
Site Address: 8-10 Park Way, Havant, PO9 1HH
Proposal: Variation of Conditions 18 and 19 of Planning Permission
04/59412/020 to reduce restrictions on opening hours and delivery hours to units 4 &
5 (Aldi).
Application No: APP/14/01039
Applicant: ALDI Stores Ltd
Agent: Miss Rees
Ward: St Faiths

Expiry Date: 05/01/2015
Team: Team 1
Case Officer: Heather Lealan

Recommendation: **GRANT PERMISSION**

1 Site Description

The site lies to the south of the railway and west of Park Road North close to Havant Town Centre. The site contains a number of units located to the north, south and west of the site with a large area of car parking in the remainder of the site. The units subject of this report are units 4 & 5 located adjacent to the western site boundary with residential units beyond the site boundary. The units are currently joined and contain an Aldi supermarket.

2 Planning History

04/59412/002

Application for the demolition of existing buildings and construction of 7,793 square metres gross of A1 Retail units and 258 square metres gross of A3/A1 drive through restaurant/ retail unit with car parking and service facilities associated highway works and revisions to the road layout.

Granted 21/7/06 with the following condition regarding the hours at which deliveries can take place:

18. No deliveries or collections shall be made to the premises in the area to the rear of the retail units (north and west elevations) except between the hours of 0700-2100 on Monday to Saturday and 1000-1700 hours on Sundays and recognised Public Holidays.

Reason: *To minimise the disturbance to neighbouring residential properties and having due regard to policies and proposals UB3 of the Hampshire County Structure Plan 1996-2011 (Review) and Policy 7 (Part 2) of the Havant Town Centre Action Area Local Plan 1995.*

19. The retail premises (as defined by Part A of the Town and Country Planning (Use Classes) Order 1987) hereby permitted shall not open to the public before 0700 hours or remain so open after 2100 hours on Monday to Saturday and 1000 hours to 1700 hours on Sundays.

Reason: *In the interests of the amenities of adjoining residential properties and having due regard to policies and proposals UB3 of the Hampshire County Structure Plan 1996-2011 (Review) and policy 7 (Part 2) of the Havant Town Centre Action Area Local Plan 1980.*

APP/12/01270

Variation of condition 18 (see above) of decision notice 04/59412/002 to enable deliveries to units 4 & 5 between 0500-2100 on Monday to Saturday and 0900-1700 on Sundays and Public Holidays. Refused for the following reason;

The proposed extended delivery hours would give rise to early morning noise and disturbance which would be detrimental to the amenities of residential properties adjacent to the site. It is therefore contrary to policies CS16 and DM10 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework 2012.

3 Proposal

The application seeks to vary condition 18 and 19 (see above) of decision notice 04/59412/002 to enable deliveries to units 4 & 5 between 0700-2200 on Monday to Saturday and 0900-1700 on Sundays and Public Holidays and the extension of opening hours between 0700-2200 on Monday to Saturday.

4 Policy Considerations

National Planning Policy Framework 2012

Core Strategies 2011 forming part of the HBLDF

CS16 (High Quality Design)

CS4 ()

DM10 (Pollution)

Listed Building Grade: Not applicable.

Conservation Area: Adjacent Black Dog

5 Statutory and Non Statutory Consultations

Environmental Health:

I would definitely not agree to an earlier time than 07:00 for first deliveries as was requested in 2012. In this case however they are asking to extend the delivery time Monday to Saturday from 07:00 to 22:00 instead of 21:00 and 09:00 on a Sunday instead of 10:00 until 17:00.

I have no objection to altering the opening hours for the customers, but I still have reservations as to the changes to the delivery periods. If Planning is of a mind to grant permission then I would suggest that any approval be of a 12 month temporary nature to ascertain if there is any adverse impact on nearby residents or as stated by the applicant "and will not impact on existing nearby residents to the store".

Thereafter permission can be made permanent or retracted if issues are highlighted.

Comment - The agent to the application has agreed to a temporary 12 month consent being placed on the delivery hours.

6 Community Involvement

This application was publicised in accordance with the Council's Code of Practice for Publicity of Planning Applications approved at minute 207/6/92 (as amended), as a result of which the following publicity was undertaken:

Number of neighbour notification letters sent: 12

Number of site notices: 1

Statutory advertisement: Not applicable.

