



Report of the Chief Planning Officer

SOUTH AND WEST PLANS PANEL

Date: 4TH September 2014

Subject: 14/02461/FU: Variation of conditions 3 (site access), 4 (maximum retail floor space), 5 (hours of opening), 6 (hours of delivery), 12 (sustainability) and 13 (contamination) of previous approval 11/04306/OT.

Asda Store, Old Lane, Beeston, LS11 8AG

APPLICANT	DATE VALID	TARGET DATE
Asda Stores Ltd	24/04/14	24/07/14

**Electoral Wards Affected:
Beeston and Holbeck**

Y Ward Members consulted
referred to in report)

Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

RECOMMENDATION: .

Defer and delegate to the Chief Planning Officer for approval, subject to the specified conditions and following completing of a Deed of Variation to cover all matters in previous signed S106:

In the circumstances where the Sec.106 has not been completed within 3 months of the resolution to grant planning permission the final determination of the application shall be delegated to the Chief Planning Officer.

CONDITIONS:

The conditions which are being amended, or which are new, are in bold below.

1. Reserved Matters – layout, scale, appearance, landscaping to be submitted.
2. Outline time limit – reserved matters to be submitted by 20 June 2014 and development to commence within six months of approval of last reserved matter. *Note RM application is currently with the Council for a decision pending outcome of this s73 application.*
3. **Approved plans – to include amended access layout.**
4. **Sale of comparison goods to be no more than 747 square metres. The net sales area shall not exceed 2,064 square metres.**
5. **The opening hours of the store shall be restricted to 0800 hours to 2300 hours Mondays to Saturdays and 1000 hours to 2200 hours on Sundays and Bank Holidays, with the exception of a period of 24 months commencing from the date of first occupation of the store, when the opening hours of the store shall be restricted to 0600 hours to 2400 hours Monday to Saturdays and 1000 hours to 2200 hours on Sundays and Bank Holidays.**
6. **There shall be no deliveries to the premises before 0700 hours or after 2300 hours on any day from Monday to Saturday or before 0800 hours or after 2200 hours on Sundays or Bank Holidays, with the exception of a period of 24 months commencing from the date of first occupation of the store, during which there shall be no deliveries to the premises before 0600 or after 2300 on any day from Monday to Saturdays, or before 0700 or after 2200 on Sundays or Bank Holidays.**
7. Statement of construction practice.
8. Flood mitigation.
9. The rating level of noise emitted from the site (e.g. plant and machinery including ventilation and extraction systems), shall be at least 5dB below the existing background noise level (L90). The noise level shall be determined at the nearest noise sensitive premises, with the measurements and assessments made in accordance with BS4142:1997.
10. Surface water drainage.
11. Laying out of vehicle area.
12. **Sustainable construction – to be amended to approve submitted details.**
13. **Contaminated land – to be amended to approve submitted details.**
14. Remediation statement amendment if required.
15. Verification reports.
16. Off Site Highway Works
17. **Limit on the number of delivery vehicles coming to the site between 6am and 7am to two vehicles only.**
18. **The use of the store shall not commence until a Delivery Management Plan (DMP) has been submitted to and approved in writing by the Local Planning Authority. The DMP shall include the following details:**
 - a. **Number of deliveries to be made each day and approximate timings.**
 - b. **Type of delivery vehicles and approximate timings.**
 - c. **Routing information for drivers.**
 - d. **Code of conduct for drivers and delivery staff covering noise issues.**
 - e. **Use of reversing alarms/bleepers, air brakes, goods trolleys etc.**

The DMP as approved shall be implemented prior to first deliveries to the new store, and the store shall be operated in accordance with the DMP thereafter. To ensure that deliveries do not cause adverse impact on local residents by virtue of noise and disturbance.

1 INTRODUCTION:

- 1.1 This application is brought to Plans Panel as it seeks to vary an outline permission that was originally determined by Plans Panel (11/04306/OT) on 20/06/13. The original application was determined by Plans Panel as it represented retail development in an out of centre location.

