



**Application No:** 160687

**Location:** Waitrose Foodstore, St Andrews Avenue, Colchester, Essex, CO4 3BE

**Scale (approx):** 1:1250

The Ordnance Survey map data included within this publication is provided by Colchester Borough Council of Rowan House, 33 Sheepen Road, Colchester CO3 3WG under licence from the Ordnance Survey in order to fulfil its public function to act as a planning authority. Persons viewing this mapping should contact Ordnance Survey copyright for advice where they wish to licence Ordnance Survey map data for their own use.

This map is reproduced from Ordnance Survey Material with the permission of Ordnance Survey on behalf of the Controller Of Her Majesty's Stationery Office © Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. Crown Copyright 100023706 2015

**7.3 Case Officer: James Ryan**

**Due Date: 22/06/2016**

**MAJOR**

**Site:** Waitrose Foodstore, St Andrews Avenue, Colchester, Essex, CO4 3BE

**Application No:** 160687

**Date Received:** 23 March 2016

**Agent:** Mr Tim Williams, Firstplan Ltd

**Applicant:** Waitrose

**Development:** Variation of condition 15 (Permitted delivery times) on planning permission 080900. (Use of existing retail premises as a food store including ancillary coffee shop and customer toilets together with works of refurbishment and associated alterations, reconfiguration of car park and service arrangements, reconstruction of retaining wall and erection of new delivery bay, entrance lobby and mezzanine)

**Ward:** St Annes & St Johns

**Summary of Recommendation:** Conditional Approval

### **1.0 Reason for Referral to the Planning Committee**

- 1.1 This application is referred to the Planning Committee because it is a major application that has received an objection.

### **2.0 Synopsis**

- 2.1 The key issues explored below are the impact on residential amenity of the change in delivery hours. This is held to be acceptable and the application is recommended for approval.

### **3.0 Site Description and Context**

- 3.1 Colchester Waitrose is located to the north of St Andrews Avenue. Ipswich Road is located to the west and St Andrews Gardens is located to the east; both of which are residential in character. The store is located via an access road off St Andrews Gardens. The car park is a broadly L-shaped area which wraps around the store to the east and south. The loading bay is located towards the rear to the north of the site and is enclosed by a three-metre high acoustic fence to the north and east. The nearest noise-sensitive receptors are the flats, two-storey houses and bungalows located on Frank Clater Close; however these properties are screened from the delivery yard by the three-metre high acoustic fence. The store sits in an elevated position with the car park and store significantly higher than St Andrews Avenue.

## **4.0 Description of the Proposal**

### **4.1 Condition 15 of 080900 currently reads:**

“Deliveries of goods to the store shall not be permitted outside the following times:  
Monday to Saturday 06.00 - 22.00 hours  
Sunday and Bank Holidays - 10.00 - 16.00 hours”.

The applicants wish the condition to be varied to state:

“Deliveries of goods to the store shall not be permitted outside the following times:  
Monday to Saturday 06.00 – 00.00 hours  
Sunday and Bank Holidays – 09.00 – 18.00 hours”

## **5.0 Land Use Allocation**

### **5.1 The site has a retail use.**

## **6.0 Relevant Planning History**

### **6.1 The most relevant application is the original consent for the Waitrose foodstore which was granted planning permission in 2008. This was application 080900 and it granted consent for “Use of existing retail premises as a food store including ancillary coffee shop and customer toilets together with works of refurbishment and associated alterations, reconfiguration of car park and service arrangements, reconstruction of retaining wall and erection of new delivery bay, entrance lobby and mezzanine”.**

## **7.0 Principal Policies**

### **7.1 Planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. The National planning Policy Framework (NPPF) must also be taken into account in planning decisions and sets out the Government’s planning policies are to be applied. The NPPF makes clear that the purpose of the planning system is to contribute to the achievement of sustainable development. There are three dimensions to sustainable development: economic, social and environmental.**

### **7.2 Continuing the themes of the NPPF, the adopted Colchester Borough Core Strategy (adopted 2008, amended 2014) adds detail through local strategic policies. Particular to this application, the following policies are most relevant:**

SD1 - Sustainable Development Locations  
CE2c - Local Centres  
UR2 - Built Design and Character

### **7.3 In addition, the following are relevant adopted Colchester Borough Development Policies (adopted 2010, amended 2014):**

DP1 Design and Amenity  
DP7 Local Centres and Individual Shops

- 7.4 Further to the above, the adopted Site Allocations (adopted 2010) policies set out below should also be taken into account in the decision making process:

N/A

- 7.5 Regard should also be given to the following adopted Supplementary Planning Documents:

N/A

## **8.0 Consultations**

- 8.1 Environmental Protection: Environmental Protection has no objections to the variation of condition 15 for planning permission 080900. Please ensure the document "Quiet Delivery Procedure" is implemented by all delivery staff and drivers.
- 8.2 Highways: I have had a look at the details of this application and the Highway Authority does not wish to submit a formal recommendation.

