
APPLICATION NO.	21/03052/VARS
APPLICATION TYPE	VARIATION OF CONDITIONS - SOUTH
REGISTERED	18.10.2021
APPLICANT	Waitrose Limited
SITE	Waitrose, 32 Alma Road, Romsey, SO51 8AS, ROMSEY TOWN
PROPOSAL	Variation of condition 18 of approved application 08/00911/FULLS (Extension to food store and associated works) to allow a wider delivery window for HGVs and Ecomm deliveries (home delivery service)
AMENDMENTS	Amended hours – January 2021 Delivery Noise Impact Statement – Jan 2021 Ecomm impact statement – Jan 2021 Quiet Delivery Procedure – March 2022
CASE OFFICER	Sarah Barter

Background paper (Local Government Act 1972 Section 100D)

[Click here to view application](#)

1.0 INTRODUCTION

1.1 The application is presented to Southern Area Planning Committee at the request of Local Ward Members.

2.0 SITE LOCATION AND DESCRIPTION

2.1 Waitrose supermarket is located to the east of Romsey Conservation Area within a large site including the supermarket building, delivery yard and car park. The site is accessed from Alma Road to the east and for deliveries from Station Road to the north. The supermarket is also used as a base for ecommerce home deliveries to serve the wider local community.

3.0 PROPOSAL

3.1 The proposal is for the variation of condition 18 of approved application 08/00911/FULLS (Extension to food store and associated works) to allow a wider delivery window for HGVs and Ecomm deliveries (home delivery service).

3.2 Condition 18 currently reads as follows:

No deliveries shall be taken at or despatched from the site except between the hours of 07:00 to 20:00 Monday to Saturday, 09:00 to 17:00 on Sundays or 08:00 – 17:00 hours on Bank and Public Holidays.

Reason: To maintain the character and amenities of the surrounding area in accordance with policy AME01 of the Test Valley Borough Local Plan 2006.

To confirm the current and proposed hours are as follows:

HGV Delivery Hours

The current permitted delivery hours for the store, restrict deliveries as follows:

- 07:00 to 20:00 - Mondays to Saturdays
- 09:00 to 17:00 - Sundays
- 08:00 to 17:00 - Bank and Public Holidays.

The application as originally submitted sought to extend the HGV permitted hours to:

- 07:00 and 22:00 - Monday to Saturday (an extension of 2 hours)
- 09:00 and 22:00 - Sundays (an extension of 5 hours)
- 08:00 and 22:00 - Bank and Public Holidays (an extension of 5 hours)

Following discussion with the applicant the hours have been amended and reduced to the following times:

- 07:00 to 21:00 - Mondays to Saturdays (an extension of 1 hour, and only 1 HGV allowed during 17:00 – 21:00)
- 09:00 to 20:00 - Sundays (an extension of 3 hours, only 1 HGV allowed during 17:00 – 20:00)
- 08:00 to 20:00 - Bank and Public Holidays (an extension of 3 hours, only 1 HGV allowed during 17:00 – 20:00).

3.3 E- commerce Delivery hours

Monday – Saturday (including bank and public holidays)

- 0600 - 0800hrs - Front of store
- 0800 - 2100hrs – Loading bay
- 2100 - 2300hrs - Front of store

Sunday

- 0600 - 0930hrs - Front of store
- 0930 - 1630hrs - Loading bay
- 1630 - 2300hrs - Front of Store

4.0 **HISTORY**

- 4.1 18/01629/FULLS - Extension to provide larger customer toilet facilities, provision of ram raid bollards, trolley shelters and LED re-lamping to car park – Permission - 15.08.2018
- 4.2 18/01518/ADVS - New and replacement building letters, a replacement totem and new and replacement car park signs – Permission - 08.08.2018
- 4.3 13/02814/FULLS - Removal of 1 car parking bay – Permission - 20.06.2014

