

Unrestricted Report

ITEM NO: 10

Application No.
14/01126/FUL
Site Address:

Ward:
Great Hollands North

Date Registered:
20 October 2014

Target Decision Date:
19 January 2015

Land At Peacock Farm Neighbourhood Centre Peacock Lane Bracknell Berkshire

Proposal:

Section 73 application for variation of condition 10 of reserved matters approval 11/00878/REM which states: "No deliveries shall be taken at or dispatched from the site outside the hours of 8.00 am - 6.00 pm Mondays to Saturdays nor at any time on Sundays or public holidays", to allow deliveries to be taken at or dispatched from the site between 7.00 am - 6.00 pm Mondays to Saturdays and 08.00 am - 6.00 pm on Sundays.

Applicant:

W. M Morrison Supermarkets PLC

Agent:

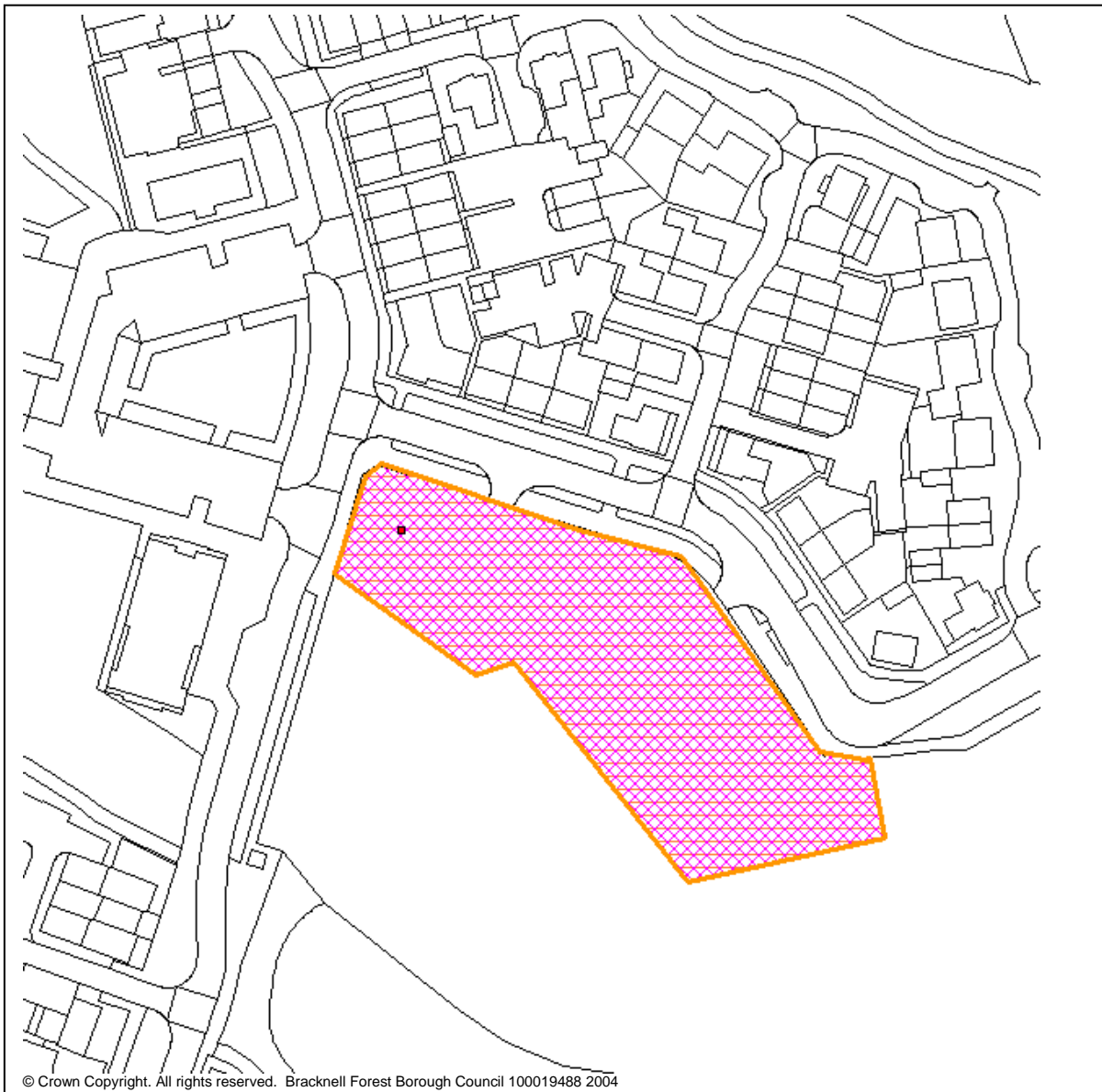
Mr Gareth Glennon

Case Officer:

Martin Bourne, 01344 352000

Development.control@bracknell-forest.gov.uk

Site Location Plan (for identification purposes only, not to scale)



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OFFICER REPORT

1. REASON FOR REPORTING APPLICATION TO COMMITTEE

The application is reported to Committee as more than 3 objections have been received.

