

PLANNING APPLICATION REPORT

REF NO: AW/237/19/PL

LOCATION: The Former Ship Inn
Aldwick Street
Aldwick
PO21 3AP

PROPOSAL: Variation of conditions imposed on planning reference AW/211/14/PL relating to condition 8 - delivery times & Condition 10 - delivery of goods serving the store in accordance to the Delivery Management Schedule

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION

The application seeks permission to vary the existing conditions which specify the number of deliveries and the delivery hours. These are as follows:

(8) There shall only be one delivery of newspapers/magazines between 06:00 and 08:00. The other two deliveries to the site shall be made between the hours of 07:00 and 21:30.

(10) There shall be no more than three deliveries to the site per day comprising of: (a) one newspaper/magazine delivery via a transit van or similar size vehicle of less than 7m in length; and (b) up to two deliveries by a larger vehicle (a rigid HGV up to 10.35m in length).

The Delivery Management Scheme (18/10/19) states:

- Maximum 4 deliveries per week from the One Stop Stores Limited Distribution Centres in Nursling using articulated lorries with an overall length of 38ft (No vehicle will exceed a gross train weight of 28 tonne);
- Maximum 5 deliveries per week from an outsourced Chilled distributor using 3.5 Tonne refrigerated box van;
- Maximum 3 deliveries per week from an outsourced Frozen distributor using 18 Tonne rigid vehicles;
- Maximum 5 deliveries per week from an outsourced Milk distributor using 26 Tonne refrigerated vehicles;
- 12 Deliveries a week (two per day, including local & regional supplies) from an outsourced Bread distributor using 18 tonne rigid vehicles;
- 7 Deliveries a week from an outsourced News supplier using Transit vans; and
- All deliveries will take place between the hours of 7am - 9pm with exception of the News supplier that will deliver to a holding box between the hours of 5am - 7am.

SITE AREA

0.11 Hectares.

RELEVANT SITE HISTORY

AW/211/14/PL	Change of use from Public House (Class A4 Drinking Establishment) to a Food Shop (Class A1 Retail), including the erection of a 39 sqm extension, an external freezer store, resurfacing and reconfiguration of the car park, installation of an ATM and all other associated works.	ApproveConditionally 17-12-14
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Permission was granted for the change of use from a public house in 2014 (AW/211/14/PL). Advertising consent was granted under AW/215/14/A and AW/25/15/A.

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Aldwick Parish Council

OBJECTION on the following grounds;

- Aldwick Street is a busy narrow street with a footpath on the north side only and cars parked on the south side regularly reducing this street in the vicinity of 'The Ship' to a single lane. 38ft articulated lorries trying to negotiate this would have great difficulty manoeuvring and the impact to other road users and pedestrians would be severe.
- The car park at the ship is very small and lorries trying to reverse into this to unload would cause both directions of traffic to stop for the duration of that task.
- There are doubts as to whether articulated lorries will be able to negotiate the gated access at Fish Lane or the small roundabout at the Gossamer Lane, Aldwick Street junction.
- The scale of the increase (21 to 35 per week) will further increase traffic pollution and noise unnecessarily and put at risk the health and wellbeing of residents.
- Condition 12 had not been addressed as documented in the previous West Sussex County Council Consultation paper and further information relating to the size of the proposed vehicles, scheduled daily vehicle movement numbers, a location plan showing where loading/unloading will take place, swept paths to show how the different size vehicles can use the existing site was absent.
- Conflict with Policy T SP1 of the Arun Local Plan as it does not provide or accommodate an efficient delivery of goods and supplies, give priority to pedestrians and cycle movements and certainly does not create safe and secure layouts for traffic, cyclists and pedestrians or avoid street clutter.
- Conflict with Policy QE SP1 of the Arun Local Plan as it will result in increased levels of noise pollution and increased levels of air pollution. The increased number of deliveries and size of vehicles is contrary to the District Council's aim to mitigate against climate change.
- Conflict with the Parish Design Statement page 67 "because of the narrow road (Aldwick Street) strict control should be exercised over any increase in car access".