2 PROPOSAL:

- 2.1 This application is made under s73 of the Planning & Compensation Act, which gives applicants the opportunity to seek removal or variations to any condition placed on a planning permission. Having reviewed the permission granted, and considered the requirements of their current business plan Asda are proposing to vary the following conditions.
- 2.2 Condition 3, Approved Plans – Asda wish to submit revised plans which show an altered access point. This is required as they intend to keep the existing small Asda store open longer during the construction process and the access alterations should enable shopper and construction traffic to access the site safely. The alteration involves the shifting of the access point 2.4 to the north which shaves off a small area of the landscaped verge to the northern corner.
- 2.3 Condition 2, “The sale of comparison goods shall be no more than 340 sq m. The net sales area shall not exceed 1,903 sq m”. Asda wish to alter this to read “The sale of comparison goods to be no more than 747 sq m. The net sales area shall not exceed 2, 064 sq m. This is requested due to efficiencies in the use of floorspace within the store, and the provision of a 48 sq m outdoor trading area (the structure of which will be the subject of a separate application).
- 2.4 Condition 5, “The opening hours of the store shall be restricted to 0800 to 2300 Mondays to Saturdays and 1000 – 2200 on Sundays and Bank Holidays”. This is proposed to be amended to read “The opening hours of the store shall be restricted to 0600 Monday to 2400 Saturdays and 1000 to 2200 on Sundays and Bank Holidays”.
- 2.5 Condition 6, “There shall be no deliveries to the premises before 0700 or after 2300 on any day Monday to Saturdays, or before 0800 or after 2200 on Sundays or Bank Holidays”. This is proposed to be amended to read “The delivery hours of the store shall be restricted to 0600 to 2300 Monday to Saturday and 0700 to 2300 on Sundays and Bank Holidays”.
- 2.6 Condition 12, requires submission of sustainability information, Asda have submitted information to deal with part a) of this condition relating to BREEAM pre-assessment. This information suggests that Asda are on target to achieve a BREEAM Very Good rating on completion. The condition would be amended to reflect this.
- 2.7 Condition 13, requires contamination information. Again Asda have submitted information to deal with this condition and request that it be varied to ensure implementation of the agreed details.

3 SITE AND SURROUNDINGS:

- 3.1 The application relates to a site that is rectangular in shape and fronts onto Old Lane. To the northern boundary are a series of small single storey industrial units which are mostly vacant; beyond these is a cleared site which was formerly industrial. To the eastern edge the site has a wide grassed embankment with a number of trees on, some of which are protected. This embankment separates the site from Old Lane itself. The southern boundary is marked by a footpath, relatively wide which has been fenced to either side in the past, much of which is now missing. To the other side of the footpath is a residential property, and the footpath provides access through to a further residential estate. The western boundary however is formed by the edge of a small industrial estate.
- 3.2 Within the site are the small industrial units, an existing small Asda store (formerly Netto) and a cleared, previously industrial area. Most of the site is hardstanding, although this is in very poor condition, whilst the Asda store itself is a cheap construction that now looks very dated.

- 3.3 The site sits with residential properties to two sides and industrial (existing and cleared) to the other two sides. The area is predominantly residential though and of a dense suburban nature. There are some commercial premises in the area with a Post Office on Old Lane, and Beeston district centre at the northern end of Old Lane. The southern end of Old Lane is marked by the Tommy Wass junction with a small collection of shops.

4 RELEVANT PLANNING HISTORY:

Proposed Superstore

- 4.1 14/02462/RM – reserved matter application for appearance, landscaping, layout and scale following outline planning permission 11/04306/OT – this application is currently being considered by Officers and will be determined after the determination of this s73 application.
- 4.2 11/04306/OT – outline application to demolish existing buildings and erect retail food store with car parking, landscaping and access. Approved 20/12/13.

