

Planning

Growth & Development

Delegated officer report for planning application

Application no. 135157/FO/2022
Date registered valid: 31 October 2022
Proposal: Erection of single storey retail pod (Class E) adjacent to existing store
Address: Tesco Extra, Hyde Road, Manchester, M18 8LD
Ward(s): Gorton & Abbey Hey Ward

Applicant: Mr Andy Horwood
Agent (if any):
Case officer: Ian Jarvis
Tel: 0161 234 4079
Email: ian.jarvis@manchester.gov.uk

Recommendation: Approve
Date of recommendation: 12 April 2024

Application details

Type of application: Full Application Consent

Development type: Minor Retail

Standard consultations:

Printed: 3 November 2022 Expired: 24 November 2022

Neighbour notifications

Printed: 3 November 2022 Expired: 24 November 2022

Site notice

No site notice has been produced

Press advert

No press advert had been published

Departure from Development Plan: No

Environmental Statement: Not required

Description of site/building

Listed building: Not applicable

Conservation area: Not applicable

Tree Preservation Order: Not applicable

This application relates to part of the car park of the Tesco Superstore, located between Garratt Way and Hyde Road, a busy radial route to/from Manchester City Centre. The main entrance, to the Tesco building, faces onto the car park, and close to the front of the building, it is proposed to erect a detached single storey structure, to form a retail unit, on an area currently occupied by 4 car parking spaces.

The unit would be used by Timpsons to offer services such as shoe repairs, and key cutting, and would operate as an ancillary use of the main Tesco store. The unit would have dimensions of 6.7 metres long x 2.7 metres wide x 2.45 metres high, with a flat roof with the sides consisting of timber cladding and glazing. The applicant has confirmed that no shutters are proposed, as part of the proposal.

The proposed opening hours would be:
9.00am to 6.00pm - Monday to Saturday
10.00am to 4.00 pm - Sunday

An accompanying application has been received (135159/AOH/2022) for the signage, for the facility.

Consultations & Notification Responses

Local residents/adjoining occupiers - No comments received.

Highway Services - Made the following initial comments:

As the proposals would result in the removal of 4no. car parking spaces, the Applicant should demonstrate that the remaining parking provision can comfortably cater for parking demand associated with all users of the car-park in order to maintain efficient internal operations and reduce the possibility of localised on-street parking.

The Applicant should also demonstrate how safe pedestrian movement will be provided to/from the proposed retail pod as it is understood that the pedestrian access point will front onto the main car-park circulation aisle.

In response, the applicant submitted a plan to demonstrate safe pedestrian movement to be provided to/from the proposed retail pod, by way of the provision of a 'zebra' style crossing facility, and provided the following details relating to car parking spaces:

Total car parking at Manchester Gorton is 536 spaces.

The modelled requirement for this site (calculated using transaction data and scaled to the 5th busiest week + allowance for milling) is 339 spaces, leaving 196 surplus spaces.

The Timpson pod will take 4 of, leaving us still with plenty of surplus at this site.

Highways Services confirmed that the response demonstrates that adequate parking provision will remain within the car park and the provision of an additional zebra-crossing style facility would enable safe pedestrian access to the proposed pod.

Highways Services therefore confirmed that they have no objection to the proposals.

Strategic Area and Citywide Support Manager - Conditions are proposed in relation to refuse, acoustic insulation of any external equipment, and approval of the indicated hours. In formatives are also proposed in relation to construction hours and a contaminated land watching brief.

Greater Manchester Police - Made the following original comments:

The installation of the modular building should not affect the existing security measures of the site. The modular buildings should be of a fire-proof construction and include security-rated doors and shutters tested to LPS 1175, Security Rating 2. It should be covered by a monitored alarm system and the sites existing CCTV.

In other respects the proposal appears acceptable in relation to security.

