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18 December 2023

Development Management
Manchester City Council
Planning
Manchester
P O Box 532
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Dear Sir/Madam,

APPLICATION TO VARY CONDITION 5 (SERVICING HOURS) (UNDER SECTION 73 OF THE TOWN AND COUNTRY PLANNING ACT 1990) OF PLANNING PERMISSION REF. 110012/FO/2015/S2 TO ALLOW FOR EXTENDED DELIVERY AND SERVICING HOURS

I am writing on behalf of our client Aldi Stores Limited ('Aldi), who is seeking the variation of Condition 5 (Servicing Hours) attached to planning permission reference: 110012/FO/2015/S2 ('the existing consent') which was granted consent on 29th October 2015. A copy of the decision notice is submitted as part of this application.

The existing consent permitted the extension of the original Aldi foodstore at 580 Altrincham Road, Baguley, Manchester, M23 9SR as follows:

> *"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."*

It is to this most recent permission that the current application under Section 73 of the Town and Country Planning Act is made. The following letter sets out the supporting application information, provides an overview of the site and its context, explains the application proposals, and assesses this against relevant local and national planning policy.

Supporting Information

The following information has been submitted in support of this application:

- This covering letter;
- Application forms, duly signed and completed;
- Decision Notice for existing consent (LPA ref. 110012/FO/2015/S2);
- Delivery Noise Impact Assessment (December 2023), prepared by Noise Solutions Ltd.

The Site and Background

The site is located within the administrative boundary of Manchester City Council and is occupied by the existing Aldi foodstore at 580 Altrincham Road, Baguley, Manchester, M23 9SR. The Aldi foodstore forms part of the wider Brookway Retail Park which is also home to a number of

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comparison retail units. The Aldi store is located to the front of the retail park, just off the A560, Altrincham Rd. The site is located in the area of Baguley, south of central Manchester and is surrounded by residential uses to the north and west. Wythenshawe Town FC and Tesco Extra lie to the south and south east of the site, across Altrincham Road. Manchester Health Academy lies to the east of the site.

This store therefore forms part of an existing commercial area with the wider Brookway Retail Park located immediately to the east and is located on the A560 Altrincham Road which is an important highway route that carries a high volume of traffic. Moreover, the Manchester Core Strategy has designated Baguley as a new district centre. Although the specific boundary of Baguley district centre remains to be defined, the Core Strategy sets out that the centre includes Brookway Retail Park. Therefore it is considered the application site sits within Baguley district centre. The application site is therefore in a busy district centre location where ambient noise levels can be expected to already be elevated given its context.

The Proposal

Aldi is seeking to extend the current delivery and service hours of the existing consent through variation of Condition 5. in order to meet Aldi's operational requirements.

The delivery and servicing hours as presently conditioned are onerously restrictive as they do not align with the trading hours, particularly in the evenings. This means, for example, that staff often struggle to replenish fresh produce before the foodstore opens for business, given that deliveries can only arrive a maximum of one hour prior to weekday / Saturday opening and no deliveries are permitted after 8pm on weekdays and Saturdays.

The very minor extension to delivery and servicing hours sought by Aldi will allow for greater flexibility to better suit the applicant's requirements, role and function as an important local food store within Baguley district centre. This will ensure that fresh produce will be available on the shelves at the point of opening.

The relatively minor changes would enable delivery and servicing at the supermarket to take place just one hour later in the evenings on Mondays to Saturdays to 9pm. It is important to bear in mind that the foodstore can trade until 10pm on these days. The proposed delivery hours would still be well below the operator's standard requirement nationwide, emphasising that servicing at Baguley would remain highly restricted to safeguard the amenities of surrounding residential occupiers.

The following amendments to Condition 5 of permission ref. 110012/FO/2015/S2 are proposed (deletions in ~~strikethough~~ and additions in red):

> *"5) 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~~ 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 ~~20:00~~ 21:00

Sunday 08:00 to 18:00

Reason - 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."

As this letter will explain, the applicant considers there to be strong technical evidence that the proposed delivery and servicing hours will not affect the amenity of local residents.