Number of representations received: 3

Summary:

- (a) Existing deliveries take place earlier to 7am, there are existing noise issues caused by deliveries to the site. If hours are extended they will breach these and start even earlier
- (b) Earlier deliveries should not be allowed on a Sunday, 10am is bad enough
- (c) Later delivery times will cause noise issues to adjacent residential properties
- (d) The current agreed opening and delivery times should be maintained
- (e) Impact saleability of adjacent residential dwellings. *This is not a material planning consideration*

7 Planning Considerations

7.1 Having regard to the relevant policies of the development plan it is considered that the main issues arising from this application are:

- (i) Principle of development
- (ii) Effect on residential amenity

(i) Principle of development

7.2 The site is an existing retail unit located within Havant's Central Retail Park. The NPPF states that it is important to build a strong, competitive economy and the Council is committed to working with applicants where possible to offer support during the current challenging economic climate. The proposal to vary condition 18 to allow deliveries to take place at earlier and later times and condition 19 to allow for extended opening times is therefore acceptable in principle as it will allow greater flexibility and viability of the Aldi store to reflect customer and servicing requirements. Set against this, however, is the need to assess the implications of the changes proposed for residential amenity in the context of policies CS16 & DM10 of the Local Plan.

(ii) Effect on residential amenity

7.3 The proposed variation to condition 18 would change the hours at which deliveries to units Aldi could take place from:
0700-2100 on Monday to Saturday and 1000-1700 hours on Sundays and recognised Public Holidays
to
0700-2200 on Monday to Saturday and 0900-1700 on Sundays and Public Holidays.

- 7.4 The proposed variation to condition 19 would change the hours at which deliveries to Aldi could take place from:
0700-2100 on Monday to Saturday and 1000-1700 hours on Sundays and recognised Public Holidays
to
0700-2200 on Monday to Saturday and with no change to the conditioned opening hours on Sundays and Public Holidays.
- 7.5 The 2012 refused Variation of Condition 18 application requested a greater change to the delivery hours; this being a 5am start Monday to Saturday. Objections to the refused scheme were received from residents who live in properties adjacent to the site on the grounds that deliveries at such an early time in the morning would cause an unacceptable level of disturbance. The noise assessment submitted at that time failed to demonstrate that the proposal would be acceptable and the Environmental Health officer also objected on the grounds that the early morning deliveries would result in a loss of amenity to local residents.
- 7.6 The revised scheme now subject on this report does not seek to make the delivery time any earlier than current Monday to Saturday arrangements but proposes an extra hour from 10am to 9am on Sundays and Bank Holidays and an hour later from 9pm to 10pm Monday to Saturdays. Environmental Health have raised concerns with regard to noise complaints already received in relation to these units and, whilst they are satisfied that the application does not propose deliveries earlier than currently during the week and 9am on Sundays/BH, they are cautious about any further extension to the delivery hours, given the problems already experienced. As such, they have suggested a 12 month temporary consent for the extension to delivery hours so that the situation with regards to neighbouring amenity impact may be further assessed and monitored. The Agent to the application has agreed in writing to such a condition.
- 7.7 It is not considered that the proposed extension to the opening hours to 10pm during the week would impact the amenities of the occupiers of the adjacent neighbouring dwellings to an unacceptable detrimental extent given the location of the customer car parking area to the front of the units; away from the western site boundary beyond which the closest residential units are located.

8 Conclusion

- 8.1 The NPPF states that it is important to build a strong, competitive economy and the Council is committed to working with applicants where possible to offer support during the current challenging economic climate, however this should not be to the detriment of the amenities of residents. It is considered that the extension to the opening hours is acceptable but that the delivery hours must be subject to a 12 month condition given the noise issues previously reported.
- 8.2 Therefore, the proposal complies with policies CS4, CS16 & DM10 of the adopted Core Strategy and it is recommended that the application is permitted subject to planning conditions.

9 RECOMMENDATION:

That the Executive Head of Planning and Built Environment be authorised to **GRANT PERMISSION** for application APP/14/01039 subject to the following conditions

- 1 No deliveries or collections shall be made to Units 4 and 5 (Aldi) in the area to the rear of these units (north and west elevations) except between the hours of 0700-2200 on Monday to Saturday and 0900-1700 hours on Sundays and recognised Public Holidays. This permission to extend store delivery hours shall be for Units 4 and 5 only, and for a limited period expiring on 5 January 2016, on or before which date the delivery hours shall return to those as permitted originally by condition 18 of Planning Permission 04/59412/002 dated 21/6/05, unless the prior written consent of the Local Planning Authority has been obtained in writing for a further period.

Reason: To protect the amenities of adjacent residential properties and having due regard to policies DM10 and CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework 2012.

- 2 The retail units 4 & 5 shall not open to the public before 0700 hours or remain so open after 2200 hours on Monday to Saturday and 1000 hours to 1700 hours on Sundays.

Reason: To protect the amenities of adjacent residential properties and having due regard to policies DM10 and CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework 2012.

- 3 The development hereby permitted shall be carried out in accordance with the following approved plans:

Location Plan received 6 October 2014

Covering letter prepared by Turley dated 1 October 2014

Noise Assessment prepared by Entran dated 4 September 2014

Additional Noise Information prepared by Entran dated 26 November 2014

Reason: - To ensure provision of a satisfactory development.