In addition to the details reported above, the full text of all consultation responses is available to view on the Council's website.

## **9.0 Parish Council Response**

- 9.1.1 The area is non-parished.

## **10.0 Representations**

- 10.1 Two representations were received from residents located on the other side of the Ipswich Road to the store. In summary these objected to the scheme on the following grounds:
- It would appear from the plan that the existing boundary, retaining wall on the Ipswich road side, is to be extended outwards right up to the edge of the road and continuing in a similar manner around the corner.  
*Officer Response – This is not the case – no physical changes are proposed.*
  - Loss of pedestrian walkway that abruptly comes to a halt at entrance to flats / homes.  
*Officer Response – This is not the case.*
  - Loss of traffic lights and crossing.  
*Officer Response – This is not the case.*
  - Loss of bus stop.  
*Officer Response – This is not the case.*
  - Loss of disability entrance walk way to occupants of residential retirement flats opposite.
  - Increased noise levels due to increased number of deliveries.  
*Officer Response – This is not the case – although the scheme does propose changes to delivery hours it is not to facilitate more deliveries.*

- Increase in existing traffic noise due to traffic noise rebounding off of new retaining wall (if as plan implies, now to be level with curb side).  
*Officer Response – This is not the case, no new retaining wall is proposed.*
- Potential unwelcomed flood lighting from lorry headlights, especially late on in evenings when street lights are off. All due to closer proximity. Will shine through slatted fencing (if constructed as now). Equally a hazard / blind spot to oncoming traffic in both directions. Prior to traffic lights this used to be an accident prone area.  
*Officer Response – This is not the case – the walls/fencing are not being moved.*
- It is not clear from the plans as to whether or not there is to be any changes to existing highways (Ipswich road) layout.  
*Officer Response – no changes are proposed.*
- Close proximity of new retaining wall will impact and reduce existing day light aperture to all properties immediately opposite.  
*Officer Response – no changes are proposed to the wall.*

10.2 It appears that the objectors are under the impression that the Waitrose Foodstore is changing physically in some way. This is not the case. This application proposes no physical works. This scheme is simply for a change in delivery times. The impact of the change in delivery times will be assessed in the main body of the report.

The full text of all of the representations received is available to view on the Council's website.

## **11.0 Parking Provision**

11.1 This application has no impact on the on-site parking provision.

## **12.0 Open Space Provisions**

12.1 This application has not impact on open space provision.

## **13.0 Air Quality**

13.1 The site is outside of any Air Quality Management Area and will not generate significant impacts upon the zones.

## **14.0 Development Team and Planning Obligations**

14.1 This application is classed as a "Major" application and therefore there was a requirement for it to be considered by the Development Team. It was considered that no Planning Obligations should be sought in this instance.

## **15.0 Report**

### The Proposal

15.1 This proposal looks to extend the time that Waitrose can accept deliveries by two hours in the evening Monday to Saturday and by an extra hour in the morning and two hours in the evening on Sundays and Bank Holidays. All other conditions will remain in place. This is because Waitrose are finding it difficult to work with the current

restriction – the planning statement notes that “at present the current restrictions are fettering the efficiency of the store’s operational management and preventing it from being fully stocked in time for store opening to the detriment of the shopping experience of the first Waitrose customers of the day”. The planning statement noted that this change will not increase the number of deliveries – it will simply allow the more efficient running of the store.

- 15.2 The NPPF at Paragraphs 19 and 21 details the importance that the government places on promoting economic development. Paragraph 19 states:

*The Government is committed to ensuring that the planning system does everything it can to support sustainable economic growth. Planning should operate to encourage and not act as an impediment to sustainable growth. Therefore, significant weight should be placed on the need to support economic growth through the planning system.”*

- 15.3 Paragraph 21 stipulates that investment by retailers should:

*“not be overburdened by the combined requirements of planning policy expectations.”*

Therefore it is officers’ opinion that the variation applied for is acceptable in principle.

#### Impact on Amenity

- 15.4 The key issue to explore is the impact of the extended delivery hours on residential neighbours.
- 15.5 A noise assessment was commissioned by the applicants prior to submission. The assessment concluded that *‘no time restrictions should be imposed on staggered goods deliveries by articulated lorries in full accordance with national noise policy.’* However it suggested that if unrestricted deliveries were granted that staggered deliveries by large articulated lorries to *‘say 5/6 during a 24 hour period and required adherence to a delivery noise management plan for night time deliveries’* would be appropriate.
- 15.6 The Planning Statement sets out how Waitrose is extremely keen to maintain good neighbourly relations with all surrounding occupiers and therefore they have only requested a limited extension to the delivery window rather than seeking unrestricted deliveries which the Noise Report supports.
- 15.7 The proposal, including the supporting documentation has been carefully assessed by the Environmental Protection Team. They do not consider that the extended hours will cause material harm to the neighbours. They have confirmed that they have not received any complaints regarding Waitrose.