2. SITE DESCRIPTION

The site, which is currently undeveloped and is enclosed by hoardings, lies on the east side of the Jennett's Park neighbourhood centre. It is bounded by Sparrowhawk Way to the west which in turn forms the eastern boundary of the neighbourhood square - Tawny Owl Square. The southern half of the site is opposite the community building and the northern half abuts the square itself. The site's northern boundary is bounded by Falcon Way.

The northern edge of the site lies opposite three-storey flats on the junction of Sparrowhawk Way with Falcon Way; there are two-storey terraced and detached houses further east on the other side of the road.

Land immediately to the south of the application site is reserved for a public house and associated car park. A reserved matters application to erect up to 4 no. commercial/community units and 23 no. residential units on this land, with associated car parking, is currently under consideration (14/00488/REM).

The site is generally flat and does not contain any trees.

3. RELEVANT SITE HISTORY

The site lies within the area covered by outline planning permission 98/00288/OUT (623523) which provides for the development of up to 1,500 dwellings at Jennett's Park with associated open space and other facilities. Reserved matters approval 11/00878/REM, approved in May 2012 pursuant to this outline planning permission, provides for the erection of retail accommodation (506 sq m) with flats above on this site and houses and parking to the east.

This reserved matters approval has not yet been implemented.

4. THE PROPOSAL

Condition 10 of reserved matters approval 11/00878/REM states:-

No deliveries shall be taken at or dispatched from the site outside the hours of 08:00 am 6:00 pm Mondays-Saturdays nor at any time on Sundays or public holidays.

REASON: In the interests of the amenities of the occupiers of nearby residential premises.

As submitted this application sought to amend this condition to read:-

No deliveries shall be taken at or dispatched from the site outside the hours of 05:00 am 6:00 pm Mondays- Sundays.

In a letter accompanying the application the applicant's agent stated that the reason for seeking the longer hours was that restrictions on deliveries would place a significant obstacle on the retail unit being able to operate efficiently. In particular reference was made to the need for deliveries of fresh produce, milk, bread and daily newspapers to be received before 08:00 hours.

In the light of representations received and the comments of the Environmental Health Officer the applicant has amended the application and the modified wording of this condition now sought seeks to allow deliveries to be taken at or dispatched from the site between 7.00 am - 6.00 pm Mondays to Saturdays and 08.00 am - 6.00 pm on Sundays.

5. REPRESENTATIONS RECEIVED

Letters were received in relation to the application as originally submitted from 4 local residents and Councillor Mrs Temperton objecting that:-

- 05:00 hours was unsociable and too early in a residential area
- it would lead to significant noise disturbance from vehicles, communications, reversing sensors, trolleys
- this would disturb sleep.

Councillor Mrs Temperton has no objection to the application as amended.

6. SUMMARY OF CONSULTATION RESPONSES

Bracknell Town Council (comments on application as submitted):

Recommend Refusal, for the reasons set out below:-

Bracknell Town Council recommend that condition 10 is upheld for the benefit of the local residents. To change the times would be unneighbourly and have an adverse effect on local residents. This is a residential area and starting deliveries from 5am is not acceptable.

Environmental Health Officer (comments on application as submitted):

This application raises concerns from a noise disturbance point of view. Noise sources from deliveries will include delivery vehicle traffic through the site, manoeuvring of vehicles at the store (including reversing alarms), and the actual unloading and loading of the vehicles (roll cages, personnel, etc.). Additional noise sources could include refrigeration units on the delivery vehicles. Should this activity be permitted from 5am on every day of the week (excluding public holidays), it is my opinion that there is a real risk that neighbouring residents would be subjected to serious and unacceptable noise disturbance.

I would therefore recommend refusal of the application in its current terms. A modification of the condition to allow deliveries to the store between 07.00 am and 06.00 pm Monday to Saturday, and 08.00am and 06.00pm on Sundays would be acceptable.

Transportation Officer

No objection.

