

Planning Committee

24 June 2015

Reference:
APP/15/00527

Area Team:
South Team

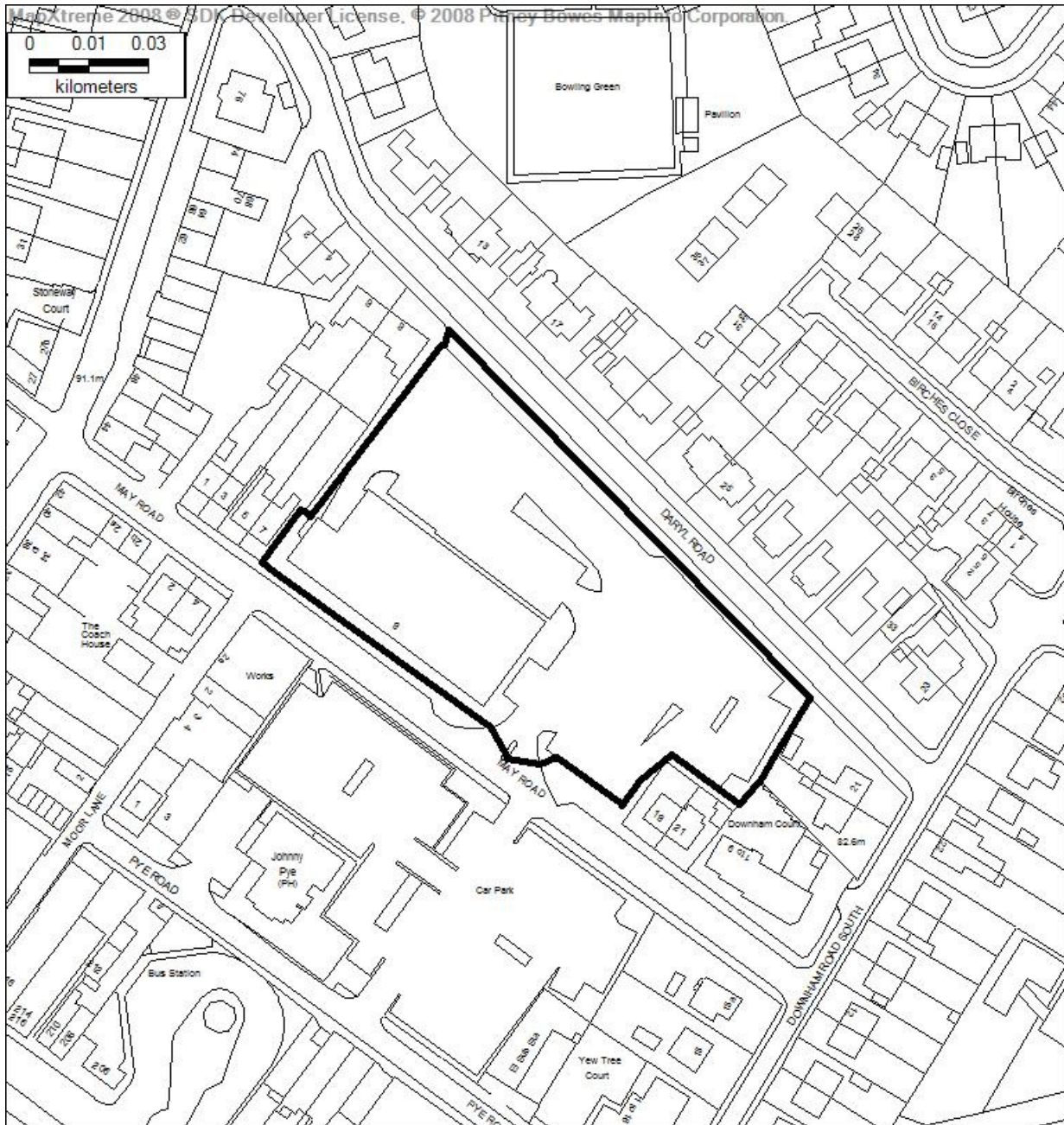
Case Officer:
Mr K Spilsbury

Ward:
Heswall

Location: Aldi Supermarket, 9 MAY ROAD, HESWALL, CH60 5RA
Proposal: Variation of condition 2 on planning permission APP/14/01174 to allow deliveries between the hours of 07.00 to 22.00 Monday to Sunday and Bank Holidays.

