

**DARLINGTON BOROUGH COUNCIL**

**PLANNING APPLICATIONS COMMITTEE**

**COMMITTEE DATE: 30<sup>th</sup> July 2014**

**Page**

---

<b>APPLICATION REF. NO:</b>	<b>14/00478/FUL</b>
<b>STATUTORY DECISION DATE:</b>	<b>23/06/14</b>
<b>WARD/PARISH:</b>	<b>Haughton North - Darlington</b>
<b>LOCATION:</b>	<b>ASDA Supermarket, Whinbush Way, Darlington.</b>
<b>DESCRIPTION:</b>	<b>Installation of van loading canopy, small extension and alterations to exterior of building.</b>
<b>APPLICANT:</b>	<b>ASDA Stores Ltd.</b>

---

**APPLICATION AND SITE DESCRIPTION**

This proposal relates to the creation of a “Home Shopping” van loading area in the service yard, an extension to the warehouse and a canopy for customer “Click and Collect” near the car park.

The Asda store is located within a residential area to the north of Darlington and has been the subject of a number of complaints from local residents in relation to noise generated by a number of sources including delivery lorries, roof mounted air conditioning units and refrigeration equipment.

The current proposals represent an improved service for customers. The “Click and Collect” facility will allow customers to order online and then drive to the new canopy area next to the car park to collect their purchases. This will have very little impact on the overall traffic generated by the store as customers would have visited the store with or without the new facility.

The “Home Shopping” canopy relates to a covered area being created for the home delivery vans to be loaded before going on to deliver to customers’ homes. Sufficient space will remain for the main delivery lorries to turn in the yard.

**PLANNING HISTORY**

Many planning applications have been submitted over the years relating to roof mounted air conditioning units, extensions, advertisements etc but are not directly relevant to the current applications.

## **PLANNING POLICY BACKGROUND**

Darlington Local Development Framework – Core Strategy Policy CS16 : Protecting Environmental Resources, Human Health and Safety.

Darlington Local Plan – Policy E38 Alterations to business premises.

## **RESULTS OF CONSULTATION AND PUBLICITY**

A site notice was posted and local residents consulted. A number of local residents have objected raising the following issues:

- Proposal will only increase noise problems.
- Proposal will appear unsightly in service yard.
- Reassurances needed that noise problems will not increase.
- Reduced lorry turning areas.

**Highways Engineer** No objections to the development

**Environmental Health Officer** No ‘Home Shopping’ or the erection of the canopy shall take place until an assessment of the potential for noise from the ‘Home Shopping’ operation affecting residential properties in the area has been submitted to and been approved in writing by the Local Planning Authority. The assessment shall include noise from loading and unloading of vehicles, traffic noise and any noise from associated machinery or plant.

If the noise impact assessment indicates that noise from the development is likely to affect residential properties in the area then a detailed scheme of noise mitigation measures shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development.

The noise mitigation measures shall be designed so that nuisance or loss of residential amenity will not be caused to the occupiers of neighbouring noise sensitive premises by noise from the development.

The noise assessment shall be carried out by a suitably qualified acoustic consultant/engineer and shall take into account the provisions of BS4142: 1997. "Method of rating industrial noise affecting mixed residential and industrial areas" and BS 8233: 2014 "Sound Insulation and Noise Insulation for Buildings - Code of Practice".

The approved scheme shall be implemented prior to the commencement of the use and be permanently maintained thereafter.

## **PLANNING ISSUES**

The main planning issue relating to this application is the impact the proposals will have on the amenities of local residents by virtue of noise and to a lesser extent in this case, visual intrusion.

**Noise** Members will be aware of the history of noise nuisance complaints that have been generated by local residents relating to various aspects of the operations of the ASDA Supermarket.

Environmental Health Officers have had an ongoing dialogue with the applicants in an attempt to ensure that noise emanating from air conditioning units and refrigeration equipment does not cause noise nuisance. This application however relates to a variation in the services provided for customers ( during normal shopping and delivery hours) which will entail occasional visits by light goods vans to the rear service area (maximum 2 at any one time) and the erection of a total of 178 square metres of additional floor space. It is noted that the “Home Shopping “service already takes place – the proposed canopy is to protect staff and goods from the weather.

It is considered that these alterations are sufficiently minor in nature as to cause little or no nuisance to local residents, particularly as the existing hours of delivery will not change. As a precaution, a condition based on the Environmental Health Officer’s comments above can be attached to any permission given.

**Visual Impact** The proposed development includes a canopy shelter structure within the rear service area and a 5 metre high extension to the warehouse – all in materials that reflect those already in use in the area. The car park “click and collect” facility will consist of a canopy for two cars to wait whilst their purchases are delivered and will not cause any significant visual intrusion in the context of the existing building.

Overall therefore it is considered that the proposed development will not cause a material loss of amenity to local residents or the locality in general sufficient to warrant refusing planning permission in this instance.

In view of the above it is considered that planning permission can be granted with conditions as detailed below.

### **SECTION 17 OF THE CRIME AND DISORDER ACT 1998**

The contents of this report have been considered in the context of the requirements placed on the Council by Section 17 of the Crime and Disorder Act 1998, namely the duty on the Council to exercise its functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent crime and disorder in its area. It is not considered that the contents of this report have any such effect.

### **RECOMMENDATION**

That Planning Permission be **Granted** with the following conditions:

1. A3 Time limit
2. B5 Accordance with plans
3. Before development commences, an assessment of the potential for noise from the ‘Home Shopping’ operation affecting residential properties in the area shall be submitted to and been approved in writing by the Local Planning Authority. The assessment shall include noise from loading and unloading of vehicles, traffic noise and any noise from associated machinery or plant.

If the noise impact assessment indicates that noise from the development is likely to affect residential properties in the area then a detailed scheme of noise mitigation measures shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development.

The noise mitigation measures shall be designed so that nuisance or loss of residential amenity will not be caused to the occupiers of neighbouring noise sensitive premises by noise from the development.

The noise assessment shall be carried out by a suitably qualified acoustic consultant/engineer and shall take into account the provisions of BS4142: 1997. "Method of rating industrial noise affecting mixed residential and industrial areas" and BS 8233: 2014 "Sound Insulation and Noise Insulation for Buildings - Code of Practice".

The approved scheme shall be fully implemented prior to the commencement of the use and be permanently maintained thereafter.