

Planning

Growth & Development

Delegated officer report for planning application

Application no. 133622/FO/2022

Date registered valid: 27 April 2022

Proposal: Revision to the existing Ashton Old Road vehicular exit point to form an access/egress point from Ashton Old Road and the reconfiguration of the car park.

Address: 1270 Ashton Old Road, Manchester, M11 1JJ

Ward(s): Clayton & Openshaw Ward

Applicant: Mr Stuart Jardine, Lidl UK, GmbH Eastgate Way, Manor Park, Runcorn, Cheshire, WA7 1NT

Agent (if any): Mrs Natalie Ternent, SCP, Colwyn Chambers, 19 York Street, Manchester, M2 3BA

Case officer: Ian Jarvis
Tel: 0161 234 4079
Email: ian.jarvis@manchester.gov.uk

Recommendation: APPROVE

Date of recommendation: 13 December 2022

Application details

Type of application: Full Application Consent

Development type: Minor Other

Standard consultations:

Printed: 6 May 2022 Expired: 27 May 2022

Neighbour notifications

Printed: 6 May 2022 Expired: 27 May 2022

Site notice

Posted: Expired: Posted: Expired:

Press advert

Published: 17 May 2022 Expired: 7 June 2022

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 the site of a Lidl supermarket on Ashton Old Road, a busy radial route to/from Manchester City Centre. The site is bounded on three sides by roads; Ashton Old Road to the north, Erin Street to the east and Stanley Street to the south. The western boundary is shared with a petrol station, which has its main access from Ashton Old Road. The site is located within the Openshaw District Centre, which is comprised of a mixture of retail and commercial uses. The edge of the district centre is surrounded by residential properties.

The foodstore was built and opened in February 2007 following the granting of planning permission ref: 080557, and in 2009 consent was granted to vary that permission to create a 'left in only' vehicle access from Ashton Old Road (090280). This was implemented and has been on site since 2010.

A subsequent application was then made for the reconfiguration of this access point to allow the existing 'access only' to become an access/egress from Ashton Old Road, together with alterations to the layout of the car park (113958/FO/2016 - Approved November 2016). That consent was never implemented and has expired.

The current application originally sought to replicate that expired permission (113958), but following concerns expressed by Highway Services, mainly relating to the relationship of the access point, to an existing bus stop, and associated visibility issues, the application was amended, and now seeks to widen the existing access point, whilst retaining it as a 'left-in' access point only. The existing access point is approximately 3.75 metres wide and it is proposed to re-profile the footway, creating an access point that is approximately 5 metres wide.

The proposed works include the provision of new tactile paving, either side of the access point, and the retention of existing one way traffic flow ground plates and 'No Entry' markings.

Consultations & Notification Responses

Local residents - No comments received.

Highway Services - Makes the following comments:

Highways Services and TFGM have reviewed the amended site plan, and the removal of the site egress is noted. The 'left in' only arrangement, directly from Ashton Old Road, will remain. This appears to address the conflict with the bus stop position.

Any modifications / improvements to the public highway or footpath will require a S278 agreement - a deposit is required to begin the S278 application, additional costs will be payable and are to be agreed with S278 team. This will be funded at the applicant's expense. It is recommended that all off-site highway works are conditioned and attached to any future consent.

It is also recommended that the applicant liaises with MCCs Street Lighting Team regarding the potential requirement to relocate an existing street lighting column that is close to the access point on Ashton Old Road.

It is expected that all modifications / improvements to the public highway are achieved with a maximum carbon footprint of 40%. Materials used during this process must also be a minimum of 40% recycled and fully recyclable. Developers will be expected to demonstrate that these standards can be met prior to planning conditions being discharged. The developer is to agree the above with MCC's Statutory Approvals and Network Resilience Teams post planning approval and prior to construction taking place.

These points are proposed to be covered by a condition and informative.

Greater Manchester Police - No objections.

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 states that the council will upgrade the appearance of the city's major radial and orbital roads and rail routes. This will include improvements to the appearance of adjacent premises; encouraging new development of the highest quality; and ensuring that landscape schemes are designed to minimise litter problems.

