

<b>Agenda Item</b> A8	<b>Committee Date</b> 10 December 2018	<b>Application Number</b> 18/01423/VCN
<b>Application Site</b>  Aldi Marine Road West Morecambe Lancashire		<b>Proposal</b>  Demolition of existing supermarket, bowling alley and retail units and erection of a replacement supermarket with associated car parking and hard and soft landscaping (Pursuant to the variation of condition 17 to allow for unrestricted servicing hours)
<b>Name of Applicant</b>  Mr Stuart Parks		<b>Name of Agent</b>  Miss Emily Roberts
<b>Decision Target Date</b>  5 February 2019		<b>Reason For Delay</b>  N/A
<b>Case Officer</b>		Mr Mark Potts
<b>Departure</b>		No
<b>Summary of Recommendation</b>		Approval (Following the expiry of the consultation period)

## **1.0 The Site and its Surroundings**

- 1.1 The site is located to the south of Morecambe Town Centre approximately 135m to the south of the Midland Hotel. On the southern portion of the site was the original Aldi food store with associated car park which was constructed in the early 2000s, and beyond this is the former Frontierland site. To the north of existing Aldi car park lies Morecambe Superbowl which also includes a number of retail units such as a bedroom furniture shop and also a piercing and hair studio. To the north of the site lies Central Drive with Morecambe Platform, Reel Cinema and KFC located further to the north. To the east lies the car park associated with Morrison's. Marine Road West is located to the west of the site, with Morecambe Promenade and Morecambe Bay beyond this.
- 1.2 The site lies within the Morecambe Area Action Plan and is located 25m to the south of the Morecambe Conservation Area. The nearby Midland Hotel is a Grade II\* Listed building and is located 115m to the north of the northern boundary of the site. The Platform is a Grade II Listed building and located 50m to the north of the proposal. Morecambe Bay is designated as a Special Protection Area (SPA), Special Area of Conservation (SAC), Site of Special Scientific Interest (SSSI) and a Ramsar Site, and is located 40 metres to the west of the proposed development.

## **2.0 The Proposal**

- 2.1 Planning permission was granted for the demolition of the existing foodstore, and erection of a new foodstore, and the provision of new car parking in 2017, planning permission reference (17/00534/FUL). The planning permission has been implemented, and the new building is operational. The planning permission was conditional, and condition 17 related to the store's deliveries:

*'No deliveries to, or from the site shall occur outside the hours of 0600 - 2300 Monday to Saturday and 0800-1700 on Sundays without the prior approval of the local planning authority'*

*Reason: In the interests of residential amenity.*

The applicant wishes to vary the planning consent to effectively remove the condition from the planning permission.

### **3.0 Site History**

- 3.1 The most relevant planning consent is 17/00534/FUL which was for the demolition of the existing Aldi Supermarket, Bowling Alley and retail units, and the replacement superstore with associated car parking with hard and soft landscaping. This permission has been implemented.

### **4.0 Consultation Responses**

- 4.1 The following responses have been received from statutory and non-statutory consultees:

Consultee	Response
Environmental Health	No objection
Morecambe Town Council	No observations received within the statutory timescales

### **5.0 Neighbour Representations**

- 5.1 The application has been advertised in the press and by site notice. At the time of drafting this report no objections have been received in regard to the application.

### **6.0 Principal National and Development Plan Policies**

#### **6.1 National Planning Policy Framework**

Section 4 – Decision Taking

#### **6.2 Local Planning Policy Overview – Current Position**

At the 20 December 2017 meeting of its Full Council, the local authority resolved to publish the following 2 Development Plan Documents (DPD) for submission to the Planning Inspectorate:

- (i) The Strategic Policies and Land Allocations DPD; and,
- (ii) A Review of the Development Management DPD.

This enabled progress to be made on the preparation of a Local Plan for the Lancaster District. The DPDs were submitted to the Planning Inspectorate on 15 May 2018 for independent Examination, which is scheduled to commence in spring 2019. If the Inspector finds that the submitted DPDs have been soundly prepared they may be adopted by the Council later in 2019.

The Strategic Policies and Land Allocations DPD will replace the remaining policies of the Lancaster District Core Strategy (2008) and the residual 'saved' land allocation policies from the 2004 District Local Plan. Following the Council resolution in December 2017, it is considered that the Strategic Policies and Land Allocations DPD is a material consideration in decision-making, although with limited weight. The weight attributed to this DPD will increase as the plan's preparation progresses through the stages described above.

The Review of the Development Management DPD updates the policies that are contained within the current document, which was adopted in December 2014. As it is part of the development plan the current document is already material in terms of decision-making. Where any policies in the draft 'Review' document are different from those adopted in 2014, and those policies materially affect the consideration of the planning application, then these will be taken into account during decision-making, although again with limited weight. The weight attributed to the revised policies in the 'Review' will increase as the plan's preparation progresses through the stages described above.

#### **6.3 Development Management DPD**

DM35 – Key Design Principles

## 6.4 **Lancaster District Core Strategy**

SC5 – Achieving Quality in Design

## 6.5 **Morecambe Area Action Plan (MAAP)**

AS9 – Edge of Centre retail park

AS10 – Traffic Route Signage to and from central Morecambe

AS11 – Transport, parking provision and management

## 6.6 **Other Material Considerations**

- Lancaster Commercial Leisure Study (July 2016)
- This part of Morecambe was designated as a Neighbourhood Plan Area Designation on 26 April 2016, but given the Neighbourhood Plan is at a very early stage little weight can currently be attributed to this.