Relevant Planning History

In 2018 the applicant previously submitted an application (LPA ref. 122237/JO/) for the variation of Condition 5 of planning permission 110012/FO/2015/S2 which sought to extend the permitted servicing and delivery hours of the store. The application further sought to remove the restrictions permitting a maximum of four deliveries a day and four refuse collections a week. The application was refused in March 2019.

The reason for refusal provided in the decision notice was that the proposed extension of the servicing hours, 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 activities of vehicles and staff in the early morning and late at night, to the detriment of residential amenity, contrary to saved UDP policy DC26 and Core Strategy policies DM1 and SP1.

A subsequent application was submitted in August 2023 (137942/JO/2023), which also sought to vary the wording of condition 5 of planning permission 110012/FO/2015/S2. The application sought to extend the permitted servicing and delivery hours of the store also, but was refused permission in November 2023, citing residents concerns regarding the noise impacts as the primary reasoning for refusal.

However, it is imperative to illustrate the differences between the previous variation of condition applications and the current application. This application differs in that it:

- **Does not seek to remove the restriction on the number of deliveries** permitted to take place, which is limited to no more than two HGV deliveries 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.

- **Does not seek to remove the limit on the number refuse collections** per week, which is currently limited to four per week.
- Is **fully supported by a Delivery Noise Impact Assessment** that demonstrates that there would be no significant increase in noise impact as a result of the proposed extended delivery periods.
- Seeks **a dramatically reduced extension of servicing hours than that previously applied for**. This application seeks a one-hour extension for servicing and deliveries as opposed to the 3-hour extension that was previously applied for in the August 2023 application.

The current application solely seeks to extend the hours that deliveries and collections are permitted to take place with no changes sought in relation to the permitted number of HGV deliveries and refuse collections.

Relevant Planning Policy

Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that decisions should be made in accordance with the development plan unless material considerations indicate otherwise.

The development plan for the purposes of this application comprises the Manchester Core Strategy, adopted in 2012, and the saved policies of the Unitary Development Plan.

Manchester Core Strategy

Policy SP1 – Spatial Principles: This policy includes that development in all parts of the City should make a positive contribution to the health, safety and wellbeing of residents.

Policy DM1 – Development Management

This policy outlines that all development should have regard to the effects on amenity, which includes noise.

Manchester Unitary Development Plan

Saved Policy DC26 – Development and Noise: This policy includes that developments likely to result in unacceptably high levels of noises will not be permitted in residential areas. It states that where a new proposal might generate potentially unacceptable levels of noise, it will require the applicant to provide an assessment of the likely impact and of the measures he proposes to deal satisfactorily with it. Such measures might include engineering solutions including screening by purpose-built barriers.

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Assessment

Aldi Store Design

As Aldi stores are often located close to residential areas by virtue of their need to provide for the public, Aldi is committed to being a responsible neighbour and seeks to ensure the amenity of residents is maintained. From the early stages, the design and layout of their foodstores are carefully considered during the planning process to ensure that the requirements of the food store are met, whilst protecting local residential amenity.

Aldi's existing servicing area at its Baguley store incorporates a delivery ramp and dock leveller system which means products can be unloaded without any external activity, such as forklift trucks, scissor lifts or cages. Servicing is therefore a much swifter and quieter process than it is for larger mainstream foodstores with a traditional 'service yard' arrangement.

In terms of the servicing procedure itself, in the case of Heavy Goods Vehicle ('HGV') deliveries, this would typically take 30 - 60 minutes and is a straightforward exercise given that Aldi's stock is delivered on pallets which are simply rolled into the warehouse, utilising the automated dock levelling system. Furthermore, as part of Aldi's delivery process the responsibility for the unloading of a servicing vehicle rests with its driver. As such, there is no potential for delay in the process as it is not necessary to wait for store staff to deal with the vehicle on its arrival (as is the case with many other mainstream convenience retailers).