- 4.4 08/00911/FULLS - Extension to food store and associated works – Permission - 03.04.2013
- 4.5 06/03351/FULLS - Erection of replacement gate to service yard accessed from Orchard Lane – Permission – 07.02.2007
- 4.6 05/00494/VARS - Variation of condition no. 5 on TVS.07802/24 for the siting of two storage containers within the Service Yard between September to January each year to accommodate dry Christmas goods, with one container to be replaced with a chilled container unit from mid-December to January – Permission - 21.12.2005
- 4.7 05/00323/VARS - Variation of condition 12 on planning permission TVS.07802/24 to allow the store to open to customers between the hours of 08:00 to 22:00 on the 21st, 22nd and 23rd December, except where any of these dates fall on a Sunday – Permission - 10.11.2005
- 4.8 TVS.07802/25 - Variation of condition 13 on planning permission TVS.07802/24 to vary the store delivery hours on public holidays and bank holidays from 0900 - 1700 to 0800 – 1700 – Refuse – 09.09.2005 – Allowed at appeal
- 4.9 TVS.07802/24 - Variation of condition 12 on planning permission TVS.07802/23 to vary the store opening hours on public holidays from 0900 - 1700 to 0830 – 2000 – Permission – 18.08.2004
- 4.10 TVS.A.00380/1 - Erection of 1 no. internally illuminated totem sign and 4 no. non-illuminated signs – Consent – 07.11.2003
- 4.11 TVS.A.00380 - Installation of 2 non-illuminated signs and 3 illuminated signs all with individually mounted green lettering – Consent - 12.08.2003
- 4.12 TVS.07802/18 - Amendments to planning permission TVS.07802/14 to include reconfiguration of the car park, amendments to some of the site boundary treatment and landscaping and provision of close boarded fence to the boundary with Pembroke Close – Permission – 24.07.2003
- 4.13 TVS.07802/14 - Demolition of Council depots, Orchard House, SCATS, 32 & 36 Alma Road, existing club buildings, and erection of retail supermarket and new SCATS retail unit with formation of car park, access roads and associated development, retail units, new club for Royal British Legion with access and car parking, relocation of site – Permission - 27.07.2001

5.0 **CONSULTATIONS**

- 5.1 Environmental Protection – Comment
Concerns have now been addressed.
- 5.2 Highways – No Objection

6.0 **REPRESENTATIONS** Expired 10.02.2022

6.1 Romsey Town Council – Objection

Objection stands - Impacts on the amenity of neighbours and adjacent dwellings. Current home delivery timings more than generous

An additional round of consultation was undertaken on 27/01/2022 and no further comments were received.

6.2 Romsey Chamber of Commerce – Support

- The store and home deliveries service provides jobs for local residents and an important service for people unable to visit the store themselves.
- Having read the supporting documents it would seem that any possible increase in noise is within an acceptable level. It is also proposed to ensure that all of the vehicles turn off the engines and refrigeration units which cause the most noise. Thus helping to limit any increase in disturbance.

3 Winchester Road – Support

- Times have changed and we need to accommodate businesses.

6.3 Romsey and District Society Planning committee – Objection

- It is stated that there will be no increase in the number of HGV deliveries to the store but how can this be enforced? It is admitted that there will be an increase in the number of smaller vehicles.
- The Delivery Service Management Plan refers to E Comm operations without making clear what these operations comprise. This should be clarified for the layman to understand.
- The professional noise impact assessments are comprehensive but provide no comfort about any increase in noise and disturbance to neighbouring residential properties.
- The store is no larger than when first constructed so an extension to delivery times cannot be understood unless it is due to the increase in home deliveries which will result in greatly increased vehicle movements.
- Para 185 of the NPPF sets out that planning decisions should ensure that "new development is appropriate for its location taking into account of the likely effects onliving conditions" with specific reference to adverse impacts from noise "
- This application should be refused under Policy E8 of the Local Plan in that it will result in an unacceptable increase in the levels of Pollution, Noise and vibration, Light and lowering of air quality to the immediate residents of Orchard Lane, Station Road, Alma Road, Winchester Road and Myrtle Mews to the rear of Latimer Street

6.4 3, 14, 15, 47a Station Road, 1 Orchard Lane, 2 Myrtle Mews – Objection
(Further to receipt of revised times and additional information)

Noise

- Vehicles loading / unloading in the open without any noise attenuation
- Insufficient noise attenuation in the yard
- No noise attenuation on my house
- I live in a Listed Building with single glazed windows. TVBC do not permit double glazing in Listed Buildings.
- The noise assessment survey ignores that at least half of deliveries are unloaded outside the yard and they still make a 25dB reduction for modern thermally efficient double glazing I am not permitted to have yet this has not changed in the updated survey.
- 15 Station Road is omitted from the application.
- The peak nuisance noise levels occur for 10 to 15 minutes at the beginning and end of each one hour HGV delivery slot. During these peaks normal indoor conversation, TV or radio listening are not possible if our windows are not completely shut. This was foreseen and easily managed when our house was planned in October 2012 and Waitrose deliveries were only between 07.30am and 5.00pm. Subsequent extension of permitted delivery times and the use of larger and higher lorries worsened the nuisance. It will be intolerable to have to close and reopen windows later into the evening and night during the summer months.
- What is proposed is still excessively long days for substantial noise with constant spikes in excess of 100 decibels.
- The noise and smell from not only the tractor unit but also the refrigeration unit on the trailer is extremely unpleasant as we are so close to the yard - the lorry has to drive right up to the rear of our house and reverse up to the loading bay.
- The noise from moving the stacks of crates and the crates being thrown/dropped as they are loaded/unloaded is 105 decibels. Up to 12 stacks of crates are loaded per van, the survey states 20-25 crates per stack, so up to 300 crates over 45 minutes for loading and for unloading. It causes very significant disturbance, each crate being thrown/dropped to stack them causes an intense spike of noise. The noise is excessive and because it is much closer to my house than the yard which was used to calculate the impact for the noise survey, it causes a significant disturbance.
- Waitrose no longer letting lorries reverse into the covered area of the service bay means there is no noise attenuation. Waitrose only allow their own lorries to use the bay and they stop short of the flat roofed area of the bay outside the plastic curtain. Cages are off loaded onto a hydraulic lifting platform outside the curtain. I can see the people and the cages unloading over the top of the wall from my house. In addition, the majority of the lorry is now in front of the open gateway and not behind the wall so the movement of cages inside the lorry is also very audible.

