Planning Inspectorate

Appeal Decision

Site visit made on 17 December 2024

by N Duff BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 6 February 2025

Appeal Ref: APP/B4215/W/24/3348940
580 Altrincham Road, Manchester M23 9SR

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 (as amended) for the development of land without complying with conditions subject to which a previous planning permission was granted.
- The appeal is made by Aldi Stores Limited against the decision of Manchester City Council.
- The application Ref is 138866/JO/2023.
- The application sought planning permission for erection of a single storey front extension to the existing foodstore providing a total gross internal area of 1,522 sq m together with amendments to car parking layout to provide a total of 64 car parking spaces without complying with a condition attached to planning permission Ref 110012/FO/2015/S2, dated 29 October 2015.
- The condition in dispute is No 5 which states that: *The servicing of the development hereby approved shall be carried out in accordance with the servicing strategy outlined in Transport Assessment prepared by Axis (JW/1105-01r.001) stamped as received by the City Council, as Local Planning Authority, on the 30 November 2010 and the waste management strategy statement as received by the City Council, as Local Planning Authority, on the 8 February 2011. For the avoidance of doubt this shall mean:*
  1. No more than two deliveries by Heavy Goods Vehicles (HGV) per day between the hours of 07:00 to 09:00 Monday to Saturday and 08:00 to 09:00 Sundays and no more than two deliveries by HGV per day between the hours of 09:01 to 20:00 Monday to Saturday and 09:01 to 18:00 on Sundays. No more than one HGV delivery present at the site at any one time;
  2. No more than 4 refuse collections per week;
  3. No reversing warning sounds, radios or revving of engines within the service yard;
  4. All other servicing, other than by HGV and refuse collection, must be carried out within the curtilage of the store car park. No loading or unloading, within both the service yard and at the front entrance of the store, shall be carried out on the site outside the hours: Monday to Saturday 07:00 to 20:00 Sunday 08:00 to 18:00.
- The reasons given for the condition is: *In order to protect the amenity of local residents and in accordance with Policy DM1 of the Manchester Core Strategy (2012) and DC26 of the Unitary Development plan for the City of Manchester (1995) and the National Planning Policy Framework.*

Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is whether extending the hours of deliveries would affect the living conditions of nearby residents, with particular reference to noise and disturbance.

Reasons

3. The site is an existing supermarket and is located on a modest sized retail park on Altrincham Road. Altrincham Road is a main road, and the retail park is accessed off a crossroads. The area is suburban in character with other uses nearby, there are a large number of residential properties to the west. The store is located near

to the entrance of the retail park, the delivery bay and loading area is located adjacent to residential properties and gardens.

4. The main reason for the request to extend the hours of unloading and loading is to allow evening deliveries to be stocked fresh on shelves before the food store opens for trade. The requested change to delivery hours would affect the Monday to Saturday evening restriction only. Morning and Sunday servicing hours would remain as approved on the previous consent[1].

5. The nearest dwellings to the site on Arden Lodge Road and Gateacre Walk are located within very close proximity to the loading bay area which is to the side of the store. An acoustic fence is in place, which was approved in 2015[2].

6. The appellant has stated that delivery drivers would mainly unload the HGV, therefore they would not need to wait for staff to assist, decreasing the amount of time to carry out a delivery. Whilst this may be the case, the associated noises of the loading and unloading even using the ramped loading dock, due to the proximity to neighbouring properties, could cause noise and disturbance over a prolonged period.

7. The Delivery Noise Impact Assessment (NIA)[3] refers to the existing lowest background noise levels being at around 40 dB LA90 and refers to maximum predicted noise levels for deliveries of 53-60 dB LAmax. The Environmental Health representation states that the residents will be able to hear the deliveries between 20:00 and 21:00, but the LAmax figures recorded in the baseline monitoring look to be at similar levels (60-78 dB LAmax), which would not be out of the ordinary compared to ambient noise levels. The representation also states that the proposed hour is ‘daytime’ so would not disturb sleep.

8. Notwithstanding this, I have observed on my site visit, the very close relationship between the delivery yard and neighbouring houses and am unconvinced, based on the evidence, that the intervening acoustic fencing, planting strip, and boundary fencing around neighbouring gardens are sufficient to ensure the living conditions of neighbouring residents would not be unacceptably harmed by the proposal.

