



Town and Country Planning Act 1990 (as amended)

PLANNING PERMISSION GRANTED

APPLICATION REFERENCE: 23/00325/VRCON

Name and address for correspondence:	Applicant name:
Danny Cremen Avison Young 11 York Street Manchester M2 2AW	Mr Stuart Parks

Part I - Particulars of Application

Date of Application: 30 March 2023

Proposal:	Application to vary condition 2 (Hours of Operation) and to remove condition 3 (Boundary Screen) of planning permission 18/00336/VRCON (Variation of condition 3 of planning permission 12/55691/VRCON to permit retail trading at the foodstore between the hours of 0800 to 2200 Monday to Saturday and 0900 to 1800 hours on Sundays and Bank and Public Holidays, including proposed erection of an additional boundary fence to Kemp Street) to allow for extended hours relating to the loading and unloading of service vehicles
Location:	Aldi, Kemp Street, Middleton

Part II - Particulars of decision

The Rochdale Metropolitan Borough Council hereby give notice in pursuance of the provisions of the Town and Country Planning Act 1990 (as amended) that planning permission has been **GRANTED SUBJECT TO CONDITIONS** for the carrying out of the development referred to in Part I above.

The Council hereby permits the above development in accordance with the details given on the application form and submitted plans subject to the following condition(s):

Conditions and Reasons:

- 1 This permission relates to the following plans:-
 - 0800MID-101 A Proposed site layout
 - 0800MID-102 Proposed GA Plan
 - 0800MID-103 Proposed Elevations
 - 0800MID-104 Illustrative Site Cross Section
 - 2491BOL-001 Proposed Fence Details

and the development shall not be carried out other than in complete accordance with these drawings hereby approved.

- 2 Retail trading at or from the food retail unit shall not take place before 0800 hours nor after 2200 hours Monday to Saturday or before 0900 hours nor after 1800 hours on Sundays and Bank and Public Holidays.

Reason: In order to safeguard the amenities of the area in accordance with Policies DM1 and G9 of the adopted Rochdale Core Strategy and the National Planning Policy Framework.

- 3 Notwithstanding the provisions of condition 2 of this permission, retail trading at or from the food retail unit shall only take place after 2100 hours Monday to Saturday so long as the boundary screen, as detailed on plan ref. 2491BOL - 001, and as constructed, remains in situ.

Reason: In the interests of the amenity of the occupiers of neighbouring residential properties in accordance with the provisions of Policy DM1 of the adopted Rochdale Core Strategy and the National Planning Policy Framework.

- 4 Retail trading at or from the non-food retail unit shall not take place before 0800 hours nor after 2000 hours Monday to Saturday or before 0900 hours nor after 1800 hours on Sundays and Bank and Public Holidays. No unloading or loading of service vehicles shall take place before 0700 hours nor after 2200 hours Monday to Saturday or before 0800 hours nor after 2000 hours on Sundays, Bank and Public Holidays or whilst the store is open for trading.

Reason: In order to safeguard the amenities of the area and in the interests of pedestrian safety, in accordance with Policies DM1 and G9 of the adopted Rochdale Core Strategy and the National Planning Policy Framework.

- 5 Neither of the retail units shall be subdivided to form additional retail units and no mezzanine floor space shall be added to Unit B without the prior written consent of the Local Planning Authority.

Reason: To ensure that the retail use of the site can be adequately serviced without detriment to pedestrian and highway safety in accordance with policies DM1 and T2 of the adopted Rochdale Core Strategy and the National Planning Policy Framework.

- 6 Retail use of Unit B shall be limited to the sale of:
- i. Motor spares and accessories and ancillary servicing, and cycles & accessories;
 - ii. gas, electrical and electronic appliances;
 - iii. carpets and floor coverings;
 - iv. furniture; and
 - v. DIY/hardware goods, garden ornaments or garden furniture;

and combinations of these uses, and for no other use without the prior written consent of the Local Planning Authority.

Reason: In order to maintain the viability of centres in compliance with the requirements of Policy E1 of the adopted Rochdale Core Strategy and the National Planning Policy Framework.

- 7 Noise from the development and any plant and equipment used in conjunction with it shall not exceed:
- a) Between the hours of 2300 and 0700:
32 dB(A) leq 5 mins when measured within the curtilage of noise sensitive premises on Sefton Close.
35 dB(A) leq 5 mins when measured within the curtilage of noise sensitive premises on Kemp Street.
 - b) Between the hours of 0700 and 2300:
42 dB(A) leq 1 hour when measured within the curtilage of noise sensitive premises on Sefton Close.
50 dB(A) leq 1 hour when measured within the curtilage of noise sensitive premises on Kemp Street.

- 8 The safety/access bollards to the service area, as approved under application ref. 10/D52935, shall be maintained in accordance with the approved detail and retained as such hereafter.

Reason: In the interests of pedestrian and vehicle safety in accordance with Policy DM1 of the adopted Rochdale Core Strategy and the National Planning Policy Framework.

- 9 The car parking and hardstanding areas shown on the approved plans shall be maintained in accordance with the approved detail and retained for their intended purposes hereafter.

Reason: In order to ensure adequate provision for vehicles to be parked clear of the highway, including appropriate parking provision for disabled persons, in the interests of highway safety in accordance with Policies DM1 and T2 of the adopted Rochdale Core Strategy and the National Planning Policy Framework.

- 10 The soft landscaped areas of the site shall be retained and maintained in accordance with the detail as approved under application ref. DC00291.

Reason: In order to ensure a satisfactory level of landscaping in the interests of the amenity of the area in accordance with Policies P2 and P3 of the adopted Rochdale Core Strategy and the National Planning Policy Framework.

- 11 No external lighting shall be installed on the building or elsewhere within the site other than that approved by the Local Planning Authority under the provisions of application ref. 12/56017/DOC. The external lighting shall be maintained in accordance with the approved detail.

Reason: In order to safeguard the amenities of the area and to prevent nuisance arising in accordance with Policies DM1 and G9 of the adopted Rochdale Core Strategy and the National Planning Policy Framework.

- 12 The surface water drainage scheme for the site, as approved under application ref. DC00329, shall be retained, maintained and managed in accordance with the approved detail hereafter.

Reason: To prevent increased risk of flooding, to improve and protect water quality and to ensure future maintenance of the surface water drainage system in accordance with Policy G8 of the adopted Rochdale Core Strategy, Policies EM/7 and EM/8 of the Rochdale Unitary Development Plan and the National Planning Policy Framework.

- 13 There shall be no external storage of storage containers, waste skips or bins, materials, goods, equipment or trailers on the site in the designated parking or vehicular turning areas as indicated on the approved plans.

Reason: In order to safeguard the amenities of the area and to prevent nuisance arising in accordance with Policies P3 and DM1 of the adopted Rochdale Core Strategy and the National Planning Policy Framework.

Date Decision Issued 20 July 2023

Daniela Ripa
Interim Head of Planning Services

IMPORTANT

PLEASE ENSURE THAT YOU HAVE READ AND FULLY UNDERSTOOD THE CONTENTS OF THIS DECISION NOTICE. YOUR ATTENTION IS DRAWN TO THE ATTACHED NOTES.

INFORMATIVE:

The Local Planning Authority's reasons for its decision are set out in the accompanying officer's report.