

Planning

Growth & Development

Delegated officer report for planning application

Application no. 133162/JO/2022

Date registered valid: 16 March 2022

Proposal: Variation of condition 17 (opening hours) attached to planning permission referenced 083957/FO/2007/N1 to allow the commercial units at ground, mezzanine and first floors to open 06.00-23.00 hrs Monday to Sunday

Address: 6 Oldham Road, Manchester, M4 5DB

Ward(s): Ancoats & Beswick Ward

Applicant: Tesco Stores Ltd, Shire Park, Kestrel Way, Welwyn Garden City, AL7 1GA

Agent (if any): Mr. Daniel Botten, Rok Planning 16 Upper Woburn Place, London, WC1H 0AF

Case officer: Steven McCoombe
Tel: 0161 234 4607
Email: steven.mccoombe@manchester.gov.uk

Recommendation: Approve

Date of recommendation: 18 May 2022

Application details

Type of application: Variation or Removal of Condition

Development type: Largescale Major Office

Date of site visit: 7 April 2022

Standard consultations:

Printed: 23 March 2022 Expired: 13 April 2022

Neighbour notifications

Printed: 23 March 2022 Expired: 13 April 2022

Site notice

Posted: 7 April 2022 Expired: 28 April 2022

Press advert

Published: 29 March 2022 Expired: 19 April 2022

Departure from Development Plan: No

Environmental Statement: Not required

Description of site/building

The application site relates to a large, part 5, part 6 storey mixed use, residential apartment and commercial use complex known as 'The Express Networks 2 Building'. The building comprises commercial development (retail/ offices) at ground and first floor level with residential units above. The ground floor, commercial floorspace is presently vacant. The host building consists of two main blocks, intersected by Henry Street and adjoined by a glazed link above ground level.

The building is bounded by a mixed-use development presently under construction and of a similar scale to the north, Oldham Road to the west, Luna Street to the east (rear) and the Grade II listed building of the Crown and Kettle public house just to the south.

Listed building: Not applicable

Conservation area: Ancoats Conservation Area 1989

Tree Preservation Order: No

Description of area

The site is located within the Ancoats Conservation Area, occupying a prominent position adjacent to a major radial route, a short distance to the north of city centre ring road and city centre.

To the north and north-east is a 6 storey mixed use development presently under construction, beyond which are blocks of traditional, upgraded two and three storey terraced residential properties, with the terrace along Oldham Road containing commercial ground floor uses. Opposite the site on the other side of Oldham Road is the New Cross regeneration area, characterised by high density residential apartment buildings and hotels.

Description of development

Planning permission is sought to vary condition 17 (hours of opening) attached to planning permission referenced 083957/FO/2007/N1.

At present the commercial floorspace is restricted to the following operational times:

The commercial units hereby approved at ground, mezzanine and first floors shall not be open outside the following hours, unless otherwise agreed in writing by the City Council as local planning authority:

0600-2300 Monday to Sunday.

Deliveries, servicing and collections associated with the commercial units shall not take place outside the following hours, unless otherwise agreed in writing by the City Council as local planning authority:

0730-2000 Monday to Saturday 1000-1800 Sundays and bank holidays

To facilitate the proposed occupation of the building by Tesco, it is proposed to vary condition 17 to extend the store opening hours in the morning by two and a half hours, and in the evening by five hours, whilst also extending these hours to apply seven days a week. The following, alternative wording is proposed;

The commercial units hereby approved at ground, mezzanine and first floors shall not be open outside the following hours, unless otherwise agreed in writing by the City Council as local planning authority:

0600-2300 Monday to Sunday.

Deliveries, servicing and collections associated with the commercial units shall not take place outside the following hours, unless otherwise agreed in writing by the City Council as local planning authority:

*0730-2000 Monday to Saturday
1000-1800 Sundays and bank holidays*

The existing servicing hours are proposed to remain unchanged.