112 objections raising the following concerns:

- (1) Aldwick Street is too narrow / not enough space for delivery vehicles and the traffic to flow correctly;
- (2) Significant impact on highway congestion and safety;
- (3) Delivery vehicles would be parked over double yellow lines along Aldwick Road;

- (4) Hindrance to movement of emergency vehicles past the site;
- (5) The Barrack Lane/Aldwick Street roundabout is not large enough for use by large vehicles;
- (6) Not enough space in the car park for delivery vehicles;
- (7) Insufficient parking spaces on site;
- (8) The car park will be closed for long periods in the day;
- (9) No pavement or pedestrian crossing outside the building;
- (10) Impact on pedestrian access to the site;
- (11) 5.30am is too early for vans to deliver;
- (12) Too many delivery vehicles a week;
- (13) 35 deliveries per week far exceeds the number permitted for Morrisons (21 per week);
- (14) Increase in local noise pollution and harm to residents without double glazing;
- (15) Air pollution from diesel fumes from delivery vehicles;
- (16) Negative impact on quality of life in the area for local people;
- (17) Two existing Co-op stores within walkable distance;
- (18) A convenience store is not needed;
- (19) Site is unsuitable for a convenience store;
- (20) 2 other convenience stores have failed on the site;
- (21) Negative impact on local businesses;
- (22) Not supported by local residents or the local community;
- (23) Impact on house values; and
- (24) Not in accordance with section 9 of the NPPF.

COMMENTS ON REPRESENTATIONS RECEIVED:

The following comments are made in response to the Parish Council objection:

- Although there will be an increase in the length of delivery vehicles, members should note that 34 foot vehicles are already permitted therefore the increase is 4 feet;
- WSCC Highways have considered the impacts of the changes on the safety of all users of the highway and find no severe impact;
- The application is supported by evidence that shows two cars can pass each other in the highway when a HGV is stationed in the road;
- There remains the requirement for condition 11 (Servicing Management Plan) of AW/211/14/PL to be addressed and this requirement will fall on the new occupier;
- Members should note that there is already permission for the retail use of this site and deliveries can already be made to the site;
- There remains the requirement for condition 12 (pedestrian improvements) of AW/211/14/PL to be addressed and this requirement will fall on the new occupier. This will make it easier for users to cross the road to the front of the retail store;
- Environmental Health have considered the impacts of the changes in respect of pollution (noise/air) and following changes to the delivery management scheme, is satisfied there will be no harmful impact to local residents/customers; and

The following comments are made in response to the objections of local people:

- WSCC Highways have considered the impacts of the changes on the safety of all users of the highway and find no severe impact. The highway/parking implications will be discussed further in the conclusions of this report including with reference to section 9 of the NPPF;
- Vehicles parked on Aldwick Street on double yellow lines can be reported to Sussex Police;
- There remains the requirement for condition 12 (pedestrian improvements) of AW/211/14/PL to be addressed and this requirement falls on the new occupier. This will make it easier for users to cross the road to the front of the store;

- Environmental Health do not raise objections to the delivery times or the increase in vehicles. The pollution implications of these changes will be discussed further in the conclusions of this report;
- There will be an increase of 15 deliveries per week (from 21 to 36) an increase of 2 per day;
- Permission exists for the retail use and so it is not possible to consider the need for a retail store in this location or whether the site is suitable; and
- The impact on house prices is not capable of being considered as a material planning consideration.

CONSULTATIONS

Environmental Health
Economic Regeneration
WSCC Strategic Planning

CONSULTATION RESPONSES RECEIVED:

WSCC HIGHWAYS - Following receipt of plans to show how deliveries will work/the impact of waiting delivery vehicles on the highway, raise no objection to the variation of conditions 8 & 10. State that:

- Any loading/unloading taking place off the highway will not impact on the safety or operation of the highway network;
- Some on-site customer parking may still be useable during deliveries and it will be determined by responsible staff member if these can be used safely;
- This is acceptable provided visibility splays are not compromised to allow the safe entry/exit;
- Existing on-street parking bays opposite could be used for additional car parking if available and double yellow lines are in situ along the southern boundary, to stop any unlawful parking behaviours;
- The majority of trips will be on foot and it will be necessary to ensure compliance with condition 12 of AW/211/14/PL to secure the proposed informal crossing point;
- Delivery vehicles will generally avoid peak times;
- Should a delivery vehicle arrive or depart when it would not be practical to use the car park; the applicant has shown that a vehicle can wait within the highway and that cars can still pass each other on the highway (see supplementary drawing B104);
- It may be possible, under separate application, to make changes to the front of the building to create a servicing bay and improve the situation. This would be acceptable from a highway point of view;

ADC ENVIRONMENTAL HEALTH - could not agree the delivery management scheme dated 17/10/19 due to the potential noise disturbance to residents. It was therefore recommended that the scheme be changed to state:

- Maximum of four deliveries per week from the Nursling distribution centre;
- Maximum of five deliveries per week from an outsourced chilled distributor;
- Maximum of three deliveries per week from an outsourced frozen distributor;
- Maximum of five deliveries per week from an outsourced milk distributor;
- 12 deliveries per week (two per day) from an outsourced bread supplier;
- Seven deliveries per week from an outsourced news supplier;
- Deliveries to take place between 07.00 hours and 21.00 hours, with the exception of the news supplier which may take place between 05.00 hours and 07.00 hours on the provision that the items are delivered via Transit van (or smaller) to a holding box.

