

Application Number	Date of Appln	Committee Date	Ward
115387/JO/2017	20th Feb 2017	26th Jul 2018	Longsight Ward

Proposal Removal of condition 4 of planning permission 109890/JO/2015/N2 to allow unrestricted servicing of premises

Location Lidl , 2 Stanley Grove, Longsight, Manchester, M12 4AA

Applicant Mr N Harvey , Lidl UK GmbH, C/o Agent,

Agent Mr Chris Smith, Plan A (North West) Limited, 69 Talbot Street, Southport, PR8 1LU

Description

The planning application site is located in Longsight District Centre and at the south-east junction of Stockport Road and Stanley Grove, which forms a traffic light controlled junction. The application relates to an established retail food store with frontages to both sections of highway. Longsight District Centre car park is situated to the east of the application building and is accessed from Stanley Grove. A main railway line with an elevated embankment runs to the east of the site leading to a railway bridge that crosses Stanley Grove and restricts access to high sided vehicles approaching it in both directions. There is no immediately adjacent housing with the surrounding area, which comprises of retail and commercial uses with incidences of upper floor residential accommodation.

The existing retail food store was authorised through planning permission 066114/FO/NORTH2/02 granted on 17 April 2003. The current opening and servicing hours relating to the existing retail use are controlled through the following conditions of planning permission 109890/JO/2015/N2:

- i. Condition 3 (opening hours) - The premises shall not trade or otherwise be open to the public outside the following hours:
 - a. Mondays to Saturdays 08:00 to 22:00
 - b. Sundays (including Bank Holidays) 10:00 to 17:00
- ii. Condition 4 (servicing and deliveries) - No loading or unloading including deliveries and waste collection to the unit shall be carried out between the hours of 20:00 to 06.30. On Sundays loading and unloading shall be restricted to the period between 08:00 and 16:00.

This application seeks to remove condition 4 allowing unrestricted servicing to be undertaken at the store. However, the existing opening times would be retained.

Consultations

Local Residents – No comments received.

Councillor Suzanne Richards – Has submitted a representation that states that the servicing hours should be related to the opening times of the store.

Highway Services - No objections

Environmental Health – It is has been acknowledged that the height of the adjacent railway bridge on Stanley Grove, would prevent the routing of HGVs through the neighbouring residential area when servicing the application site. HGVs and larger delivery vehicles would need to service the site from Stockport Road and thereby avoiding the nearest residential uses are located on Stanley Grove and beyond the railway line. On this basis, it is not considered that the extended opening hours would result in undue noise disturbance.

Issues

National Planning Policy Framework - This Framework came into effect on 27 March 2012 and sets out the Government's planning policies for England and how these are expected to be applied. National Policy Framework has been related to the proposed development, with particular emphasis given to the following:

Core planning principles - Within the overarching roles that the planning system ought to play, a set of core land-use planning principles should underpin both plan-making and decision-taking. In this case specific weight is given to the need to:

- i. Proactively drive and support sustainable economic development to deliver the homes, business and industrial units, infrastructure and thriving local places that the country needs;
- ii. Take account of the different roles and character of different areas, promoting the vitality of our main urban areas.

The following specific policies are considered to be particularly relevant to the proposed development:

- i. Chapter 1: Building a strong, competitive economy - Emphasises the importance of securing economic growth in order to create jobs and prosperity, building on the country's inherent strengths, and to meeting the twin challenges of global competition and of a low carbon future. Paragraph 23 aims to ensure the vitality of town centres through carefully management. These considerations have been related to the contribution of the development to the future viability and vitality of the district centre, which may be undertaken without unduly affecting residential amenity due to the distance of housing from the application site;
- ii. Chapter 2: Ensuring the vitality of town centres (including District Centres) - The proposed development has been related to Chapter 2 (in conjunction with the relevant sections of the Core Strategy as set out below). Chapter 2

recognises that town centres are at the heart of communities and policies should be pursued to support their viability and vitality, which is capable of being achieved in this case;

- iii. Chapter 8: Promoting healthy communities - States that the planning system can play an important role in facilitating social interaction and creating healthy, inclusive communities. It is considered that the proposal would not be unduly harmful to residential amenity and therefore the objectives of Chapter 8 would be positively responded to by contributing the efficient future management of the retail store.