Consultations & Notification Responses

Local Residents/Occupiers – 3 representations have been received. 2 comments raise issues, but are generally supportive, whilst 1 representation objects to the proposed opening times.

Concern is expressed surrounding noise at the proposed 6am opening time, especially at weekends.

Comments are also made surrounding servicing arrangements and the impact to Luna Street and loading and unloading procedures. It is also considered that delivery times should be subject to a planning condition.

Environmental Health – No objections to the change in operating hours for the commercial units. However, it does not appear that condition 7 of the original approval (083957/FO/2007/N1) has been discharged.

Highways Services – No objection from a highway perspective.

Planning History

066438/FO/NORTH1/02 – Five storey building comprising office use at ground, first, second and third floors and residential use (8 apartments) at fourth floor level. Ancillary car parking at ground and first floor level. *Approved 9 April 2003.*

073431/FO/2004/N1 –Erection of 6 storey building comprising office /retail units at ground floor level (A1, A2 or B1), 3972 sq. metres office space at first floor level, and 56 no apartments at 2nd to 5th floor levels. Creation of 28 car parking spaces at ground floor level. *Approved 20 April 2005.*

083957/FO/2007/N1 –Elevational alterations to previously approved building (073431/FO/2004/N1) in conjunction with creation of 56 apartments, 7 offices and ancillary car parking, within a maximum 7 storey building. *Approved 12 September 2007.*

098142/FU/2011/N1 –Provision of additional use class D1 (to a maximum floorspace of 350 sqm) within Express Networks buildings 1, 2 or 3. *Approved 1 March 2012.*

097959/FO/2011/N1 – Installation of 6 no. new air louvres to northeast elevation of building. *Approved 25 January 2012.*

107111/FU/2014/N1 – Change of use of mezzanine from vacant B1 office to D1 place of worship and associated offices. *Approved 5 November 2015.*

118351/FO/2017 –Change of use of existing commercial within part of the ground floor and mezzanine level above to create 12 no. self-contained apartments (Class C3a) with associated elevational alterations. *Approved 13 September 2018.*

128696/FO/2020 – Elevational alterations to form new shop front. *Approved 9 April 2021.*

Policy

The following policy and guidance is considered relevant to the consideration of this application:

- Saved policy DC26 of the Unitary Development Plan;
- Policies DM1, EC1, CC1, CC2, EN3 and SP1 of the Manchester Core Strategy;
- National Planning Policy Framework (NPPF).

Issues

Principle

Policies EC1, CC1 and CC2 advocate the improvement of development that contributes to economic growth, the enhancement of existing, infrastructure provision which supports the agglomeration role of the city centre and fringe and development which promotes the growth and improvement of retail provision in the city centre.

The applicant's preference is to trade from 06.00 to 11.00 hours Monday to Sunday in order to meet customer expectations and demand. It is anticipated that by increasing the permitted opening hours it will improve the overall operation of the convenience store and assist more generally in supporting the viability of the store, as well as providing local residents with easy access to grocery goods throughout the day in an area which is otherwise lacking in provision.

The extended opening hours will also facilitate the occupation of a vacant unit which will add to the vitality and vibrancy of the area, whilst attracting linked trips to neighbouring business occupiers. On this basis, the general principle of the proposal is believed to be acceptable.

Notwithstanding the above, accounts needs to be taken of the impact of the increased opening hours upon amenity, particularly the living conditions of neighbouring and upper floor residential occupiers. This is outlined below.

Residential Amenity

The application site is situated to the northern fringe of the city centre, adjacent to a major arterial route linking north and east Manchester with the city centre and a short distance from the city's main ring road. These roads are subject to a high frequency of vehicular and pedestrian traffic, with public buses operating late at night and into the early hours of the morning.

The immediate area is also mixed use in character and includes a number of late-night uses, with several bars and restaurants situated nearby.

Given the immediate commercial context which is subject to a high degree of activity and the location of premises within a vibrant area forming an extension of the city centre, it is believed that the living conditions of the nearest residential occupiers would not be significantly, adversely affected by extended opening hours.