## Mitigation

15.8 Condition 16 of 080900 (which is not being varied) requires the following:

*On Sundays and Bank Holidays and before 08.00 hours and after 20.00 hours on weekdays the following shall apply to all deliveries to the store:-*

*Drivers to switch off reversing alarms.*

*Chillers to be switched off as soon as practicable.*

*Drivers to switch off radios prior to driving into the service area.*

15.9 Along with the other conditions attached to 080900 this will be carried over to any new consent. In addition to this Waitrose has provided a Quiet Delivery Procedure – Delivery Management Plan document which sets out measures that will be taken to ensure that noise and disturbance is reduced to the bare minimum. It is therefore suggested that compliance with this is conditioned on any new consent. For clarity the points that Waitrose have stated they will comply with are set out below:

- **Drivers contact the store prior to arrival to ensure service yard gates are open, therefore enabling lorries to enter the service yard without stopping and thus minimising the time taken to pass nearby residential properties. Similarly, gates are left open during unloading activities such that lorries do not idle at the gates on departure;**
- **Deliveries are scheduled and agreed with the store to reduce to a minimum the time taken to deliver the goods and therefore limit potential for noise impact;**
- **Delivery doors, gates and shutters are well maintained to minimise noise when opening / closing;**
- **Lorries reverse up to the service yard doors such that loading/unloading activity occurs inside the store building;**
- **Lorry engine and refrigeration is turned off as soon as practicable and they are not left running during deliveries;**
- **Padlock chains for service yard gates are covered in plastic to reduce clanking noise;**
- **Loading bay is kept clear of obstructions to enable lorries to manoeuvre easily;**
- **An isolating mat is placed under the tail/scissor lift to reduce the noise of the plates on the pavement or the loading bay;**
- **The radio in the lorry cabin is switched off / muted before arrival;**
- **The branch radios are switched off / muted before the service yard doors are opened;**

- **All employees speak in hushed voices;**
- **All employees avoid going over drains and loose paving when moving cages.**
- **There is a general requirement for all drivers to minimise noise at all times;**
- **Delivery vehicles are driven around the site in a considerate manner, e.g. speed being kept to a practical minimum and all items properly fastened in order to ensure rattles and bangs are kept to a minimum;**
- **If a complaint arises, Waitrose employees will follow a set of guidelines which set out how to deal with complaints quickly and effectively and to address any issues raised.**

15.10 Officers consider that this management plan is reasonable and workable. It will enable any increase in harm to be sufficiently mitigated. It is therefore suggested that a new condition is imposed requiring compliance with it.

## **16.0 Conclusion**

16.1 This scheme is held to comply with economic growth sentiments of the NPPF, PPG and Development Plan. Due to the mitigation plan proposed it is not held to cause demonstrable harm to neighbours. An approval is therefore recommended.

## **17.0 Recommendation**

17.1 APPROVE subject to the following conditions

## **18.0 Conditions**

### **1 - \*Removal/Variation of Condition(s) Approval**

With the exception of condition 15 of Planning Permission 080900 which is hereby varied, the requirements of all other conditions imposed upon planning permission 080900 remain in force and shall continue to apply to this permission, including the details and provisions of any approved matters discharging any condition(s) of that permission.

Reason: To avoid any doubt that this application only applies for the variation of the stated condition(s) of the previous planning permission as referenced and does not seek the review of other conditions, in the interests of proper planning and so that the applicant is clear on the requirements they need to comply with.

### **2 - Non-Standard Condition/Reason**

Deliveries of goods to the store shall not be permitted outside the following times:

Monday to Saturday 06.00 - 00.00 hours.

Sunday and Bank Holidays 09.00 - 18.00 hours.

Reason: This is the basis on which this application was made. This condition is required in the interests of preventing noise and disturbance to the residents of neighbouring dwellings.



### 3 - Non-Standard Condition/Reason

No deliveries shall take place apart from in complete accordance with the submitted Quiet Delivery Procedure - Delivery Management Plan document.

Reason: This Quiet Delivery Procedure - Delivery Management Plan which has been submitted as part of this application is essential to ensure that the deliveries to the store do not cause demonstrable harm to neighbours.

## **19.0 Positivity Statement**

- 19.1 The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.