Unloading

- Waitrose state that the impact will be low because there will only be 1 HGV unloading in the yard between 5 and 9pm mon-Sat, yet the noise survey clearly states 8-9 pm. It may seem minor, but this is a significant discrepancy because 1 between 8-9pm means they will bring in 4 lorries between 5-9pm, which is what happens now, 3 Waitrose lorries (that includes the one arriving after the permitted time of 8pm) plus 1 Lenham to collect crates and cardboard. As always non- Waitrose lorries are not counted.
- Contrary to Waitrose's claim there is no dedicated area in the yard for e- comm vans, yet they still claim there is. The area they show as the dedicated area is the lorry loading bay which is used by lorries at the most sensitive times, that is after 6pm and before 9am. The vans cannot use the yard when a lorry is in it and don't wait for it become vacant but unload/ load in Orchard Lane or in the car park where the vans park.
- This amended application fails to specify the route the crates will take for loading/unloading at the front of the store. I therefore assume that the updated wording of wheeled from warehouse actually means wheeled from service yard making 105 decibels of noise as they go and seriously affecting me because they are wheeled along Orchard Lane to the car park opposite my house then on to the front of the store and the empty bases/crates back the same way. There is no noise attenuation barrier between my house and Orchard Lane. The previous application stated wheeled out of a fire exit at front of store.

Type of delivery

- At least half the deliveries are made by non Waitrose vehicles and Waitrose do not count these, even though they exist. For example, there is the daily Warburtons HGV, the Clipper HGV/artic which comes up to 2 times daily, the Lenham HGV which comes twice daily plus smaller lorries/vans. Then there are assorted waste disposal vehicles for the different types of waste and service vans, Biffa comes daily. Waitrose have turned Orchard Lane and the car park into their service yard without any noise attenuation. I should not have to live in a service yard, no-one should.

Delivery hours

- The current actual hours of operation frequently extend past those permitted, apparently because of Covid and driver availability logistics. We hope that enforcement of the actual permitted hours will be possible again soon.
- The delivery hours for e-comm are unacceptable, 6am to 11pm, 17 hours a day every day, leaving no time to relax or sleep. This is not a limited extension to times of operation, it is very significant and excessive, especially when the noise will no doubt start before and continue after the permitted times as always happens with Waitrose.

Health and wellbeing

- Serious impact on health and wellbeing
- Due to the lack of noise attenuation for my house I am unable even to relax and listen to the radio or tv without it being drowned out. It has a serious negative on my health, well being and amenity.
- Residents will get no respite from the noise, it is 7 days a week. It is only 3 days a year that the yard is closed, Christmas, New Year and Easter day
- Waitrose claim it is critical they gain permission to protect their profits and ensure their customers and staff are never inconvenienced. My health, well being and amenity will be seriously adversely affected but this is not considered important and the noise disturbance is still significantly underestimated in the updated noise surveys.
- The e-comm vans should only operate from the front of the store with a dedicated access point at the front of the store in a properly enclosed area providing noise attenuation protecting both resident and customer amenity and times of operation should be restricted to existing yard times. Waitrose know when they purchased the site that there would be restrictions because it is a residential area.
- I suggest that any assurances or claims made by Waitrose should be compared to what actually happens now. At least half the delivery vehicles are unloaded outside the yard, the home delivery vehicles load/unload outside the yard at least half of the time, they currently have 4 home delivery vehicles not 1, the majority of deliveries are concentrated before 9am and after 6pm so that customers do not experience any inconvenience even though it maximises impact on residents at the most sensitive times. Further, the noise surveys significantly underestimate adverse impact because they do not take into account non Waitrose vehicles or where loading/unloading actually takes place

Highways

- Waitrose as part of the original application provided one car parking space and a vehicle access for my house in Orchard Lane. The vans and other vehicles constantly block these and park across the locked posts and load/unload there

Complaint to Waitrose

- I suggest that any assurances or claims made by Waitrose should be compared to what actually happens now. For example Waitrose claim they will deal with customer complaints promptly. I submitted a complaint on 5/11/2021. Almost nothing has been done. One thing I asked for was the loose drain covers in Orchard lane be repaired. At least 3 are loose and noisy, a double drain cover outside my house particularly so. The reply was the manager would review them, not that they would be repaired and they have not been.

