

43/15/0152

WAITROSE LTD

VARIATION OF CONDITION No 24 (TO EXTEND THE STORES DELIVERY TIMES WINDOW) OF APPLICATION 43/07/0163 AT WAITROSE FOOD STORE, HIGH STREET, WELLINGTON (AMENDED SCHEME TO 43/15/0135)

Location: WAITROSE, RED LION COURT, HIGH STREET, WELLINGTON,
TA21 8RD

Grid Reference: 314074.120682

Removal or Variation of Condition(s)

Recommendation

Recommended decision: Conditional Approval

Recommended Condition(s) (if applicable)

1. No deliveries, including loading and unloading of the delivery vehicles, shall be made between the hours of 2300 on any one day and 0700 on the following day.

Reason: To safeguard the amenities of neighbouring properties in accordance with policy DM1 of the Taunton Deane Core Strategy.

2. Any alterations to the external lighting or car park lighting should be undertaken as not to cause inconvenience from glare, whether directed or reflected, to any other premises.

Reason: In the interests of the visual amenity of the area and to ensure that the proposed development does not prejudice the amenities of neighbouring properties in accordance with Taunton Deane Core Strategy Policy DM1.

3. The proposed lay-by and cross-hatched area adjacent to the boundary with 48 High Street and 1 and 2 Orchard Villas shall not be used other than for the purposes of loading/unloading and turning by vehicles accessing those properties.

Reason: To ensure that the development does not prejudice the free flow of traffic or conditions of safety along the adjacent access road, in accordance with Taunton Deane Core Strategy Policy DM1.

4. The lighting to the car park and the external surfaces of the building shall be switched off within 30 minutes of the closure of the supermarket.

Reason: To preserve the character of the area in accordance with Taunton Deane Core Strategy Policy DM1.

5. Noise emissions arising from the air handling plant, refrigeration or other machinery on any part of the land to which this permission relates shall not exceed background levels at any time by more than 3 decibels, expressed in terms of an A-Weighted, 1 Min Leq, when measured at any point on the boundary of any residential or other noise sensitive premises. For the purposes of this permission background levels shall be those levels of noise which occur in the absence of noise from the development to which this permission relates, expressed in terms of an A-Weighted, 90th percentile level, measured at an appropriate time of day and for a suitable period of not less than 10 minutes.

Reason: To ensure that the proposed development does not prejudice the amenities of neighbouring properties in accordance with Taunton Deane Core Strategy Policy DM1.

Notes to Applicant

Proposal

The proposal comprises the variation of condition 24 from application 43/07/0163. The variation is to extend the time that deliveries can take place at the Waitrose food store in Wellington.

Condition 24 reads No deliveries, other than bakery, dairy and other perishable products, shall be made between the hours of 2000 on any one day and 0800 on the following day unless otherwise agreed in writing by the Local Planning Authority. No delivery of bakery, dairy and other perishable products shall be made other than between the hours of 0700 and 2000.

It is now proposed for all deliveries to begin from 0700 and for deliveries to continue until 2300.

Site Description

Waitrose is a food store sited in the centre of Wellington, located off the High Street. The main public access to the store is from the High Street, leading to a car park surrounding the entrance to the store. To the rear of the store there is an overflow car park that is accessed from Scott's Lane. Deliveries to the store are also via Scott's Lane as the delivery bay is located to the rear of the store. Scott's Lane is predominately a commercial area of Wellington. The rear of the store/delivery bay backs onto Orchard Court a small group of 8 single storey residential dwellings, where the delivery bay is screened by a high wall.

Relevant Planning History

A previous application (43/15/0135) was submitted and withdrawn to extend the opening hours to allow three deliveries between the hours of 2000 - 0700.

The food store was granted permission under application 43/07/0163.

Consultation Responses

SCC - TRANSPORT DEVELOPMENT GROUP -

No observations.

WELLINGTON TOWN COUNCIL -

Recommended that permission be granted subject to:

- All deliveries being off site between the hours of 11pm and 7am.
- The noise delivery plan within the planning application being implemented, adhered to and enforced.

ENVIRONMENTAL HEALTH - NOISE & POLLUTION -

No comments received. Verbally, no comments.

Representations Received

THREE LETTERS OF OBJECTION including one letter on behalf of 3 properties: -

- Existing noise from deliveries and loading bay.
- Ignoring Quiet Delivery Procedures - waiting for loading bay to open, not reversing into bay.
- Waitrose employees believe they can work on deliveries until 12am.
- Current breaches as lorries arriving before 0700
- Enforcement Officer at TDBC made aware of complaints.
- Lack of sleep from noise.
- More acceptable if between 0700 and 2100 with loading bay door closed by 2300.
- Some deliveries take over 2 hours before the lorry leaves.
- Lorries to reverse into loading bay as quieter.

ONE LETTER received raising

- No planning related observations/comments.

Planning Policy Context

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications are determined in accordance with the development plan unless material considerations indicate otherwise.

