

The application seeks to vary condition 8 of planning permission 97/00792/OUT which granted planning permission, in outline, for the erection of a Class A1 foodstore, ancillary car parking for approximately 550 cars and a petrol filling station.

Condition 8 as worded in the decision notice is as follows:

The opening times of the retail foodstore hereby permitted shall be restricted to between the hours of 8.00am and 10.00pm Monday to Saturday and 9.00am to 6.00pm on Sunday

The reason given for the condition within the decision notice was;

To minimise the potential for noise disturbance being caused to local residents.

The application seeks to vary to the opening times to 7.00am on Monday to Saturday and to enable for a four day period prior to Christmas Eve, but excluding Christmas Eve itself and any Sunday, the trading hours to be extended to between 06.00am and midnight.

The site lies within the Newcastle Urban Central Neighbourhood Area on the Local Development Framework Proposals Map.

The statutory 13 week determination period for the application expires on 8 May 2017, however an extension to the determination period has been agreed until the 24 May 2017

RECOMMENDATION

PERMIT subject to all conditions from application 97/00792/OUT that remain relevant at this time and the following condition:

- **The opening hours of the retail foodstore hereby permitted shall be restricted to between the hours of 7.00am and 10.00pm Monday to Saturday and 9.00am to 6.00pm on Sunday, the exception being during the four days prior to Christmas Eve (excluding Christmas Eve itself and any Sunday) during which the trading hours shall be from 06.00am to 00.00am**

Reason for recommendation

The proposed extended opening hours are not considered to have an unacceptable impact upon the amenity of surrounding properties, as such is considered to represent a sustainable form of development which requires no further revisions or alterations.

Statement as to how the Local Planning Authority has worked in a positive and proactive manner in dealing with this application

This is considered to be a sustainable form of development and so complies with the provisions of the National Planning Policy Framework.

KEY ISSUES

The application site forms the Morrison foodstore located on Lower Milehouse Lane. The site itself contains the store, petrol filling station and parking facilities. The site is bounded by Lower Milehouse Lane to the north west, and Douglas Road to the east. Residential properties are located to the south and south west of the site at the Mile Rise Village complex, which includes a medical centre and off Comet Avenue.

This application seeks to amend the opening hours stipulated in condition 8 planning reference 97/00792/OUT as described above and the issue that is raised by this application is impact on residential amenity.

A condition of the planning permission prevents deliveries of goods to the store between the hours of 1am and 6am. The application does not seek to vary this condition and as such the restrictions will remain as originally permitted.

Impact upon Residential Amenity

The Framework states within paragraph 9 states that pursuing sustainable development involves seeking positive improvements in peoples quality of life, including improving the conditions in which people live, work, travel and take leisure. The impact upon the amenity of surrounding residents has to be taken into consideration. Paragraph 17 sets a core planning principle that planning should seek to secure a good stand of amenity for all existing and future occupants of land and buildings.

The proposal would increase the opening hours by one hour in the morning during weekdays and Saturdays, and would enable considerably longer opening hours for 4 days prior to Christmas Eve and therefore during the festive period only.

As stated above there are residential properties close to the site, the closest being those on Churchill Close off Comet Way and within the Mill Rise Village complex. The proposal would increase the opening hours of the store by one hour Mondays-Fridays in the morning, expect in the run-up to Christmas where the operating hours would be between 6am and midnight, an additional 4 hours on each day. Such a minor increase in the opening hours on weekdays and that the extended hours during the festive period is only on four days, it is not considered that the proposal would adversely affect the amenities of neighbouring residents, particularly as issues surrounding deliveries etc. will remain unchanged. The Council's Environmental Health Division was consulted on the application and raises no objections to the proposal.

APPENDIX

Policies and Proposals in the approved Development Plan relevant to this decision:-

[Newcastle-under-Lyme and Stoke-on-Trent Core Spatial Strategy \(CSS\) 2006-2026](#)

SP1: Spatial Principles of Targeted Regeneration

ASP5: Newcastle and Kidsgrove Urban Area

[Newcastle-under-Lyme Local Plan \(NLP\) 2011](#)

None

Other material considerations include:

[National Planning Policy Framework \(NPPF\) \(2012\)](#)

[Planning Practice Guidance \(PPG\) \(2014\)](#)

Relevant Planning History

97/00792/OUT – Erection of Class A1 foodstore, ancillary carparking & petrol filling station

Views of Consultees

The **Environmental Health Division**, **Highway Authority** and **Staffordshire Police Crime Prevention Design Advisor** raise no objections to the proposal.

Representations

One letter of objection was received during the consultation period of the application. A summary of the objection has been provided below, however the full documents can be viewed on file;

- Car park lights shine into neighbouring bedroom window – no objections if these were switched off
- The car park lights and the wagons visiting the store affect sleep.

Applicant/agent's submission

The application is supported by a Planning Statement.

All of the application documents can be viewed at the Guildhall or using the following link.

<http://publicaccess.newcastle-staffs.gov.uk/online-applications/PLAN/17/00137/FUL>

Background Papers

Planning File

Development Plan

Date report prepared

28 April 2017