

SCOTTISH BORDERS COUNCIL

PLANNING AND BUILDING STANDARDS COMMITTEE

1 JUNE 2015

APPLICATION FOR PLANNING PERMISSION

ITEM:	REFERENCE NUMBER: 15/00456/FUL
OFFICER:	Julie Hayward
WARD:	Hawick and Hermitage
PROPOSAL:	Variation of planning condition No 6 of planning consent R025/92 relating to delivery hours
SITE:	Morrison Supermarkets Plc Mart Street Hawick
APPLICANT:	Wm Morrison Supermarkets Plc
AGENT:	GVA James Barr

SITE DESCRIPTION

The Morrison's food store is situated in the town centre of Hawick bounded by Duke Street to the north, Earl Street to the east, Trinity Street and Weensland Road (A698) to the south and Mart Street to the west. The area is predominantly residential in character but Hawick Cashmere of Scotland is on the opposite side of Earl Street, there is a vets surgery and hotel adjacent the site in Trinity Street and a public car park to the west accessed from Mart Street.

The site comprises of the food store, petrol station and car park. The service yard is accessed from Earl Street and enclosed by metal fences and gates.

PROPOSED DEVELOPMENT

Outline planning permission (R025/92) was granted for a new supermarket and filling station on the Hawick Auction Mart site in 1992. Condition 6 states:

No deliveries shall take place before 7am or after 10pm.
Reason: To safeguard the amenity for neighbouring residents.

This current application seeks to vary this condition so that deliveries can take place between 05:00 and 23:00 Monday to Friday and 07.00 to 22.00 Saturdays and Sundays in accordance with a Quiet Delivery Scheme.

The application has to be determined by the Planning and Building Standards Committee as it constitutes a major development due to the site area.

PLANNING HISTORY

R025/92 (92/00792/OUT): New supermarket and filling station. Hawick Auction Mart, Mart Street Hawick. Approved 11th May 1992.

R187/92 (92/00793/REM): Erection of 49,450 square feet gross internal floor area supermarket, car parking, petrol filling station and landscaping in respect of R025/92. Approved 24th August 1992.

93/00809/ADV: Erection of signs. Approved 29th April 1993.

95/00752/FUL: Installation of satellite antennas. Approved 10th May 1995.

95/00753/FUL: Erection of ATM room. Approved 19th December 1995.

96/00694/ADV: Erection of signage. Approved 16th July 1996.

01/00334/ADV: Erection of banners and sign. Approved 22nd May 2001.

01/01044/FUL: Extensions to supermarket. Approved 10th December 2001.

02/01795/ADV: Installation of illuminated signage. Approved 13th January 2003.

05/00471/FUL: Installation of illuminated signage. Approved 27th May 2005.

05/00622/FUL: Erection of steel gates and palisade fence to service yard perimeter and extension to food store within existing covered trolley bay. Approved 23rd June 2005.

07/00139/FUL: Relocation of existing refrigeration plant from service yard to roof and installation of new refrigeration plant on roof. Approved 1st March 2007.

13/00624/FUL: Variation of planning condition No 6 of planning consent R025/92 relating to delivery hours. Approved 2nd September 2013.

REPRESENTATION SUMMARY

There are no representations.

APPLICANTS' SUPPORTING INFORMATION

The following information has been submitted by the agent and is available for Members to view in full on the Public Access System:

Supporting Letter:

- This Section 42 planning application on behalf of Wm Morrison Supermarkets Plc relates to non-compliance with condition 6 of planning permission R025/92 to allow for a variation to delivery times at the Hawick store. This application will formalise arrangements granted on a temporary basis by planning permission 13/00624/FUL.
- Permission 13/00324/FUL allowed deliveries to the supermarket between 05:00 to 23:00 Monday to Friday and 07:00 to 22:00 Saturday and Sunday for a temporary period of one year.
- Store deliveries are driven by customer demand, where today's customer wants to purchase merchandise at its maximum freshness and with the longest possible shelf life. The pattern of shopping has also changed from

the traditional 9 to 5, and to meet these demands, Morrison's stores rely on a robust and consistent delivery schedule to underpin retail demand.