Residents of the area could reasonably expect a lower level of amenity, given the city centre environment and as the proposed hours of use would still be limited, coupled with the nature of a retail use, which represents a use with relatively low activity, as well as existing background noise levels, it is considered that any impact to amenity can be sustained in the host environment. Any impact is considered to be outweighed by the benefits that the proposal will deliver to the economy and by bringing a vacant commercial unit back into effective operation.

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 a right to a fair hearing and to this end the local planning authority 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 Director of Planning, Building Control & Licensing 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 recommendation given is proportionate to the wider benefits of 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 35 Declaration

Officers have worked with the applicant / agent in a positive and proactive manner to guide the application through all stages of the planning process and resolve any issues that arose in dealing with the planning application.

Condition(s) to be attached to decision for approval OR Reasons for recommendation to refuse

1) The development hereby approved shall be carried out in accordance with the drawings numbered PL01, PL02, PL03, PL04, PL05, PL06, PL07, PL08, PL09, PL10, PL11q, PL13, PL14, PL15 and PL16 and the Planning Statement and Appendix A each date stamped as received by the local planning authority on 23 July 2007, and drawing no. pl2p date stamped as received by the Local Planning Authority on 23 August 2007, unless otherwise agreed in writing by the City Council as Local Planning Authority.

Reason - To ensure that the development is carried out in accordance with the approved plans, pursuant to saved policies E3.3, DC7, DC9 of the Unitary Development Plan for the City of Manchester (adopted 1995) and policies DM1, EN3, H1, H3, T2 of the Manchester Core Strategy.

2) The car parking indicated on the approved plans shall be surfaced, demarcated and made available at all times whilst the development is occupied.

Reason - To ensure that there is adequate car parking for the development proposed when the building is occupied, pursuant to policies DM1 and SP1 of the Manchester Core Strategy.

3) Any externally mounted ancillary equipment shall be acoustically insulated in accordance with a scheme submitted to and approved in writing by the City Council as Local Planning Authority, in order to secure a reduction in the level of noise emanating from the equipment.

Reason -To safeguard the amenities of the occupiers of nearby residential accommodation, pursuant to saved policy DC26 of the Unitary Development Plan for Manchester and policies DM1 and SP1 of the Manchester Core Strategy.

4) The development hereby approved shall only be implemented in accordance the waste management strategy detailed on drawing referenced OldhamRdManchester# (bin plan) and accompanying waste management pro forma, received by the City Council as Local Planning Authority on 17 May 2022. The details of the approved scheme shall remain in place whilst the use or development is in operation. No bins shall be stored outside the curtilage of the premises at any time, other than the day of collection.

Reason - In the interests of amenity and public health, pursuant to policies DM1 and SP1 of the Manchester Core Strategy.

5) The commercial units hereby approved at ground, mezzanine and first floors shall not be open outside the following hours, unless otherwise agreed in writing by the City Council as Local Planning Authority:-

06.00-23.00 hrs daily

Deliveries, servicing and collections associated with the commercial units shall not take place outside the following hours, unless otherwise agreed in writing by the City Council as Local Planning Authority:

07.30-20.00 hrs Monday to Saturday;
1000-1800 Sundays and bank holidays.

Reason - In interests of residential amenity, in order to reduce noise and general disturbance in accordance with saved policy DC26 of the Unitary Development Plan for the City of Manchester and policies DM1 and SP1 of the Manchester Core Strategy.

6) For so long as the use hereby approved is in operation, the City Council as Local Planning Authority shall be provided with information as specified in the previously agreed Travel Plan that can improve the effectiveness, implementation and monitoring of the Travel Plan. The agreed measures shall be implemented within a timescale agreed in writing by the City Council as Local Planning authority.

Reason - In order to promote sustainable travel to and from the development, pursuant to policies DM1 and SP1 of the Manchester Core Strategy and the National Planning Policy Framework (NPPF).

