

Application Number	Date of Appln	Committee Date	Ward
115387/JO/2017	20th Feb 2017	23rd Aug 2018	Longsight Ward

Proposal Variation of condition 4 of planning permission 109890/JO/2015/N2 to allow the undertaking of servicing of existing retail food store between the hours of: Monday to Saturday – 6.00 am to 12 midnight; Sunday and Bank Holidays – 8.00 am to 7.00 pm.

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 above planning application was reported to the meeting of the Planning and Highways Committee on 26 July 2018. At the meeting, Members of the committee deferred determining the proposal requesting that officers engage in further discussions with the applicant to determine whether servicing and deliveries could be viably undertaken within an extended timeframe of 2 hours before and after the existing opening times of the store, i.e.,

Monday to Saturday – 6.00 am to 12 midnight;
Sundays and Bank Holidays – 8.00 am to 7.00 pm.

It was considered that such an approach should be explored as means of securing closer management of the future undertaking of servicing and deliveries. The applicant has provided written confirmation of the acceptance of these servicing hours.

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 - 8:00 am to 10:00 pm
 - b. Sundays and Bank Holidays - 10:00 am to 5:00 pm
- 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 8.00 pm to 06.30 am. On Sundays loading and unloading shall be restricted to the period between 8:00 am and 4.00 pm.

Members are now asked to consider the operation of the existing retail food store in accordance with the following servicing hours:

Monday to Saturday – 6.00 am to 12 midnight;
Sunday and Bank Holidays – 8.00 am to 7.00 pm.

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 (NPPF) - This Framework came into effect on 27th March 2012 and was amended and updated in July 2018. It sets out the Government's planning policies for England and how these are expected to be applied. It defines the Government's requirements for the planning system 'only to the extent that it is relevant, proportionate and necessary to do so'. It provides a mechanism through 'which local people and their accountable councils can produce their own distinctive local and neighbourhood plans, which reflect the needs and priorities of their communities'.

The Framework re-iterates that planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The statutory status of the development plan remains as the starting point for decision making. However, paragraph 10 states that 'at the heart of the Framework is a presumption in favour of sustainable

development' and, in 'decision-taking', this means that development proposals according with an up to date the development plan should be approved without delay unless: any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole or specific policies in this Framework indicate development should be restricted.

The Framework has been related to the proposed development, with particular emphasis given to the following:

- i. Chapter 6: Building a strong, competitive economy – States that planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development. It further states that planning policies should be flexible enough to accommodate needs not anticipated in the plan, allow for new and flexible working practices (such as live-work accommodation), and to enable a rapid response to changes in economic circumstances. It is considered that the extension of servicing hours would facilitate flexible operation of the stores and its continued contribution to the local economy thereby positively responding to Chapter 6;
- ii. Chapter 7: Ensuring the vitality of town centres (including District Centres) – States that planning policies and decisions should support the role that town centres play at the heart of local communities, by taking a positive approach to their growth, management and adaptation. It also identifies the importance of defining a network and hierarchy of town centres and the promotion of long-term vitality and viability by allowing them to grow and diversify in a way that can respond to rapid changes in the retail and leisure industries, allows a suitable mix of uses (including housing) and reflects their distinctive characters. These considerations have been related to the contribution of the extended hours to the future viability and vitality of the district centre and the efficient on-going operation of a successful district centre store, which have been appropriately related to Chapter 7.
- iii. Chapter 8: Promoting healthy and safe communities - States that planning decisions should aim to achieve healthy, inclusive and safe places. Chapter 8, amongst other things, states that planning decisions should ensure that established shops, facilities and services are able to develop and modernise, and are retained for the benefit of the community. It is considered that extended serving hours could be undertaken without unduly affecting residential amenity or causing significant noise and disturbance. On this basis, Chapter 8 would be positively responded to.

Planning Policy Guidance - On 6 March 2014 the Department for Communities and Local Government (DCLG) introduced planning practice guidance; the following aspects of which have been referred to in the assessment of the proposal:

- 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 engaged with discussions with the applicant to ensure that the extended servicing hours could be undertaken without unduly harming residential amenity, particularly with regard to vehicular movement, noise and disturbance. Clarification has been sought regarding a more limited extension of the servicing hours. The applicant accepted an extension to the existing servicing hours rather than their complete removal, which is considered to be justified given 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 considered that sufficient information had been provided to allow the positive determination of the planning application.