Applicant: Aldi Stores UK Ltd
Agent : JLL

Site Plan:



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Development Plan allocation and policies:

Primarily Commercial Area

Planning History:

Location: Aldi Supermarket, 9 MAY ROAD, HESWALL, CH60 5RA
Application Type: Full Planning Permission
Proposal: Variation of condition 2 on planning permission APP/07/5384 to enable the store to open from 0800 to 2200 hours Monday to Saturday. Sundays and Bank Holidays will remain unaltered (amended description).
Application No: APP/14/01174
Decision Date: 19/12/2014
Decision Type: Approve

Summary Of Representations and Consultations Received:**REPRESENTATIONS:**

Having regard to the Council Guidance on Publicity for Applications, 55 notifications were sent to adjoining properties. A site notice was also displayed. At the time of writing this report, 8 letters of objection have been received from the occupiers of 6, 8 & 29 Daryl Road, 7 May Road and 15, 15a, 19 & 23 Downham Road South. The objections are summarised as follows:

1. 10pm is too late to make a delivery in a residential area
2. lorries arrive before 8pm and wait in May road until 8am
3. noise and vibration of lorries breaking at May road is already excessive
4. the extended hours would result in risk to pedestrians
5. the development will result in increased noise and disturbance.
6. Aldi have never kept any orders put on them
7. discount vouchers should be offered to local residents as way of recompense for personal discomfort.

CONSULTATIONS:

Head of Environment & Regulation (Traffic & Transportation Division) - No Objections

Head of Environment & Regulation (Pollution Control Division) - No Objections

Director's Comments:**REASON FOR REFERRAL TO PLANNING COMMITTEE**

The report has been taken out of delegation by Councillor Hodson on the grounds that it will cause a detrimental disturbance to the residents. Under the current scheme of delegation this application must therefore be reported to planning committee.

INTRODUCTION

The proposal is for the variation of condition 4 on APP/14/01123 - to allow delivery hours of between 0700 to 2300 seven days a week.

PRINCIPLE OF DEVELOPMENT

The proposed variation of condition is for an established retail unit on May Road in the commercial area of Heswall. As the proposal is a variation of condition to the original planning approval it is acceptable in principle subject to the policies outlined below.

SITE AND SURROUNDINGS

The Aldi store is situated in the commercial area in between May Road and Daryl Road. Daryl Road is predominantly residential in character with houses on the opposite side of the Aldi car park. The bus station lies to the south of the site as well as a number of warehouse buildings.

POLICY CONTEXT

The proposal site is located within a Primarily Commercial Area and as such is subject to Policy SH6 - Development Within Primarily Commercial Areas of Wirral's Unitary Development Plan and the National

Planning Policy Framework (NPPF).

As the site is located with a primarily commercial area, UDP policy SH6 is directly relevant. The policy states proposals will be permitted subject to the following criteria as appropriate, in this case it is the following criteria

(iii) the proposal meets highway access and servicing requirements and includes off-street car parking in line with Policy TR9 and cycle parking in line with Policy TR12;

(v) the proposal does not cause nuisance to neighbouring uses, or lead to loss of amenity, particularly in respect of noise and disturbance, on-street parking or delivery vehicles - where necessary, a suitable condition will be imposed on hours of opening/ operation;

This application relates to the variation of Condition 2 attached to planning permission APP/14/01174. Condition 2 states; No deliveries shall take place outside the hours of 08.00 and 18:00 on any day. The purpose of this application is to enable the store to extend the delivery hours to 0700 to 2300 seven days a week.

APPEARANCE AND AMENITY ISSUES

The applicant states that they were unaware that they were delivering outside of their permitted delivery hours until it was brought to their attention by Wirral's Enforcement team. As such they have undertaken a review of the delivery statistics since 2009 which identifies that Aldi has delivered outside of permitted delivery hours for several years without complaint and that between 25% and 50% of deliveries have taken place during these hours. Aldi is now struggling to deliver in the shorter, restricted hours it now realises are permitted.

They go on to state that since the store opened in 1996 it has brought significant benefits to the area in terms of grocery shopping facilities and has introduced an important retailer into the area which has significantly improved the attraction of the area as a shopping destination. The store provides good quality produce sold at heavily discounted prices. The store employs circa 40 staff.

At the time of writing this report, 8 letters of objection have been received from the occupiers of 6, 8 & 29 Daryl Road, 7 May Road and 15, 15a, 19 & 23 Downham Road South. The objections are summarised as follows:

1. 10pm is too late to make a delivery in a residential area
2. lorries arrive before 8pm and wait in May road until 8am
3. noise and vibration of lorries breaking at May road is already excessive
4. the extended hours would result in risk to pedestrians
5. the development will result in increased noise and disturbance.
6. Aldi have never kept any orders put on them
7. discount vouchers should be offered to local residents as way of recompense for personal discomfort.