- Morrison's are reducing their carbon footprint and helping their customers make the right choices and have a range of products to deliver carbon savings throughout the supply chain. Decreasing times that HGV delivery vehicles are idling in congested traffic at peak times of the day assist in reducing CO2 emissions from HGV's thus reducing the carbon footprint of Morrison's as a company and improving the environment.
- The Freight Transport Association recognises that out-of-hours deliveries to retail premises have the potential to offer significant environmental and social benefits. These can be:
 - reduced round trip journey times
 - reduced vehicle turnaround times at stores
 - reduced fuel consumption from less time spent stationary in congestion
 - improved shift productivity from drivers and vehicles
 - increased product availability within store
 - Less conflict between deliveries and customers on the shop floor.
- Noise from vehicle manoeuvring and loading/unloading activity can impact on local residents, which is why HGV movements in urban areas are often constrained by local curfew regulations. For these regulations to be relaxed, retailers must demonstrate that out-of-hours deliveries will be undertaken with minimal disturbance to local residents, while continuing to meet the needs of the business.
- Morrison's are keen that the deliveries arrive at the stores in advance of the store opening. In order that their stores are safe environments for members of the public, Morrison's require fresh produce to be on the shelves by the time the doors open to the public.
- Permission for the extended hours was granted in 2013 on a temporary basis to enable Morrison's to implement a Quiet Delivery Scheme (QDS) where best practice are used to mitigate disturbance caused by deliveries. This enabled both Morrison's and Scottish Borders Council to appraise the performance of any potential mitigation measures. The Council has confirmed that no complaints arose during the temporary trial period.

Quiet Delivery Scheme

Areas of Responsibility:

- Morrison's Plc will issue the Vehicle Driver Charter and ensure that drivers are aware of the charter and will ensure driver compliance via strict supervision by store management.
- Monitoring of complaints system.
- Communication with local residents, by a system to be agreed.

- Production of a plan for dealing with complaints should these arise, including noise monitoring conducted at the boundary of nearby properties, meetings with complainants and the development and introduction of further mitigation measures, if necessary and possible.

Vehicle Driver Charter:

- Contact store ahead of delivery to ensure that gates are open on arrival;
- Switch off refrigeration unit prior to arrival at the store;
- A banksman will provide assistance when reversing. Reversing beepers / alarms to be switched off;
- Engines are to be switched off when vehicles are not manoeuvring;
- Radios must be switched off prior to arrival at store;
- Ensure that doors are not slammed when alighting from the cab;
- Be mindful of how far voices carry when talking;
- No whistling or shouting to get the attention of store employees;
- Do not sound the horn;
- If opening a gate / roller shutter door to gain access, be sure to open / raise it gently to minimise noise;
- Any load restraining bars need to be removed carefully and the gently placed in the stowage points and not dropped;
- Any empties / salvage are not to be collected during out-of-hours deliveries.

CONSULTATION RESPONSES:

Scottish Borders Council Consultees

Environmental Health: No comments or objections.

Statutory Consultees

None

Other Consultees

None

DEVELOPMENT PLAN POLICIES:

SES Plan Strategic Development Plan 2013

Policy 1B: The Spatial Strategy: Development Principles

Policy 3: Town Centres and Retail

Consolidated Scottish Borders Local Plan 2011

Policy ED5: Town Centres

Policy H2: Protection of Residential Amenity

Proposed Local Development Plan 2013

Policy ED3: Town Centres and Shopping Development
Policy HD3: Protection of Residential Amenity

OTHER PLANNING CONSIDERATIONS:

Scottish Planning Policy
PAN 1/2011: Planning and Noise 2011

KEY PLANNING ISSUES:

- Whether the change in delivery times would harm the residential amenities of occupiers of nearby properties.

ASSESSMENT OF APPLICATION:

Planning Policy

The Morrison's food store is situated within the town centre, as designated in the Scottish Borders Consolidated Local Plan Adopted 2011. Policy ED5 allows a wide range of uses appropriate to a town centre, including retailing.

Residential Amenity

SESplan Policy 1B requires that Local Development Plans will have regard to the need to improve the quality of life in local communities by conserving and enhancing the natural and built environment to create more healthy and attractive places to live. Policy H2 of the Local Plan states that development that is judged to have an adverse impact on the amenity of residential areas will not be permitted.

Outline planning permission (R025/92) was granted for a new supermarket and petrol filling station on the Hawick Auction Mart site in 1992 with a condition that no deliveries shall take place before 7am or after 10pm. The reason for this condition was to safeguard the amenity of neighbouring residents, as there are residential properties to the north in Duke Street and to the east in Earl Street.