7. DEVELOPMENT PLAN

The Development Plan includes the following:-

- Core Strategy (February 2008) (CS)
- Bracknell Forest Borough Local Plan (January 2002) (BFBLP)
- Site Allocations Local Plan (July 2013) (SALP)

8. PRINCIPLE OF DEVELOPMENT

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications for planning permission must be determined in accordance with the Development Plan, unless material considerations indicate otherwise. This is reflected in SALP Policy CP1, which sets out that planning applications which accord with the Development Plan should be approved without delay, unless material considerations indicate otherwise. Policy CP1 also sets out a positive approach to considering development proposed that reflects the presumption in favour of sustainable development contained in the NPPF.

CSDPD Policy CS1 sets out a number of sustainable development principles, including protecting the health and safety of the local population. Policy EN25 of the BFBLP states, inter alia, that development will not be permitted if it would generate unacceptable levels of noise which would adversely affect the amenities of the occupiers of buildings.

These policies are considered to be consistent with the NPPF, one of the core planning principles of which includes securing a good standard of amenity for all existing and future occupants of land and buildings, and as a consequence are considered to carry significant weight.

The site forms part of an allocated site (Jennett's Park), and is located within defined settlement, so is in accordance with CS Policy CS2, and is acceptable in principle. Development of the site is also established through the granting of application 11/00878/REM. Therefore, the proposal is in accordance with SALP Policy CP1, CS Policies CS1 and CS2, and the NPPF.

9. RESIDENTIAL AMENITY

BFBLP 'Saved' Policy EN20 (vii) refers to the need to not adversely affect the amenity of the surrounding properties and adjoining areas. Policy EN25 refers to development not being permitted if it would generate unacceptable levels of noise, smoke, gases, fumes, effluent, vibration, dust or other environmental pollution which would adversely affect the amenities of the occupiers of buildings, or persons using outdoor space. These policies are considered to be considered with the NPPF (Chapter 7 and para. 123) and can be afforded significant weight.

The proposed shop will be a valuable addition to the facilities enjoyed by residents of and visitors to Jennett's Park. It is, however, located close to where people live with existing flats and houses lying close by to the north, on the other side of Falcon Way, and when the scheme is built there will be flats above the shop and dwellings immediately to the east. As noted above there is an outstanding application including residential accommodation on the site, immediately to the south, which is currently allocated for a public house.

As stated in the representations received and the comments of the Environmental Health Officer there is scope for disturbance to those living nearby as deliveries are made to the service area behind the proposed shop, primarily from the noise of vehicles being manoeuvred and goods being moved into the shop.

The impacts on the living conditions of local residents have to be weighed against the operational needs of the retailer.

The change to delivery hours originally sought, of 05:00 am 6:00 pm Mondays-Sundays, is considered likely to give rise to an unacceptable impact on the living conditions of local residents. The hours now sought - 07.00 am and 06.00 pm Monday to Saturday, and 08.00am and 06.00pm on Sundays - will result in local residents experiencing more disturbance than if the current restrictions are retained but, giving weight to the advice of the Environmental Health Officer, are considered to strike an acceptable balance between residential amenity and the needs of the retailer.

As such, the proposal would not be considered to adversely affect the residential amenities of neighbouring properties and would be in accordance with Saved Policies EN20 and EN25 of the BFBLP and the NPPF .

10. TRANSPORT IMPLICATIONS

BFBLP Policies M4, M9 and CSDPD Policies CS23 and CS24 seek to promote or retain safe highway access and suitable off-road parking provisions, thus avoiding highway safety implications. This is consistent with the objectives of the NPPF.

The Highway Officer has no objection and provided the following comment on the application as submitted:-

The TRICS database provides data on the likely trips generated by different land uses, based on surveys of existing sites. The likely trips generated by these proposed extended hours are in the region of 5 delivery trips between the hours of 05.00 - 08.00 am. In the region of 14 delivery trips are likely to be generated over the course of a typical day, given the size of retail floor-space which have been approved for this site. Therefore it is possible that in the region of 14 delivery vehicles could visit the site on a Sunday.

11. CONCLUSION

The delivery hours sought, as amended in the course of the consideration of the application, are felt to be acceptable and the application is therefore recommended for approval. As this is a s73 application the other conditions imposed on reserved matters approval 11/00878/REM are repeated in the Recommendation.

It is therefore considered that the proposed development complies with Development Plan Policies SALP Policy CP1, CSDPD Policies CS1, CS2 and CS23, BFBLP 'Saved' Policies EN20 and EN25, and the NPPF .