Appendix 1 – List of consultees & neighbours notified

Highway Services
Environmental Health

Crown And Kettle, 2 Oldham Road, Manchester, M4 5FE
CLOSE MALE GROOMING LTD, Part Ground Floor, Virginia House, 7 Great Ancoats Street, Manchester, M4 5AZ
2 Swan Street, Manchester, M4 5JN
First Floor And Second Floor, 2 - 4 Swan Street, Manchester, M4 5JN
First Floor, 6 Oldham Road, Manchester, M4 5DE
9 Great Ancoats Street, Manchester, M4 5AD
St Vincent House, 15 Oldham Road, Manchester, M4 5EQ
Basement And Ground Floor, 2 Swan Street, Manchester, M4 5JN
Apartment 306, 5 Luna Street, Manchester, M4 5LX
Apartment 304, 5 Luna Street, Manchester, M4 5LX
Apartment 212, 5 Luna Street, Manchester, M4 5LX
Apartment 301, 5 Luna Street, Manchester, M4 5LX
Apartment 204, 5 Luna Street, Manchester, M4 5LX
Apartment 209, 5 Luna Street, Manchester, M4 5LX
Apartment 207, 5 Luna Street, Manchester, M4 5LX
Apartment 201, 5 Luna Street, Manchester, M4 5LX
4 Oldham Road, Manchester, M4 5FE
Ground Floor, 9 Great Ancoats Street, Manchester, M4 5AD
5 Luna Street, Manchester, M4 5LX
Flat 514, 6 Oldham Road, Manchester, M4 5DB
Flat 513, 6 Oldham Road, Manchester, M4 5DB
Flat 509, 6 Oldham Road, Manchester, M4 5DB
Flat 412, 6 Oldham Road, Manchester, M4 5DB
Flat 411, 6 Oldham Road, Manchester, M4 5DB
Flat 313, 6 Oldham Road, Manchester, M4 5DB
Flat 5, Connect House, 1 Henry Street, Manchester, M4 5DA
Flat 14, Connect House, 1 Henry Street, Manchester, M4 5DA
Apartment 302, 5 Luna Street, Manchester, M4 5LX
Apartment 206, 5 Luna Street, Manchester, M4 5LX
Apartment 203, 5 Luna Street, Manchester, M4 5LX
Flat 41, Connect House, 1 Henry Street, Manchester, M4 5DA
Flat 13, Connect House, 1 Henry Street, Manchester, M4 5DA
Flat 10, Connect House, 1 Henry Street, Manchester, M4 5DA
Basement, Virginia House, 7 Great Ancoats Street, Manchester, M4 5AE
Fourth Floor, Virginia House, 7 Great Ancoats Street, Manchester, M4 5AZ
CLOUDY LIMITED, First Floor, Virginia House, 7 Great Ancoats Street, Manchester, M4 5AE
Flat 510, 6 Oldham Road, Manchester, M4 5DB
Flat 505, 6 Oldham Road, Manchester, M4 5DB
Flat 502, 6 Oldham Road, Manchester, M4 5DB
Flat 310, 6 Oldham Road, Manchester, M4 5DB
Flat 306, 6 Oldham Road, Manchester, M4 5DB
Flat 302, 6 Oldham Road, Manchester, M4 5DB
Flat 301, 6 Oldham Road, Manchester, M4 5DB
Flat 211, 6 Oldham Road, Manchester, M4 5DB
Flat 206, 6 Oldham Road, Manchester, M4 5DB
Flat 201, 6 Oldham Road, Manchester, M4 5DB
Flat 37, Connect House, 1 Henry Street, Manchester, M4 5DA
Flat 28, Connect House, 1 Henry Street, Manchester, M4 5DA

