

REF:R00758/DB/MR
SUBMITTED VIA PLANNING PORTAL

Manchester City Council
Planning
Manchester
M60 2LA

23rd November 2022

Dear Sir/Madam,

**APPLICATION TO PART-DISCHARGE CONDITION 12 (OPENING HOURS) ATTACHED TO
PLANNING PERMISSION REFERENCE 114585/FO/2016
PRINCESS STREET / WHITWORTH STREET, MANCHESTER, M1 3PE**

I write on behalf of our Client Tesco Stores Ltd, to submit an application to part-discharge condition 12 (Opening Hours) attached to planning permission ref. 114585/FO/2016 located at Princess Street, Whitworth Street, Manchester, M1 3PE.

Application Background

Planning permission 114585/FO/2016 was granted subject to 36 conditions on 20th December 2016 for the following development:

"Erection of three residential buildings (Building 1 comprising 15 storeys plus plant space, Building 2 comprising 11 storeys plus plant space and Building 3 comprising 14 storeys plus plant space) to provide 351 residential units (Use Class C3) 117 x 1 bed, 218 x 2 bed and 16 x 3 bed) al with ground floor commercial uses (Class A1 (Shop), A3 (Restaurant and Cafe) and D1 (Non Residential Institution Use- Art Gallery) and new public space with related access, servicing, landscaping and associated works with parking for 254 vehicles, 224 cycles within 4 levels of existing basement car park."

This application seeks to part-discharge condition 12 attached to this consent insofar as it relates to Unit B as shown on drawing no. A004.

Condition 12 (Opening Hours)

Condition 12 states:

"Before any new use hereby approved commences, within each of the ground floor units below the residential blocks details of the proposed opening hours shall be submitted to and approved in writing

by the City Council as local planning authority. The units shall be not be operated outside the hours approved in discharge of this condition.”

This application proposes opening hours for Unit B.202/203 of between 06:00 and 23.00 Monday to Sunday. These opening hours reflect the requirements of the proposed operator and the greater demand for round the clock availability of grocery goods. Across the entire Tesco Express portfolio, the preference is to trade from 06.00 to 11.00 hours Monday to Sunday in order to meet customer expectations and demand.

Allowing these opening hours will ensure a quality customer experience and support the overall operation of the proposed convenience store. It will 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. It should additionally be noted that allowing the proposed opening hours also enables customer demand to be spread throughout the day, especially in the early hours, thereby smoothing out any spikes in trading.

The site is located along a busy A road (the A34) that cuts through central Manchester, where there is significant transport activity during the early hours of the morning and late at night. The site is located near a number of bus stops, the closest being Hart Street Bus Stop (Stop ID: mangpjjj). Buses frequently stop near the site from as early as 5.00am with buses passing the site multiple times every hour. Overall, a reasonably high frequency of transport passes along the Princess Road throughout the morning and evening, generating significant noise. This would suggest that the proposed opening hours are acceptable given the high rate of activity within the area. On this basis it is argued that nearby residential properties will not be adversely affected by the proposed opening hours.

Notwithstanding the fact that there is significant transport activity within the area, consideration should be given to the fact that the unit is located in close proximity to premises with late opening hours. These include The New Union Pub (open from 12:00pm-2:00am) located approximately 60m from the site and SPAR (Open 24 Hours) located approximately 100m from the site. On this basis, there is a clear existing precedent for the opening hours proposed in this area.

In addition, the unit does not provide car parking spaces nor trolleys. Thus, most noise generating activities are contained within the unit itself. The only potential source of external noise would be from the arrival and departure of customers which, as noted above, is likely to be less frequent in the early and late hours.

Lastly, located within the surrounding area of Central Manchester are Tesco stores with the proposed opening hours located in close proximity to residential properties. For example, The Tesco Express located at Oxford Street, M1 6EQ has opening hours of 6am-11pm and is located in close proximity to residential properties. Similarly, the Tesco Express located at 1 Piccadilly, M1 3BE has opening hours of 6am- 11pm, and has residential properties above the ground floor retail unit. Clearly, hours of 6am – 11pm has been found acceptable at other Tesco stores in the borough which are located in similar proximity to residential properties.

Conclusion

Ultimately, the proposed opening hours are required to enable the operation of the unit as a convenience store in line with the operational requirements and standards of the intended retailer. The opening hours will provide good access to retail goods for residents whilst ensuring the operation of the store remains viable. The retail unit is located along a busy A road with significant transport activity present in the area from as early as 5am, whilst a number of local establishments are open past midnight and 24 hours establishing a clear precedent for the proposed hours of operation here. Similarly, it is notable that the proposed hours of 6am-11pm have been deemed acceptable on other stores in the borough which are a similar distance from the nearest residential property as the application site. Thus, it is not considered that the proposed opening hours would cause any adverse harm to the local area or the amenity of local residents and on this basis it is respectfully requested that condition 12 be part-discharged insofar as it relates to Unit B as shown on drawing no. A004.

Scope of Application Submission

The following has also been submitted via the planning portal in support of this application:

- This covering letter produced by ROK Planning;
- The completed application form and relevant planning application fee of £116;
- A copy of the original Decision Notice (114585/FO/2016); and
- Plan identifying Unit B (Drawing No. A004).

I trust that you have all the information you require to validate this application. If, in the interim, you have any queries please do not hesitate to contact either Matthew Roe (matthew.roe@rokplanning.co.uk) or myself at this office. I look forward to your formal acknowledgement of the application.

Yours faithfully,



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