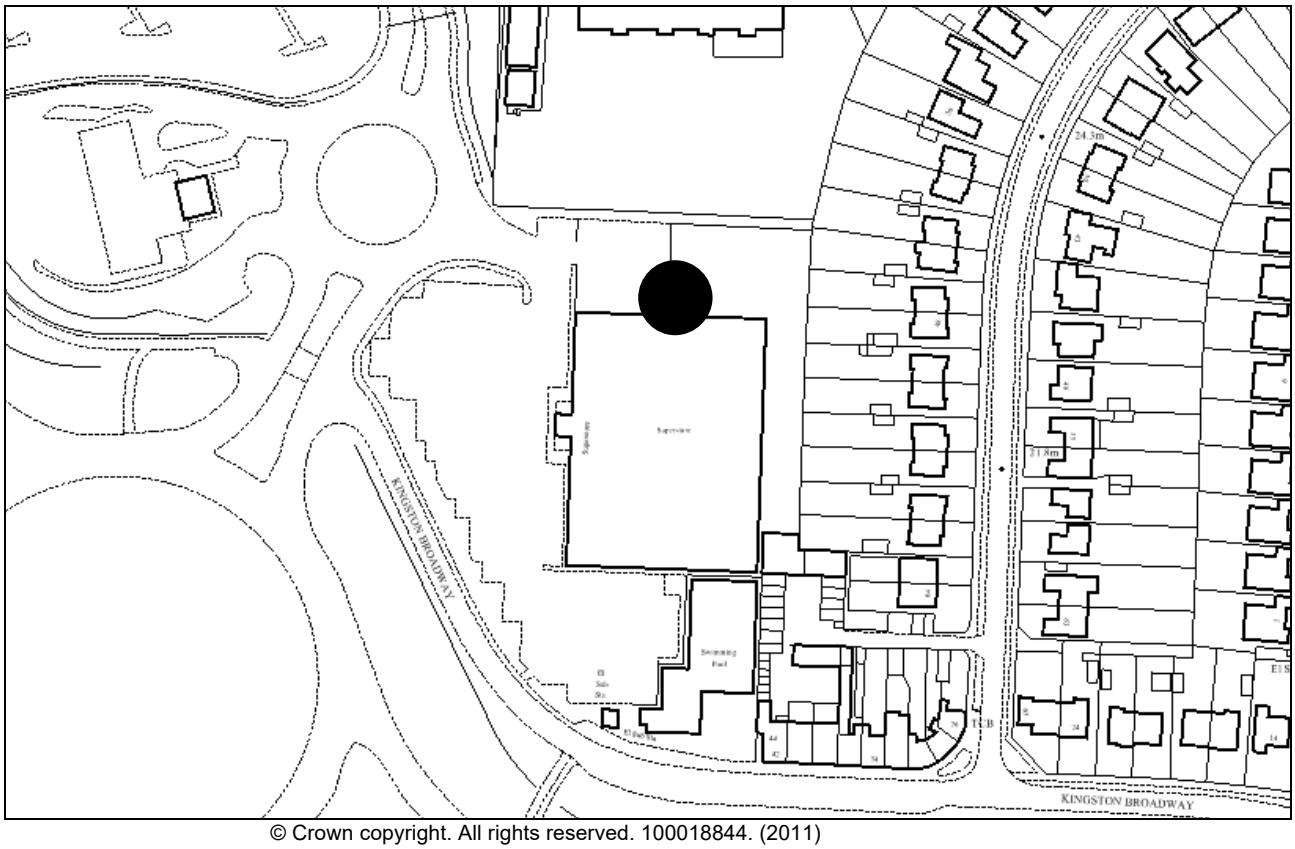
Application Number: ADC/0116/11 Recommendation - APPROVE

Site: **Next (former Homebase) retail store, Holmbush Upper Shoreham Road, Shoreham-by-Sea BN43 6TD**

Proposal: **Application for variation of conditions 03 and 07 of ADC/0389/10 to allow deliveries and loading/unloading between 6am and 8pm 7 days per week and to allow the use of non-pneumatic-wheeled devices for the transportation of goods within the vehicle-prohibited area**



© Crown copyright. All rights reserved. 100018844. (2011)

The Application

The application relates to the former Homebase store, adjacent to the Holmbush Centre, which is currently in process of being extended and substantially reconfigured to enable its occupation by Next plc.

Planning permission was granted in December 2010 for an extension of the internal mezzanine and the reconfiguration of the delivery area (ADC/0389/10). That permission was subject to a number of conditions, including:-

"03. No deliveries, loading or unloading of vehicles to the rear service yard shall take place on the premises except between the hours of 7am and 6pm Mondays to Fridays inclusive, 8am to 1pm on Saturdays, nor at any time on Sundays or Public Holidays.

"04. No deliveries, loading or unloading of vehicles to the rear service yard shall take place until a speed bump or similar device to limit HGV and other motorised vehicle access has been constructed and a sign has been erected to notify drivers to switch off vehicle engines during loading/unloading in accordance with details to be submitted to and approved in writing by the local planning authority. The approved measures shall thereafter be permanently retained/displayed.