- Although the application states "It is not proposed to increase the overall quantity of deliveries to the store." given that Waitrose have not delivered on the agreed rules from 2004 I would take this assurance with a pinch of salt. Indeed, there seems to be no obstacle to this changing in the future without any further application to the Council.

Parking

- I have a valid parking permit. The roads I park in if lucky to get a space, in Station Rd, Princes Rd and Dutton Rd, you allow free parking for everyone for an hour. This is very frustrating as Waitrose shoppers have a free car park to use. So make the roads around here permit parking only. Three car parks in this vicinity. We also have limited parking space due to drop kerbs allowing front gardens turned into parking spaces. Not good for us who do not have front gardens to do this. Perhaps Waitrose would offer free parking to us when such times impossible to park close to our houses.

Questions

- Is the noise low enough to be mitigated totally by the wall of the service yard?
- Will the vehicles be parked and/or loaded outside the service yard, in which case the noise will be much more of a disturbance?
- Will the loading of these vans lead to more movements of people and goods both inside and outside the service yard?

7.0 **POLICY**

7.1 Government Guidance

National Planning Policy Framework (NPPF)

National Planning Practice Guidance (NPPG)

7.2 Test Valley Borough Revised Local Plan (2016)(RLP)

E8 – Pollution

LHW4 (Amenity)

T1 – Managing Movement

7.3 Supplementary Planning Documents (SPD)

Romsey Town Design Statement –Area 9 Romsey Town Centre Outer Core

8.0 **PLANNING CONSIDERATIONS**

8.1 Section 73 of the Town and Country Planning Act 1990 allows for the variation of a condition associated with a planning permission. The main considerations in respect of the variation proposed in this instance are the effect of the amendments (as set out in section 3 of this report) on amenity/pollution and the highway network, and whether the proposals accord with policies E8, LHW4 and T1 of the RLP.

8.2 **Impact on amenity and pollution**

Policy E8 of the RLP states that development will be permitted provided that it does not result in pollution which would cause unacceptable risks to human health, the natural environment or general amenity. Development that would or could potentially generate pollution will only be permitted if it can be demonstrated that there would not be any adverse impact on human health, the natural environment or general amenity. For the purposes of this policy, pollution includes noise, which is the most relevant consideration in respect of this current application.

8.3 The requirement for condition 18 of the original planning permission was to safeguard the amenities of local residents from noise at more sensitive times.

The current application is accompanied by a Delivery Noise Impact Assessment, which assesses:

- Predictions of noise levels due to HGV deliveries to the store and a review based upon a weekend noise survey carried out on site; and
- Presentation of the potential noise impact based on an extension of the current permitted delivery times

And a Ecomm delivery arrangement noise impact assessment which assesses:

- The potential noise impact from the expanded operation based on ecomm vehicle operations

8.4 The delivery access into the yard is on Orchard Lane which is accessed from Station Road to the north. Neighbouring properties in close proximity include 15 Station Road (Grade 2 listed Building) and Masons Yard on Station Road which are located either side of the junction with Orchard Lane, and 1 Orchard Lane which is located immediately adjacent the delivery yard. To the west is 45 Latimer Street (The Topsy Pig PH) which bounds the delivery yard with Myrtle Mews also located adjacent the delivery yard boundary. It would appear from the comments submitted by neighbours to the site that there is some disturbance from the existing operations. The Environmental Health Officer (EHO) and Case Officer have visited the delivery yard in the company of the applicant, agent and noise specialist to understand how the yard operates on a daily basis and the relationship with these neighbours. As result of further discussions with the applicant concerning neighbouring amenity the applicant has reduced the amount of time requested in terms of deliver hours.

8.5 To confirm the hours permitted, previously proposed and now under consideration are:

The current permitted delivery hours for the store, restrict deliveries as follows:

- 07:00 to 20:00 - Mondays to Saturdays
- 09:00 to 17:00 - Sundays
- 08:00 to 17:00 - Bank and Public Holidays.

The pending application that was submitted in October 2021 sought to extend the HGV permitted hours to:

- 07:00 and 22:00 - Monday to Saturday (an extension of 2 hours)
- 09:00 and 22:00 - Sundays (an extension of 5 hours)
- 08:00 and 22:00 - Bank and Public Holidays (an extension of 5 hours)

Following discussion with the applicant the hours have been amended and reduced to the following times:

- 07:00 to 21:00 - Mondays to Saturdays (an extension of 1 hour, and only 1 HGV allowed during 17:00 – 21:00)
- 09:00 to 20:00 - Sundays (an extension of 3 hours, only 1 HGV allowed during 17:00 – 20:00)
- 08:00 to 20:00 - Bank and Public Holidays (an extension of 3 hours, only 1 HGV allowed during 1700 – 2000).

8.6 In respect of E- commerce Delivery hours the proposal has been confirmed as a split location with the front of the store being used during early and late hours and the loading bay during daytime hours.

