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| App.No: 150872 | Decision Due Date: 14 October 2015 | Ward: Hampden Park |
| Officer: Anna Clare | Site visit date: 06 October 2015 | Type: Variation of Condition |
| Site Notice(s) Expiry date: 19 October 2015 Neighbour Con Expiry: 19 October 2015 Press Notice(s): N/A | | |
| Over 8/13 week reason: To bring to planning committee | | |
| Location: Former Cosmetica Site, Faraday Close, Eastbourne | | |
| Proposal: Application to vary condition 6 (Hours of Delivery) of planning permission granted 31 March 2015 for the erection of a foodstore together with associated car parking and landscaping (Ref: 140958) to allow deliveries between the hours of 0500 and 2300 Monday to Sunday. | | |
| Applicant: The Owner and/or Occupier | | |
| Recommendation: Approve variation to condition and the applicant be advised that the notice will not be issued until a modification to the S106 connected to 140958 has been completed to the satisfaction of all parties. | | |

Executive Summary:

Planning permission was granted in March 2015 for the development of the site as a foodstore (Aldi), a condition of this permission was that deliveries shall not be made outside of the following times; 0700-2100 Monday to Saturday and 1000-1800 on Sundays. This application seeks to vary this condition to allow deliveries between the hours of 0500 and 2300 on any day. The application originally requested the removal of the condition which would effectively mean that deliveries could take place at any time.

The application has submitted a noise statement which concludes that the delivery of goods will not have an impact on the surrounding residential properties. Given the separation distances, and that the Council do have the power to take action under separate legislation (Environmental Protection Act 1990) should deliveries result in impacts on the amenity of residents it is recommended that the variation to the condition be granted.

Relevant Planning Policies:

National Planning Policy Framework 2012

11. Conserving and enhancing the natural environment

Core Strategy Local Plan 2013 Policies
B2 Creating Sustainable Neighbourhoods

Eastbourne Borough Plan Saved Policies 2007
NE18 Noise

Site Description:

The site refers to the site of the previous industrial building once occupied by Cosmetica Manufacturing Ltd which was vacant for some time and formed part of the Hampden Park Industrial Site. Planning permission was granted in March 2015 for the redevelopment of the site as a foodstore (Aldi). The site borders residential properties to the north and west, with Lottbridge Drove to the East.

Relevant Planning History:

140958

Erection of foodstore together with associated car parking and landscaping.
Planning Permission
Approved conditionally
31/03/2015

Application Proposal:

The application proposes the variation of condition 6 of planning permission granted 31 March 2015 to allow deliveries between the hours of 0500 and 2300 Monday to Sunday (every day).

Consultations:

Specialist Advisor (Environmental Health)

Recommends approval of the variation on the basis of the mitigation measures in place as stated in the Noise Assessment submitted.

Neighbour Representations:

Objections have been received from the following residents;

- 11 Brampton Road
- 19 Brampton Road
- 21 Brampton Road
- 27 Brampton Road
- 38 Brampton Road
- 6 Mallard Close

On the following grounds;

- Noise to surrounding residential properties
- Additional traffic
- Cannot guarantee that reversing beep will be turned off
- Why is there a need to deliver at 5am on a Sunday when the store cannot open until 10am

Appraisal:

Principle of development:

There is no objection in principle to the alteration of the conditions to allow additional hours of delivery for the store, providing it can be demonstrated that the hours would not result in significant impacts in terms of noise of the surrounding residential properties in accordance with Policy B2 of the Core Strategy Local Plan 2013.

Impact of proposed development on amenity of adjoining occupiers and surrounding area:

The extended hours are sought to enable greater flexibility for deliveries to the store and to enable goods to be delivered, unloaded and stocked prior to the beginning of the trading day. Aldi state that from their experience deliveries are typically unloaded 2 hours before opening which allows for shelves to be stocked.

As part of Aldi's operations and the layout of the site lorries will share the car park with customers, it is more satisfactory on health and safety grounds for delivery vehicles to visit the store outside of normal opening hours to avoid possible conflict, furthermore it allows shelf stacking to occur when customers are not moving around the store.

The store does not have a service yard, instead a level dock delivery process is used, where vehicles reverse up to the loading bay located at the side of the store. Goods are then wheeled in cages directly off the lorry into the warehouse, without the use of any lifting equipment or tailgate. This process reduces noise resulting from deliveries.

By increasing the morning delivery window, Aldi state that it will enable more than one store to be serviced by the same lorry, thus reducing road miles and vehicular emissions.

A noise report has been submitted with the application which has been assessed against relevant British Standards. The noise statement submitted states that service vehicles will enter the site from Lottbridge Drove, drive through the car park and manoeuvre into the loading bay. Typically there would be one/two HGV deliveries which will be received before or after store opening due to the HGV having to manoeuvre the car park. Smaller deliveries can occur during the day.

The goods are to be delivered directly into the warehouse via a level docking system directly into the building, empty cages are then loaded directly back into the back of the truck therefore there are no movements of cages within the car park. In terms of noise the loading bay is located in the optimum position screened from the surrounding noise sensitive properties by the store building itself.

The noise statement states that to reduce the impact from deliveries that a service yard management plan includes the following measures

- No reversing alarms to be used during the period 2300 -0700 hours;
- No goods pallets or roll cages to be moved in the external open areas;
- Delivery scheduling to ensure that no more than one delivery will be present in the service yard;
- All delivery vehicles to be driven in a quiet manner as possible, avoiding unnecessary engine revving.

The nearest residential properties to the service dock are those of Brampton Road. The properties of Brampton Road have considerable rear gardens and are separated from the site by 39m. Within the site there is a further landscaped area and the service ramp is to the south-east of the building. There have been objections to the application on the basis of noise and disturbance to these residential properties.

The report concludes that the potential impacts from the proposed increase in delivery hours are acceptable and would not result in adverse impacts on the amenity of residential dwellings given the separation distance.

Given the mitigation measures stated in the noise report, and the separation distances between these properties and the site it is considered that the early morning and late evening deliveries could be undertaken without significant impacts. However, if it were found to cause a nuisance, if the mitigation measures and not followed, then the Council will have powers under the Environmental Protection act to investigate noise nuisance complaints.

There are new residential properties to the north of the site, given the delivery area is to the south of the building it is not considered there would be significant impacts on these properties in terms of noise.

Human Rights Implications:

The impacts of the proposal have been assessed as part of the application process. Consultation with the community has been undertaken and the impact on local people is set out above. The human rights considerations have been taken into account fully in balancing the planning issues; and furthermore the proposals will not result in any breach of the Equalities Act 2010.

Conclusion:

Given the mitigation measures suggested, and the separation distances between the residential properties and the site/delivery area it is recommended that the variation to the condition be granted.

Recommendation:

1. Approve variation to condition

2. Issue a new notice with the inclusion of an additional condition stating that the if the applicant chooses to implement their extended delivery times that this shall only be done in accordance with the applicants noise report.
3. That the applicant be advised that the notice will not be issued until a modification to the S106 connected to 140958 has been completed to the satisfaction of all parties.