The development plan for Taunton Deane comprises the Taunton Deane Core Strategy (2012), saved policies of the Taunton Deane Local Plan (2004), the Taunton Town Centre Area Action Plan (2008), Somerset Minerals Local Plan (2015), and Somerset Waste Core Strategy (2013).

Relevant policies of the development plan are listed below. Policies from emerging plans are also listed; these are a material consideration.

DM1 - TD CORE STRATEGY - GENERAL REQUIREMENTS,
CP8 - CP 8 ENVIRONMENT,

Local finance considerations

Community Infrastructure Levy

None.

New Homes Bonus

None.

Determining issues and considerations

The main consideration is the impact on the amenity of neighbouring properties.

Proposal

The application is seeking an additional three hours of delivery time in the evening and an additional hour in the morning for deliveries of products, other than perishables (dairy, bread etc) that can already be delivered from 0700.

As some deliveries can already take place from 0700, extending deliveries by 1 hour for non - perishables to also be delivered from 0700 is not considered to be detrimental to the amenity of the adjoining properties within Orchard Court.

The main change to the delivery times is the proposed extension for deliveries to take place until 2300, currently 2000. During this extended period of time, any impact on the amenity of nearby residents would be minimised by the Quiet Delivery Management Plan that Waitrose has adopted. Measures within the plan are as follows: -

- Drivers contact the store prior to arrival to ensure service yard gates are open, therefore enabling lorries to enter the service yard without stopping and thus minimising the time taken to pass nearby residential properties. Similarly, gates

are left open during unloading activities such that lorries do not idle at the gates on departure;

- Deliveries are scheduled and agreed with the store to reduce to a minimum the time taken to deliver the goods and therefore limit potential for noise impact;
- Delivery doors, gates and shutters are well maintained to minimise noise when opening / closing;
- Lorries reverse up to the service yard doors such that loading/unloading activity occurs inside the store building;
- Lorry engine and refrigeration is turned off as soon as practicable and they are not left running during deliveries;
- Padlock chains for service yard gates are covered in plastic to reduce clanking noise;
- Loading bay is kept clear of obstructions to enable lorries to manoeuvre easily;
- An isolating mat is placed under the tail/scissor lift to reduce the noise of the plates on the pavement or the loading bay;
- The radio in the lorry cabin must be switched off / muted before arrival;
- The branch radios are switched off / muted before the service yard doors are opened;
- Most suitable time for moving dekit agreed between branch and the RDC Transport Manager;
- All employees speak in hushed voices;
- All employees avoid going over drains and loose paving when moving cages.
- There is a general requirement for all drivers to minimise noise at all times;
- Delivery vehicles are driven around the site in a considerate manner, e.g. speed being kept to a practical minimum and all items properly fastened in order to ensure rattles and bangs are kept to a minimum;
- If a complaint arises, Waitrose employees will follow a set of guidelines which set out how to deal with complaints quickly and effectively and to address any issues raised.

Whilst the content of the plan will minimise any impact to residential amenity, it is not considered practical or enforceable to condition the plan.

The proposed quiet working measures have been included within a Delivery Noise Impact Assessment that has also been submitted with the application. The

Assessment concluded that:

An environmental noise survey was undertaken in order to establish the ambient noise levels incident at nearby residential dwellings overlooking the service yard at the Waitrose Store in Wellington.

The results of the survey were used to undertake an assessment of the likely noise impact from deliveries at the store. For the purposes of the assessment the methodology used in BS4142:2014 was utilized. Further assessments were undertaken taking into consideration guidance from the World Health Organization and BS8233:2014.

The results of the assessments show that there should be no time restrictions on deliveries at the store. It may be prudent to condition the number of staggered deliveries (say no more than 3 deliveries by large articulated lorries during the night-time) and adherence to a delivery management plan. If this is not acceptable to the planning authority, Waitrose at least requests that daytime deliveries (07:00-23:00hours), Monday to Sunday are considered to be acceptable and this can be conditioned.

In addition to the noise details submitted, the agent has also indicated that Waitrose are not intending to increase the number of deliveries but to redistribute the existing deliveries throughout a wider delivery window. Furthermore, there is no expected increase in the number of deliveries at any one time as there is only sufficient space for one delivery at a time.

Other matters

The agents submitted details show that the changes to delivery hours are to increase the efficiency of the stores operational management. As only one delivery can be made at one time there is increased pressure to move on the perishable delivery to allow the next delivery.

Conclusion

On balance, increasing the delivery hours will benefit the store operations by staggering deliveries without detriment to the amenity of the nearby neighbouring properties within Orchard Court. The new condition will restrict deliveries until 2300, including unloading, so lorries would not be able to arrive at 22.55 and then unload. The proposed variation of condition is therefore considered to be acceptable and recommend permission be granted.

In preparing this report the planning officer has considered fully the implications and requirements of the Human Rights Act 1998.

Contact Officer: Mr D Addicott