

| Application Number | Date of Appln | Committee Date | Ward |
|---------------------------|----------------------|-----------------------|---------------|
| 102154/JO/2013/S1 | 4th Jun 2013 | 25th Jul 2013 | Chorlton Ward |

Proposal Variation of condition no.2 attached to planning permission ref: 046977/JO/SOUTH2/95 to allow increased opening hours: 0700 to 2300 hours seven days a week

Location Blockbuster Video Express , 435 Barlow Moor Road, Chorlton, Manchester, M21 8AU

Applicant WM Morrison Supermarkets Plc, C/O Agent,

Agent Miss Lucie Jowett, Peacock and Smith, Suite 9C Josephs Well, Hanover Walk, Leeds, LS3 1AB,

Description

This application relates to a Blockbuster video store, which has recently closed. Morrison's wish to open this store as an M Local convenience store. The store is on the west side of Barlow Moor Road, which is within an area of mixed uses. There are a number of shops to the north of the store, a KFC drive through to the south and a Tesco Express and garage on the opposite side of the road. There are residential properties to the rear. The building fronts onto Barlow Moor Road, with car parking to the side. The original planning permission (046977/JO/SOUTH2/95) was granted to Blockbuster as a variation of condition relating to hours of opening, and was subject to conditions, which included the following:

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

8.00 a.m. to 11.00 p.m. Seven days a week

Reason - To safeguard the amenities of the occupiers of nearby residential accommodation.

Initially the application had been for a 6am opening however, it is now proposed to vary this condition to allow extended opening hours of:

Monday to Sunday: 7.00 am to 11.00pm;

This application therefore seeks an extra 1 hour opening, from 7.00pm to 11.00pm, on each morning, seven days a week.

An application for the installation of a new shop front was approved on 1st July 2013.

Consultations

Local residents/adjoining occupiers - 2 letters of objection received, main points as follows:

i) Concerns regarding noise disturbance in non-waking hours,

- ii) Currently experiences noise from the adjacent fast food chain including car horns, engines and music together with early hours servicing.
- iii) Many of the houses in the immediate vicinity contain families with young children making noise disturbance more of an issue.
- iv) Concerns regarding increased noise levels due to increased vehicular activity due to the proposed increase in hours.
- v) Concerns relating to the potential for the rear of the site to be opened up to facilitate further parking and the noise implications this would create.

Head of Engineering Services - No highways objections.

Head of Environmental Health - Request a condition be added restricting the hours of deliveries servicing and collections, including waste collections to within the hours of: 07:30 to 20:00, Monday to Saturday, no deliveries/waste collections on Sundays/Bank Holidays.

Greater Manchester Police - No comments received at time of writing report.

Issues

National Planning Policy Framework - Sets out the Government's Planning Policies for England and how these are expected to be applied. It states that the purpose of the planning system is to contribute to the achievement of sustainable development. It states that the planning system should perform:

An economic role - contributing to build a strong, responsive and competitive economy, by ensuring that sufficient land, of the right type is available in the right places and at the right time to support growth and innovation; and by identifying and co-ordinating development requirements, including the provision of infrastructure;

A social role - supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with accessible local services that reflect the community's needs and supports its health, social and cultural well-being; and

An environmental role - contributing to protecting and enhancing our natural, built and historic environment; and, as part of this, helping to improve biodiversity, use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change including moving to a low carbon economy

Pursuing sustainable developments involves seeking positive improvements in the quality of the built, natural and historic environment, as well as in people's quality of life, including (but not limited to):

- making it easier for jobs to be created in cities, towns and villages;
- moving from a net loss of bio-diversity to achieving net gains for nature;
- replacing poor design with better design;
- improving the conditions in which people live, work, travel and take leisure, and
- widening the choice of high quality homes.

There should be a presumption in favour of sustainable development and plans and decisions need to take local circumstances into account, so that they respond to the different opportunities for achieving sustainable development in different areas.

The Core Strategy Development Plan Document 2012 -2027 ("the Core Strategy") was adopted by the City 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.

Policy SP1 identifies the City Council's Core Development Principles and states that development in all parts of the City should:-

Make a positive contribution to neighbourhoods of choice including:-

- Creating well designed places that enhance or create character
- Making a positive contribution to the health, safety and wellbeing of residents
- Considering the needs of all members of the community regardless of age, gender, disability, sexuality, religion, culture, ethnicity or income.
- Protect and enhance the built and natural environment

Minimise emissions, ensure efficient use of natural resources and reuse previously developed land wherever possible.

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 DM 1 states that all development should have regard to the following specific issues for which more detailed

guidance may be given within a supplementary planning document:-

- Appropriate siting, layout, scale, form, massing, materials and detail.
- Impact on the surrounding areas in terms of the design, scale and appearance of the proposed development. Development should have regard to the character of the surrounding area.
- Effects on amenity, including privacy, light, noise, vibration, air quality and road safety and traffic generation. This could also include proposals which would be sensitive to existing environmental conditions, such as noise.
- Accessibility: buildings and neighbourhoods fully accessible to disabled people, access to new development by sustainable transport modes.
- Community safety and crime prevention.
- Design for health.
- Adequacy of internal accommodation and external amenity space.
- Refuse storage and collection.
- Vehicular access and car parking.
- Effects relating to biodiversity, landscape, archaeological or built heritage.
- Green Infrastructure including open space, both public and private.
- Flood risk and drainage.