Policy SH6 states that the proposal must not cause nuisance to neighbouring uses, or lead to loss of amenity, particularly in respect of noise and disturbance, on-street parking or delivery vehicles (criterion v).

The applicant states that Aldi's delivery vehicles reverse into the loading bay and lock onto a dock sleeve which is then opened to allow products to be transferred directly from the vehicle into the store's warehouse. There is no external delivery activity. This approach provides both an efficient method of transferring stock from the vehicle into the store but also reduces any external noise impact.

The store is located within a primarily commercial area and the immediate street scene along May Road is mixed. The supermarket use of the site is established and whilst there are a number of houses on the opposite side of Daryl Road access to the site is gained via May Road with the entrance used for deliveries located within the existing car park.

The Head of Environment & Regulation (Pollution Control Division) has been consulted with regards to the potential impact on residential amenity having regards to noise and disturbance. No objections have been raised subject to conditions requiring the delivery drivers to turn off their engines and refrigeration

motors and signs being posted to ensure this is carried out.

The highway issues highlighted in point 4 above have been taken into consideration. The Head of Environment and Regulation (Traffic and Transportation) have been consulted and have not objected to the scheme. A refusal on this basis could therefore not be sustained.

The site is located within a primarily commercial area and as such residential properties located within such close proximity are likely to experience some adverse impacts. The proposed extension of delivery hours has been assessed by the Head of Environment & Regulation (Pollution Control Division) who have raised no objection to the scheme and as such the development is not deemed to have a detrimental impact on the character of the area and would not cause an unacceptable level of nuisance to the existing neighbouring residential properties. The proposal is therefore deemed acceptable having regards to policy SH6 of the Wirral UDP and the NPPF and as such is recommended for approval subject to conditions.

SEPARATION DISTANCES

Separation distances do not apply in this instance.

HIGHWAY/TRAFFIC IMPLICATIONS

The Head of Environment & Regulation (Traffic & Transportation) has been consulted as part of the application and has raised no objection to the scheme with regards to highway safety or parking. As such a refusal of the application on these grounds could not be sustained.

ENVIRONMENTAL/SUSTAINABILITY ISSUES

There are no Environmental/Sustainability issues relating to these proposals.

CONCLUSION

It is considered that the variation of condition 2 of APP/14/01174 to allow delivery hours to 0700 hours to 2300 hours seven days a week is acceptable and will not result in nuisance to neighbouring uses, particularly having regard of noise and disturbance. The proposal is therefore acceptable having regards to policy HS15 of the Wirral UDP and the NPPF and as such is recommended for approval subject to conditions.

Summary of Decision:

Having regards to the individual merits of this application the decision to grant Planning Permission has been taken having regards to the relevant Policies and Proposals in the Wirral Unitary Development Plan (Adopted February 2000) and all relevant material considerations including national policy advice. In reaching this decision the Local Planning Authority has considered the following:-

It is considered that the variation of condition 2 of APP/14/01174 to allow delivery hours to 0700 hours to 2300 hours seven days a week is acceptable and will not result in nuisance to neighbouring uses, particularly having regard of noise and disturbance. The proposal is therefore acceptable having regards to policy HS15 of the Wirral UDP and the NPPF and as such is recommended for approval subject to conditions.

Recommended Approve
Decision:

Recommended Conditions and Reasons:

1. The development to which this permission relates must be begun not later than the expiration of three years from the date of this permission.

Reason: To comply with the provisions of Section 51 of the Planning and Compulsory Purchase Act 2004.

2. No deliveries shall take place outside the hours of 07.00 and 22:00 on any day.

Reason: In the interests of amenity.

3. Delivery vehicles entering the site shall ensure that any refrigeration units onboard the vehicle are switched off before arriving at the premises i.e the car park.

Reason: In the interests of amenity.

4. All engines of all delivery vehicles shall be switched off in the car park whilst loading and unloading.

Reason: In the interests of amenity.

5. There shall be no more than 4 delivery vehicles a day to the premises.

Reason: In the interests of amenity

6. The premises shall be closed between 22.00 hours and 08.00 hours Monday to Saturday, between 17.00 hours and 10.00 hours on Sundays and between 17.00 and 09.00 hours on Bank Holidays.

Reason: In the interests of residential amenity, having regard to UDP Policy SH6.

Last Comments By: 15/05/2015 12:19:45

Expiry Date: 04/06/2015