## 7.0 **Comment and Analysis**

- 7.1.1 The application is made under Section 73 of the Town and Country Planning Act (TCPA), which seeks to remove a planning condition associated with the hours of servicing and deliveries. Where an application is granted under Section 73 of the TCPA the effect is to issue a new planning permission, sitting alongside the original permission, which remains intact and unamended. The rationale for the inclusion of the condition originally was down to the applicant proposing the approved hours as part of the application, and it was agreed with the applicant at the time that this was appropriate.
- 7.1.2 The key consideration with this application is therefore whether residential amenity would be adversely effected by a relaxation on allowing deliveries to occur unrestricted. The scheme is well removed from nearest residential properties, with properties on Baycliffe Crescent to the east and Highfield Crescent to the south of the site, both in the region of 250 metres from the new foodstore. The intervening land uses between the site and residential properties include the former Frontierland site (which benefits from planning consent for a mixed use retail scheme) and the likes of Morrison's, Homebase and Next.
- 7.1.3 The frequency of the deliveries will not alter as a result of removing condition 17, and Aldi will still continue to receive up to 5 deliveries per day. The applicant is seeking to amend the condition to allow flexibility, and it was understood as part of the consideration of application 17/00534/FUL that Aldi does require early morning and late evening deliveries to receive fresh produce before the store opens. The current approved hours would mean that the store cannot receive fresh goods until 6am Monday to Saturdays. This would leave insufficient time for all the produce to reach the shop floor before the store opens at 8am. If Members sought to permit the scheme this would enable servicing and delivery arrangements at the site to be more flexible and would potentially allow deliveries to arrive, and be unpacked prior to the store opening and allowing the store to operate more efficiently.
- 7.1.4 As Members will be aware planning conditions can only be imposed where they are necessary, relevant to planning, enforceable, precise and reasonable (Paragraph 55 of the Framework). Whilst the applicant proposed the permitted hours as part of the consented scheme, given the interface distance to the nearest residential properties, it is considered that maintaining the current hours would not be necessary, or reasonable and therefore it is recommended that condition 17 is removed. The Senior Environmental Health Officer has no objections to the suggested change.
- 7.1.5 An application made under Section 73 of the Town and Country Planning Act essentially results in the grant of a new planning consent together with a review of planning conditions. The new store opened in November 2018, but planning condition 11 stipulated that prior to occupation the full car park needed to be in place and available for use. It has become apparent that the new car park (which in essence was on the footprint of the old store), is in the process of being hard surfaced and therefore whilst a breach of planning control has occurred it has been agreed between officers and the applicant that the full car park should be made available for use by no later than 10 January 2019 with a view that the full car park will become operational before Christmas (as this is within the interests of the applicant).

## **8.0 Planning Obligations**

8.1 There are no planning obligations to consider as part of this application.

## **9.0 Conclusions**

9.1 The store became operational in November 2018. The hours of deliveries and servicing were initially conditioned as proposed by the applicant. However, in the intervening 12 months since the application was considered there has been a change in working arrangements within Aldi. Given the intervening land uses, and the distance between the store and the existing residential dwellings, it is considered that allowing for unrestricted delivery times would not be detrimental to the amenity of local community. Moreover it should ensure that for those that visit Aldi, the store is fully stocked, saving additional vehicular trips.

## **Recommendation**

To delegate back to the Planning Manager to allow the statutory consultation period to expire and issue the decision in line with the Committee's resolution, but resolve in principle to remove conditions 1 (timescales for commencement of development) and condition 17 (hours of deliveries and servicing) and **GRANT** Planning Permission subject to the following conditions:

1. Development in accordance with the approved plans
2. Development in accordance with the approved surface water drainage scheme
3. Development in accordance with the approved contaminated land assessment
4. Development in accordance with the approved environmental management plan
5. Development in accordance with the approved material samples
6. Development in accordance with the approved landscaping scheme
7. Development in accordance with the approved storage of refuse
8. Development in accordance with the approved scheme of ventilation
9. Development in accordance with the approved motorcycle and parking detail
10. Development in accordance with the approved electric vehicle charging points
11. Development in accordance with the approved car parking management plan (to be fully implemented by 14 February 2019)
12. Off-site highway condition to remain
13. Development in accordance with the approved CCTV and lighting system
14. Development in accordance with the approved external canopy maintenance scheme
15. Separate foul and surface water condition – control condition remain
16. Store Opening times to remain
17. Restriction in terms of the importation of materials
18. Limitation on net sales floorspace
19. Pedestrian route shall be available for pedestrians at all times.

## **Article 35, Town and Country Planning (Development Management Procedure) (England) Order 2015**

Lancaster City Council has made the recommendation in a positive and proactive way to foster the delivery of sustainable development, working proactively with the agent to secure development that improves the economic, social and environmental conditions of the area. The recommendation has been made having had regard to the impact of development, and in particular to the relevant policies contained in the Development Plan, as presented in full in the officer report, and to all relevant material planning considerations, including the National Planning Policy Framework, National Planning Practice Guidance and relevant Supplementary Planning Documents/ Guidance.

## **Background Papers**

None