Deliveries to the store have taken place outwith these hours for several years. Morrison Supermarkets Plc applied to vary this condition in 2013 (13/00624/FUL) to allow deliveries between 05:00 and 23:00 Monday to Friday and 7.00 to 22.00 Saturdays and Sundays. This application was approved by the Planning and Building Standards Committee on 2nd September 2013 subject to conditions. Consent was granted for a temporary period of 12 months, subject to the submission of a Quiet Delivery Scheme, to allow the Council to monitor and review the situation. The Quiet Delivery Scheme was submitted and agreed in February 2014.

This current application seeks to vary condition 6 to allow deliveries between 05:00 and 23:00 Monday to Friday and 7.00 to 22.00 Saturdays and Sundays on a permanent basis, in accordance with the Quiet Delivery Scheme. This contains a number of mitigating methods which would improve the functioning of the service area and reduce operational noise. The mitigation measures include drivers contacting the store ahead of a delivery to ensure that the gates are open on arrival and switching off engines when vehicles are not manoeuvring.

The agent advises that that out-of-hours deliveries to retail premises have the potential to offer operational and commercial benefits, such as reduced round trip journey times, reduced vehicle turnaround times at stores, reduced fuel consumption

from less time spent stationary idling in congestion, improved shift productivity from drivers and vehicles and increased product availability within the store.

Environmental Health has been consulted on the application and has no objections to the permanent change in delivery hours. No representations have been received from local residents in respect of this application or in respect of deliveries taking place within the approved times during the trial period.

It is clear that out-of-hours deliveries to retail premises can offer operational, environmental and social benefits. The reduction in delivery vehicles at peak times can help reduce congestion and vehicle emissions and result in improvements in air quality and road safety. However, this would only be acceptable if deliveries in the early morning or late at night do not disturb local residents; noise from vehicle manoeuvring and unloading can be a nuisance to local residents at times when ambient noise levels are low.

Deliveries to the store appear to have been made outwith the approved hours for some time without complaints being received from local residents who live close to the store. It would therefore be reasonable to amend these delivery hours on a permanent basis, in accordance with the mitigation measures contained within the Quiet Delivery Scheme to ensure that any noise nuisance can be mitigated and any complaints received from local residents considered and resolved.

CONCLUSION

It is considered that the proposal to amend the delivery hours at the store complies with policy H2 of the Scottish Borders Consolidated Local Plan Adopted 2011 provided that the Quiet Delivery Scheme is implemented to allow any noise complaints to be investigated and resolved.

RECOMMENDATION BY SERVICE DIRECTOR (REGULATORY SERVICES):

I recommend the application is approved subject to the following condition:

1. Deliveries to the supermarket to be between the hours of 05:00 to 23:00 Monday to Friday. Any deliveries made on Saturday and Sunday to be between the hours of 07:00 and 22:00. Deliveries to be carried out in accordance with the approved Quiet Delivery Scheme.
Reason: To safeguard the amenities of neighbouring residents.

DRAWING NUMBERS

187/ref/01 Existing Site Plan

Approved by

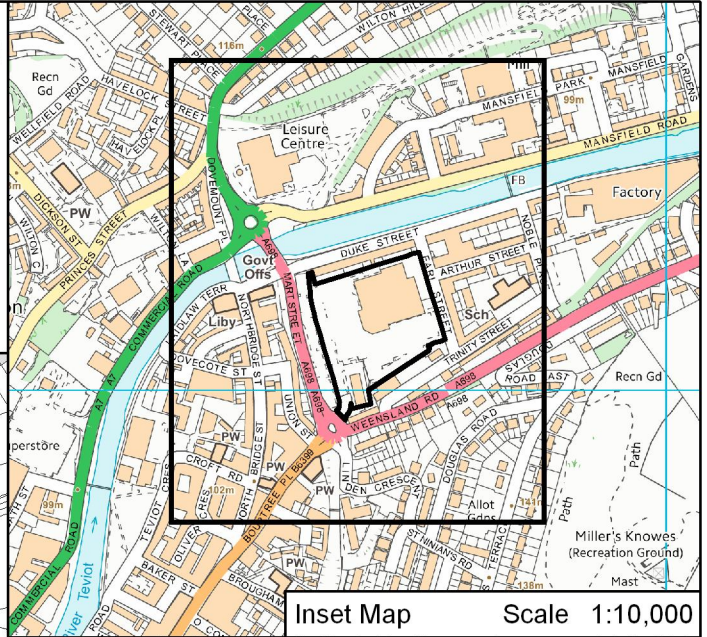
Name	Designation	Signature
Brian Frater	Service Director (Regulatory Services)	

The original version of this report has been signed by the Service Director (Regulatory Services) and the signed copy has been retained by the Council.