In response, the applicant made the following comments:

At this Tesco Extra Store, they have only had one break-in in the last 3 years and this was during Christmas 2021 when the store was not staffed. The store is now staffed 24 hours a day and there is surveillance by means of staff patrols and the use of CCTV. Timpsons have confirmed that they cannot fit shutters to the standard pods due to the height restrictions. An alarm system can be fitted and they are happy for this to be conditioned as such. Also, the submitted plan show 10 ramraid bollards. Timpsons have also commented that they don't get many issues with break-ins as their pods are located so close to supermarket entrances.

These comments were considered by GMP, who confirm that they understand the difficulty in installing shutters to the pod and acknowledge the enhanced security presence at the store and willingness to install an intruder alarm in the pod. Consequently, they are happy to support the application without requiring the installation of security shutters.

Issues

National Planning Policy Framework (July 2021) - Sets out the Government's Planning Policies for England and how these should be applied. It states that the purpose of the planning system is to contribute to the achievement of sustainable development. It states that achieving sustainable development means that the planning system has 3 overarching objectives:

An economic objective - to help build a strong, responsive and competitive economy, by ensuring that sufficient land, of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;

A social objective - to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering well-designed, beautiful and safe places, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being; and

An environmental objective - to protect and enhance our natural, built and historic environment; including making effective use of land, improving biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change including moving to a low carbon economy

It states that planning policies and decisions should ensure that developments:

a) will function well and add to the overall quality of the area, not just for the short term, but over the lifetime of the development;

b) are visibly attractive as a result of good architecture, layout and appropriate and effective landscaping;

c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);

d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;

e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and

f) create places that are safe, inclusive and accessible, and which promote health and well-being, with a high standard of amenity for existing and future users, and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

Section 12 'Achieving Well Designed Places' states that 'the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to

communities. Being clear about design expectations, and how these will be tested, is essential for achieving this. paragraph 127).

The Core Strategy Development Plan Document 2012 -2027 ("the Core Strategy") was adopted by the City Council on 11th July 2012. It is the key document in Manchester's Local Development Framework. The Core Strategy replaces significant elements of the Unitary Development Plan (UDP) as the document that sets out the long term strategic planning policies for Manchester's future development.

A number of UDP policies have been saved until replaced by further development plan documents to accompany the Core Strategy. Planning applications in Manchester must be decided in accordance with the Core Strategy, saved UDP policies and other Local Development Documents.

Policy SP1 identifies the City Council's Core Development Principles and states that development in all parts of the City should:-

Make a positive contribution to neighbourhoods of choice including:-

- Creating well designed places that enhance or create character
- Making a positive contribution to the health, safety and wellbeing of residents
- Considering the needs of all members of the community regardless of age, gender, disability, sexuality, religion, culture, ethnicity or income.
- Protect and enhance the built and natural environment

Minimise emissions, ensure efficient use of natural resources and reuse previously developed land wherever possible.

Improve access to jobs, services, education and open space by being located to reduce the need to travel and provide good access to sustainable transport provision.

Policy DM 1 states that all development should have regard to the following specific issues for which more detailed

guidance may be given within a supplementary planning document:-

- Appropriate siting, layout, scale, form, massing, materials and detail.
- Impact on the surrounding areas in terms of the design, scale and appearance of the proposed development. Development should have regard to the character of the surrounding area.
- Effects on amenity, including privacy, light, noise, vibration, air quality and road safety and traffic generation. This could also include proposals which would be sensitive to existing environmental conditions, such as noise.
- Accessibility: buildings and neighbourhoods fully accessible to disabled people, access to new development by sustainable transport modes.
- Community safety and crime prevention.
- Design for health.
- Adequacy of internal accommodation and external amenity space.
- Refuse storage and collection.
- Vehicular access and car parking.
- Effects relating to biodiversity, landscape, archaeological or built heritage.
- Green Infrastructure including open space, both public and private.
- Flood risk and drainage.
- Existing or proposed hazardous installations.

Unitary Development Plan - The site is unallocated in the plan.

Saved policy E3.3 relates to sites along radial routes, which includes Hyde Road, and seeks to ensure that all new development, along these routes, is of the highest quality.

Principle of development - The unit would offer an additional facility for users of the store, which is keeping with the overall use of the site. The use, and operator, is commonly found in stores of this type and the proposal is therefore considered to be acceptable in principle.