Principle of development - The principle of allowing the widening of the existing vehicular access point, from Ashton Old Road, has to be assessed in highway safety terms and will only be considered acceptable if it can be proven that there will be no detriment to the pedestrian and vehicular users of the surrounding highways.

Highway Safety - Concerns were raised by Highways, due to the introduction of an egress point, onto Ashton Old Road, and the visibility conflicts that would arise, due to the proximity, of the access point, to an existing bus stop. This was considered to have highway safety implications and the proposal was altered to show a widening of the existing access point only, with no change to the existing 'left-in' access only arrangement, with no egress onto Ashton Old Road proposed. Highways Services are satisfied that the revised plans address their concerns, although a condition is required, in relation to final details of the proposed works.

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 in a positive and proactive manner based on seeking solutions to problems arising in relation to dealing with the planning application. In this case, negotiations were entered into in relation to the proposed new vehicular arrangements, which resulted in a change to the proposed scheme, to address highway safety concerns.

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, stamped as received by the City Council, as Local Planning Authority, on 27 April 2022 and drawing numbered SCP/220216/F01, stamped as received by the City Council, as Local Planning Authority, on 9 November 2022.

Reason - To ensure that the development is carried out in accordance with the approved plans, pursuant to policies SP1 and DM1 of the Manchester Core Strategy.

3) No above ground works shall take place until full specification details of the access in relation to road widths, dropped kerbs, tactile paving, any necessary new road markings and signage in accordance with the principles shown on the approved drawing numbered SCP/220216/F01, stamped as received by the City Council, as Local Planning Authority, on 9 November 2022, have been submitted to an approved in writing with the Local Planning Authority. The development shall then be fully implemented on site prior to the vehicular access hereby approved being operational.

Reason - In the interests of highway and pedestrian safety, pursuant to Policies SP1 and DM1 of the Core Strategy.

Informatives

1) Any modifications / improvements to the public highway or footpath will require a S278 agreement - a deposit is required to begin the S278 application, additional costs will be payable and are to be agreed with S278 team. This will be funded at the applicant's expense. The following link provides access:

https://www.manchester.gov.uk/directory_record/287709/permission_to_work_on_the_highways_-_section_278_agreements

The minimum standard S278 technical approval timescale is between 4-6 months, TRO's can take 10-12 months.

An independent 'Stage 2' Road Safety Audit will be required; this may necessitate design changes with all costs attributable to the Developer.

It is also recommended that the applicant liaises with MCCs Street Lighting Team regarding the potential requirement to relocate an existing street lighting column that is close to the access point on Ashton Old Road.

It is expected that all modifications / improvements to the public highway are achieved with a maximum carbon footprint of 40%. Materials used during this process must also be a minimum of 40% recycled and fully recyclable. Developers will be expected to demonstrate that these standards can be met prior to planning conditions being discharged. The developer is to agree the above with MCC's Statutory Approvals and Network Resilience Teams post planning approval and prior to construction taking place.

Appendix 1 – List of consultees & neighbours notified

Highway Services
Greater Manchester Police

46 Ketton Close, Manchester, M11 1NA
23 Brinklow Close, Manchester, M11 1NH
36 Ketton Close, Manchester, M11 1NA
Halfords Autocentre, 1210 Ashton Old Road, Manchester, M11 1ND
1216 Ashton Old Road, Manchester, M11 1ND
1166 Ashton Old Road, Manchester, M11 2NG
10 Kelmarsh Close, Manchester, M11 1NL
27 Brinklow Close, Manchester, M11 1NH
25 Brinklow Close, Manchester, M11 1NH
21 Brinklow Close, Manchester, M11 1NH
19 Brinklow Close, Manchester, M11 1NH
17 Brinklow Close, Manchester, M11 1NH
44 Ketton Close, Manchester, M11 1NA
42 Ketton Close, Manchester, M11 1NA
40 Ketton Close, Manchester, M11 1NA
38 Ketton Close, Manchester, M11 1NA
16 Kelmarsh Close, Manchester, M11 1NL
14 Kelmarsh Close, Manchester, M11 1NL
12 Kelmarsh Close, Manchester, M11 1NL

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