Planning Policy Guidance - On 6 March 2014 the Department for Communities and Local Government (DCLG) launched this planning practice guidance web-based resource. In the following assessment of the proposed development has been given to the following aspects of PPG have been referred to:

- i. Health and well-being - States those local planning authorities should ensure that health and wellbeing, and health infrastructure are considered in planning decision making. In this case, it is considered that the proposed servicing hours can be undertaken with an unduly harmful impact on residential amenity. It is also considered that the undertaking of delivery outside peak travel times would respond positively to the control of localised air quality;
- ii. Noise - Needs to be considered when new developments may create additional noise and when new developments would be sensitive to the prevailing acoustic environment. In this case, consideration has been given to the transfer of noise to neighbouring housing, which is not considered to be a significant issue given the physical constraints of the site and the distance to neighbouring housing.

Manchester's Local Development Framework: Core Strategy - The Core Strategy Development Plan Document 2012 -2027 ('the Core Strategy') was adopted by the Council on 11th July 2012. It is the key document in Manchester's Local Development Framework. The Core Strategy replaces significant elements of the Unitary Development Plan (UDP) as the document that sets out the long term strategic planning policies for Manchester's future development. A number of UDP policies have been saved until replaced by further development plan documents to accompany the Core Strategy. Planning applications in Manchester must be decided in accordance with the Core Strategy, saved UDP policies and other Local Development Documents.'

The following policies are relevant to the proposed development:

Policy SP 1 Spatial Principles - Specifies the Core Development Principles for parts of the City. In this case the relevant principles relate to the extent to which the development:

- a. Makes a positive contribution to neighbourhoods of choice including the creation of well designed places that enhance or create character; making a positive contribution to the health, safety and well-being of residents,

considering the needs of all members of the community regardless of age, gender, disability, sexuality, religion, culture, ethnicity or income and to protect and enhance the built and natural environment;

- b. Minimise emissions, ensure efficient use of natural resources and reuse previously developed land wherever possible;
- c. Improve access to jobs, services, education and open space by being located to reduce the need to travel and provide good access to sustainable transport provision.

Policy C 1 Centre Hierarchy - States that District Centres, such as Longsight, have an essential role in providing key services to the City's neighbourhoods including shopping, commercial, leisure, public and community functions, ensuring that residents can access such services easily. They are also a focus for the City's residential neighbourhoods, providing an important opportunity to define local character. It is considered that the proposal would contribute positively to these objectives by improving the provision of flexible and efficient undertaking of servicing to the existing premises.

Policy C 2 District Centres – States that development will support thriving District Centres, with distinct local character, providing a good range of accessible key services, including retail, health facilities, public services, leisure activities and financial and legal services. It is considered that the proposal would contribute positively to policy C2 through its contribution to the sustained operation of the existing store as both a key retail facility and source of local employment to the economic and social benefit of the area.

Policy EN 16 Air quality – States that the Council will seek to improve air quality within Manchester, particularly along its principal traffic routes. It is considered that the proposals would allow the flexible undertaking of servicing outside periods of heavy traffic movement and congestion thereby reducing pollution and carbon emissions from delivery vehicles. On this basis policy EN16 would be positively responded to.

Policy T2 Accessible areas of opportunity and need - With regard to development in district centres, policy T2 states that the Council will take account of the circumstances of each proposal to establish what level of parking is appropriate and whether proposals are likely to be access or transport issues. In this case, it is considered that the undertaking of deliveries would be related to the existing capacity of the retail store and its existing frequency of development. The significant difference would relate to deliveries being undertaken outside peak times thereby contributing positively to a reduction in peak / daytime traffic movement. On this basis it is considered that the development would be satisfactorily related to policy T2.