Loss of car parking - The proposal would lead to the loss of 4 car parking spaces, although 536 spaces would remain on site. It is considered that this is sufficient to meet the needs of the development and this reduction raises no highway concerns to highway services.

Location of facility - Units of this type are generally located within, or immediately adjacent to, the store. In this case it would be a detached unit, within the car park, but would be located close to the main store entrance, thereby minimising walking distances from the store. The applicants have also provided a new 'zebra' type crossing, to ensure safe pedestrian access, between the store and the proposed new unit, to ensure safe pedestrian access. Whilst not typical, these arrangements are considered acceptable.

Design of unit - The unit would not be easily visible from Hyde Road, or Wellington Street, and the unit is considered to be of a typical design, found in the grounds of numerous stores of this type, and the overall appearance, of a retail unit, is in keeping with other buildings on this site.

Security - The applicants have addressed concerns identified by Greater Manchester Police who are happy to support the application, based on the current security arrangements on site, and the applicants agreement to install an alarm system, which is subject of a condition.

Other Legislative Requirements Equality Act 2010

Section 149 (Public Sector Equality Duty) of the Equality Act 2010 requires due regard to the need to: Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act and; Advance equality of opportunity between persons who share a protected characteristic and persons who do not share it. The Equality Duty does not impose a legal requirement to conduct an Equality Impact Assessment. Compliance with the Equality Duty involves consciously thinking about the aims of the Equality Duty as part of the process of decision-making.

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 based on seeking solutions to problems arising in relation to dealing with the planning application. In this instance negotiations took place, in relation to the loss of car parking and resulting parking arrangements for the site and the security of the site.

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

1) The development must be begun not later than the expiration of three years beginning with the date of this permission.

Reason - Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990.

2) The development hereby approved shall be carried out in accordance with the site location plan and drawings numbered 02_5566_02C, 02_5566_02D, 02_TIMP_02A, 02_TIMP_03A and 02_TIMP_03B, stamped as received by the City Council as Local Planning Authority, on 10 October 2022, drawing numbered 5566 pg2#, stamped as received by the City Council, as Local Planning Authority, on 15 December 2022, and the email from Ben Train, dated 23 January 2024, confirming security arrangements for the site.

Reason - To ensure that the development is carried out in accordance with the approved plans, pursuant to policies SP1, EN1 and DM1 of the Manchester Core Strategy and saved policy E3.3, of the Unitary Development Plan for the City of Manchester

3) The unit shall not operate outside the following hours:-

9.00am to 6.00pm - Monday to Saturday

10.00am to 4.00 pm - Sunday

Reason - In interests of residential amenity in order to reduce noise and general disturbance, pursuant to policies SP1 and DM1 of Manchester's Core Strategy.

4) 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 site/property.

Externally mounted ancillary plant, equipment and servicing should be acoustically treated in accordance with a scheme designed so as to achieve a noise level of 5dB below the existing background (LA90) at the nearest noise sensitive location

Reason - To safeguard the amenities of the occupiers of nearby residential accommodation, pursuant to policies SP1 and DM1 of Manchester's Core Strategy.

5) Prior to first operation of the proposed retail unit, a scheme for the storage (including segregated waste recycling) and disposal of refuse has been submitted to and approved in writing by the City Council as local planning authority. The details of the approved scheme shall be implemented as part of the development and shall remain in situ whilst the use or development is in operation.

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

6) Prior to the use first becoming operational, a scheme shall be submitted to and approved in writing by the City Council as local planning authority relating to the provision of measures to improve on-site security and to reduce the risk of crime, including the installation of an alarm system. The approved scheme shall be implemented prior to the first use of the premises and maintained in situ at all times thereafter.

Reason - To reduce the risk of crime, pursuant to policies SP1 and DM1 of the Core Strategy for Manchester and to reflect the guidance contained in the National Planning Policy Framework.

