MANCHESTER CITY COUNCIL

Town & Country Planning Act 1990 (as amended)

Refusal of Planning Permission

Applicant

Aldi Stores Limited
C/o Agent

Agent (if used)

Danny Cremen
Avison Young
11 York Street
Manchester
M2 2AW

Part 1 – Particulars of the application/development

Proposal: Variation of condition 5 (Servicing Hours) attached to planning permission reference 110012/FO/2015/S2 to allow amended servicing hours as follows: 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 21:00 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 21:00, Sunday 08:00 to 18:00

Location: Aldi, 580 Altrincham Road, Manchester, M23 9SR

Date of application: 19 December 2023

Application number: 138866/JO/2023

Part 2 – Particulars of decision

Manchester City Council gives notice that the development referred to in Part 1 has been **Refused** in accordance with the application and plans submitted for the reason(s) listed below.

Article 35 Declaration

The local planning authority in making its decision has had due regard to paragraph 47 of the National Planning Policy Framework as well as the development plan, national planning policy and other material considerations and has refused the application for the reasons outlined in the delegated report.

Reason(s) for decision

1) The proposed extension of the servicing and delivery hours to allow servicing to take place until 21:00hrs Monday to Saturday, would, by reason of the close proximity of the servicing yard to residential properties, lead to an increase in noise nuisance and disturbance for the occupiers of residential properties, from the comings and goings of vehicles and staff late at night, to the detriment of residential amenity, contrary to saved UDP policy DC26 and Core Strategy policies DM1 and SP1.

Date: 6 February 2024

Signed: 

Julie Roscoe
Director of Planning, Building Control & Licensing

Manchester City Council, P O Box 532, Town Hall, Manchester M60 2LA

Notes

1. This decision relates only to that required under the Town and Country Planning Act 1990 does not include any consent or approval under any other enactment, byelaw, order or regulation.

2. If the applicant is aggrieved by the decision of the local planning authority to refuse permission or approval for the proposed development, or to grant permission or approval subject to conditions, they may appeal to the Secretary of State in accordance with Section 78(1) of the Town and Country Planning Act 1990 within six months of the date of the notice of the decision. However, if an enforcement notice has been served for the same or very similar development within the previous 2 years, the time limit is:

- 28 days from the date of the LPA decision if the enforcement notice was served before the decision was made yet not longer than 2 years before the application was made.
- 28 days from the date the enforcement notice was served if served on or after the date the decision was made (unless this extends the appeal period beyond 6 months).

The Planning Inspectorate have introduced an online appeals service that can be used to make appeals online. This service is available through the gov.uk website – www.gov.uk/appeal-planning-decision. The Inspectorate will publish details of your appeal on the internet. Alternatively If you are unable to access the online appeal form, please contact the Planning Inspectorate to obtain a paper copy of the appeal form on tel: 0303 444 5000.

The Secretary of State has power to allow a longer period for the giving of a notice of appeal but they will not normally be prepared to exercise this power unless there are special circumstances that excuse the delay in giving notice of appeal.

If you intend to submit an appeal that you would like examined by inquiry then you must notify the City Council (planning@manchester.gov.uk) and the Planning Inspectorate (inquiryappeals@planninginspectorate.gov.uk) at least 10 days before submitting the appeal. Further details are on GOV.UK.

3. The statutory requirements are those set out in Section 79(6) of the Town and Country Planning Act 1990, namely Sections 70(1) and 72(1) of the Act.

4. If either the local planning authority or the Secretary of State refuses permission to develop land or grants it subject to conditions, the owner may claim that they can neither put the land to a reasonably beneficial use in its existing state nor render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.

In these circumstances, the owner may serve a purchase notice on the Council in whose area the land is situated. This notice will require the Council to purchase their interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990

5. In certain circumstances, a claim may be made against the local planning authority for compensation, where permission is refused or granted subject to conditions by the Secretary of State on appeal or on a reference of the application to them. The circumstances in which such compensation is payable are set out in Section 114 of the Town and Country Planning Act 1990.