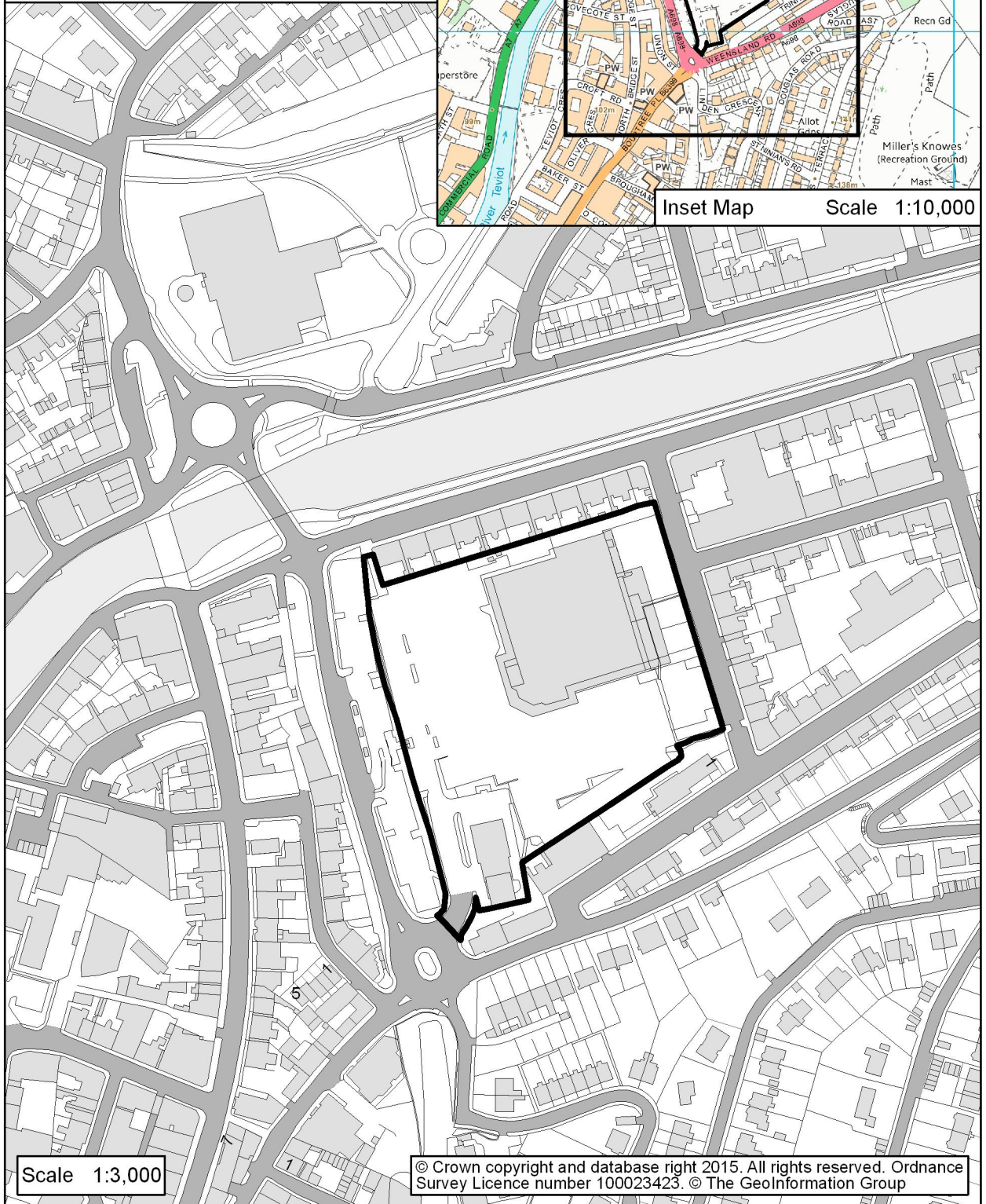
Author(s)

Name	Designation
Julie Hayward	Principal Planning Officer

15/00456/FUL
 Morrison Supermarkets Plc
 Mart Street
 Hawick
 Scottish Borders



Inset Map Scale 1:10,000



Scale 1:3,000