COMMENTS ON CONSULTATION RESPONSES:

The applicant revised the delivery management scheme to reflect that proposed by Environmental

Health. The current scheme is dated 18/10/19.

POLICY CONTEXT

Designations applicable to the site:

Within the Built Up Area Boundary;
 Pagham Harbour Zone B;
 Class C Road;
 Tree Preservation Order;
 No Public Sewer;
 Asset of Community Value;
 Area of Special Character; and
 Building of Special Character.

DEVELOPMENT PLAN POLICIES

[Arun Local Plan 2011 - 2031:](#)

HERDM2	HER DM2 Locally Listed Buildings or Structures of Character
QESP1	QE SP1 Quality of the Environment
QEDM1	QE DM1 Noise Pollution
QEDM2	QE DM2 Light pollution
TSP1	T SP1 Transport and Development

PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

SUPPLEMENTARY POLICY GUIDANCE:

SPD10	Aldwick Parish Design Statement
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POLICY COMMENTARY

The Development Plan consists of the Arun Local Plan 2011 - 2031, West Sussex County Council's Waste and Minerals Plans and Made Neighbourhood Development Plans.

The policies are published under Regulations 19 and 35 of the Town and Country Planning (Local Planning) (England) Regulations 2012.

The Neighbourhood Development Plan

Where applicable, Neighbourhood Development Plan's (more commonly known as a neighbourhood plan or NDP), once made by Arun District Council, will form part of the statutory local development plan for the relevant designated neighbourhood area.

There is currently no Aldwick Neighbourhood Development Plan.

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

Section 38(6) of the Planning and Compulsory Purchase Act 2004 states:-

"If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise."

The proposal is considered to comply with relevant Development Plan policies in that the changes to the delivery details would not have a materially adverse effect on the safety of the local highway, on the ability of customers to visit the site or on the amenities of nearby residential properties and people passing the site at any given time.

OTHER MATERIAL CONSIDERATIONS

It is considered that there are no other material considerations to warrant a decision otherwise than in accordance with the Development Plan and/or legislative background.

CONCLUSIONS

PROPOSAL:

The application seeks permission to vary the existing conditions which specify the number of deliveries and the delivery hours. These are as follows:

(8) There shall only be one delivery of newspapers/magazines between 06:00 and 08:00. The other two deliveries to the site shall be made between the hours of 07:00 and 21:30.

(10) There shall be no more than three deliveries to the site per day comprising of: (a) one newspaper/magazine delivery via a transit van or similar size vehicle of less than 7m in length; and (b) up to two deliveries by a larger vehicle (a rigid HGV up to 10.35m in length).

It is proposed instead to have these conditions referring to the following delivery schedule:

- Maximum 4 deliveries per week from the One Stop Stores Limited Distribution Centres in Nursling using articulated lorries with an overall length of 38ft (No vehicle will exceed a gross train weight of 28 tonne);
- Maximum 5 deliveries per week from an outsourced Chilled distributor using 3.5 Tonne refrigerated box van;
- Maximum 3 deliveries per week from an outsourced Frozen distributor using 18 Tonne rigid vehicles;
- Maximum 5 deliveries per week from an outsourced Milk distributor using 26 Tonne refrigerated vehicles;
- 12 Deliveries a week (two per day, including local & regional supplies) from an outsourced Bread distributor using 18 tonne rigid vehicles;
- 7 Deliveries a week from an outsourced News supplier using Transit vans; and
- All deliveries will take place between the hours of 7am - 9pm with exception of the News supplier that will deliver to a holding box between the hours of 5am - 7am.

PRINCIPLE:

The retail store benefits from permission (AW/211/14/PL) granted in October 2014. This application is to be determined whether the change to the number and timing of deliveries adversely affects the safety & convenience of the local highway and the amenities of the local area.

HIGHWAY SAFETY & CONVENIENCE:

ALP policy T SP1 seeks to ensure that development: provides safe access on to the highway network; contributes to highway improvements & promotes sustainable transport. In respect of highway safety, it states: "The Council will support transport and development which: explains how the development has been designed to: (i) accommodate the efficient delivery of goods and supplies; (ii) give priority to pedestrian and cycle movements and have access to high quality public transport facilities; (iii) create safe and secure layouts for traffic, cyclists and pedestrians whilst avoiding street clutter."