Existing Store

- 4.3 13/03074/EXT – extension of time application 10/02134/FU for a single storey side and rear extension to retail unit. Approved 23/08/13.
- 4.4 13/01355/FU – Variation of condition 7 of appeal approval 205304 to allow the store to receive deliveries from 0700 to 2300 Monday to Saturday and 0800 to 2200 Sundays and Bank Holidays. Approved 03/07/13.
- 4.5 Other applications relate to minor alterations to the store. Prior to becoming a food store the unit was a car showroom. The western portion of the application site was formerly used as a car maintenance depot whilst the single storey light industrial/warehouse units were built in the early 1980's. The change of use from a showroom to a store occurred via an allowed appeal, at the time the Inspector controlled delivery hours through a condition, however there were no restrictions placed on opening hours. The current store therefore has potential to open 24 hours if it wishes and is subjected only to legal trading restrictions.

5 HISTORY OF NEGOTIATIONS:

- 5.1 The proposal to increase the floor area was discussed with Council Officers prior to submitting the application and advice was given regarding supporting information. Since obtaining outline permission Asda have provided regular updates regarding progress of reserved matters submissions.
- 5.2 Asda originally requested unrestricted opening hours i.e. 24 hour opening. Regular meetings have been held with Asda to negotiate on opening and delivery hours. Asda have also met with Ward Members regarding their proposals. Following the most recent reduction in requested opening and delivery hours Ward Members and the Beeston Community Forum were notified by email by the case officer.

6 PUBLIC/LOCAL RESPONSE:

- 6.1 A major site notice was posted on 9th May 2014, the proposal was also advertised in the Yorkshire Evening Post, and previous commenters were notified by letter. Note all publicity was done on the basis of the request for 24 hour opening.
- 6.2 Cllr Congreve objects to any change to opening hours and delivery hours due to the detrimental impact of noise on residential amenity of residents living close by.
- 6.3 Cllr Ogilvie objects to any change in opening or delivery hours due to noise nuisance and detriment to neighbours.
- 6.4 Cllr Gabriel also objects to changes in opening and delivery hours.

- 6.5 Beeston Community Forum objects to the proposed changes to opening and delivery hours. The Forum originally lodged an objection to the outline planning permission and then sought assurances from Asda that the store would not open 24 hours a day and that there would be no deliveries between 11pm and 7am. The Forum were provided with such assurances by the representatives of Asda, and consequently the Forum withdrew their objection to the outline scheme. The Forum therefore note their disappointment in Asda going back on these assurances and object to 24 hour opening due to the location of the store in a residential area and the likelihood for noise and nuisance.
- 6.6 9 further letters of objection were received from local residents raising the following concerns:
- i) Impact on residents by virtue of noise and disturbance from customers comings and goings. *Addressed in appraisal section.*
 - ii) Impact on residents by virtue of noise from delivery vehicles. *Addressed in appraisal section.*
 - iii) Increase in anti-social behaviour due to late night visits to the store, extended selling of alcohol, and potential for litter etc. *Addressed in appraisal section.*
 - iv) Impact on house prices. *Not a material planning consideration.*
 - v) Damage to local businesses. *Addressed in appraisal section.*
 - vi) There is no need for a 24 hour facility as this is provided by White Rose. *Note Sainsbury's at White Rose is open 0800 to 1000 Mon to Sat and 1100 to 1700 on Sunday. White Rose itself is open for shopping 1000 to 2000 Mon to Fri, 0900 to 1900 Sat and 1100 to 1700 Sun.*
 - vii) Current disturbance from delivery vehicles for existing store which turn up at 5 a.m. Store Manager did not accept any responsibility. *Addressed in appraisal section.*
 - viii) Additional traffic will result from extended hours, thus impacting on pollution and congestion. *Addressed in appraisal section.*

7 CONSULTATIONS RESPONSES:

7.1 Statutory Consultees

7.2 Highways: The revised site access is acceptable and will not harm highway safety. The additional floorspace is also acceptable in terms of road and junction capacity. The revised opening and delivery hours are acceptable as they are outside peak network traffic times and therefore will have no detrimental impact on the local highway.

