



Planning Statement

In support of:

Planning Application to vary
condition 15 of application,
reference 07/00588/FUL and
condition 14 of appeal
reference
APP/B1550/A/06/2024715

At the Asda Store,
Rawreth Lane, Rayleigh

March 2008

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1. INTRODUCTION

- 1.1. Planning Potential act as planning consultants for Asda Stores Limited, and have been instructed to prepare a revised application to permit a more flexible delivery regime at the company's store in Rayleigh.
- 1.2. Deliveries are currently only permitted between the hours of 7am and 11pm on any day. In essence, the application seeks to allow for an extra 1 - 2 deliveries in the morning.
- 1.3. The store is open between 7.30am - 10pm Monday to Saturday and 10am to 4pm on Sundays. The delivery restrictions that are in place seriously hamper the proper restocking of the store, causing problems with maintaining an adequate supply of fresh goods, and can lead to congestion at peak times, particularly in the morning.
- 1.4. The planning history is set out in the next section of this statement. Section 3 describes the site and surrounding area and section 4 details planning policy considerations. Section 5 explains the justification for seeking a relaxation of the delivery restrictions and section 6 sets out the conclusions.

2. RELEVANT PLANNING HISTORY

- 2.1. Outline planning consent was granted in June 2003 for a mixed use development, comprising housing, neighbourhood centre, public open space, primary school and leisure centre, application reference 01/00762/OUT.
- 2.2. Planning application for reserved matters reference 05/01049/REM, sought consent for details of the retail foodstore and part two storey, part three storey building, comprising 5 A1 Units, 1 A3 Cafe, 3 D1 (Non Residential Institutions) units, and associated access and car parking Layout, was refused, but subsequently allowed at appeal (reference APP/B1550/A/06/2024715) in January 2005.
- 2.3. Planning application reference 07/00588/FUL, for alterations to the approved ASDA Store building, including the provision covered walkway to car parking area, was granted consent in September 2007.

3. SITE AND SURROUNDING AREA

- 3.1. The Asda store is located at Rawreth Lane, Rayleigh. The main vehicular access to the store is via Priory Chase, with deliveries accessing the service yard from a separate access located further west closer to the mini roundabout.
- 2.1 The site lies within an area of Rayleigh which is characterised by a mixture of residential, commercial and industrial uses. A considerable level of residential development having occurred in this area over the past decade.
- 2.2 Industrial and warehousing development lies to the east (Imperial Park) and also to part of the western boundary (Rawreth Industrial Estate). Residential development lies to the west and south of the site, and also across Rawreth Lane to the north. To the southeast of the site is an existing public open space known as Swayne Park.

4. **PLANNING POLICY**

Planning policy PPS1-General Principles and delivering sustainable development (January 2005)

- 4.1. The latest guidance on the planning system is set out in the general principles document which accompanied the issue of PPS1. In relation to planning conditions the document advises that:

"Local planning authorities can impose conditions on planning permissions only where there is a clear land use planning justification for doing so. Conditions should be used in a way which is clearly seen to be fair, reasonable and practicable. One key test of whether a particular test is necessary is if planning permission would have to be refused if the condition were not imposed."

(Paragraph 20)

- 4.2. PPS1 sets out the government's general approach to delivering sustainable development, which includes providing access for all to facilities by ensuring development is located where it is not necessary to rely on access by car. (Paragraph 27 v)

PPS6 – Planning for Town Centres (March 2005)

- 4.3. PPS6 sets out the Governments Guidance in relation to Town Centres and retail development. The key objectives are to plan for the growth and development of existing centres and focusing development in such centres through encouraging a wide range of services accessible to all (paragraph 1.3)
- 4.4. The guidance includes a section on the use of conditions, where it is noted that:

"In considering restrictions on deliveries, local authorities should take account of all relevant factors, including impact on congestion, especially in peak periods. In considering how to mitigate night time noise, local authorities should consider alternatives to a complete ban, such as embedding codes of practice into planning agreements relating to the number of vehicles and noise standards" (Paragraph 3.32).

PPG24 – Planning and Noise (October 1994)

- 4.5. PPG24 aims to provide advice on minimising the adverse impact of noise without placing unreasonable restrictions on development (paragraph 1).
- 4.6. Whilst the guidance notes that local authorities should ensure that local development should not cause an unacceptable degree of disturbance, neither should the local authority place unjustifiable obstacles in the way of such development (paragraph 10).

Development Plan Policy

- 4.7. Rochford District Replacement Local Plan was adopted in June 2006. Policy SAT7 deals with servicing of shops, but not delivery hours, and requires that all retail proposals in the Town Centre have off street servicing.
- 4.8. Chapter 11 deals with pollution, including noise generating development which is dealt with specifically at policy PN5 and requires that such noise sensitive development should be designed and operated in such a way that minimises the impact of noise nuisance on the environment. The nature of the surrounding area and particularly, the proximity of existing or proposed noise sensitive development, the

time and nature of the noise and the cumulative impact will all be taken into account when considering proposals.

Policy Summary

- 4.9. The promotion of sustainable development, encouraging uses to be located within town centres, will inevitably lead to situations where tension will arise from a mix of uses. The purpose of conditions is to resolve such issues. PPS6 encourages alternatives to a complete ban on night time deliveries.

5. PLANNING CONSIDERATIONS

- 5.1. The purpose of this application is to allow a more flexible delivery regime to ensure that the Asda store is adequately stocked with fresh produce, and to resolve existing problems identified with HGV parking and access at peak times.
- 5.2. This application seeks to widen the permitted hours by 1 hour in the morning every day, thereby spreading the deliveries over a slightly longer period through the day, specifically allowing for early morning deliveries for fresh produce. This will in turn reduce problems associated with HGVs waiting for access into the yard. Once the HGVs are within the yard for loading and unloading noise can be contained. It is vehicle parking and manoeuvres outside the yard which can lead to the majority of disturbance.
- 5.3. The proposal to allow one extra hour for deliveries in the morning will help to reduce peak time deliveries and congestion, reducing the need for vehicle waiting.
- 5.4. Asda stores Ltd have commissioned a revised environmental survey prepared by Bickerdike Allen Partners. Their report concludes that the relaxation of the restriction on delivery hours to allow deliveries to take place for one additional hour in the morning would not result in an unacceptable increase in noise.
- 5.5. We have assessed the impact of one additional hour in the morning and have shown that there should be no harm to residential amenity.

6. CONCLUSIONS

- 6.1 The Asda store at Rawreth Lane has been experiencing problems with keeping the store adequately stocked to meet customer demand. In particular problems have been experienced at peak morning periods.
- 6.2 The noise survey concludes that additional deliveries can be permitted outside the restricted hours since this would not result in an unacceptable increase in noise.
- 6.3 The current application seeks to extend the delivery hours for one hour at the beginning of the current delivery regime. The widening of the restrictions on deliveries will inevitably reduce the number of vehicles delivering to the store during peak hours, thereby reducing congestion, and preventing vehicle waiting.