Para 108 of the NPPF states: "In assessing sites that may be allocated for development in plans, or specific applications for development, it should be ensured that: (b) safe and suitable access to the site can be achieved for all users". Regard should be had to para 109 which states: "Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe."

As noted elsewhere in this report, the exiting permission allows for 21 deliveries per week (3 per day). The proposal is for 36 deliveries a week the number of deliveries per day is 5; an increase of only 2. It is not considered that this itself represents a significant or severe impact on the road network.

The following is a comparison of the approved delivery plan versus the proposed:

Existing Plan:

14 x 10.35m long 2 axle rigid vehicles per week;
7 x 7m newspaper delivery transit type vans per week;
(21 delivery vehicles weekly or 3 daily)

Proposed Plan:

4 x 38ft (11m) articulated lorries per week;
15 x 18 tonnes rigid lorries (10m) per week;
5 x 26 tonnes refrigeration lorries (15m) per week;
7 x transit type vans per week;
5 x refrigerator box vans per week;
(36 delivery vehicles weekly or 5 daily)

This application has been assessed by WSCC Highways who raise no objection to any implications of the proposal on highway safety, convenience or parking provision. They have included the possibility of cars waiting to pass a HGV, loading/unloading in the highway, cars having to wait in the highway whilst a HGV reverses into the current car park and the no of vehicles, their sizes & delivery timings.

The proposal complies with ALP policy T SP1 as there is already safe access from/to the site, pedestrian improvements will be provided and enforced through a condition, goods & supplies can be safely delivered to the site and that visibility is good such that there will be no harm to any pedestrians walking along the northern side of Aldwick Street (although it should be noted that the pedestrian pavement is on the south side). The proposal accords with the NPPF as impact on the local highway would not be unacceptable or severe.

The proposal accords with the policies of the development plan and the guidance within the NPPF.

AMENITY IMPACTS:

ALP policies QE DM1 (Noise Pollution) and QE DM3 are not relevant as no new noise or odour/fume generating development is proposed. However, ALP policy QE SP1 is important as it states: "The Council requires that all development contributes positively to the quality of the environment and will

ensure that development does not have a significantly negative impact upon residential amenity".

The store is permitted to open between 6am & 11pm and deliveries are allowed between 6am and 9.30pm. The change to these timings is to allow 1 delivery of newspapers per day in a transit van to an on-site holding box from 5am onwards. The addition of 1 vehicle between 5 and 6am is not considered to be significant and will not result in any noticeable impact in noise disturbance in the vicinity of the site.

Additional deliveries through the day result in noise disturbance and will increase engine fumes in the vicinity. Given the numbers of vehicles involved (5 vehicles - an increase of two per day), it is not considered this will be a significant impact or one that will be particularly noticeable to local residents/people in the area particularly given the presence of a road alongside the site.

Environmental Health Officer have raised no objections to the delivery management scheme as applied for. The previous version of the scheme was considered to have the potential to cause noise disturbance to neighbouring residents.

The changes to the number/timing of deliveries is acceptable and complies with ALP policy QE SP1.

CONDITIONS:

As this is a variation of condition application, it is good practice to not only vary the conditions applied for (8 & 10) but to ensure any other conditions from the original decision which remain relevant are imposed again. There is case law which states that the Local Authority can at the same time amend/delete other conditions.

As the original permission was implemented, conditions 01 (time limit for implementation), 02 (plans condition), 04 (details of plant) and 05 (materials of the extension) are no longer relevant. Of the remaining original conditions, it is necessary to amend these slightly to ensure the reasons reflect the current development plan and to ensure the drainage condition is reworded to state "prior to occupation". Conditions 08 and 10 are amended to require the number and times of deliveries are in accordance with the approved Delivery Management Scheme (18/10/19)

CONCLUSION:

Changes to delivery arrangements are such that there will be neither conflict with the policies of the Local Plan or with national planning guidance, nor material harm to highway safety or the amenities of local people. It is recommended permission be granted subject to the following conditions.

HUMAN RIGHTS ACT

The Council in making a decision should be aware of and take into account any implications that may arise from the Human Rights Act 1998. Under the Act, it is unlawful for a public authority such as Arun District Council to act in a manner, which is incompatible with the European Convention on Human Rights.