7.3 Non Statutory Consultees

7.4 Contamination: Additional information requested, no objections in principle though.

7.5 Local Plans: Comments regarding change to floorspace only – The variation will increase net floorpace by 163 sq m, however the gross increase is only 48 sq m, and consists of an outdoor trading area designed to sell seasonal goods. Other small changes to floorspace arise out of efficiencies achieved through the internal layout. The principal of a supermarket in this location has been established and the scale of changes proposed does not warrant a re-appraisal of the merits of the store. Whilst the change results in an increase in comparison sales floorspace there should be no adverse impact on vitality and viability of existing town centres due to the minor nature of the change.

7.6 Environmental Health: Initially raised objections due to concerns regarding impact on residents of extended opening and delivery hours. Following negotiations EHO

officers advise that they are happy for delivery hours to be extended to 0600 to 2300 subject to a limitation on the number of vehicles being only 2 between 0600 and 0700 and 2200 to 2300, and that a temporary permission is granted to enable assessment to be made. They are also reasonably comfortable with extending opening hours to 0600 to 2400 but would prefer 2300 hour closing.

8 PLANNING POLICIES:

8.1 Development Plan

8.2 The development plan for Leeds is made up of the adopted Leeds Unitary Development Plan (Review 2006) (UDP) and the Natural Resources and Waste Development Plan Document (DPD), adopted January 2013.

8.3 The site is unallocated in the UDP. The following UDP policies are relevant to the consideration of the application:

- GP5 – General planning considerations
- T2 – New development and highway safety
- BD5 – General amenity issues.

8.4 The following DPD policies are also relevant:

- GENERAL POLICY1 – Presumption in favour of sustainable development.

8.5 Draft Core Strategy

8.6 The Local Development Framework will eventually replace the UDP but at the moment this is still in production with the Core Strategy at an advanced stage. .

8.7 The Emerging Core Strategy was examined by an Inspector in October 2013. The Inspector has subsequently indicated that two issues must be addressed if it is to be found sound, these are Affordable Housing and Provision for Gypsy and Traveller Sites. The Inspector's main modifications were published on the 13th March 2014 for six weeks public consultation – significant weight can now be attached to the Draft Core Strategy as amended by the main modifications.

- SP1 – Location of development in main urban areas on previously developed land.
- P8 – Sequential and Impact Assessments for Town Centre Uses – sets out that anything below 200 sq m does not require either a sequential or impact assessment.
- T2 – Accessibility.
- EN1 – Carbon dioxide reduction in developments of 10 houses or more, or 1000 m² of floorspace
- EN2 – Achievement of Code Level 4, or BREEAM Excellent (in 2013) for developments of 10 houses or more or 1000 m² of floorspace.
- ID2 – Planning obligations and developer contributions.

8.8 Supplementary Planning Documents

- Street Design Guide

8.9 National Planning Policy

8.10 The National Planning Policy Framework (NPPF), published on 27th March 2012, and the National Planning Practice Guidance (NPPG), published March 2014, replaces previous Planning Policy Guidance/Statements in setting out the Government's planning policies for England and how these are expected to be

applied. One of the key principles at the heart of the Framework is a presumption in favour of Sustainable Development.

