitted to and agreed in writing with the City Council as local planning authority. The approved scheme shall be in place prior to the commencement of the development, and shall be kept in place thereafter.

Reason

To safeguard local employment opportunities, pursuant to policy R1 of the Unitary Development Plan for the City of Manchester.

LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985

The documents referred to in the course of this report are either contained in the file(s) relating to application ref: 080930/FO/2006/N2 held by Planning or are City Council planning policies, the Unitary Development Plan for the City of Manchester, national planning guidance documents, or relevant decisions on other applications or appeals, copies of which are all held by the Planning Division.

87. Equal Opportunities

The proposal will make the site and its development directly accessible to all members of the public, including those with mobility impairments.

88. Environmental Improvements

The proposal will have a good appearance, consistent with the site's location in an area, which is attracting investment and regeneration.

89. Employment Implications

The proposal will create jobs during construction and on completion. The application form indicates that the number of jobs would be approximately 400.

HEAD OF PLANNING

SMW/AL

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