

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

The Application is to vary condition 1 of permission 12/00245/FUL to allow trading on Sundays between 10:00 hrs and 18:00 hrs during the London Olympic Games. (Condition 1 currently allows opening on Sundays between 10:00 hrs and 16:00 hrs).

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 October 2012.

RECOMMENDATION

Permit subject to conditions relating to the following:-

- (i) **No opening of the store to the public other than between the hours of 08:00 to 22:00 Monday to Saturday and between the hours 10:00 to 16:00 on Sundays, other than on Sundays between 22 July 2012 and 9 September 2012 when there shall be no opening of the store to the public other than between the hours of 10:00 to 18:00.**
- (ii) **All other conditions of planning permission 12/00245/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:

NNPF (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. Condition 8 limited opening to the store 08.00 – 20.00 Monday – Saturday and 10.00 – 16.00 on Sunday.

On 21 June 2012, Planning Permission 12/00245/FUL allowed amended opening hours of 08.00 to 22.00 Monday to Saturday, and 10.00 to 16.00 on Sundays.

Views of Consultees

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

Kidsgrove Town Council having made no comments by the due date must be assumed to have no observations to make upon the application.

Representations

None received to date.

Applicant/Agent's Submission

A Supporting Statement has been submitted. The Sunday Trading (London Olympics and Paralympics) Act 2012 temporarily suspends the current restrictions in the Sunday Trading Act 1994 on Sunday opening times for large shops. During the suspension all shops will be able to set their own open times for Sundays. This planning application is to enable this relaxation to be taken advantage of.

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 12/00245/FUL which restricts the hours of opening of the store to the public to between the hours 08.00 to 22.00 Mondays to Saturdays, and 10.00 to 16.00 on Sundays. The variation of the condition applied for is to allow opening until 18.00 on Sundays while the London Olympic Games and Paralympic Games are in progress. The application was received too late for it to be brought to this Committee before the commencement of the period in question (22 July to 9 September 2012), but it is now brought within that period to enable the Committee to consider the matter.

The Council in imposing the current condition earlier this year indicated that it did so to safeguard the amenity of residents within the surrounding area.

The application was received too late for it to be brought before the Committee before the commencement of the period in question 22 July to 9 September 2012. That the application is almost certainly now retrospective should have no bearing upon its determination.

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 present condition should be maintained through the duration of the London Olympic Games and Paralympic Games it should refuse the application, and consider what enforcement steps, if any, it wishes to take with respect to any breach of the current condition, or
- If it considers that the condition in an amended form is acceptable 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, including on a Sunday. 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 amendment sought to the condition is furthermore a temporary one. It could be argued that there are unusual and exceptional economic benefits arising from store opening during the period of the Games, and this is a relevant material consideration in this decision. At a national level Parliament has accepted this argument. Objections to Sunday trading per se and concerns about the working conditions of those working on Sundays are not material considerations to the determination of this planning application.

The proposal does not raise any other key issues and in view of the above the proposed temporary amendment to the permitted Sunday opening hours of this store is considered acceptable.

Background Papers

Planning File

Development Plan

National Planning guidance/statements

Date Report Prepared

3 August 2012