- 8.11 The introduction of the NPPF has not changed the legal requirement that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The policy guidance in Annex 1 to the NPPF is that due weight should be given to relevant policies in existing plans according to their degree of consistency with the NPPF. The closer the policies in the plan to the policies in the Framework, the greater the weight that may be given.
- 8.12 Town and Country Planning Act 1990: Section 73 – Determination of applications to develop land without compliance with conditions previously attached. (2) On such an application the LPA shall consider only the question of the conditions subject to which planning permission should be granted and –
- i) If they decide that planning permission should be granted subject to conditions differing from those subject to which the previous permission was granted, or that it should be granted unconditionally, they shall grant planning permission accordingly, and
 - ii) If they decide that planning permission should be granted subject to the same conditions as those subject to which the previous permission was granted, they shall refuse the application.
- 8.13 Paragraph 123 of the NPPF states that planning decisions should:
- i) Avoid noise from giving rise to significant adverse impacts on health and quality of life.
 - ii) Mitigate and reduce to a minimum other adverse impacts on health and quality of life.
 - iii) Recognise that development will often create some noise and existing businesses wanting to develop in continuance of their business should not have unreasonable restrictions put on them because of changes in nearby land uses since they were established; and
 - iv) Identify and protect areas of tranquility.
- 8.14 Guidance in the NPPG states:
- i) Neither the Noise Policy Statement for England, nor the NPPF expects noise to be considered in isolation, separately from the economic, social and other environmental dimensions of proposed development.
 - ii) Decision making should consider –
 - Whether or not a significant adverse effect is occurring or likely to occur.
 - Whether or not an adverse effects is occurring or likely to occur.
 - Whether or not a good standard of amenity can be achieved.
 - iii) This should include identifying whether the overall effect of the noise exposure is, or would be, above or below the significant observed adverse effect level and the lowest adverse effect level for the given situation.
 - iv) Noise has no adverse effect so long as the exposure is such that it does not cause any change in behavior or attitude. Noise starts to have an adverse effect when it starts to cause small changes in behavior, such as having to turn up the volume on the television or speak more loudly. Consideration should then be given to mitigating against these effects. A significant adverse noise level causes a material change in behaviour, such as keeping windows closed

for most of the time, or avoiding certain activities during periods when noise is present. Appropriate mitigation should be taken such as altering design and layout of a scheme. Economic and social benefits should be taken into account but it is undesirable for such exposure to be caused. At the highest extreme noise causes sustained and extensive changes in behavior with no ability to mitigate. The impacts on health and quality of life are such that this situation should be prevented from occurring.

8.15 Noise Policy Statement for England (NPSE) March 2010, DEFRA

- Avoid significant adverse impacts on health and quality of life.
- Mitigate and minimise adverse impacts on health and quality of life.
- Contribute to improvement of health and quality of life through effective management and control of noise.

9 MAIN ISSUES

9.1 As the proposal is to vary conditions then these are the only matters that will be looked at:

- i) Change to approved plans.
- ii) Amendment to floorspace.
- iii) Amendment to opening hours.
- iv) Amendment to delivery hours.
- v) Other Conditions.

10 APPRAISAL

Change to Approved Plans.

- 10.1 Condition 3 of the outline planning permission requires that development is carried out in accordance with approved plans. As the application was made in outline, the approved plans include the red line, and the location of the proposed access point.
- 10.2 The applicants propose to amend the access point location, this will enable the existing store to continue trading for longer whilst construction of the new store commences. The result is the slight movement northwards of the access by approximately 2m. This can be achieved by a reduction in landscaping on the wide frontage verge section in the north east corner of the site, and by removal of a landscaped strip between car parking bays in the northern section of the site. The amendment does not result in additional parking spaces or in alterations to car parking layout or traffic flows around the site.
- 10.3 The site has a substantial strip of landscaping to the main road frontage, and consequently the movement of the access road is unlikely to result in any visual harm. Highways officers have assessed the alteration and the design raises no concerns regarding highway safety. The alteration does not affect the requirements for off-site highway works as required by the previous approval.
- 10.4 It is therefore considered that the changes can be viewed as a minor material amendment and that the revised plans can be substituted for the original approved plans.