Monday – Saturday (including bank and public holidays)

- 06:00 – 08:00hrs - Front of store
- 08:00 – 21:00hrs – Loading bay
- 21:00 – 23:00hrs - Front of store

Sunday

- 06:00 – 09:30hrs - Front of store
- 09:30 – 16:30hrs - Loading bay
- 16:30 – 23:00hrs - Front of Store

8.7 An updated quiet delivery procedure plan dated March 2022 has also been submitted detailing how deliveries will be implemented to reduce noise from the yard. Following receipt of this information, which includes reassurance in respect of the closing of the service yard gate at more sensitive times of day and ensuring the gate is closed once a vehicle has entered the service yard and not reopened until the vehicle is ready to exit. This document also lists information in respect of the maintenance of equipment, engines and refrigeration units switched off as soon as practicable, radios to be muted and speaking in hushed tones, to reduce noise impact. This document also sets out information in respect of no deliveries unloading directly on Orchard Lane, delivery vehicles being driven around in a considerate manner and in exceptional circumstances drivers being contacted to instruct them to wait outside of the built up area of Romsey.

- 8.8 The noise assessments submitted have been carried out in accordance with current British Standard and World Health Organisation guidance for community noise. The HGV noise assessment results set out that the properties most affected by noise from the delivery operation are the dwellings closest to the service yard (Myrtle Mews and 1 Orchard Lane). The next closest affected and pre-existing receivers are the rear windows of properties on Station Road, slightly further north. Whilst predictions have shown that following the procedures of a BS 4142 assessment, noise from deliveries occurring during the proposed extended delivery period could be considered to have the potential to lead to some adverse impact, when considered in the context of other relevant metrics, but the impact is expected to be very much mitigated. Assessments were carried out demonstrating the typical noise levels from a single Waitrose HGV delivery and would satisfy guidance for daytime sleeping and resting as defined under BS 8233/WHO. On the basis of this additional assessment adding context to the noise impact and considering that the noise source and character is established and familiar, the assessment sets out potential for significant adverse impact from the proposed extension to the delivery window is expected to be adequately mitigated.
- 8.9 In respect of the e commerce noise impact- The potential for the introduction of new eComm activities to cause impact is considered to be very much mitigated by the proposed location at the front of the store, which benefits from being more remote from noise sensitive properties and also alleviates any cumulative effects of existing activities associated with the service yard. The submitted assessment sets out it is expected that only two vans would operate at any one time. The standard operation would be for the vans to be loaded up in the morning and make all their deliveries and then come back and reload during the day. It is therefore proposed that the two vans will be loaded up at the front of the store with subsequent operations during the daytime occurring in the service yard until the evening time after the store has closed. Typically the last delivery from the store will leave, at the latest by 2130hrs, after that time there would only be the eComm vehicles returning and unloading the empty crates ready for use the next day, therefore there will be no noise from the loading operation. The document advises that the final unloading operation will therefore be relatively quiet. Predictions have shown that, following the procedures BS 4142, the noise level from the loading of the vans which include the operation of the refrigeration condenser and the manoeuvring of the stock and van will generally be of low impact.
- 8.10 Officers viewed on site the gate in operation (which was well maintained and not of a high volume of noise), the presence of a high boundary wall around the site and a loading bay. A lorry unloaded in the yard while Officers were present. It was noted that the lorry was unable to reverse into the loading bay fully as the loading bay roof was too low to accommodate the height of the lorry. The lorry bay was also being utilised for product storage.
- 8.11 Following the site visit the EHO has recognised that either through physical measures or behavioural alterations the revised information has addressed the previous concerns. The EHO has requested that the longer term suitability of the loading bay itself in respect of the height limitation should be highlighted to the applicant.

8.12 In light of the amended detail received and the confirmation from the EHO that the outstanding concerns have been addressed it is considered that the extension of delivery hours can be implemented without significant harm on human health, the natural environment or general amenity in accordance with policy E8 & LHW4 of the Revised Borough Local Plan.

8.13 Impact on the highway network

Policy T1 of the RLP requires development to minimise its impact on the highway network, including in respect of its safety and function. It is considered that the proposal would not result in any undue harm to the safety and efficiency of the local highway network. The Highways Authority has raised no objections to the proposal. It is considered that the proposal complies with policy T1 of the RLP.

8.14 Economic benefits

The submitted covering letter sets out that at both a national and local level, logistics and distribution chains are under extreme pressure. Most recently, this has been evident with fuel shortages at filling stations, but similar factors are at play in the food retail sector, and this has the potential to undermine Waitrose's ability to ensure that its stores can remain stocked over the course of a day and trading week. The Government has recognised the threat posed to food retailers by interrupted logistic chains. A Written Ministerial Statement concerning the Delivery of Food and Essential Goods was updated on 15th July 2021, setting out how the food sector is facing a new, exceptional challenge resulting from the acute shortage of HGV drivers across the distribution network, and how local authorities should assist food retailers' requests for flexible delivery windows. This application seeks both to respond to these challenging industry wide circumstances, and to meet customer demand for the home delivery service.

