

ALDI LIVERPOOL ROAD, KIDSGROVE
ALDI STORES LTD. 12/00245/FUL

The Application is to vary condition 8 of planning permission 05/00127/FUL to allow opening of the store until 10.00pm on Mondays to Saturdays (condition 8 currently allows opening to 8.00pm on these days).

The site is within urban area of Kidsgrove as defined on the Local Development Framework Proposals Map.

The 13 week period for the determination of this application expires on 3 August 2012.

RECOMMENDATION

Permit subject to conditions relating to the following:-

- (i) **No opening of the store to the public between the hours of 8.00am to 10.00pm Monday to Saturday, and 10.00am to 4.00pm on Sundays.**
- (ii) **All other conditions of planning permission 05/00127/FUL to remain.**

Reason for Recommendation

The proposal would not result in any significant adverse impact on residential amenity as a result of the extended hours of use and as such the proposal accords with Policy D2 of the Structure Plan and the aims and objectives of the National Planning Policy Framework (NPPF).

Policies and Proposals in the Approved Development Plan Relevant to This Decision:-

West Midlands Regional Spatial Strategy 2008 (WMRSS)

Nil

Staffordshire and Stoke on Trent Structure Plan 1996 – 2011 (SSSP)

Policy D2: The Design and Environmental Quality of Development

Newcastle-under-Lyme and Stoke-on-Trent Core Spatial Strategy 2006-2026 (adopted 2009) (CSS)

Policy ASP5: Newcastle and Kidsgrove Urban Neighbourhoods Area Spatial Policy

Newcastle-under-Lyme Local Plan 2011 (LP)

Nil

Other Material Considerations Include:

National Planning Policy Framework (March 2012)

Relevant Planning History

In 2005 planning permission was given for the demolition of an existing industrial building and construction of a food retail store and associated car park, reference 05/00127/FUL and that development was then implemented.

Views of Consultees

The **Environmental Health Division** and the **Police Architectural Liaison Officer** have no objections.

The views of **Kidsgrove Town Council** have not been received by the due date and it is therefore assumed that they have no comment on the proposal.

Representations

None received.

Applicant/Agent's Submission

A Supporting Statement has been submitted setting out Aldi's Trading Policy and store delivery system indicating that the Company wishes to extend its trading hours at this store to meet customer requirements in line with other competitors.

This document is available to view at the Guildhall and on www.newcastle-staffs.gov.uk.

Key Issues

This is an application to vary a condition of planning permission 05/00127/FUL which restricts the hours of opening of the store to the public to between the hours 8.00 am to 8.00pm Mondays to Saturdays, and 10.00am to 4.00pm on Sundays. The variation of the condition applied for is to allow opening until 10.00pm on Mondays to Saturdays. No changes are proposed to Sunday opening hours or to the hours when delivery and collection vehicles can access or leave the site.

Assuming that it is still considered appropriate (to protect residential amenity) to limit opening hours in some manner, the Authority has a number of options:-

- If it considers that the original condition should remain it should refuse the application, or
- If it considers that the condition in an amended form should be retained it should approve the application and apply the amended condition.

The NPPF indicates that core planning principles include that planning should proactively drive and support sustainable economic development and also seek a good standard of amenity for existing and future occupiers of land and buildings. Planning decisions should mitigate and reduce to a minimum adverse impacts on health and quality of life, as may arise from noise from new development, including through the use of conditions. Planning conditions should only be imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects.

The site is located on the A50 Liverpool Road. When the store is open there will be comings and goings from the premises as a consequence, including vehicular movements. There are residential properties opposite the car park and access point, however it is not anticipated that the proposal will result in a material loss of amenity particularly taking into account the existing background noise associated with traffic using Liverpool Road. There are residential properties to the rear also, off Mount Road, however again it is not anticipated that the proposal will result in a material loss of amenity given the distance involved and the levels difference between the application site and these properties. It is to be noted that the Environmental Health Division have no objections to the application.

The proposal does not raise any other key issues and in view of the above the proposed amendment to the condition is considered acceptable.

Background Papers

Planning File
Development Plan
National Planning guidance/statements

Date Report Prepared

31 May 2012