Amendment to Floorspace

- 10.5 Condition 4 of the outline approval placed a restriction on the maximum net comparison sales area (340 sq m) and the total net sales area (1,903 sq m) of the store. This was imposed to ensure that the supermarket did not impact negatively on the vitality and viability of local businesses or the local centres at Beeston and Tommy Wass.

- 10.6 The applicants request an amendment to this so that the maximum net comparison sales area would be 747 sq m, and the total net sales area would be 2,064 sq m. This increase in the comparison sales area is achieved through the provision of a 48 sq m outdoor trade unit, an increase in net sales floor space of 113 sq m within the store, a reduction in convenience sales area (by 246 sq m) and internal layout efficiencies.
- 10.7 The outdoor trading area would be similar to a large trolley shelter in form, and would allow for the stocking and sale of bulkier goods associated with seasonal trades e.g. Christmas trees in winter, barbecue's in summer. The provision of these are being rolled out across a number of Asda stores in the Leeds area and nationally. The actual structure itself would be the subject of Reserved Matters application.
- 10.8 The internal changes and increase in floorspace are required for operational purposes. In considering the increase in floorspace it is necessary to assess whether this will result in any harm to the nearby town centres, as the store is located in an out of centre location.
- 10.9 Core Strategy policy P8 allows for gross floorspace extensions of up to 200 sq m without the need for further tests to be carried out. The increase in comparison goods sales is of some concern, however it is only a minor increase, and it is not considered to impact negatively on the vitality and viability of the existing town centres. There will also be no detrimental loss of convenience goods provision to local residents. There are therefore no policy objections to the alteration of this condition.

Amendment to Opening Hours

- 10.10 Condition 5 of the outline approval restricted opening hours to 0800 to 2300 Mondays to Saturdays and 1000 – 2200 Sundays and Bank Holidays. The applicants originally sought to vary this to allow for 24 hour opening on Mondays to Saturdays, and 0800 to 2200 on Sundays. Following negotiations the hours of opening are now proposed as 0600 to midnight, Mondays to Saturdays, and 0800 to 2200 Sundays (Sunday trading restrictions would apply). The applicants are keen to stress that this does not automatically mean the store will open these hours as this decision will be dependent on operational matters, however it gives the store flexibility to respond to customer, seasonal and operational demands.
- 10.11 The main potential impact will be on the amenity of nearby residents by virtue of noise and disturbance from customers – car noise, opening/closing of car doors, car radios, car alarms, chatter, trolley noise, and noise from the supermarket itself and associated plant. The applicant has submitted a noise assessment (by Acoustic Consultancy Partnership Ltd) which draws the following conclusions:
- i) Traffic activity on Old Lane was the dominant noise source, and there were occasional aircraft flyovers as well as distant traffic noise from the M621.
 - ii) The increase in noise levels as a result of car parking activity is considered to be negligible across the period of 2300 hours to 0800 hours (the most noise sensitive times).
 - iii) The highest predicted car parking noise levels would be below BS8233:1999/WHO guideline value and would be below or within the existing noise climate range.
 - iv) Due to negligible noise impact no mitigation measures are recommended.
- 10.12 The report was reviewed by Environmental Health Officers who raised some concerns about the methodology used, and the likelihood of complaints being received. The applicants have responded that the methodology used is an accepted method by both professional and other local authorities. Notwithstanding this they

have however agreed to withdraw the request for 24 hour opening, and to request an additional two hours in the mornings, and one additional hour in the evening.