RECOMMENDATION

That the application be **APPROVED** subject to the following conditions:-

01. The development hereby approved shall be carried out only in accordance with

the following plans:

31668_P_001 Rev C Context & Site Location Plan

31668_P_002 Rev C Site Plan

31668_P_003 Rev B Retail Apartments Floor Plans

31668_P_004 Rev C Retail Apartments Elevations

31668_P_006 Rev B House Type A

31668_P_007 House Type B

31668_P_008 Rev B House Type C1

31668_P_009 Rev B House Type D

31668_P_015 Rev B Roof Plan

31668_P_016 Rev B House Type C2

31668_LP(90)001 Rev B Landscape General Arrangement

31668_LP(90)002 Rev B Planting Plan

31668_LP(90)003 Rev B Site Fencing Styles

REASON: To ensure that the development is carried out only as approved by the Local Planning Authority.

02. There shall be no restrictions on the use of the car parking spaces shown on the approved plan for visitors to the buildings hereby permitted.
REASON: To ensure that the development is provided with adequate car parking to prevent the likelihood of on-street parking which would be a danger to other road users.
[Relevant Plans and Policies: BFBLP M9]
03. The development hereby approved shall not be begun until a scheme for the allocation of spaces to individual dwellings/shops (including appropriate signage/markings) has been submitted to and approved in writing by the Local Planning Authority. No dwelling/shop unit shall be occupied until the space(s) serving it have been provided in accordance with the approved scheme. The parking shall thereafter be retained.
REASON: To ensure that the development is provided with adequate car parking to prevent the likelihood of on-street car parking which would be a danger to other road users.
[Relevant Policies: BFBLP M9, Core Strategy DPD CS23]
04. The car ports hereby approved shall be retained for the use of the parking of vehicles at all times and, notwithstanding the provisions of the Town and Country (General Permitted Development) Order 1995 (or any order revoking or re-enacting that Order with or without modification), no enlargements, improvements or alterations shall be made to the car port, and no gate or door shall be erected to the front of the car port.
REASON: To ensure that the development is provided with adequate parking to prevent the likelihood of on-street parking which could be a danger to other road users.
[Relevant Policy: BFBLP M9]
05. Notwithstanding the submitted details the development hereby approved shall not be begun until a scheme has been submitted to and approved in writing by the Local Planning Authority for covered and secure cycle parking facilities. No dwelling shall be occupied until the approved scheme has been implemented. The facilities shall be retained.
REASON: In the interests of accessibility of the development to cyclists.
[Relevant Policies: BFBLP M9, Core Strategy DPD CS23]

06. No development shall take place until a scheme has been submitted to and approved in writing by the Local Planning Authority for external site lighting serving the parking courts/service yard, including lighting units and levels of illumination. The approved scheme shall be implemented before the first use of these areas and the lighting retained in accordance therewith.
REASON: In the interests of the amenity of the neighbouring property and the character of the area.
[Relevant Plans and Policies: BFBLP EN20, CSDPD CS7]
07. The level of noise emitted from any air ventilation and/or refrigeration plant systems on the premises shall not exceed 41 dB(A) Laeq.t (as measured inside numbers 1-7 (odds) Falcon Way with the windows shut) between the hours of 09:00 am and 7:00 pm on Monday to Fridays and 09:00 am and 2:00 pm on Saturdays and shall not exceed 41 dB(A) Laeq.t at any other time including Sundays and public holidays.
REASON: In the interests of the amenities of the occupiers of the building.
[Relevant Policies: BFBLP EN25]
08. The development hereby approved shall not be begun until details of air ventilation systems have been submitted to and approved in writing by the planning authority. The noise level shall not cause the existing background level (as at the date of this permission) to increase whilst in operation. The new air ventilation system shall be installed and operated in accordance with the approved scheme.
REASON: To ensure that the proposed development does not prejudice the enjoyment of neighbouring occupiers of their properties.
[Relevant Policies: BFBLP EN25]
09. The development hereby approved shall not be begun until a scheme for limiting the transmission of noise between each residential unit of accommodation and/or any other part of the building, which is not exclusively used as a unit of accommodation, has been submitted to and approved in writing by the Local Planning Authority. No residential unit hereby permitted shall be occupied until all works that form part of the approved scheme have been completed.
REASON: In the interests of the amenities of future occupiers of the premises.

[Relevant Policies: BFBLP EN25]
10. No deliveries shall be taken at or dispatched from the site outside the hours of 7.00 am - 6.00 pm Mondays to Saturdays and 08.00 am - 6.00 pm on Sundays.

REASON: In the interests of the amenities of the occupiers of nearby residential premises.
[Relevant Policies: BFBLP EN25]
11. The development hereby approved shall not be begun until all outstanding details of external materials have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
REASON: In the interests of the visual amenities of the area.
[Relevant Plans and Policies: BFBLP EN20, CSDPD CS7]

Informative(s):

01. The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

Doc. Ref: Uniform 7/DC/Agenda

The application file to which this report relates can be viewed at the Council's Time Square office during office hours or online at www.bracknell-forest.gov.uk