Informatives

1) The modular buildings should be of a fire-proof construction and include security-rated doors tested to LPS 1175, Security Rating 2. It should be covered by a monitored alarm system and the sites existing CCTV

2) Construction/demolition works shall be confined to the following hours unless otherwise agreed in writing by the City Council as local planning authority:

Monday - Friday: 7.30am - 6pm

Saturday: 8.30am - 2pm

Sunday / Bank holidays: No work

3) If the approved development involves the breaking of ground, in the event that ground contamination, groundwater contamination and/or ground gas are encountered on the site at any time before the development is occupied during the watching brief, then development shall cease and/or the development shall not be occupied until a report detailing what measures, if any, are required to remediate the land (the Remediation Strategy), is submitted to and approved in writing by the City Council as local planning authority and the development shall be carried out in accordance with the agreed Remediation Strategy. If no contamination is found, then a post-completion report shall be submitted to evidence this prior to occupation of the development.

Appendix 1 – List of consultees & neighbours notified

Highway Services
Environmental Health
Greater Manchester Police

Pharmacy, TESCO Extra, Hyde Road, Manchester, M18 8LD
Kings Dental Centre, Unit 3, Gorton District Centre, Garratt Way, Manchester, M18 8HE
Tesco Mobile, TESCO Extra, Hyde Road, Manchester, M18 8LD
Vision Express, TESCO Extra, Hyde Road, Manchester, M18 8LD
Tesco Cafe, TESCO Extra, Hyde Road, Manchester, M18 8LD
Gorton Library, Garratt Way, Manchester, M18 8HE
Gorton Cultural Centre, Garratt Way, Manchester, M18 8HE
Coopers Family Butchers, Unit 10 To 12, Gorton Retail Market, Garratt Way, Manchester, M18 8LD
AGE CONCERN MANCHESTER, Units 1 To 2, Gorton District Centre, Garratt Way, Manchester, M18 8HE
City Of Manchester Institute Of Gymnastics, Garratt Way, Manchester, M18 8HE
Subway, Garratt Way, Manchester, M18 8LD
Gorton District Centre, Garratt Way, Manchester, M18 8HE
Unit 9, Gorton Retail Market, Garratt Way, Manchester, M18 8LD
Unit 8, Gorton Retail Market, Garratt Way, Manchester, M18 8LD
Unit 7, Gorton Retail Market, Garratt Way, Manchester, M18 8LD
Unit 6, Gorton Retail Market, Garratt Way, Manchester, M18 8LD
Unit 5, Gorton Retail Market, Garratt Way, Manchester, M18 8LD
Unit 4, Gorton Retail Market, Garratt Way, Manchester, M18 8LD
Unit 3, Gorton Retail Market, Garratt Way, Manchester, M18 8LD
Unit 2, Gorton Retail Market, Garratt Way, Manchester, M18 8LD
Unit 1, Gorton Retail Market, Garratt Way, Manchester, M18 8LD
Gorton Retail Market, Garratt Way, Manchester, M18 8LD
The Dell, 55 Sibley Street, Manchester, M18 8LN
Flat 8, James Court, 44A Wellington Street, Manchester, M18 8LJ
Flat 5, James Court, 44A Wellington Street, Manchester, M18 8LJ
James Court, 44A Wellington Street, Manchester, M18 8LJ
46 Wellington Street, Manchester, M18 8LJ
St James Rectory, 44 Wellington Street, Manchester, M18 8LJ
Flat 9, James Court, 44A Wellington Street, Manchester, M18 8LJ
Flat 7, James Court, 44A Wellington Street, Manchester, M18 8LJ
Flat 6, James Court, 44A Wellington Street, Manchester, M18 8LJ
Flat 4, James Court, 44A Wellington Street, Manchester, M18 8LJ
Flat 3, James Court, 44A Wellington Street, Manchester, M18 8LJ
Flat 2, James Court, 44A Wellington Street, Manchester, M18 8LJ
Flat 1, James Court, 44A Wellington Street, Manchester, M18 8LJ
Flat 10, James Court, 44A Wellington Street, Manchester, M18 8LJ

Appendix 2 – Planning constraints

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
Area Team Boundary - Name: NORTH AREA