- 10.13 The site sits on a busy road, and is bordered on the western side by industrial units. Currently the site is occupied by a smaller store, which has unrestricted opening times, and industrial units occupy the northern area. Most units in the area have hours of use restricted between 2000 and 0700, however most of the permissions are historical and it is not clear whether these are adhered to still. No records of noise complaints could be found for the site. The nearest property is 122 Old Lane which is 8m from the site to the south, whilst other properties to the south (on Waincliffe Crescent) are 16m away from the site boundary (to rear elevations). Properties on Waincliffe Square are 41m from the site boundary, and those on Old Lane are 16m away. The site will be surrounded by either landscaping or fencing, details of which are still to be determined via the reserved matters applications. Mitigation in the form of acoustic fencing could be required if necessary.
- 10.14 Given the existing context of the site, and surroundings, along with the existing high levels of background noise, then it is considered that the proposed extension to opening hours is unlikely to result in detrimental harm to residential amenity through noise and disturbance. However, as suggested by the EHO, it is recommended that the extended opening hours are granted for a temporary period of 2 years, commencing on the date that the store first opens, to allow any impacts in this respect to be monitored before deciding whether it is appropriate to allow the extended opening on a permanent basis.
- 10.15 Some objections have raised concerns regarding anti-social behaviour (ASB) – this could take the form of people congregating outside the store and being noisy, alcohol related ASB, mis-use of the car park area by vehicles, loud stereo systems being played etc. Longer opening hours may actually help to reduce such instances by making sure that there is a presence on site to deal with such incidences when they arise. It is noted that at present there is no gated access so such ASB can occur anyway. A delivery and operational management plan could address such issues.

Extension to delivery hours

- 10.16 Delivery hours were originally restricted to 0700 to 2200 and the applicants have asked for an additional hour in the morning to enable fresh goods to be delivered in time for store opening, this would include fresh baked products. Again a noise assessment looks at potential noises from this which includes the arrival of vehicles, unloading/loading and leaving of the vehicle. HGV's have potential to produce sudden, loud noises such as air brakes, reversing beepers, as well as producing more sustained noises particularly from chiller units.
- 10.17 The store is intended to be designed using a full docking bay, which would enclose the rear section of the trailer and enable goods to be unloaded within the warehouse section itself, rather than out in the open. This internalises the noise associated with this part of the procedure. The noise assessment recognises that the highest noise levels that can be predicted are marginally above the guidelines levels laid down by BS8233 and WHO, however the levels are within the range of noise levels that already exist. The conclusion is therefore that the noise will not be harmful and will not require mitigation.
- 10.18 Given that the intention is to ask for one additional hour in the morning, to enable fresh produce to be delivered, it is considered that this request would be acceptable and would be unlikely to lead to noise complaints. A condition requiring a delivery and operational management plan could seek to control the use of refrigerated vehicles, alarms etc. The EHO has requested that no more than two vehicles per hour visit during 0600 to 0700 and this, together with a condition requiring a delivery

management plan, are recommended. A temporary permission of two years is recommended to allow the store time to reach its maximum operational efficiency, establish routines and patterns, and then to allow these to be monitored for noise impact.

