

Code No. and Date Received	Name and Address of Applicant	Description and Location of Proposed Development
19/0448/NCC 30.05.2019	Asda Stores Ltd c/o agent United Kingdom	Vary condition 01 of planning consent P/02/1047 to allow unrestricted delivery hours Asda Cliff Road Blackwood NP12 0NT

**APPLICATION TYPE:** Development without complying with conds

### SITE AND DEVELOPMENT

Location: Asda food store, Cliff Road, Blackwood.

Site description: Large supermarket with associated car parking and service delivery yard area.

Development: It is proposed to vary Condition 1 of Planning Permission P/02/1047 to allow 24-hour deliveries to the store.

Ancillary development, e.g. parking: None is proposed.

### PLANNING HISTORY 2005 TO PRESENT

11/0234/FULL - Relocate existing service yard chiller and freezer and erect new canopy over chiller and freezer to provide dedicated home shop loading area to improve pedestrian and vehicle segregation within the service yard - Granted 20.05.11.

11/0369/ADV - Erect signage - Granted 04.07.11.

11/0425/ADV - Erect parking terms and conditions signage - Granted 28.07.11.

12/0242/ADV - Erect car park banner signage. Granted 15.05.12.

13/0330/FULL - Erect car canopy in customer car park for drive thru customers - Granted 03.07.13.

13/0331/ADV - Erect various signage - Granted 03.07.13.

13/0475/NCC - Vary condition 11 of planning permission P/99/0493 (as amended by planning permission P/02/1047) to allow deliveries to be made at the earlier time of 6.00 a.m. Monday to Saturday - Withdrawn 15.08.13.

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14/0180/RET - Retain seasonal canopy - Granted 30.04.14.

16/0066/FULL - Construct an automated petrol filling station - Granted 07.04.16.

16/0197/ADV - Erect various signage - Granted 25.04.16.

16/0426/COND - Discharge Conditions 2 (chemical testing), 3 (shallow mine workings), 4 (land contamination and gas mitigation) & 6 (details of tanks and pipework) of planning consent - Decided 18.07.16.

16/0479/ADV - Erect various signage - Granted 20.07.16.

16/0938/COND - Discharge conditions 2 (contamination - soil import testing) and 4 (contamination) of planning consent 16/0066/FULL (Construct an automated petrol filling station) - Decided 12.12.16.

17/0381/FULL - Install new and replacement roof plant, new access platforms and steps - Granted 10.07.17. 16/0197/ADV - Erect various signage - Granted 25.04.16.

17/0601/FULL - Replace various signage - Granted 07.09.17.

## POLICY

### LOCAL DEVELOPMENT PLAN

Site Allocation: The site lies within the settlement boundary and the Blackwood principal town centre boundary.

Policies: CW2 (amenity) and CW3 (design considerations - highways).

NATIONAL POLICY Planning Policy Wales 10th Edition (December 2018).

### ENVIRONMENTAL IMPACT ASSESSMENT

Did the application have to be screened for an EIA? No.

Was an EIA required? Not applicable.

### COAL MINING LEGACY

Is the site within an area where there are mining legacy issues? The site lies within a high risk area. However as no groundworks are proposed this has no bearing on the proposal.

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### CONSULTATION

Rights Of Way Officer - No objection. Advice provided to the applicant.

Transportation Engineering Manager - No objection.

Head Of Public Protection - No objection subject to a delivery yard noise mitigation scheme, and a temporary consent of 12 months.

### ADVERTISEMENT

Extent of advertisement: 25 nearby commercial and residential properties were consulted by way of letter and a site notice was displayed at the application site.

Response: One letter of objection was received signed by 5 residents of Cwrt Glanhwy. This is the residential use that adjoins the delivery service yard to the west.

Summary of observations: Noise impact from existing operation already unacceptable in terms of residential amenity.

### SECTION 17 CRIME AND DISORDER ACT

What is the likely effect of the determination of this application on the need for the Local Planning Authority to do all it reasonably can to prevent crime and disorder in its area? Crime and disorder are not considered to be an issue for this application.

### EU HABITATS DIRECTIVE

Does the development affect any protected wildlife species? No.

### COMMUNITY INFRASTRUCTURE LEVY (CIL)

Is this development Community Infrastructure Levy liable? No.