Principle of extending servicing hours condition – The applicant has responded positively the request to extend the existing servicing hours rather than seeking their removal. Although, the extant servicing hours are comparable to those related to other retail food stores in the city, in this case, the proposed extension to the servicing hours has been related to the particular characteristics and context of the application site. 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, is contextually related to the district centre and the rear of retail and commercial uses in Longsight District Centre.

An ASDA store is located the north of the application site between Stanley Grove and Kirkmanshulme Lane. The ASDA store has operated without any historic servicing hours restrictions since the implementation of the related planning permission (which was granted in 1977 under ref: F06665). The ASDA store is serviced via Kirkmanshulme Lane and its car park and the site does not have a vehicular access from Stanley Grove. On this basis, there is a clear segregation of delivery vehicles accessing and egressing the respective sites. It is not considered, therefore, that any significant or harmful additional noise, disturbance and activity would occur should servicing of the two premises take place in the late evening period.

It is therefore considered that an extension of servicing and deliveries would have a limited impact on neighbouring housing given these particular circumstances. It would also ensure that activity would cease between the hours of: Monday to Saturday: 12 midnight and 6.00 am and Sunday and Bank Holidays on 5.00 pm and 10.00 am. The proposed extension of servicing hour's condition would facilitate deliveries outside periods of heavy traffic congestion thereby improving efficiency,

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

Noise – The impact of the proposed development in relation to noise transfer and its potential impact on neighbouring housing has been fully assessed by Environmental Health. It is considered that the existing noise environment is characterised by high levels of vehicular and pedestrian movement through Longsight District Centre and within the adjacent car parking area. This noise environment is further characterised by the movement of trains along the adjacent major railway line.

It is acknowledged that the background noise levels would decrease in the late evening, night-time and early morning periods. Deliveries would also be undertaken from Stanley Grove using the existing servicing areas and established routes through the car park. These areas of the application site are effectively screened by surrounding application buildings, an elevated railway embankment and school buildings beyond it. In these circumstances, it is considered that noise transfer would be contained by the physical constraints of the site.

The car park and servicing area to the application site cannot be accessed or egressed by HGVs from the eastern approach from Stanley Grove due to the limited height clearance beneath a nearby railway bridge. HGVs would need to service the site via the western junction of Stockport Road and Stanley Grove. These circumstances would remove the potential for unduly harmful noise disturbance, which may be attributable to the transit of large vehicles passing houses adjacent to the neighbouring residential section of Stanley Grove. It is considered that the movement of HGVs via Stockport Road and smaller vehicles via Stockport Road and Stanley Grove would be accommodated into the characteristic flow of traffic along the respective sections of highway. The storage and trading capacity of the store would remain unchanged and it is not apparent that there would be a need to increase the frequency of deliveries. On this basis, it is considered that vehicle movements would be predictable with a limited impact on residential amenity, in terms of noise and disturbance during the extended servicing period.

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/N2, i.e. Between 6.00 am to 6.30 am and 8.00 pm to midnight on Monday to Friday and between 8.00 am and 10.00 am and 5.00 pm and 7.00 pm on Sundays and Bank Holidays. 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 polices 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 engaged with discussions with the applicant to ensure that the extended servicing hours could be undertaken without unduly harming residential amenity, particularly with regard to vehicular movement, noise and disturbance. Clarification has been sought regarding a more limited extension of the servicing hours. The applicant accepted an extension to the existing servicing hours rather than their complete removal, which is considered to be justified given 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 considered that sufficient information had been provided to allow the positive determination of the planning application.

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 8:00 am to 10:00 pm
Sundays (including Bank Holidays) 10:00 am to 5:00 pm

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.

3) No loading or unloading including deliveries and waste collection to the unit shall be carried out between the hours of:

Monday to Saturday – 12 midnight to 6.00 am;
Sunday and Bank Holidays – 7.00 pm to 8.00 am.

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.

4) 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.

5) The car parking hereby approved shall be used as a short stay shoppers 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.

6) 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.

7) Before the commencement of the operation of the retail food store (Class A1) with servicing and delivery hours (as set out in condition 3), a scheme shall be submitted to and approved 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:

Monday to Saturday: 6.00 am to 8.00 am and 10.00 pm to 12 midnight;
Sundays and Bank Holidays: 6.00 am to 8.00 am and 5.00 pm to 7.00 pm.

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:

Monday to Saturday – 6.00 am to 12 midnight;
Sunday and Bank Holidays – 8.00 am to 7.00 pm.

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 policy DC26 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: 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
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