

APPLICATION REPORT - PA/342986/19

Planning Committee, 18 September, 2019

Registration Date: 28/02/2019
Ward: Failsworth West

Application Reference: PA/342986/19
Type of Application: Removal/Variation of Conditions

Proposal: Variation of condition no. 2 of PA/047250/04 to permanently allow extended delivery hours to between 05.30 and 23.00 hours on Monday to Saturday and between 08.00 and 18.00 hours on Sunday (temporary variation approved under application PA/341122/17).

Location: Morrisons Superstore, Poplar Street, Failsworth, M35 0HY
Case Officer: Graeme Moore

Applicant Wm Morrison Supermarkets PLC
Agent : Peacock and Smith

THE SITE

This application relates to the Morrisons Superstore on Poplar Street, Failsworth. The site adjoins residential properties on three sides, Jackson Street to the north, Poplar Street to the west, and Propps Hall Drive and Greystoke Lane across the Rochdale Canal to the south. To the east is Marlborough Mill.

THE PROPOSAL

The applicant seeks a permanent variation of condition to allow the permitted delivery hours to be extended from 07.00 to 21.00 hours on Monday to Saturday and 9:00 to 16:00 hours on Sunday, to 05:30 to 23:00 hours on Monday to Saturday, and between 08.00 and 18.00 hours on a Sunday.

A temporary variation was approved for the hours now sought in February 2018 for a period of one year in order to assess the impact of the amended operating hours.

PLANNING POLICY:

The 'Development Plan' is the Joint Development Plan Document (DPD) which forms part of the Local Development Framework for Oldham. The application site is unallocated on the plan.

The following DPD policy is relevant to the determination of this application.

Policy 9 – Local Environment

RELEVANT HISTORY OF THE SITE:

PA/341122/17 - Variation of condition 2 of PA/047250/04 to allow extended delivery hours - Temporary permission granted 23/02/2018.

PA/338373/16 - Variation of condition 2 of PA/047250/04 to allow extended delivery hours - Refused 16/6/2016

PA/047250/04 - Variation of condition no. 5 of PA/42257/01 to allow extended delivery hours
– Granted 29/07/2004.

PA/042257/01 - Demolition of the existing 5 storey mill and the rebuild of the existing superstore to the same footprint and style and associated works to car park – Granted 04/04/2002.

CONSULTATIONS

Highways Engineer	No objections.
Environmental Health	No objections.

REPRESENTATIONS

Councillor Garry has requested that the application is determined by Planning Committee as the issues raised in the previous application are still relevant.

190 neighbouring residential properties have been notified of the present application, to which two letters of objection have been received objecting to the increased disturbance caused by delivery vehicles.

PLANNING CONSIDERATIONS

The main issues for consideration are:

- Residential Amenity
- Highway Safety

Residential amenity

The main issue is the likely increased activity, and associated potential source of noise, such as the banging of doors and talking/shouting that may be associated with the extended hours of operation of delivery vehicles. This has the potential to occur at times when the nearby residents would reasonably expect to be sleeping. It should be noted that in the previous application, the submitted Noise Impact Assessment indicated that deliveries would not exceed the current background noise levels and the temporary consent was to enable that to be assessed in the light of operational experience.

The revised opening hours have been operating for over a year, and a log of the delivery times has been submitted. The log shows that for the majority of days, deliveries have taken place within the temporary period between 5.30am and 7am. Despite this, only two representations have been received in opposition to the proposals, and Environment Health has not recorded any formal complaints being received.

It is noted that the objectors mention the fact that problems are caused by lorries waiting outside the delivery yard for a period of time, before entering at or after 05:30am.

Nevertheless, having considered the fact that there have been no complaints in relation to the operation of the site, it is considered that on balance, permission should be granted for the amended condition on a permanent basis. It should also be noted that if the operation results in a statutory nuisance in the future then action could still be taken under Environmental Health Legislation.

Highway safety;

There are no highways objections.

Conclusion

The application is made for a permanent amendment to the delivery hours. Having considered the evidence and its operation over the past 18 months, it is considered that the

amended condition, is acceptable in this instance.

RECOMMENDATION

Approve, subject to the following conditions:

1. No deliveries shall be taken or despatched from the loading bay or service yard outside the following hours:-

05:30 - 23:00 hours on Monday to Saturday.

08.00 - 18.00 hours on Sunday.

Reason - To protect the amenity of the surrounding residential properties.

2. The agreed scheme submitted by Belair Research Limited on 12th February 2002 (Appendix 3, sheets 1 -3b) for insulating any externally mounted plant and equipment shall be retained at all times.

Reason - To protect the amenity of occupiers of nearby residential properties.

3. The parking and servicing areas shall not be used for any purpose other than the parking, loading and unloading and manoeuvring of vehicles.

Reason - To ensure that adequate off-street parking and servicing facilities are provided for the development and that parking and servicing does not take place on the highway to the detriment of highway safety.

4. Sight lines measuring 2.5 metres by 33 metres at the junctions of :-

1) Jackson Street with Poplar Street;

2) Jackson Street with Mellor Street;

3) Access to the parking area with Poplar Street;

4) Access to the parking area with Mellor Street; and

5) Access to the servicing area with Poplar Street.

shall be maintained free of all obstruction exceeding 0.6 metres in height within the splay area so formed on land under the Applicant's control.

Reason - To facilitate the intervisibility of users of Jackson Street, Poplar Street, Mellor Street and the development in the interests of highway safety.

5. No materials shall be stored within 5 metres of the Rochdale Canal at any time.

Reason - In the interest of protecting the ecology and wildlife present within the adjoining Rochdale Canal.

6. No more than 15% of the total net retail floorspace of the retail store shall be used for the retail sale of non-convenience goods.

Reason - To protect the vitality and viability of Failsworth district centre.

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