
Site Address:	Unit 1, Dukes Walk, Waterloooville, PO7 7HS		
Proposal:	Variation of Condition 1 of Planning Permission 00/53856/008 to allow deliveries between 06.00 - 22.00 Mon to Sat and 08.00 - 20.00 on Sundays.		
Application No:	APP/14/00235	Expiry Date:	02/06/2014
Applicant:	Waitrose Ltd	Team:	Team 2
Agent:	Mr M Shearman Firstplan	Case Officer:	Rachael McMurray
Ward:	Waterloo		

Recommendation: **GRANT PERMISSION**

1 Site Description

Unit 1A, Dukes Walk is a large retail unit occupied by Waitrose at the corner of Dukes Walk and Stakes Hill Road. It forms part of the purpose built Dukes Walk shopping parade, which also includes a large car park accessed from either Curzon Road or Stakes Hill Road. The Waitrose store has a large service yard located to the south east of the store which has access from the car park access road closest to the Stakes Hill Road entrance. The closest residential properties lie to the south east of the access road from Stakes Hill Road and comprise a block of flats called Chapel Court.

2 Planning History

00/53856/008

Variation of condition 22 of Planning Permission 98/53856/3 to allow deliveries/collections to the Waitrose Store between 9.00am and 5.00pm on Sundays.
Permitted - 10/7/2000

98/53856/003

Demolition of no. 29 Stakes Hill Road, No's 3, 5, & 7 Spur Road and the Tavern Public House and construction of: * 15 food and non-food retail outlets (9,684m2 net) * 1st floor leisure/fitness use (836m2 net) * car parking 256 spaces * vehicular access from Curzon Road and Stakes Hill Road * closure of Spur Road and Curzon Road* construction of the South East Quadrant Link Road (Rockville Driveto Stakes Hill Road)* alterations to London Road/Rockville Drive junction (traffic lights)* alterations to Hulbert Road. Approved.

3 Proposal

The current permitted hours for deliveries are:
0700-2100 Mondays to Saturdays and
0900-1700 on Sundays.

The proposal is to vary Condition 1 of Planning Permission 00/53856/008 to extend the delivery hours to between 0600-2200 Mondays to Saturdays and 0800 - 2000 on Sundays.

The extended delivery hours are to enable more time for fresh food to be delivered before the store opens and for the first and last online deliveries to be made in the

later opening hours.

4 Policy Considerations

National Policies

NPPF

Core Strategies 2011 forming part of the HBLDF

DM10 (Pollution)

DM14 (Car and Cycle Parking on Development (excluding residential))

Listed Building Grade: Not applicable.

Conservation Area: Not applicable.

5 Statutory and Non Statutory Consultations

Environmental Health:

I have read the application's cover letter and could not find acoustical information of the potential impact of earlier/later deliveries.

I have looked into our complaint record system and have not find complaints made to deliveries with the current permitted delivery times. if the applicant can prove that the change of hours will not impact the current background noise levels between 06:00 to 07:00am and 21:00 to 22:00 Monday to Saturday or 08:00 to 09:00 and 17:00 to 20:00 Sundays, I see no objection.

The acoustical report must discuss the current background noise levels and predict the background noise levels if the permission was to be granted for the proposed extra hours. The report must include the use of the lorries (engine noise and refrigeration noise from the lorries), Tail gate noise and rolling cages used to transport goods from the lorries to shop and shop to lorries. Until such a report is provided, I would like to object to the application on grounds of noise.

Officer Note: A Delivery Noise Assessment report was submitted on 24th April 2014. Environmental Health were further consulted with regards to this information and provided the following updated response:

The report appears to be acceptable and as such, the proposal to extend the delivery hours would be unlikely to disrupt or disturb residents.

Officer Note: A further objection was submitted which raised concerns with the Delivery Noise Assessment. This objection was referred to the Environmental Health Officer to provide further comments on the issues raised. The response from Env Health is provided below:

The report is considered to be sound in its findings but the concerns raised over some of the text within the report is recognised. The effect of the extended delivery hours should be minimal from the results provided but obviously introducing 'new' or 'extended' noise will be noticeable initially. As long as the delivery is conducted as quietly and efficiently as described within the report, then the impact would be acceptable.

It could be possible to request an acoustic report to be submitted once the operation

has started to ensure that the predicted noise levels in the current report are accurate in reality.

Officer Note: It would be unreasonable to request a further acoustic report to be submitted as it would essentially be out of planning control to test the acoustic levels. If approved, then any excessive noise or disturbance should be reported to Environmental Health directly.

Development Engineer:
No adverse comments

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: 34

Number of site notices: A1

Statutory advertisement: Not applicable.

Number of representations received: Two separate objections from one address. A summary of the points raised is provided below:

First objection:

- a. There are residential properties close to the delivery yard and when the delivery trucks are moving about, the noise is very audible to flats in Chapel Court.
- b. Stakes Hill Road is busy during peak hours however, it is very quiet during non peak hours hence the additional delivery hours would be very noticeable, especially early in the morning.