Other Conditions

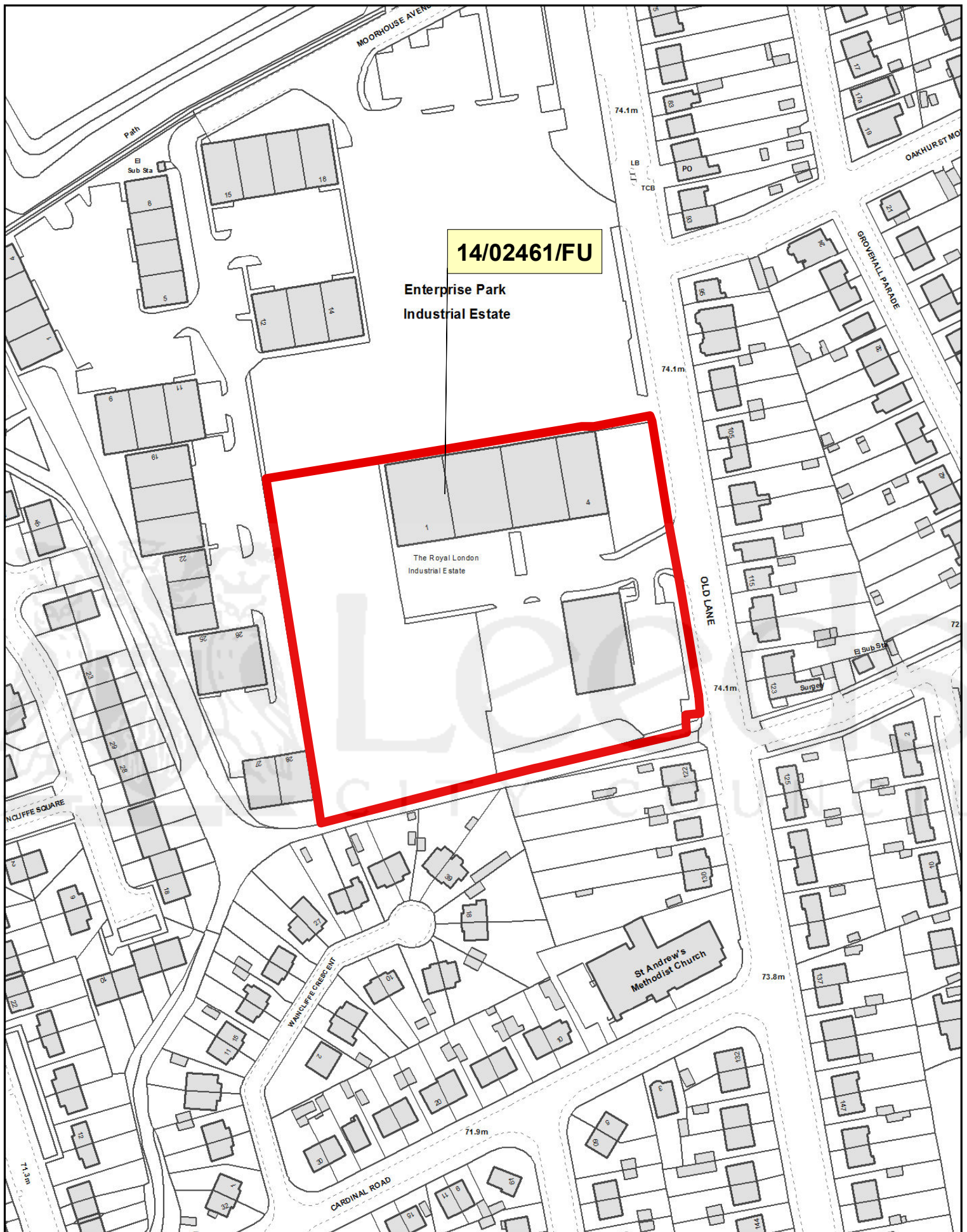
- 10.19 The applicant has submitted additional details regarding conditions that cover sustainable construction and land contamination. These raise no issues and would normally be covered by the discharge of condition procedure. However given that we have a s73 application in we can amend the relevant conditions to reflect any agreed details that have been submitted.

11 CONCLUSION

- 11.1 The proposed alterations to the site access and to conditions regarding contamination and sustainability raise no concerns. The issue of noise around extended opening and delivery has been of concern; however the applicant has listened to these concerns and has reduced the requested hours. The changes are brought about by a desire to provide flexibility for the Store Manager to operate in an efficient way, and it is likely that opening hours will reflect local demand rather than being a nationally dictated timetable. They also give some scope for additional opening hours at seasonally busy times such as Christmas and Easter. Asda have stressed that they are keen to ensure a good working relationship between the Store Manager and local residents and would encourage residents to take any concerns direct to them. Whilst this is acknowledged there is the opportunity for working practices to change in future, or for the site to pass into other hands, and it is considered therefore that a full 24 hour opening is not acceptable, but that the amended hours be recommended for approval.

Background Papers:

14/02461/FU



SOUTH AND WEST PLANS PANEL

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PRODUCED BY CITY DEVELOPMENT, GIS MAPPING & DATA TEAM, LEEDS CITY COUNCIL

SCALE : 1/1500

