

APPLICATION NUMBER: 23/00325/VRCON

DELEGATED DECISION CHECKLIST AND REPORT

APPLICATION NO.	CASE OFFICER	DATE
23/00325/VRCON	Aimee Bovaird	19 June 2023

Address: Aldi Kemp Street Middleton

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

PUBLICITY	Weekly list expired?	Y	Site notice expired?	N/A
	Neighbour letters expired?	Y	Press Notice expired?	N/A

DELEGATION	Significant departure from local plan?	N	Contrary to national policy?	N
	Applicant a Council Member or officer?	N	Contrary to previous decision?	N
	Major with 10 or more objections and recommending approval?	N	Called in or Planning Panel objection?	N

COMMENTS	Planning Panel comments received?	N
	Neighbour comments received?	N

EIA	Screening opinion completed and saved to Onbase?	N
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CONDITIONS	Pre-commencement conditions proposed?	N
	Pre-commencement conditions agreed (or notification period expired)?	N/A

RECOMMENDATION	Approve
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CHECKED AND SIGNED OFF BY: LA

DATE: 19 July 2023

SITE

This application relates to Aldi at the junction of Kemp Street and Manchester Old Road in Middleton. The retail unit has been operating from 2012. North of the site is KFC and immediately surrounding the site is car parking.

On the opposite side of Kemp Street, to the east, the front elevations of the semi-detached and terraced houses face towards the application site.

PROPOSAL

The application seeks to vary condition 2 of planning permission 18/00336/VRCON. The current working of the condition is:

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. 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.

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.

The application wishes to remove the servicing restrictions from the condition.

The applications also wishes to remove condition 3 of planning permission 18/00336/VRCON. Condition 3 is:

Notwithstanding the provisions of condition 2 of this permission, retail trading at or from the food retail unit shall not take place after 2100 hours Monday to Saturday until such time as the additional boundary screen, as detailed on plan ref. 2491BOL - 001, has been fully erected in accordance with the approved detail. The screen shall be retained as constructed thereafter.

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.

A boundary screen has been built in accordance with the plan.

RELEVANT PLANNING POLICY

National Guidance

National Planning Policy Framework (NPPF)

National Planning Practice Guidance (NPPG)

Adopted Rochdale Core Strategy (CS):

DM1 General development requirements

SO1	Delivering a more prosperous economy
SO3	Improving design, image and quality of place
P1	Improving image
P2	Protecting and enhancing character, landscape and heritage
P3	Improving design of new development

Unitary Development Plan (UDP):

RELEVANT SITE HISTORY

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- Approved

12/55592/AM - Minor material amendment to planning application D54606 to change the design of the building from a split roof design to a flat roof design - Approved

12/55691/VRCON – Variation of condition 3 of planning permission 12/55592/AM to read: Retail trading at or from the premises shall not take place before 08:00 hours or after 21:00 hours Monday to Saturday; before 09:00 hours or after 18:00 hours on Sundays; and no unloading or loading of service vehicles shall take place between 22:00 hours and 07:00 hours Monday to Saturday or between 20:00 hours and 08:00 hours on Sundays, Bank and Public Holidays- Approved

14/01174/VRCON - Variation of condition 3 of planning permission 12/55691/VRCON to read: Retail trading at or from the premises shall not take place before 08:00 hours or after 22:00 hours Monday to Saturday; before 09:00 hours or after 18:00 hours on Sundays; and no unloading or loading of service vehicles shall take place between 22:00 hours and 07:00 hours Monday to Saturday or between 20:00 hours and 08:00 hours on Sundays, Bank and Public Holidays or whilst the store is open for trading. – Refused

CONSULTATION RESPONSES

Highways And Engineering

No objections

Env Health - Noise/Odours

No objections

Further comments received on 30/06/2023:

'I've re-read the report and its showing that there will be no impact and negligible impact, the report is correct and undertaken by a competent person. What I would say is that they residents may very well hear the delivery arriving it is unlikely to have an impact, but will be audible. No objections'

REPRESENTATIONS

The application has been publicised with neighbour notification letters and no objections have been received.

ANALYSIS

Impact on surrounding occupiers.

The main consideration of this application is the impact on the surrounding occupiers. Policy DM1 of the Council's Core Strategy requires all development proposals, including changes of use of land and buildings, extensions and alterations, to demonstrate that they are of a high quality design and take the opportunity to enhance the quality of the area. Development should not lead to unacceptable increases in noise pollution and should aim to avoid noise from giving rise to significant adverse impact on health and quality of life.

Guidance in the National Planning Practice Guidance advises on how planning can manage potential noise impacts in development and sets out that local planning authorities decision taking should take account of the acoustic environment and in doing so consider:

- ☐ whether or not a significant adverse effect is occurring or likely to occur;
- ☐ whether or not an adverse effect is occurring or likely to occur; and
- ☐ whether or not a good standard of amenity can be achieved.

In line with the Noise Policy Statement for England (DEFRA, March 2010) this includes identifying whether the overall effect of the noise exposure is, or would be, above or below the significant observed adverse effect level and the lowest observed adverse effect level for the given situation.

The Council's Environmental Health Department was consulted as part of the application process and did not raise any objections. They considered the submitted Noise Impact Assessment and concluded deliveries would not have a negative impact on the surrounding houses.

It is concluded that service vehicles will not have a negative impact on the surrounding occupiers and the proposal does not conflict with Policies DM1 and G9 of the Rochdale Core Strategy or with the relevant considerations of the NPPF.

Condition 2 will read:

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.

Condition 3 is proposed to be removed, this condition relates to retail trading and the boundary screen. This boundary screen has been built in accordance with approved plans, the condition states it will be retained as constructed. Therefore it is not considered appropriate to remove this condition as it is required to be retained.

However it is appropriate to vary condition 3 to read:

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.

This will require the boundary screen to be protected in the future.

RECOMMENDATION

GRANT, subject to the following conditions:

- 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.

Reason: For the avoidance of any doubt and to ensure a satisfactory standard of development in accordance with policies of the adopted Rochdale Core Strategy and the Unitary Development Plan as listed below on this decision notice.

- 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.

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

- 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 disable 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.

Procedure Statement

Notes for Applicant:

Report Author Aimee Bovaird