Second objection following the submission of the Delivery Noise Assessment:

a. We feel that the key requirement for "the applicant to prove that the change will not impact current background noise levels" is not met (ref. our comments on 7.04).

b. The delivery yard is located off the south-eastern elevation of the site, not the south-western, as mentioned in the report.

c. The perimeter wall to the south-east of the delivery yard is considerably less than half of that section. The remainder comprises a heavy, simple steel roller gate with an open fence and matching railings, neither of which provide any acoustic baffling.

d. In addition to retail units, to the north-west of the site lies Carrick House, a residential block of, we believe, 6 flats.

e. The HGV entry and exit process is not always a simple in and out. An HGV may wait on the service road outside the yard, whilst LGV/HGV already inside the yard are manoeuvred to make space available. On leaving the yard HGV/LVG will often wait for a

few minutes at the traffic

lights with engines

f. There is no third floor on Chapel Court and the only screening is a 1.7m high flint wall.

g. No consideration has been given to the existence of a canyon effect between the south east wall of the supermarket and Chapel Court.

h. There is no information to show how the sound recording equipment managed to record noise continuously for 4 days.

i. Deliveries and related activities are already made outside the permitted delivery hours.

j. The ambient noise levels given for 0600-0700 are contaminated by delivery activity taking place outside permitted hours.

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) Impact on the nearby residential amenity

(i) Principle of development

7.2 The site is located in an urban area which contains commercial development. Further development is acceptable in principle subject to other development control considerations.

(ii) Impact on the nearby residential amenity

7.3 The shop has approval for deliveries to take place on Mondays - Saturdays between 0700-2100. It also has approval for deliveries on a Sunday to take place between 0900-1700. The current application is proposing to increase these hours to 0600-2200 Monday to Saturday and 0800 - 2000 on a Sunday. This would be for both deliveries to the store and also online deliveries to be carried out. The reason for the proposed delivery hours is that the online delivery market has evolved and grown significantly since the last permission in 2000 and the additional delivery hours for the Sunday in particular are to cater for demand and also to allow the store to restock more quickly ready for the Monday morning, given the online deliveries which now take place on a Sunday.

7.4 An objection has been made raising concerns that the additional delivery activity outside of peak hours i.e. early in the morning and later in the evening and on for earlier and later on Sundays, would be more noticeable to the close by residential properties. In particular, there could be an impact on properties in Chapel Court which has windows approximately 15m from the delivery bay.

7.5 The Council's Environmental Health team were consulted on the application. The Environmental Health Officer (EHO) advised that an acoustic report, to cover assess the potential noise disturbance within the additional proposed hours, should be

submitted for further consideration. In response to this, the agent submitted a Delivery Noise Assessment on 24/4/14. This concluded that the predicted noise levels for deliveries in the extended hours would have a barely perceptible change and a slight impact, when assessed against the significance scale based on the *draft Guidelines for Noise Impact Assessment*. The EHO was further consulted on this document and advised that the report was acceptable in terms of the potential noise impact.

- 7.6 A further objection was raised with regards to the content of the report in that some of the information such as number of floors stated for Chapel Court, location of the delivery yard and information on the sound equipment was unjustified. The EHO was further consulted on these concerns and advised that whilst they recognised that some of the wording in the report was incorrect, the overall findings and conclusions in the report are acceptable and so long as the deliveries are conducted as quietly and efficiently as described within the report, then the impact would be acceptable.
- 7.7 There is also an objection that deliveries are being made outside of the permitted hours and this has affected the figures in the report with regards to the existing background noise. The EHO has confirmed that there is no record of any complaints being made with regards to deliveries within inside or outside of the permitted hours. There is also no record of any enforcement complaints being made with regards to deliveries outside of permitted hours. There is therefore no tangible evidence in this respect to prove that the background levels had been altered at the time of the report and therefore a refusal of the application on these grounds could not be justified.

8 **Conclusion**

The additional acoustic information submitted with the application has provided sufficient justification to advise that the additional delivery hours could be carried out without resulting in significant disturbance to the nearby residential amenity. Therefore the application is recommended for approval.

9 **RECOMMENDATION:**

That the Executive Head of Planning and Built Environment be authorised to **GRANT PERMISSION** for application APP/14/00235 subject to the following conditions

- 1 The development hereby permitted shall be begun before the expiration of 3 years from the date on which this planning permission was granted.
Reason: To comply with Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2 No deliveries shall be made to the site or online shopping deliveries made from the site except between the hours of 0600-2200 Monday to Saturday and 0800-2000 on Sundays.
Reason: In the interests of the amenities of occupiers of adjacent residential properties and having due regard to policy DM10 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:

Design and Access Statement received on 3 March 2014

Site Plan - P1

Delivery Noise Assessment received on 24 April 2014

Reason: - To ensure provision of a satisfactory development.