Flat 17, Connect House, 1 Henry Street, Manchester, M4 5DA
Apartment 307, 5 Luna Street, Manchester, M4 5LX
Flat 45, Connect House, 1 Henry Street, Manchester, M4 5DA
Flat 36, Connect House, 1 Henry Street, Manchester, M4 5DA
Flat 33, Connect House, 1 Henry Street, Manchester, M4 5DA
Flat 29, Connect House, 1 Henry Street, Manchester, M4 5DA
Flat 20, Connect House, 1 Henry Street, Manchester, M4 5DA
Flat 11, Connect House, 1 Henry Street, Manchester, M4 5DA
Unit B, 6 Oldham Road, Manchester, M4 5DE
Third Floor, Virginia House, 7 Great Ancoats Street, Manchester, M4 5AE
Flat 511, 6 Oldham Road, Manchester, M4 5DB
Flat 508, 6 Oldham Road, Manchester, M4 5DB
Flat 504, 6 Oldham Road, Manchester, M4 5DB
Flat 501, 6 Oldham Road, Manchester, M4 5DB
Flat 404, 6 Oldham Road, Manchester, M4 5DB
Flat 207, 6 Oldham Road, Manchester, M4 5DB
Flat 205, 6 Oldham Road, Manchester, M4 5DB
Flat 26, Connect House, 1 Henry Street, Manchester, M4 5DA
Flat 21, Connect House, 1 Henry Street, Manchester, M4 5DA
Apartment 308, 5 Luna Street, Manchester, M4 5LX
Apartment 214, 5 Luna Street, Manchester, M4 5LX
Apartment 205, 5 Luna Street, Manchester, M4 5LX
Flat 9, Connect House, 1 Henry Street, Manchester, M4 5DA
Flat 43, Connect House, 1 Henry Street, Manchester, M4 5DA
Flat 24, Connect House, 1 Henry Street, Manchester, M4 5DA
Flat 1, 4 Swan Street, Manchester, M4 5JN
Flat 507, 6 Oldham Road, Manchester, M4 5DB
Flat 413, 6 Oldham Road, Manchester, M4 5DB
Flat 410, 6 Oldham Road, Manchester, M4 5DB
Flat 408, 6 Oldham Road, Manchester, M4 5DB
Flat 407, 6 Oldham Road, Manchester, M4 5DB
Flat 401, 6 Oldham Road, Manchester, M4 5DB
Flat 311, 6 Oldham Road, Manchester, M4 5DB
Flat 203, 6 Oldham Road, Manchester, M4 5DB
Flat 30, Connect House, 1 Henry Street, Manchester, M4 5DA
Flat 19, Connect House, 1 Henry Street, Manchester, M4 5DA
Apartment 213, 5 Luna Street, Manchester, M4 5LX
Flat 6, Connect House, 1 Henry Street, Manchester, M4 5DA
Flat 40, Connect House, 1 Henry Street, Manchester, M4 5DA
Flat 409, 6 Oldham Road, Manchester, M4 5DB
Flat 406, 6 Oldham Road, Manchester, M4 5DB
Flat 309, 6 Oldham Road, Manchester, M4 5DB
Flat 208, 6 Oldham Road, Manchester, M4 5DB
Flat 303, 6 Oldham Road, Manchester, M4 5DB
Flat 214, 6 Oldham Road, Manchester, M4 5DB
Flat 209, 6 Oldham Road, Manchester, M4 5DB
Flat 44, Connect House, 1 Henry Street, Manchester, M4 5DA
Apartment 305, 5 Luna Street, Manchester, M4 5LX
Apartment 303, 5 Luna Street, Manchester, M4 5LX
Flat 38, Connect House, 1 Henry Street, Manchester, M4 5DA
Flat 27, Connect House, 1 Henry Street, Manchester, M4 5DA
Flat 1, Connect House, 1 Henry Street, Manchester, M4 5DA
Ground Floor, 6 Oldham Road, Manchester, M4 5DE
Second Floor, Virginia House, 7 Great Ancoats Street, Manchester, M4 5AE