Consideration has been specifically given to Article 8 (right to respect private and family life) and Article 1 of the First Protocol (protection of property). It is not considered that the recommendation for approval of the grant of permission in this case interferes unreasonably with any local residents' right to respect for their private and family life and home, except insofar as it is necessary to protect the rights and freedoms of others (in this case, the rights of the applicant). The Council is also permitted to control the use of property in accordance with the general interest and the recommendation for approval is considered to be a proportionate response to the submitted application based on the considerations set out in this

report.

DUTY UNDER THE EQUALITIES ACT 2010

Duty under the Equalities Act 2010

In assessing this proposal the following impacts have been identified upon those people with the following protected characteristics (age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex or sexual orientation).

The proposal would have a neutral impact on the protected characteristics.

RECOMMENDATION

APPROVE CONDITIONALLY

- 1 The shop premises shall not be occupied unless and until details of the window detailing (including details of the proposed resolutions) to the front elevation has been submitted to and approved by the Local Planning Authority and the new windows so approved shall be constructed in accordance with approved details and retained thereafter.

Reason: To enable the Local Planning Authority to control the development in detail in the interests of amenity and the character and appearance of this Building of Special Character in accordance with policies D DM1 and HER DM2 of the Arun Local Plan and the National Planning Policy Framework.

- 2 The shop premises shall not be occupied until such time that arrangements for the future access and maintenance of any watercourse or culvert (piped watercourse) crossing or abutting the site has been submitted and approved in writing by the Local Planning Authority. No construction is permitted, which will restrict current and future land owners from undertaking their riparian maintenance responsibilities of any watercourse on or adjacent to the site.

Reason: To ensure that the duties and responsibilities, as required under the Land Drainage Act 1991, and amended by the Flood and Water Management Act 2010, can be fulfilled without additional impediment following the development completion.

- 3 Notwithstanding Part 7, Class A of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) no extensions other than those approved by this application shall be erected without an application in that behalf to the Local Planning Authority.

Reason: To protect the amenities of the area and the character of the building in accordance with policies D DM1 and HER DM2 of the Arun Local Plan and the National Planning Policy Framework.

- 4 The timing of deliveries to the store shall be in accordance with the Delivery Management Scheme dated 18/10/19. There shall be no deviation from this Schedule other than with the written approval of the Local Planning Authority.

Reason: In the interests of the residential amenities of neighbouring properties in accordance with policies QE SP1, QE DM1 & QE DM2 of the Arun Local Plan.

- 5 The premises hereby permitted shall only be open to the public between the hours of 06:00 and 23:00.

Reason: To safeguard the amenities of the neighbouring properties in accordance with Arun Local Plan policies QE SP1, QE DM1 & QE DM2.

- 6 Deliveries of goods to the store shall be in accordance with the Delivery Management Scheme dated 18/10/19. There shall be no deviation from this Schedule other than with the written approval of the Local Planning Authority.

Reason: To safeguard the amenities of the neighbouring properties in accordance with policies QE SP1, QE DM1 & QE DM2 of the Arun Local Plan.

- 7 The shop premises shall not be occupied until such time as a Servicing Management Plan has been submitted and approved in writing by the Local Planning Authority. This shall set out the arrangements for the loading and unloading of deliveries in terms of location within the site and frequency (within the limits set by condition 06), and set out arrangements for the collection of refuse. Once occupied the use shall be carried out only in accordance with the approved Plan.

Reason: to safeguard the operation of the public highway in accordance with policy T SP1 of the Arun Local Plan and the National Planning Policy Framework.

- 8 Within 2 months of the variation of condition planning permission hereby granted, the applicant shall enter into negotiations with the local planning authority to identify a scheme of pedestrian improvements on Aldwick Street in the vicinity of the application site and once the scheme has been agreed in writing with the local planning authority, the applicant is required to enter into a Section 278 agreement with the local highway authority and implement the works in full within a timescale to be agreed.

Reason: In the interests of road safety in accordance with policy T SP1 of the Arun Local Plan and the National Planning Policy Framework.

- 9 INFORMATIVE: Statement pursuant to Article 35 of the Town and Country Planning (Development Management Procedure)(England) Order 2015. 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.

- 10 INFORMATIVE: The applicant is advised to contact the Highway Licensing team (01243 642105) to obtain formal approval from the highway authority to carry out the site access works on the public highway.

BACKGROUND PAPERS

[The documents relating to this application can be viewed on the Arun District Council website by going to https://www.arun.gov.uk/weekly-lists and entering the application reference or directly by clicking on this link.](https://www.arun.gov.uk/weekly-lists)

AW/237/19/PL - Indicative Location Plan (Do not Scale or Copy)
(All plans face north unless otherwise indicated with a north point)



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