8.15 Section 6 of the NPPF relates to building a strong, competitive economy. In terms of economic development, Paragraph 81 sets out that: "Planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development. The approach taken should allow each area to build on its strengths, counter any weaknesses and address the challenges of the future...". It is recognised that Waitrose should not so restricted by existing planning conditions or obligations, such that its ability to trade effectively and meet the reasonable needs of its customers is undermined. It is considered that improving the efficiency of the store in this way will ensure that it remains attractive to customers and can continue to play an important role in supporting the vitality and viability of town centres in accordance with the objectives of the NPPF.

8.16 Other planning considerations

The proposed amendment to condition 18 of the original planning permission (as set out at Section 3.0 of this report) would not give rise to any additional considerations with regards to the following, which were considerations of the original planning application:

- The principle of development
- Design
- Impact on public space
- Highways and parking
- Residential amenities

9.0 CONCLUSION

9.1 The proposal is considered acceptable and in accordance with the development plan.

10.0 RECOMMENDATION

Delegate to Head of Planning and Building to secure the completion of a variation to the 08/00911/FULLS legal agreement, then PERMISSION subject to:

1. **The development hereby permitted shall be begun within three years from the date of the original permission ref: 08/00911/FULLS dated 3rd April 2013.**

Reason: To comply with the provision of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004

2. **The materials to be used in the construction of all external surfaces of the development hereby permitted shall match in type, colour and texture those used in the existing building.**

Reason: To ensure a satisfactory visual relationship of the new development with the existing in accordance with Test Valley Revised Borough Local Plan policy E1.

3. **The revisions to the landscaping of the public route to the south of the building shall be carried out in accordance with the details shown on the following drawings:**

- **Drawing 16401.100 rev B "Removal Plan"**
- **Drawing 16401.001 rev E "Outline Landscape Master Plan"**
- **Drawing 16401.002 rev B "Landscape Masterplan"**
- **Drawing 16401.301 rev B "Proposed Walkway Cross Section"**
- **Drawing 16401.501 rev A "Detail Planting Plan".**

Reason: To improve the appearance of the site and enhance the character of the development in the interest of visual amenity and contribute to the character of the local area in accordance with Test Valley Revised Borough Local Plan policy E1.

4. **The management of the landscaped areas shall be carried out in accordance with the details contained in the following drawings and documents, as submitted and approved in relation to TVS.07802/14: - Drawing 412/17 'Maintenance responsibility zones' received 1.7.02 - 'Landscape Maintenance & Management Plan - January 2002 - revision A' received 25.2.02 Planting and works shall be carried out in accordance with the approved schedule.**

Reason: To ensure that the works undertaken maintain the appearance of the site and enhance the character of the development in the interest of visual amenity and contribute to the character of the local area in accordance with Test Valley Revised Borough Local Plan policy E1.

- 5. The development shall be carried out in accordance with Glanville's "Flood Risk Assessment for Proposed Store Extension at Waitrose, Romsey", Issue 2 - dated April 2008 and received on 15 April 2008.**

Reason: To prevent the increased risk of flooding in accordance with policy E7 of the Test Valley Revised Borough Local Plan 2016.
- 6. The new entrance/exit lobby proposed in the south-west corner of the building, as shown on drawing 0724-AG(P)-Z01 rev E, shall be made available prior to the first use of the extended area of the store and retained thereafter for use by customers for access and egress.**

Reason: To protect the vitality and viability of the town centre through the ease of achieving linked pedestrian trips in accordance with Policies LE12 and T1 of the Test Valley Revised Borough Local Plan 2016.
- 7. The scheme for extract ventilation (including details of the external appearance of equipment) as approved on 30th March 2005 under TVS.07802/20 and detailed in drawings: - D6/61605/M/1000 (rev B) Ground Floor Ventilation Layout - D6/61605/M/1001 Mezzanine Level Ventilation Layout - D6/61605/M/4000 Ventilation Schematic shall remain installed as approved and shall remain in full working order, and as long as the use continues it shall be operated and maintained in such a manner as to effectively suppress the emission of fumes and smells; and shall include such equipment (including grease filters and odour neutralising plant) as may be specified to meet this requirement. Details of any new or amended extract ventilation required as a result of this extension to the store shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of this development. This development shall be carried out in accordance with the agreed details.**

Reason: To protect the amenities of occupiers of adjoining properties in accordance with Policy LHW4 of the Test Valley Revised Borough Local Plan 2016.
- 8. All fixed refrigeration plant, ventilation plant or other permanently located noise emitting plant or machinery shall be so designed, constructed or enclosed as to ensure that at the boundary of the development site there is an increase of no more than 5dB(A) Leq as measured in accordance with BS4142:1997, fully controlling tonal or impulsive character noise. Where the equipment is likely to be in use when background noise levels fall below 30dB(A) specific details of the noise control should be agreed in writing with the local planning authority prior to the installation or commissioning of the plant or equipment.**

Reason: In the interest of residential amenity in accordance with Policies LHW4 of the Test Valley Revised Borough Local Plan 2016.