### ANALYSIS

Policies: The application proposes to vary Condition 1 of Planning Permission P/02/1047 to allow 24 hour deliveries to the store. It should be noted that compaction would only be permitted between 0700 hours - 2200 hours as approved under planning permission P/02/1047. In support of the application, the agent submitted letter stating the following as a justification for the proposed extended delivery hours:

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"The amended hours would allow the store to have a more efficient set up for operations which would have a positive impact on the user experience of both in-store customers and those using the Click and Collect service. The current delivery restrictions have a huge impact on fresh deliveries; this causes the store issues with process, availability and colleague hours. Asda's aspirations are to ensure that shelves are well stocked and products are available for opening. This is crucial for business and the click and collection option which picks the products from the store ahead of opening."

The application was accompanied by a Service Yard Management Plan setting out the measures proposed to ensure minimal disturbance to nearby residential properties, i.e. Cwrt Glanhowy. These proposed measures include:

- Do not sound horn;
- Engines should be switched off immediately when not manoeuvring;
- Refrigeration equipment should be switched off before arrival on site;
- Switch the radio off before opening the vehicle doors;
- Minimise the frequency of opening and closing vehicle doors and do so quietly;
- Take particular care to minimise rattle from metal on metal contact when moving roll cages;
- Lower flaps on tail lifts quietly and carefully;
- Load restraining bars are to be carefully placed on the trailer floor and not dropped
- Do not whistle or shout to get the attention of store employees;
- When working in the vehicle load space avoid banging cages into the vehicle walls;
- When finishing unloading/loading, close up vehicle quietly;
- Avoid over revving and seek to accelerate gently until the vehicle is a reasonable distance from the store, minimising excessive air brake noise;
- Where possible, refrain from starting up vehicle refrigeration units until the vehicle is away from the store and residential properties; and
- Careful unloading, to minimise bangs/rattles and void impact between cages and the trailer wall.

Policy CW2 (Amenity) states that development proposals should have no unacceptable impact on the amenity of adjacent properties or land. Based on the submitted information the Head of Public Protection is satisfied that the proposal is acceptable in terms of neighbour amenity subject to a conditions requiring the service yard management plan to be agreed by way of condition, as well as a condition allowing a 12 month temporary consent to allow time to monitor any impacts on nearby residents.

Comments from Consultees: No objection subject to conditions and advice.

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Comments from public: It is considered that subject to a robust service yard management plan being agreed the proposal will not have a detrimental impact on residential amenity. Notwithstanding this, only a 12 month consent will be granted to allow time to monitor the impact before potential allowing the proposed hours permanently.

Other material considerations: None.

The duty to improve the economic, social, environmental and cultural well-being of Wales, has been considered in accordance with the sustainable development principle, under section 3 of the Well-Being of Future Generations (Wales) Act 2015. In reaching the recommendation below, the ways of working set out at section 5 of that Act have been taken into account, and it is considered that the recommendation is consistent with the sustainable development principle as required by section 8 of that Act.

RECOMMENDATION that Permission be GRANTED

This permission is subject to the following condition(s)

- 01) No compaction shall take place within the service delivery yard between the following times: 2200 hours and 0700 hours on any day of the week.  
REASON: In the interest of public amenity.
- 02) Unless otherwise agreed in writing with the Local Planning Authority reversing alarms shall not be used within the service delivery yard between the following times: 2200 hours and 0700 hours on any day of the week.  
REASON: In the interests of public amenity and health and safety.
- 03) Unrestricted delivery hours to the store shall be allowed for a temporary period of 12 months from the date of this permission. Thereafter the delivery hours shall revert back to those approved by Planning Permission P/02/1047.  
REASON: In the interests of the amenity of the area.
- 04) Prior to the commencement of the extended hours hereby approved a scheme for noise mitigation shall be submitted to and agreed in writing with the Local Planning Authority. Thereafter the agreed scheme shall be employed as necessary to minimise noise impacts on nearby residential amenity.  
REASON: In the interests of the amenity of the area.
- 05) Apart from any alterations allowed by this consent the development shall continue to operate in accordance with the relevant condition attached to planning permission P/02/1047.  
REASON: To retain effective control over the development.

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Advisory Note(s)

Please find attached the comments of Rights of Way Officer that are brought to the applicant's attention.

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