

APPLICATION NO.	P15/V2613/FUL
APPLICATION TYPE	FULL APPLICATION
REGISTERED	3.11.2015
PARISH	ABINGDON
WARD MEMBER(S)	Katie Finch Helen Pighills
APPLICANT	Waitrose Ltd
SITE	Waitrose Ltd, Abbey Close, Abingdon, OX14 3HL
PROPOSAL	Application for the variation of condition 9 of planning permission P92/V0097 and condition 1 of planning permission P08/V1936 to allow the store to receive deliveries between the hours of 6.00am and 10.00pm and extended deliveries over the Christmas Holiday Period. (Current permitted delivery times of 6.00am and 9.00pm).
AMENDMENTS	None
GRID REFERENCE	449958/197272
OFFICER	Penny Silverwood

SUMMARY

The application is referred to committee as Abingdon Town Council objects.

The proposal is for the variation of condition 9 of planning permission P92/V0097 and condition 1 of planning permission P08/V1936 to allow the store to receive deliveries between the hours of 6.00am and 10.00pm and retain the previously permitted extended delivery times over the Christmas holiday period.

The main issues are:

- The impact on the amenities of neighbouring properties, which is considered acceptable
- The impact on access and highways safety, which is considered acceptable.

The application is recommended for approval.

1.0 INTRODUCTION

1.1 Waitrose is a large supermarket located to the east of Abbey Close in the centre of Abingdon. The service yard to which delivery vehicles arrive is located to the east of the store. Neighbouring residential properties are located to the north and south of the application site and a residential care home is also located to the south of the site. A copy of the site plan is **attached** as appendix 1.

1.2 The application comes to committee as Abingdon Town Council objects.

2.0 PROPOSAL

2.1 This application seeks variation of condition 9 of planning permission P92/V0097 and condition 1 of planning permission P08/V1936 to allow the store to receive deliveries between the hours of 6.00am and 10.00pm and to retain the previously permitted extended delivery times over the Christmas holiday period. A proposed delivery management plan (DMP) has been submitted with the application. A copy of the DMP is **attached** at Appendix 2. Currently planning permission exists for deliveries between 06.00am and 09.00pm.

2.2 The application as originally submitted proposed to extend the delivery times from 6.00am until 11.00pm. However, in light of comments received from the council's Environmental Protection Team the application has been amended to extend delivery times until 10.00pm only.

2.3 Planning permission P08/V1936 gave permission for extended delivery times over the Christmas holiday period, allowing deliveries between the hours of 06.00am and midnight on 20th, 21st, 22nd, 23rd and 24th of December. This application seeks to retain these extended delivery times over the Christmas period. However, as planning permission has already been granted, this element of the proposal does not require a further permission.

3.0 SUMMARY OF CONSULTATIONS & REPRESENTATIONS

3.1	Abingdon Town Council	<p>Objection. The grounds for objection are:</p> <ul style="list-style-type: none"> - Contravenes local plan policy DC9 - Unacceptable harm to the amenities of neighbouring properties, particularly in terms of noise. <p>The town council confirmed that delegated authority would be given to the town clerk to remove the objection if planning permission for a temporary period of 18 months could be granted.</p>
	Neighbours	<p>One objection and two additional responses have been received.</p> <p>Concerns in summary are:</p> <ul style="list-style-type: none"> - Do not object to permanent extension of delivery time up until 10.00pm - Drivers should switch off engines and refrigeration units - Loud noises from delivery area from cages, trucks and gates - 6.00am delivery time is not acceptable - Reversing sounder and refrigeration unit should be switched off.
	Highways Liaison Officer	No objection.
	Environmental Protection Team	Recommend delivery times limited to 6.00am until 10.00pm.

4.0 RELEVANT PLANNING HISTORY

4.1 Applications

[P08/V1936](#) - Approved (29/01/2009)

Application for the variation of condition 9 of planning permission ABG/6394/10 to allow the store to receive deliveries between the hours of 6.00am and 9.00pm and extended deliveries over the Christmas Holiday Period.

[P07/V0540](#) - Approved (21/05/2007) (One year temporary period granted only).

Variation of condition 1 of planning permission ABG/14753/9 to allow the store to

receive two deliveries between the hours of 2100 and 06.30 on a permanent basis.

[P06/V0303](#) - Approved (08/05/2006) (One year temporary period granted only).
Variation of Condition 1 of ABG/14753/8 to allow the store to receive two deliveries between the hours of 2100 and 0630.

[P05/V0058](#) - Approved (14/03/2005) (One year temporary period granted only).
Variation of condition 9 of planning permission ABG/6394/10 to allow the store to receive deliveries between the hours of 2100 and 0630 on a permanent basis.

[P02/V1782](#) - Refused (23/05/2003) - Approved on appeal (14/01/2004)
Variation of Condition 9 of Permission ABG/6394/10 to allow a maximum of 2 deliveries between 2100 and 0630 during any day the food store is open to the public, for a temporary period of 1 year.