- Existing or proposed hazardous installations.

Unitary Development Plan - The site is unallocated in the plan.

Saved UDP policy DC26.1 relates to development and noise and states that the Council intends to use the development control process to reduce the impact of noise on people living and working in, or visiting, the City. In giving effect to this intention, the Council will consider both:

- a. the effect of new development proposals which are likely to be generators of noise; and
- b. the implications of new development being exposed to existing noise sources which are effectively outside planning control.

Noise/residential amenity - It is unclear at present how servicing would be undertaken as there are no doors/windows to the rear elevation and no elevational alterations are proposed. The previous servicing arrangements appear to have been from the side and/or front of the premises. At present there isn't a planning application relating to air conditioning units etc as the application for this was recently withdrawn. However, there are a number of properties on Claude Road, where the rear of the premises directly adjoins the rear curtilage of the premises. With regard to residential amenity an hours condition is proposed to restrict deliveries, loading and unloading to the following hours only: 7.30 am to 8.00pm - Monday to Saturday with no deliveries on Sundays and Bank Holidays

The applicant considers that the extended opening hours would be of great benefit to the local community, and would offer greater competition with other food shopping destinations, being a key objective of the government guidance contained in the NPPF. The applicant considers that the distance of the store entrance from the residential dwellings will ensure that there will be no significant adverse impact on the amenities of nearby residential properties. This is an assessment that is based on the advice of Environmental Health that the Head of Planning shares.

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 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 31 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, hence the hours being applied for have changed to reflect the concerns of local residents.

Reason for recommendation

Approve on the basis that the proposal accords with policies SP1 and DM1 of the Core Strategy for the City of Manchester and National Planning Policy Framework and there are no material considerations of sufficient weight to indicate otherwise. In coming to this conclusion the Head of Planning has taken into account the information provided with the application.

Conditions to be attached to the decision

- 1) The premises shall not be open outside the following hours:

Monday to Sunday 07:00 to 23:00

Reason - In interests of amenity in order to reduce noise and general disturbance and risk of crime in accordance with Policies SP1 and DM1 of the Manchester Core Strategy (2012) and extant policy DC26 of the Unitary Development Plan for the City of Manchester (1995).

- 2) Deliveries, servicing and collections, including waste collections shall not take place outside the following hours: 07:30 to 20:00, Monday to Saturday, no deliveries/waste collections on Sundays/Bank Holidays.

Reason - In interests of amenity in order to reduce noise and general disturbance and risk of crime in accordance with Policies SP1 and DM1 of the Manchester Core Strategy (2012) and extant policy DC26 of the Unitary Development Plan for the City of Manchester (1995).

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: 102154/JO/2013/S1 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:

Environmental Health

Highway Services
Greater Manchester Police
Highway Services
Environmental Health
Greater Manchester Police
21 Claude Road, Manchester, M21 8BZ
23 Claude Road, Manchester, M21 8BZ
25 Claude Road, Manchester, M21 8BZ
27 Claude Road, Manchester, M21 8BZ
29 Claude Road, Manchester, M21 8BZ
31 Claude Road, Manchester, M21 8BZ
33 Claude Road, Manchester, M21 8BZ
35 Claude Road, Manchester, M21 8BZ
37 Claude Road, Manchester, M21 8BZ
39 Claude Road, Manchester, M21 8BZ
41 Claude Road, Manchester, M21 8BZ
435 Barlow Moor Road, Manchester, M21 8AU
437 Barlow Moor Road, Manchester, M21 8AU
439 Barlow Moor Road, Manchester, M21 8AU
441 Barlow Moor Road, Manchester, M21 8AU
443 Barlow Moor Road, Manchester, M21 8AU
300 Barlow Moor Road, Manchester, M21 8AY
Flat 12, 433A Barlow Moor Road, Manchester, M21 8AU
Flat 10, 433A Barlow Moor Road, Manchester, M21 8AU
Flat 2, 433A Barlow Moor Road, Manchester, M21 8AU
302 Barlow Moor Road, Manchester, M21 8AY
Flat 1, 433A Barlow Moor Road, Manchester, M21 8AU
Flat 11, 433A Barlow Moor Road, Manchester, M21 8AU
Flat 3, 433A Barlow Moor Road, Manchester, M21 8AU
Flat 4, 433A Barlow Moor Road, Manchester, M21 8AU
Flat 5, 433A Barlow Moor Road, Manchester, M21 8AU
Flat 6, 433A Barlow Moor Road, Manchester, M21 8AU
Flat 7, 433A Barlow Moor Road, Manchester, M21 8AU
Flat 8, 433A Barlow Moor Road, Manchester, M21 8AU
Flat 9, 433A Barlow Moor Road, Manchester, M21 8AU
Kfc (gb)ltd, 433 Barlow Moor Road, Manchester, M21 8AU
Atm, 302 Barlow Moor Road, Manchester, M21 8AY
Offices Rear Of 437, Barlow Moor Road, Manchester, M21 2AN
433 Barlow Moor Road, Manchester, M21 8AU
437A Barlow Moor Road, Manchester, M21 8AU
439A Barlow Moor Road, Manchester, M21 8AU

Representations were received from the following third parties:

Relevant Contact Officer : Melanie Tann
Telephone number : 0161 234 4538
Email : m.tann@manchester.gov.uk