9. **No goods, plant or materials (other than the storage containers previously permitted between the periods as stated within Condition 21), shall be deposited or stored in the open (or displayed for sale in the open) on the site (including within the service yard).**
Reason: In order to protect the amenities of the area, and/or to maintain adequate parking areas in accordance with Policies T1 and LHW4 of the Test Valley Revised Borough Local Plan 2016.
10. **The boundary wall to the retail service yard shall be a minimum height of 3.5m.**
Reason: In the interest of residential amenity in accordance with policy LHW4 the Test Valley Revised Borough Local Plan 2016.
11. **All work in relation to the development hereby approved, including works of demolition or preparation prior to operations, shall only take place between the hours of 07:30 and 20:00 Monday to Friday and 07:30 and 13:00 Saturdays and at no time on Sundays or Public Holidays, unless otherwise agreed in writing with the Local Planning Authority.**
Reason: To protect the amenities of the adjoining occupiers during the construction period in accordance with Policy LHW4 of the Test Valley Revised Borough Local Plan 2016.
12. **The retail store premises shall be used for Class A1 (convenience goods) and for no other purpose, including any purpose in Class A1 of the Schedule of the Town & Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification.**
Reason: In the interest of the local amenities and the character of the area in accordance with Policies LE12 and LHW4 of the Test Valley Revised Borough Local Plan 2016.
13. **The retail use hereby permitted shall not open to customers except between the following times 08:00 and 20:00 Monday to Saturday, including public holidays, but allowing Friday to trade between the times of 08:00 and 21:00, and between 09:00 to 17:00 on Sundays other than on the 21st, 22nd and 23rd of December where the retail use shall not be open to customers except between 08:00 and 22:00 hours except where these dates fall on a Sunday.**
Reason: In the interest of the local amenities and the character of the area in accordance with Policy LHW4 of the Test Valley Revised Borough Local Plan 2016.
14. **No deliveries by HGVS shall be taken at or despatched from the site except between the hours of:**
- **0700 to 2100 - Mondays to Saturdays (only 1 HGV allowed during 1700 – 2100),**
 - **0900 to 2000 - Sundays (only 1 HGV allowed during 1700 – 2000),**
 - **0800 to 2000 - Bank and Public Holidays (an extension of 3 hours, only 1 HGV allowed during 1700 – 2000).**

No deliveries by ecommerce vehicles shall be taken at or despatched from the site except between the hours of and at the following locations:

Monday – Saturday (including bank and public holidays)

- 0600 - 0800hrs - Front of store
- 0800 - 2100hrs – Loading bay
- 2100 - 2300hrs - Front of store

Sunday

- 0600 - 0930hrs - Front of store
- 0930 - 1630hrs - Loading bay
- 1630 - 2300hrs - Front of Store

Reason: To maintain the character and amenities of the surrounding local area in accordance with Policy LHW4 of the Test Valley Revised Borough Local Plan 2016.

- 15. Measures to control trollies leaving the site shall be provided in accordance with the details contained in the following drawings and documents, as submitted and approved in relation to TVS.07802/14: - Drawing 98.044 SK57 revision A - Radford 'Radlock' brochure details The measures shall be installed and in operation before the store opens for trading. When installing the control measures the structures to be located immediately to the west of SCATS shall be positioned so as to restrict the width of the passageway leading onto the path to the rear of the properties on Station Road. In restricting the width of this passageway, a clear passage of 2.5m in width should be maintained. All such measures shall be retained at all times.**

Reason: To ensure store equipment is retained within the site and in the interest of visual amenity in accordance with Policy E1 and T1 of the Test Valley Revised Borough Local Plan 2016.

- 16. Any external compactor shall only be used between the hours of 09:00 and 18:00 Monday to Saturday and 09:00 and 17:00 Sundays and Public Holidays.**

Reason: In the interest of residential amenity in accordance with Policy LHW4 of the Test Valley Revised Borough Local Plan 2016.

- 17. The scheme for air quality shall be carried out in accordance with the details contained in the following documents, as submitted and approved in relation to TVS.07802/14: • Fax from Stranger Sciences & Environment to GL Hearn dated 5.11.01, which accompanied a fax from John Lewis Partnership to TVBC Environment & Health dated 30.1.02 • Letter from LSH to TVBC dated 4.7.02 The monitoring shall be undertaken in accordance with the approved scheme, including regular reports.**

Reason: In the interest of local amenities in accordance with Policies E8 and LHW4 of the Test Valley Revised Borough Local Plan 2016.

- 18. The staff cycle parking shall be provided in a secure, covered, lockable enclosure, details of which shall be submitted to and approved in writing by Local Planning Authority.**

Reason: To encourage use of modes of transport other than the private car in accordance with Policy T1 of the Test Valley Revised Borough Local Plan 2016.