[P92/V0097](#) - Approved (29/04/1993)
Erection of a Waitrose food store with associated car parking.

4.2 Pre-application advice
No relevant pre-application advice history.

5.0 **POLICY & GUIDANCE**

5.1 **National Planning Policy Framework 2012 and National Planning Practice Guidance 2014**

The NPPF replaces all previous PPG's and PPS's and also indicates the weight to be given to existing local plan policies. The local plan policies that are relevant to this application are considered to have a high degree of consistency with the NPPF and should therefore be given appropriate weight. The NPPG provides supplementary guidance to the NPPF.

5.2 **Vale of White Horse Local Plan 2011 policies;**

The development plan for this area comprises the adopted Vale of White Horse Local Plan 2011. The following local plan policies relevant to this application were 'saved' by direction on 1 July 2009.

Policy Number	Policy Title
DC5	Access
DC9	The Impact of Development on Neighbouring Uses

5.3 **Emerging Local Plan 2031 Part 1**

The draft local plan Part 1 is not currently adopted policy and this emerging policy and its supporting text has limited weight as per paragraph 216 of the NPPF. Greater regard therefore is to be given to the NPPF in line with paragraph 14 and where relevant, the saved policies (listed above) within the existing Local Plan.

Policy Number	Policy Title
Core Policy 1	Presumption in favour of sustainable development

5.4 **Supplementary Planning Guidance**

- **Design Guide – March 2015**

The following sections of the Design Guide are particularly relevant to this application:-
- Employment areas – parking and servicing (DG95)

5.5 **Neighbourhood Plans**

Abingdon does not currently have a neighbourhood plan.

5.6 Other Relevant Legislation

- Human Rights Act 1998

The provisions of the Human Rights Act 1998 have been taken into account in the processing of the application and the preparation of this report.

- Equality Act 2010

In determining this planning application the Council has regard to its equalities obligations including its obligations under section 149 of the Equality Act 2010.

6.0 PLANNING CONSIDERATIONS

6.1 The main issues in determining this application are the impact on the amenities of neighbouring properties and the impact on highway safety.

6.2 Impact on the amenities of neighbours

Current permissions allow for deliveries between the hours of 6.00am and 9.00pm as well as extended delivery times during the Christmas holiday period. This application originally proposed to extend the delivery times until 11.00pm. The council's environmental protection team raised concerns due to the proposals only allowing for a seven hour period free from deliveries each night, and advised that an eight hour window free from deliveries each night is necessary to protect the amenities of neighbouring properties. The application was subsequently amended to propose extending the delivery times to 10.00pm only.

6.3 Comments have been received from neighbouring properties highlighting concerns regarding the level of noise and its impact from the delivery service yard. A delivery management plan has been submitted with the application which includes control measures to reduce the noise impacts of receiving deliveries at all times of day. It is considered appropriate and necessary by way of a condition to secure that the delivery management plan is adhered to by all deliveries to the store to protect the amenities of neighbouring properties.

6.4 Concerns have also been raised by Abingdon Town Council with regards to the proposed extended delivery times unacceptably harming the amenities of neighbouring properties in terms of noise. The town council has confirmed that should permission be granted on a temporary period of eighteen months only, with a new application or re-consultation with the town council following this period, then delegated authority will be given to the town clerk to remove the town council's objection to the proposal. Officers consider that, given the support of the environmental protection team for an eight-hour window free from deliveries, in addition to all deliveries adhering to the submitted delivery management plan, then there will not be a significant impact upon the amenities of neighbouring properties. Therefore it is not considered necessary or justifiable to grant permission on a temporary period only and it is recommended that full planning permission for the extension of deliveries times until 10.00pm is granted.

6.5 Impact on access and highways safety

As planning permission for deliveries to arrive at the store during these times has already been granted there are no additional impacts on access or highway safety as a result of this application.

7.0 CONCLUSION

7.1 The development does not harm the amenities of neighbouring properties or have any impact upon access or highways safety. The development, therefore, complies with the provisions of the development plan, in particular policies DC5 and DC9 of the adopted

Vale of White Horse Local Plan 2011. The development is also considered to comply with the provisions of the council's adopted design guide and the National Planning Policy Framework.

8.0 **RECOMMENDATION**

To grant planning permission, subject to the following condition:

1. Delivery times:

Deliveries to the food store hereby permitted shall be made only between the hours of 06:00 and 22:00 during any day the food store is open to the general public, with the exception of 20th, 21st, 22nd, 23rd and 24th of December, when deliveries can be carried out between the hours of 06:00 and 00:00. All deliveries shall adhere to the approved delivery management plan.

Author: Penny Silverwood

Contact No: 01235 540546

Email: penny.silverwood@southandvale.gov.uk