Policy DM1 Development Management - States that all development should have regard to the following specific issues, which are considered to be relevant to the consideration of this planning application:

- i. Effects on amenity, including privacy, light, noise, vibration, air quality and road safety and traffic generation;
- ii. Community safety and crime prevention;

iii. Design for health;

It is considered the physical constraints surrounding the application site would effectively demarcate and segregate from neighbouring housing, thereby bringing the development within the margins of acceptability in relation to its impact on residential amenity.

Saved Unitary Development Plan (UDP) Policies -The following saved UDP policies are also considered to be relevant:

- i. Policy DC26 Development and Noise - Is relevant to the proposed development due to its potential to generate noise and disturbance through the operation of the proposed use and any external associated equipment. In this case, the potential for noise transmission has been assessed by Environmental Health who have confirmed that the existing premises and the positioning of related servicing areas would be physical separated from neighbouring houses by the elevated railway line. Any noise transmission would be absorbed within background levels with no appreciable impact on neighbouring residents. On this basis, saved policy DC26 would be accorded with.

Positive and proactive engagement with the applicant - An amendment to the DMO, which came into effect on 1st December 2012, requires every decision notice relating to planning permission and reserved matters application to include an explanation as to how the local planning authority have worked with the applicant in a positive and proactive manner based on seeking solutions to problems which arise during the determination of the planning application.

In this case, officers have worked with the applicant in a positive and proactive manner based on seeking solutions to problems arising in relation to dealing with the planning application. In this case officers have engaged in discussions with the applicant, which have established that the removal of the extant servicing hours condition could be undertaken without harmfully affecting residential amenity due to: the physical setting of the site and its context in relation to Longsight District Centre and neighbouring residential uses. On the basis of these discussions and following the undertaking of appropriate consultations, it was not considered that further negotiations were required and that the planning application could be positively determined on the basis of the submitted information.

Principle of removing servicing hours condition – The immediately surrounding area comprises of retail and commercial uses with potential incidence of residential uses above shops. However, the nearest residential uses to the east of the application site are separated from the site by the car park, elevated railway embankment and the Stanley Grove School and its grounds. The building itself and, more specifically, the area where servicing would take place would be contextually related to the district centre and the rear of retail and commercial uses in Longsight District Centre. It is therefore considered that the unrestricted undertaking of servicing and deliveries would have a limited impact on neighbouring housing given the particular circumstances surrounding the application site. It is also the case that the removal of the servicing hours condition would allow deliveries to be undertaken outside periods

of heavy traffic congestion therefore improving efficiency, reducing diesel emissions and improving air quality. It is therefore considered that the flexible undertaking of servicing and deliveries could produce positive environmental outcomes.

Noise – The car parking and servicing area is effectively surrounded by buildings and an elevated railway embankment that would contain noise from delivery vehicles, including those vehicles visiting the site at times of lower ambient background noise levels. Noise from larger vehicles in transit to and from the site would be related to Stockport Road and its junction with Stanley Grove. The limited height clearance beneath the nearby railway bridge would prevent the site from being serviced by HGVs via Stanley Grove. This would reduce any unduly harmful noise disturbance attributable to the transit of large vehicles passing houses along the neighbouring and predominantly residential section of Stanley Grove. It is considered that the movement of HGVs to Stockport Road and smaller vehicles to Stanley Grove would be accommodated into the characteristic flow of traffic along the respective sections of highway. On this basis, it is considered that vehicle movements would be predictable with a limited impact on residential amenity.

Routing strategy – In order to maximise the efficiency of deliveries, it is likely that HGVs would be utilised. As stated, the site access and egress constraints attributable to the close proximity of the nearby railway bridge would require HGVs to arrive and depart via the Stockport Road junction with Stanley Grove. In order to give greater certainty regarding the future operation of the application site, a condition has been recommended to secure agreement of delivery vehicle routing and related patterns of deliveries outside the servicing hours permitted by planning permission 109890/JO/2015/N. These arrangements would be agreed prior to the undertaking of unrestricted servicing and deliveries and retained in situ thereafter.