The existing site includes acoustic mitigation which already mitigates noise impact between the servicing area and the nearest residential properties. This includes a 3.75m high acoustic fence[1] between the foodstore's servicing area and residential properties to the north (LPA Ref. 108734/FO/2015/S2) that mitigates the potential noise impacts of servicing activities and also noise management procedures as required by the existing consent. The noise management procedures include no reverse warning sounds, radios or revving of engines within the service yard and also limiting the number of HGV deliveries permitted.

Beyond the acoustic fence is a substantial (approx. 5.5m) landscaping buffer and a 2m high close boarded timber fence, providing separation distance and visual screening between the Aldi site and residential properties. It is therefore expected that there will be no visual amenity impacts associated with the application proposal as servicing activities are not visible from neighbouring residential properties to the north.

Noise Impacts of Extended Delivery Hours

In the case of Baguley, the store is situated just off the A560 Altrincham Road, which is an important vehicular route connecting Altrincham and surrounding areas to the M60 / M56. Atrincham Road is also a busy bus corridor, with around six services an hour in each direction at peak times, with services running from before 6am until after 11pm. Furthermore, Aldi's Baguley store is located within an established retail area of Brookway Retail Park, which forms part of Baguley (West Wythenshawe) district centre, and has operated as an important retail destination for local residents for some time. The site therefore forms part of a large commercial area on a

[1] Minimum surface mass of 10kg/m2 and an absorbent inner lining.

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busy highway route where existing ambient noise levels are already elevated throughout the day and evening.

Accordingly, noise associated with delivery and servicing at the Aldi store does not currently exceed the background levels already audible from other sources within the surrounding area as demonstrated in the Delivery Noise Impact Assessment submitted with this application.

The Delivery Noise Impact Assessment further confirms that background sound levels during the extended delivery period proposed (from 20:00 to 21:00 hours Monday to Saturday,) are broadly the same as during the current delivery periods.

The Delivery Noise Impact Assessment concludes that the noise impact of the proposed extended delivery hours will be negligible, stating at Paragraphs 8.5 and 8.6 that:

> ***"Predicted rating levels during the proposed delivery periods are below the existing representative background sound level, indicating that no worse than a negligible noise impact is anticipated. Furthermore, there is no significant difference in representative background sound levels in the existing permitted delivery periods compared with those proposed… It is therefore considered that noise should not be considered as an obstacle to deliveries within the proposed extended period, 20.00 to 21.00 hours, Monday to Saturday."***

The conclusions of the Delivery Noise Impact Assessment therefore support the justification for the amendment of Condition 5 as outlined in this submission.

This technical evidence demonstrates that there will be no significant impacts on residential amenity as a consequence of the proposal to extend in a very minor way the existing servicing hours during Monday to Saturday evenings. The proposal will not lead to an increase in noise nuisance and disturbance for the occupiers of neighbouring residential properties. Noise from the servicing activities of vehicles and staff will not be perceptible above background noise levels and there will be no noticeable adverse impact on residential amenity. As a consequence, there would be no conflict with the local planning policies identified which seek to protect the amenities of surrounding residential occupiers, namely Core Strategy policies DM1 and SP1 and saved UDP policy DC26.

The amendments proposed would not therefore create a disturbance and would not adversely affect the quality of life of surrounding residents. The variation to Condition 5 is thus considered justified in policy terms, given the robust submitted technical evidence and our other qualitative observations regarding the context of the site – which is a district centre and is surrounded by operational commercial uses along a busy highway route.

Conclusion

The comments from the previous relevant applications have been fully considered in the submission of this application. The additional hours sought for the extension of servicing for the store have been dramatically reduced. The extension to the servicing hours now falls wholly within the evening opening hours of the store. The food store is able to trade until 10pm, therefore the ability for it to be serviced should not be in question both from an operational perspective and in

terms of noise levels already apparent at this time of day, as fully supported by the accompanying Noise report.

Planning Application Fee

The planning application fee has been calculated at £266.20 (including service charge) and this amount has been paid for via BACS to the Planning Portal.

I trust the information provided within this submission is sufficient to validate and determine the application. If you have any queries, please do not hesitate to contact me.

Yours Sincerely,



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For and on behalf of Avison Young (UK) Limited