9. In particular, I am concerned by the lack of details relating to the predicted noise levels and how these have been compiled, with reliance on noise levels of deliveries at another, unidentified store. The other store has been described as ‘similar’ however, I have no information to confirm this, including its location, layout, or which vehicle(s) carried out the delivery that was monitored. The reasoning provided for using a different store is that extraneous noises sources that may be present at the site can be completely excluded from the assessment rather than corrected for. This is claimed to allow for overall uncertainty in the assessment to be minimised.

10. Overall, it is unclear why delivery noise levels at an unidentified alternative have been relied upon. I remain unconvinced that the predicted noise levels for deliveries at this specific site are reliable as I have no details to show deliveries at the other site emit similar noise levels. Therefore, whilst the data provided may demonstrate that the deliveries would be ‘nothing out of the ordinary’ as described

[1] Planning application Ref 110012/FO/2015/S2

[2] Planning application Ref 108734/FO/2015/S2

[3] Delivery Noise Impact Assessment, 6 December 2023 by Noise Solutions Ltd ref: 91500

by the Environmental Health Officer, I do not have sufficient detail to ensure that the source of the delivery data is reasonably comparable to the circumstances at the appeal site.

11. The Council's Environmental Health representation stated that disturbance can occur from the deliveries at the site, and whilst this related to the morning investigations carried out by the Council, this is likely to be true of the same activity taking place in the evening. Whilst the British Standard BS 4142:2014+A1:2019 classifies 'daytime' as 07:00 to 23:00, the hour between 20:00 and 21:00 is when residents could reasonably be relaxing, preparing for sleep or sleeping.

12. The evidence from the appellant also shows that noise levels of all types decrease into the early evening around 20:00 before becoming quieter overnight, indicating a reduction of activity in the evening and overnight. In the evening in a location such as this, which has a large number of residential properties close to the site, there would be a reasonable expectation that noise levels may be reducing. Therefore, noises from deliveries, loading and unloading would be more noticeable and more harmful to the individuals living in neighbouring properties.

13. The operating hours of the store are until 22:00 and therefore activity will be continuing at the site beyond the extended delivery hours requested. However, this activity would be further into the car park which is at a greater distance from the dwellings. On the evidence, the noise from car doors and trolleys for very short periods of time would most likely have a lower level of disturbance and intensity than deliveries. In addition, background noise levels of traffic would also decrease into the evening and the adjacent road is located further away from the affected dwellings.

14. Therefore, due to the location of the loading bay in relation to neighbouring properties and the type and intensity of the noises generated, the proposed extension of hours of delivery, loading and unloading would have an unacceptable detrimental impact on the living conditions of neighbouring residents by way of noise and disturbance and by reducing the quieter hours further. Therefore, the proposal would be contrary to saved policy DM26 of the UDP which states that development control functions should be used to reduce the impact of noise on people living in the city. The proposal would also be contrary to policies DM1 and SP1 of the CS which between them require developments to have regard to effects on amenity including noise and to create well designed places that make a positive contribution to the health and wellbeing of residents.

15. Paragraph 187 of the National Planning Policy Framework (Dec 2024) (the Framework) requires decisions to prevent existing development from contributing to unacceptable levels of noise, and paragraph 198 of the Framework requires developments to avoid noise giving rise to significant adverse impacts on health and quality of life. For the reasons mentioned, to extend the hours as requested would conflict with the aims of these policies.

Other Matters

16. The appellant has raised the issue of the vitality of district centres and the nighttime economy potentially being affected by the extension of time for delivery and unloading/loading hours not being permitted. Whilst this may not be ideal for the supermarket to operate as efficiently as possible, I do not find that extending the hours of delivery, loading and unloading in the evening by one hour would

have a notable benefit to the nighttime economy especially as opening hours would remain as existing. Therefore, this matter does not outweigh the harm identified in the main issue above.

17. It is also claimed that vehicle conflicts would be less likely to occur in the car park if deliveries could be carried out later when there are less customers using the store. Whilst this may be the case, the number of delivery vehicles is limited and there is a dedicated loading bay which is off the main car park. Therefore, whilst conflict may be less likely to occur as the store becomes quieter, I have not been provided with evidence that the proposal would address any existing safety concerns. Therefore, this matter does not outweigh the harm identified in the main issue.

Conclusion

18. The proposal conflicts with the development plan as a whole, and there are no material considerations which indicate my decision should be made other than in accordance with the development plan in this instance. For the reasons given above the appeal should be dismissed.

N Duff

INSPECTOR