Flat 312, 6 Oldham Road, Manchester, M4 5DB
Flat 308, 6 Oldham Road, Manchester, M4 5DB
Flat 204, 6 Oldham Road, Manchester, M4 5DB
Flat 35, Connect House, 1 Henry Street, Manchester, M4 5DA
Flat 32, Connect House, 1 Henry Street, Manchester, M4 5DA
Flat 23, Connect House, 1 Henry Street, Manchester, M4 5DA
Apartment 211, 5 Luna Street, Manchester, M4 5LX
Apartment 202, 5 Luna Street, Manchester, M4 5LX
Flat 34, Connect House, 1 Henry Street, Manchester, M4 5DA
Flat 506, 6 Oldham Road, Manchester, M4 5DB
Flat 503, 6 Oldham Road, Manchester, M4 5DB
Flat 405, 6 Oldham Road, Manchester, M4 5DB
Flat 307, 6 Oldham Road, Manchester, M4 5DB
Flat 304, 6 Oldham Road, Manchester, M4 5DB
Flat 213, 6 Oldham Road, Manchester, M4 5DB
Flat 7, Connect House, 1 Henry Street, Manchester, M4 5DA
Flat 42, Connect House, 1 Henry Street, Manchester, M4 5DA
Apartment 208, 5 Luna Street, Manchester, M4 5LX
Flat 8, Connect House, 1 Henry Street, Manchester, M4 5DA
Flat 31, Connect House, 1 Henry Street, Manchester, M4 5DA
Flat 16, Connect House, 1 Henry Street, Manchester, M4 5DA
4 Swan Street, Manchester, M4 5JN
Unit C, 6 Oldham Road, Manchester, M4 5DB
Unit A, 6 Oldham Road, Manchester, M4 5DE
Basement And Ground Floor, Virginia House, 7 Great Ancoats Street, Manchester, M4 5AE
Flat 512, 6 Oldham Road, Manchester, M4 5DB
Flat 403, 6 Oldham Road, Manchester, M4 5DB
Flat 402, 6 Oldham Road, Manchester, M4 5DB
Flat 314, 6 Oldham Road, Manchester, M4 5DB
Flat 305, 6 Oldham Road, Manchester, M4 5DB
Flat 212, 6 Oldham Road, Manchester, M4 5DB
Flat 210, 6 Oldham Road, Manchester, M4 5DB
Flat 202, 6 Oldham Road, Manchester, M4 5DB
Flat 4, Connect House, 1 Henry Street, Manchester, M4 5DA
Flat 12, Connect House, 1 Henry Street, Manchester, M4 5DA
Apartment 210, 5 Luna Street, Manchester, M4 5LX
Flat 414, 6 Oldham Road, Manchester, M4 5DB
Flat 46, Connect House, 1 Henry Street, Manchester, M4 5DA
Flat 39, Connect House, 1 Henry Street, Manchester, M4 5DA
Serviced Apartment 3, Connect House, 1 Henry Street, Manchester, M4 5DA
Flat 25, Connect House, 1 Henry Street, Manchester, M4 5DA
Flat 22, Connect House, 1 Henry Street, Manchester, M4 5DA
2 - 4 Swan Street, Manchester, M4 5JN
Flat 2, Connect House, 1 Henry Street, Manchester, M4 5DA
Flat 18, Connect House, 1 Henry Street, Manchester, M4 5DA
Flat 15, Connect House, 1 Henry Street, Manchester, M4 5DA

Appendix 2 – Planning constraints

Article 4 Direction - City Centre PD Restriction - Class B1(a) To C3

Article 4 Direction - City Centre PD Restriction - Class B1(c) To C3

Article 4 Direction - Removal Of PD Rights Change Of Use From Class C3 To Class C4

Aircraft Safeguarding Zone - Aircraft Safeguarding Zone - All Exceeding 90M
Coal Authority - Development Low Risk - Name: DEVELOPMENT_LOW_RISK_AREA
Conservation Area - Ancoats Conservation Area 1989
Susceptible to Surf Water Flood (Less) -
Susceptible to Surf Water Flood (Middle) -
Susceptible to Surf Water Flood (Middle) -
Area Team Boundary - Name: NORTH1