"07. No motorised vehicles of any kind shall be used beyond the speed bump or similar device approved under Condition 4. Any wheeled devices used to transport goods within the prohibited area shall have pneumatic wheels only.

The reasons in all cases are: *"In the interests of amenity having regard to policy AH7 of the Adur District Local Plan and PPG24*".

Condition 5 also requires Next to provide details of the timing and number of deliveries for the store.

The conditions were imposed in order to address concern that the reconfigured delivery yard, shown relocated to the rear and accessed by a new service road running along the northern boundary, has the potential to cause increased disturbance to the residents of houses in Hawkins Road to the east whose rear gardens back onto the site.

Since that permission, a further application was submitted and approved for the provision of a roof canopy over the rear service yard and garden centre (ADC/0494/10). The service yard boundary enclosure has also been upgraded with new brickwork to replace timber panels. Delivery lorries have restricted access, being unable to drive beyond a point approximately halfway along the service yard. Applications for revisions to the garden centre wall and service yard entrance were approved under AWDM/0004/11 and for enlargement of the mezzanine under AWDM/0121/11.

The applicants wish to increase the hours of deliveries to enable greater flexibility. In the light of of the above measures, they have now applied for a relaxation of the conditions to enable deliveries from 6am-8pm every day (instead of 7am and 6pm Mondays-Fridays and 8am-1pm Saturdays with none on Sundays or Public Holidays) and also to enable the use of non-pneumatic wheeled devices for the transportation of goods within the rear yard (on the area where delivery vehicles are prohibited).

Consultations and Representations

Adur District Council: The Environmental Health Officer has no objection. He states that when the original application was submitted, he was concerned about the effect of having deliveries adjacent to the boundary with the neighbouring gardens of the houses, hence the strict conditions. The subsequent variations to the development, including the new roof structure, will mean that deliveries will be unloaded from HGVs effectively in the same position as when the store was operated by Homebase. The new structure will act as a barrier to minimize noise from these deliveries. In addition, the Council has conditioned delivery times that previously were not covered when the store was Homebase.

The EHO is satisfied that even with the relaxation of the conditions now sought by Next, there will be an improvement to what was previously allowed under the Homebase permission and there should be no negative impact on neighbouring houses.

Third Parties: 6 letters/emails have been received from the residents of No's 32, 42, 44, 46, 52 & 54 Hawkins Road, plus a petition letter signed by the residents of No's 28, 30, 31, 33, 34 & 38 Hawkins Road, objecting to the application for the following reasons:-

- There should be no deliveries on Sundays/weekends and no deliveries before 8am or after 6.30pm weekdays
- Early morning or late evening deliveries will disturb young children and families/shiftworker trying to sleep and detract from enjoyment of gardens which back onto site
- Increased noise pollution from delivery vehicles, doors, alarms from reversing lorries, caged containers being moved, people noise
- Noise disturbance during construction period is already intolerable – clear that noise travels to properties behind store
- Increased traffic and associated parking problems
- Risk to highway safety
- Next plc should have considered delivery hours as part of their original application
- Rubber wheeled devices should be used only

Relevant Planning Policies and Guidance

Adopted Adur District Local Plan 1993-2006 (ADC 1996) (saved policies): AG1
PPS4 'Planning for Sustainable Economic Growth' (DCLG 2009)
PPG24 'Planning and Noise' (DoE 1994)

Planning Assessment

Policies

Policy AG1 states that development within the built-up area will normally be permitted subject, among other things, to it not detracting from the existing local urban environment.

PPG24 states that the impact of noise can be a material consideration in the determination of planning applications. The sound level within a residential building is not the only consideration: most residents will also expect a reasonable degree of peaceful enjoyment of their gardens and adjacent amenity areas.

Residential amenity

The original application (ADC/0389/10) submitted by Next plc did not propose a covered service yard and, because the yard extended to the rear boundary with the houses (where part of the Homebase garden centre was previously located), restrictive planning conditions needed to be imposed in order to limit the potential for increased noise disturbance from use of the yard. There was previously no condition restricting delivery times.

However, the service yard is now to be covered which, as stated by the Council's EHO, will effectively reduce noise disturbance. The applicants have reiterated that the noise survey and assessment carried out at the time of the original application was based on the service yard not being covered. The assessment considered the scenario where there might be a noise source at the rear of the delivery area (such as a smaller vehicle making deliveries, or other activity within the yard). A British Standard BS:4142 assessment of this situation indicated that complaints were

unlikely, based on the noise from a motorised vehicle. It was therefore considered that noise generated by transporting goods from the HGV to the store should have minimal impact. That survey was been based on daytime hours which is defined by legislation and guidance as 7am-11pm.

The applicants also wish it to be noted that their consultant's acoustic assessment was undertaken on three worst case scenarios. These were:-

(1) that there would be 1 HGV delivery per hour, which was considered to be a worst-case assessment given that deliveries are not expected to exceed 6 HGVs per week;

(2) that there would be 2 HGVs idling, which was also considered to be a worst case assessment as it is highly unlikely that this would occur with only 6 deliveries a week; and

(3) that there would be 1 vehicle at the rear of the store, considered to be equivalent to a smaller vehicle making deliveries, or other activity within the yard area.