- 19. The containers previously permitted shall only be sited within the service yard between 01 September and 31st January, with the siting of the chilled container not to occur before December 1st unless otherwise agreed in writing by the Local Planning Authority.**

Reason: In the interests of the character of the area and the amenities of the neighbouring residential properties in accordance with Policies E1 and LHW4 Test Valley Revised Borough Local Plan 2016.

- 20. No movements to and from the containers using the caged trolleys shall occur outside of the hours of 07:00 to 20:00 Monday to Saturday, 09:00 to 17:00 on Sundays or 08:00 to 17:00 hours on Bank Holidays.**

Reason: To maintain the amenities of the local area in accordance with Policy LHW4 of the Test Valley Revised Borough Local Plan 2016.

- 21. The travel plan dated September 2008 (revision A) hereby approved shall be fully implemented in accordance with the details set out in the document.**

Reason: To reduce the level of car-borne traffic in accordance with policy T1 of the Test Valley Revised Borough Local Plan 2016.

- 22. Notwithstanding the provisions of Class 12 of Schedule 3 of the Town and Country Planning (Control of Advertisements) Regulations 2007, or any Order amending, revoking or re-enacting these Regulations, the occupiers of the development hereby approved shall retain clear glazing on the ground floor along the length of the southern boundary hereby approved (without the installation of window vinyl's or equivalent) unless otherwise agreed in writing with the Local Planning Authority.**

Reason: In the interests of retaining a lively and attractive street scene without obstruction and to improve the natural surveillance offered by the development in accordance with policies T1, E1 and E2 of the Test Valley Revised Borough Local Plan 2016.

- 23. The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers:**

0724-YZ(P)-010 rev B "Site Location Plan"

0724-AG(P)-Z01 rev F "Proposed Site Layout"

0724-AG(P)-G01 rev C "Proposed Ground Floor General Arrangement"

0724-AE(P)-001 rev D "Proposed South and West Elevations"

0724-AE(P)-002 rev B "Proposed East Elevation"

0724-AX(P)-001 rev B "Proposed Sections"

0724-AG(P)-R01 "Proposed Roof Plan"

76285/SK001 "Preliminary Drainage Layout"

**76285/SK002 "Preliminary Foundation Layout"
Landscape Statement - 16.12.08
16401.001 rev E "Outline Landscape Masterplan"
16401.002 rev B "Landscape Masterplan"
16401.100 rev B "Removal Plan"
16401.301 rev B "Proposed Walkway Cross Section"
16401.501 rev A "Detail Planting Plan"**

For the avoidance of doubt the works to the existing building shall be carried out in accordance with the details shown on drawings 0724-AG(P)-Z01 rev F "Proposed Site Layout"; 0724-AG(P)-G01 rev C "Proposed Ground Floor General Arrangement"; 0724-AE(P)-001 rev D "Proposed South and West Elevations"; 0724-AE(P)-002 rev B "Proposed East Elevation"; 0724-AX(P)-001 rev B "Proposed Sections"; and 0724-AG(P)-R01 "Proposed Roof Plan" and the following drawings are approved solely for the purposes identified below:

- 6285/SK001 "Preliminary Drainage Layout" - details of proposed drainage**
- 76285/SK002 "Preliminary Foundation Layout" - details of proposed foundations**
- 16401.001 rev E "Outline Landscape Masterplan" - details of proposed landscaping**
- 16401.002 rev B "Landscape Masterplan" - details of proposed landscaping**
- 16401.100 rev B "Removal Plan" - identification of existing structures and features to be removed**
- 16401.301 rev B "Proposed Walkway Cross Section" - details of proposed landscaping**
- 16401.501 rev A "Detail Planting Plan" - details of proposed landscaping**

Reason: To ensure that the development is carried out in accordance with the approved plans.

Notes to applicant:

- 1. The decision to grant planning permission has been taken because the proposed development is acceptable and it is not considered that it would have a significantly detrimental impact on residential amenities, flooding or archaeology. Subject to the completion of the necessary legal agreement the highway impact and the loss of the existing public open space would be appropriately mitigated. This informative is only intended as a summary of the reason for grant of planning permission. For further details on the decision please see the application report which is available from the Planning and Building Service.**
- 2. Attention is drawn to the requirements of the Agreement dated 19th March 2013 under Section 106 of the Town and Country Planning Act 1990 which affects this development and the requirement to vary the wording to reflect the change sought in this permission.**

- 3. The development hereby permitted shall be carried out and completed strictly in accordance with the submitted plans, specifications and written particulars for which permission is hereby granted or which are subsequently submitted to, and approved in writing by, the Local Planning Authority and in compliance with any conditions imposed by the Local Planning Authority.**
 - 4. Attention is drawn to the insufficient size of the loading bay for modern Waitrose delivery vehicles. The applicant should consider a further proposal to increase the size to accommodate the type of deliveries now being received at this store.**
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