

<b>App.No:</b> 150790	<b>Decision Due Date:</b> 23 September 2015	<b>Ward:</b> Hampden Park
<b>Officer:</b> Anna Clare	<b>Site visit date:</b> 06 October 2015	<b>Type:</b> Variation of Condition
<b>Site Notice(s) Expiry date:</b> 27 August 2015 <b>Neighbour Con Expiry:</b> 27 August 2015 <b>Press Notice(s):</b> N/A		
<b>Over 8/13 week reason:</b> To bring application to Planning Committee for decision.		
<b>Location:</b> Morrisons, 1 Hargreaves Road, Eastbourne		
<b>Proposal:</b> Application for variation of condition 8 (Time restriction on loading and unloading) following planning permission dated 17 August 2011 for the development of a Morrisons foodstore and petrol station (Ref: EB/2011/0050) to allow the loading or unloading of goods or materials between the hours of 05:00 and 23:00.		
<b>Applicant:</b> The Owner and/or Occupier		
<b>Recommendation:</b> To approved the variation to the condition.		

### **Executive Summary:**

Current condition precludes deliveries to the store between the hours of 11pm and 6am. Morrisons have requested the variation as they state that this does not allow sufficient time to unpack and stock shelves before store opening at 7am.

The site is situated within a commercial area, away from residential properties therefore it is not considered the variation to the condition to allow deliveries between 5am and 11pm would result in result in harm to warrant the refusal of the application.

### **Relevant Planning Policies:**

National Planning Policy Framework 2012

Core Strategy Local Plan 2013 Policies

B2: Creating Sustainable Neighbourhoods

Eastbourne Borough Plan Saved Policies 2007

HO20: Residential Amenity

**Site Description:**

The application relates to the Morrison's Store on the corner of Lottbridge Drove and Willingdon Drove, in an established commercial area. The site is access from Hargreaves Road, the other properties accesses from

**Relevant Planning History:**

110055

New Morrisons foodstore & petrol station

Planning Permission

Approved conditionally

16/08/2011

**Proposed development:**

The application seeks to vary the condition of the original permission for the development of the foodstore to allow deliveries between 5am and 11pm.

**Consultations:**

Specialist Advisor (Environmental Health)

Raises no objections to the proposed amendments to the delivery hours.

**Neighbour Representations:**

No responses have been received.

**Appraisal:**

Principle of development:

The reason for imposing the condition was to 'accord with the terms of the application and to ensure that the service yard and access is retained solely for that purpose at all times.' There is no objection in principle to the proposed amendment to the hours of delivery providing the hours would not result in significant impacts in terms of noise to surrounding 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 nearest residential properties are those to Dallington Road which are to the north of the site. Given the separation distance it is not considered there would be any significant impacts on these properties to warrant a refusal of the variation of the condition on this ground.

The site has a service/delivery yard/area to the north-east boundary which is accessed from the main entrance without entering the car parking area. This access road also gives access to other commercial uses surrounding the site, to access the site lorries would not need to pass residential properties.

**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 context of the site it is not considered that the amendment to the hours of delivery, delivering to the site from 5am would result in detrimental impacts on noise sensitive uses. Therefore it is recommended that the variation to the condition is granted.

**Recommendation:**

Grant variation of the condition.