Even based on such worst case scenarios, the assessment found that the proposed activities are below the level of marginal significance. Consequently, by covering the service yard, the effects will be even more marginal, if any at all. Next plc have stressed that delivery lorries will not be able to reverse any further than the point halfway down the service road as shown on the approved plans as there will be a brick wall with roller shutters in place. In addition, the service yard is to have a tarmac surface to give a smoother, more even surface. They consequently consider they have a sound case to seek to relax both the delivery hours restrictions and the restriction to pneumatic wheeled trucks as it will all now be contained within a covered area.

Next plc are unable, at this stage, to confirm exactly when the deliveries will take place as it will not be until later this summer when they will prepare their delivery schedule. However, they have confirmed that forklift trucks will not be used at the store and that 85% of retail deliveries (approx 5 per week, 7 at Christmas time) will involve palletted tubs which, once taken off the tail lift of the vehicle, will be trucked by use of a pump truck. 15% of retail deliveries will be stock on running rails with wheels that may be wheeled to the back of the store, once taken off the lorry. A normal delivery will take 1.5 hours to offload. Ready assembled sofas and furniture will be 2-man handled. In the case of man handling, some could be brought in through the front of the store before it opens. Small vehicle deliveries could be used by external suppliers, for example, the garden centre plants and it is expected that all these will stop at the same point as HGVs delivering directly to the garden centre through a set of gates (rather than to take them in at the loading area and bring them through the rest of the store and back out again).

In the case of initial set up, the applicants state that the store will be stocked over a 2-3 week period and that the number of vehicles will be greater during this phase, looking at 30 over a 3 week period, or 10 deliveries per week, of which some will be taken in through the front of the store as it will not have opened.

Notwithstanding the assurances from the applicants, however, concern remains that deliveries as early as 6am or as late as 8pm could potentially be unneighbourly for nearby residents in Hawkins Road, to the rear of the store. Further discussions have taken place and, as a result of negotiations with Next plc, they have agreed to accept a condition restricting deliveries to the following times:-

- 7am -7pm Mon-Fri (an increase of one hour in the evening)
- 7am -1pm Sats (an increase of one hour in the morning)
- 8am -1pm Sundays and Public Holidays, with no more than 1 delivery per day on those days (these days were previously excluded)

The Council's Environmental Health Officer has no objection. Deliveries will be unloaded effectively in the same position as when the store was Homebase but with the benefit of the new roof structure which will act as a barrier to minimise noise from these deliveries. The concerns of residents are noted. Disturbance during the construction works have caused problems but these are not considered to be similar to the noise and activity associated with deliveries where there will be a covered yard in place under which all delivery activities will take place. As a result of the proposed roof and smoother yard surface, the use of pneumatic wheeled devices is not considered essential as noise from wheeled 'cages' will be contained within the yard area itself.

In view of the acoustic measures in place and the lack of objection from the Council's Environmental Health officer, it is considered that it would be unreasonable to impose greater restrictions on delivery hours than those now negotiated with the applicants and set out in the condition 1 below.

Recommendation

APPROVE for reason that:-

The proposed increase in delivery hours and relaxation on the use of non-pneumatic wheeled devices is considered to be acceptable in light of the proposed roof over the service yard and other acoustic measures previously approved. The development can therefore take place without resulting in unacceptable detriment to the amenities of the residents in Hawkins Road. It would consequently not conflict with the relevant policy of the Adur District Local Plan (AG1) and advice in PPG24.

Subject to:-

1. No deliveries, loading or unloading of vehicles to the rear service yard shall take place on the premises except between the hours of 7am and 7pm Mondays to Fridays inclusive, 7am to 1pm on Saturdays, and 8am -1pm on Sundays and Public Holidays (with no more than 1 delivery per day on those days).
2. No deliveries, loading or unloading of vehicles to the rear service yard shall take place until the roof canopy, service yard gates and improvements to the boundary walls approved under application reference ADC/0494/10 and AWDM/0004/11 have been constructed and a sign has been erected to notify drivers to switch off vehicle engines during loading/unloading in accordance with details to be submitted to and approved in writing by the local planning authority. The above measures shall thereafter be permanently retained and displayed.
3. The extended store shall not commence trading until such time as a statement in relation to servicing arrangements, which shall include details relating to the timing and number of deliveries for the extended store, has been submitted to and approved in writing by the Local Planning Authority. Deliveries to the store shall thereafter be in accordance with the approved statement unless otherwise agreed with the Local Planning Authority.
4. No motorised vehicles of any kind shall be used within the service yard.
5. This permission relates to the site location plan submitted with the application and to the plans previously submitted and approved under application ADC/0389/10 as amended by the plans approved under applications ADC/0455/10, ADC/0494/10, AWDM/0004/11 and AWDM/0121/11.

.....