

<b>Agenda Item</b>	A7
<b>Application Number</b>	23/00905/VCN
<b>Proposal</b>	Demolition of existing building and erection of a retail warehouse with associated access, car parking and landscaping (pursuant to the variation of condition 3 on approved application 16/00492/VCN to extend the permitted delivery hours)
<b>Application site</b>	Home Bargains 90 Westgate Morecambe Lancashire
<b>Applicant</b>	TJ Morris Limited
<b>Agent</b>	Mr Tim Rainbird
<b>Case Officer</b>	Mr Patrick Hopwood
<b>Departure</b>	No
<b>Summary of Recommendation</b>	Approval, subject to conditions

## 1.0 Application Site and Setting

1.1 The site to which this application relates to is a large retail warehouse located on Westgate in Morecambe. The building is set back from the main road with a customer car park to the front. The site forms part of the allocated White Lund Industrial Estate and is surrounded by industrial, commercial and depot uses, and is opposite residential properties on Glentworth Road East. Parts of the site lie within Flood Zone 2.

## 2.0 Proposal

2.1 This Section 73 application seeks to vary Condition 3 on approved planning application 16/00492/VCN for delivery hours to change from 0730-1900 Monday-Saturday and 1000-1600 Sundays and Public Holidays, to 0600-2200 Monday-Saturday and 06-00-2000 Sundays and Public Holidays. The submitted covering letter sets out that the Applicant is facing operational issues in complying with the permitted delivery hours, and the proposed extended delivery hours will address the matter. As discussed further in the subsequent report, the operating hours originally proposed and stated here, have been amended in line with consultee comments.

## 3.0 Site History

3.1 A number of relevant applications relating to this site have previously been received by the Local Planning Authority. These include:

Application Number	Proposal	Decision
15/01014/FUL	Demolition of existing building and erection of a retail warehouse with associated access, car parking and landscaping	Approved

16/00492/VCN	Demolition of existing building and erection of a retail warehouse with associated access, car parking and landscaping (pursuant to the variation of condition 2 on approved application 15/01014/FUL to amend elevations (entrance feature and materials) and layout (to create garden centre with enclosure fencing/gates/service yard and sprinkler tank)	Approved
16/00898/NMA	Non material amendment on planning permission 16/00492/VCN to amend the shop front colour to ocean blue RAL 5020	Approved
16/01506/ADV	Advertisement application for the display of an internally illuminated fascia sign	Withdrawn
17/00105/ADV	Advertisement application for the display of two internally illuminated fascia signs, one internally illuminated totem sign and non-illuminated external window film	Approved
17/00245/FUL	Retrospective application for the retention of an ATM to the front elevation	Approved
17/00246/ADV	Advertisement application for the display of an internally illuminated fascia sign to surround ATM	Approved

#### 4.0 Consultation Responses

4.1 The following responses have been received from statutory and internal consultees:

Consultee	Response
Morecambe Town Council	No response received.
County Highways	<b>No concerns.</b>
Environmental Health	<b>Objects</b> to deliveries taking place before 07.00hrs (Monday to Sunday) and on Public Holidays. <b>No objections</b> to deliveries taking place between 07.00hrs and 22.00hrs (Monday to Saturday) and between 09.00hrs and 20.00hrs on a Sunday.

4.2 One letter of **objection** has been received from a resident on Glentworth Road East, raising issues in terms of noise disturbance. The objection states that the noise of the metal delivery cages reverberates and is much louder at times when the road is quieter.

#### 5.0 Analysis

5.1 The key considerations in the assessment of this application are:

- Noise and Residential Amenity

5.2 **Noise and Residential Amenity** (NPPF Sections 12 and 15; Policy DM29 of the Development Management DPD)

5.2.1 The reason for the condition restricting delivery hours is given in the original application as being “in the interests of residential amenity”. The area is characterised with mixed commercial uses, and ambient sound is dominated by associated noise, but predominantly so by road traffic noise on Westgate. The nearest residential receptor is located approx. 60m from the delivery area. No noise assessment has been submitted by the Applicant, therefore the Environmental Health Officer has used sound survey data, information from recent complaints, and other relevant information in assessing this application.

5.2.2 This information suggests that noise associated with deliveries becomes more noticeable during time sensitive periods when background sound levels from traffic and commercial activities is significantly lower. Deliveries that have taken place during sensitive time periods are understood to have significant adverse effects, with quality of sleep impacted. Therefore, deliveries taking place before 0700 are considered to be unreasonable and cannot be supported by Environmental Health. However, extended delivery hours for after 7am Monday-Saturday and after 9am Sundays and bank

holidays (0700-2200 Monday-Saturday and 0900-2000 Sundays and Public Holidays) raise no objection from Environmental Health. Moreover, given that the shop is open until 2200 Monday to Saturday, deliveries until this time are acceptable. It is also noted that some businesses within the vicinity appear to have no planning conditions controlling their hours of use or deliveries.

## 6.0 Conclusion

6.1 The Applicant is agreeable to the revised proposal made by the Environmental Health Officer (delivery hours restricted to 0700-2200 Monday-Saturday and 0900-2000 Sundays and Public Holidays). Subject to these hours being stipulated through the varied planning condition, the proposal is acceptable in terms of noise impacts on residential amenity, compliant with local and national planning policy and as such is recommended for approval.

## Recommendation

That Planning Permission **BE GRANTED** subject to the following conditions:

Condition no.	Description	Type
1	Approved Plans (retained from 16/00492/VCN)	Control
2	Hours of Construction (retained from 16/00492/VCN)	Control
3	Delivery Hours restricted to 0700-2200 Monday-Saturday and 0900-2000 Sundays and Public Holidays	Control
4	Opening Hours (retained from 16/00492/VCN)	Control
5	Internal Road Layout and Parking (retained from 16/00492/VCN)	Control
6	Cycle/Motorcycle Parking (retained from 16/00492/VCN)	Control
7	Drainage Plan (retained from 16/00492/VCN)	Control
8	Total Retail Floor Space Restriction (retained from 16/00492/VCN)	Control
9	Food and Drink Retail Floor Space Restriction (retained from 16/00492/VCN)	Control
10	Clothes Retail Floor Space Restriction (retained from 16/00492/VCN)	Control
11	Landscaping (retained from 16/00492/VCN)	Control

## **Article 35, Town and Country Planning (Development Management Procedure) (England) Order 2015**

In accordance with the above legislation, Lancaster City Council has made the recommendation in a positive and proactive way to foster the delivery of sustainable development, working proactively with the applicant to secure development that improves the economic, social and environmental conditions of the area. The recommendation has been made having had regard to the impact of development, and in particular to the relevant policies contained in the Development Plan, as presented in full in the officer report, and to all relevant material planning considerations, including the National Planning Policy Framework, National Planning Practice Guidance and relevant Supplementary Planning Documents/Guidance.

## Background Papers

None