Air quality – As stated the proposals will allow servicing and deliveries to take place outside times with the highest concentration of traffic movement. With decreased volumes of traffic deliveries will take place more efficiently with reduced potential for HGV queuing or otherwise being held up on traffic congestion. On this basis, it is considered that delivery times could be undertaken with reduced fuel consumption, carbon emissions and pollution.

Crime and Security – The proposal would increase the staffing presence within and around the site during deliveries thereby improving security around the site.

Conclusion – The specific characteristics and constraints of the site, including its clear demarcation from housing, would enable unrestricted servicing to be undertaken without causing undue harm to residential amenity. On this basis and for the reasons set out in this report, it is considered that the variation of servicing hours would be satisfactorily related to Council policy and relevant national guidance.

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.

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

Recommendation APPROVE

Article 35 Declaration

Officers have worked with the applicant in a positive and proactive manner based on seeking solutions to problems arising in relation to dealing with the planning application. In this case officers have engaged in discussions with the applicant, which have established that the removal of the extant serving hours condition could be undertaken without harmfully affecting residential amenity due to: the physical setting of the site and its context in relation to Longsight District Centre and neighbouring residential uses. On the basis of these discussions and following the undertaking of appropriate consultations, it was not considered that further negotiations were required and that the planning application could be positively determined on the basis of the submitted information.

Reason for recommendation

Conditions to be attached to the decision

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

Planning application forms received 20 February 2017;
Letter from Plan A (North West) Ltd received 20 February 2017;
Email from Plan A (North West) Ltd received 12 April 2017.

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

2) The premises shall not trade or otherwise be open to the public outside the following hours:

Mondays to Saturdays 08:00 to 22:00
Sundays (including Bank Holidays) 10:00 to 17:00

Reason - In the interest of amenity pursuant to policies SP1 and DM1 of the Core Strategy for the City of Manchester and saved policy DC26 of the Unitary Development Plan for the City of Manchester (1995).

3) The car parking area shall be surfaced and demarcated in accordance with drawing ref: 113 Rev 03 received 23 March 2015 and approved by the City Council as Local Planning Authority, on 20 August 2015. The car park shall be made available for use whilst the retail store is in operation.

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

4) The car parking hereby approved shall be used as a short stay shopper's car park and for users of Longsight District Centre and for operational car parking in association with the development hereby approved only, and for the avoidance of doubt shall not be used for the provision of long stay public parking.

Reason - In order to retain public short stay parking to serve Longsight District Centre pursuant to policies SP1, T2 and DM1 of the Core Strategy for the City of Manchester.

5) The relocated tree, as indicated on drawing 113 Rev 03 stamped as received by the City Council, as Local Planning Authority, on the 26 January 2015 and shall be retained and maintained in situ thereafter.

Reason - In the interest of visual amenity pursuant to policies SP1 and DM1 of the Core Strategy for the City of Manchester.

6) Before the commencement of the operation of the retail food store (Class A1) with unrestricted servicing and delivery hours, a scheme shall be submitted to and approve in writing by the City Council as local planning authority detailing routing of delivery and servicing vehicles accessing and egressing the application site and the related patterns and frequency of serving and deliveries (between the hours of 22.00 and 8.00, Monday to Sunday). The approved scheme shall be fully implemented in accordance with the approved details upon the commencement of the undertaking of servicing and deliveries between the hours of 22.00 and 8.00, Monday to Sunday.

Reason – In the interests of residential amenity and to avoid undue noise and disturbance pursuant to policies SP1 and DM1 of the Core Strategy for the City of Manchester and saved Unitary Development Plan policy DC26.

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: 115387/JO/2017 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 held by the Planning Division.

The following residents, businesses and other third parties in the area were consulted/notified on the application:

Highway Services
Environmental Health



A map showing the neighbours notified of the application is attached at the end of the report.

Representations were received from the following third parties:

Councillor Suzanne Richards

Relevant Contact Officer : Carl Glennon
Telephone number : 0161 234 4530
Email : c.glennon@manchester.gov.uk



 Application site boundary  Neighbour notification
© Crown copyright and database rights 2018. Ordnance Survey 100019568