

COMMITTEE REPORT

Planning Committee on
Item No
Case Number

6 April, 2016

16/0615

SITE INFORMATION

RECEIVED: 12 February, 2016

WARD: Barnhill

PLANNING AREA: Brent Connects Kingsbury & Kenton

LOCATION: Asda, Forty Lane, Wembley, HA9 9EX

PROPOSAL: Details pursuant to condition 4 (monitoring and acoustic investigation) of variation of condition application ref 03/1003 relating to planning permission ref 98/0413, dated 03/07/98, for the construction of a retail superstore with provision of service yard and customer car-parking to read as follows: "The store shall not be serviced on Sundays and Bank Holidays by more than six service vehicles on any one day without the consent in writing of the Local Planning Authority"

APPLICANT: ASDA Stores Ltd

CONTACT: Thomas Eggar

PLAN NO'S: **Acoustic Consultancy Report (Noise Impact Assessment for 24 hr Store Delivery Activity)** - Acoustic Consultancy Partnership Ltd – Dated 5th November 2015
Acoustic Consultancy Report (Follow Up Noise Monitoring of Store Delivery Activity) – Acoustic Consultancy Partnership Ltd – Dated 16th December 2015

LINK TO DOCUMENTS ASSOCIATED TO THIS APPLICATION

[When viewing this on an Electronic Device](#)

Please click on the link below to view **ALL** document associated to case

https://pa.brent.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=DCAPR_126534

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1. Please go to pa.brent.gov.uk
2. Select Planning and conduct a search tyeing "16/0615" (i.e. Case Reference) into the search Box
3. Click on "View Documents" tab

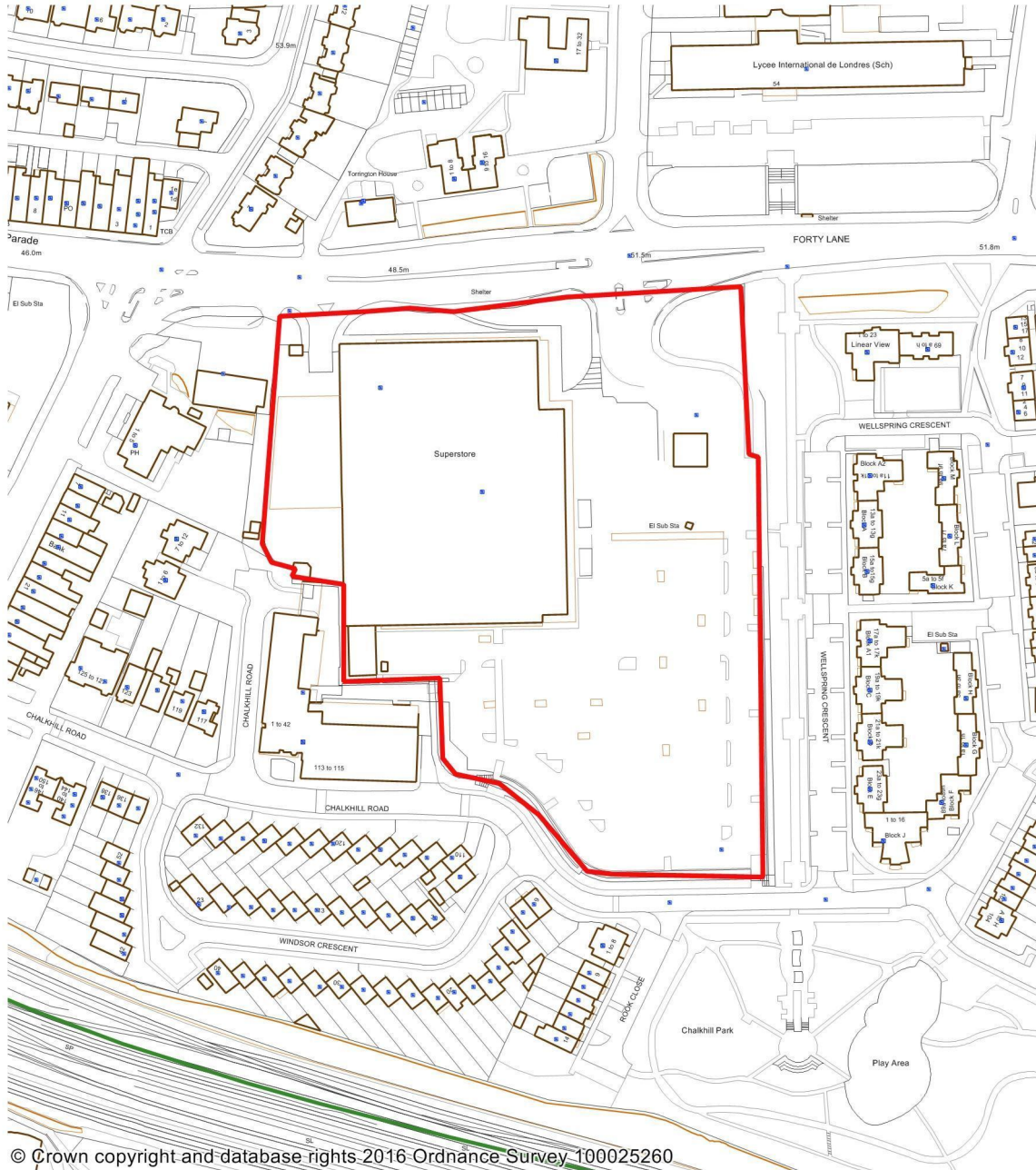
SITE MAP



Planning Committee Map

Site address: Asda, Forty Lane, Wembley, HA9 9EX

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This map is indicative only.

SELECTED SITE PLANS

SELECTED SITE PLANS



APPENDIX B

Site Plan



RECOMMENDATIONS

Approve the submitted details
, subject to the conditions set out in the Draft Decision Notice.

A) PROPOSAL

Details pursuant to condition 4 (monitoring and acoustic investigation) of variation of condition application ref 03/1003 relating to planning permission ref 98/0413, dated 03/07/98, for the construction of a retail superstore with provision of service yard and customer car-parking to read as follows: "The store shall not be serviced on Sundays and Bank Holidays by more than six service vehicles on any one day without the consent in writing of the Local Planning Authority".

B) EXISTING

The application site is a part of the car park serving the Asda superstore on Forty Lane; it has some established shrub and tree planting and a car wash/valet use is carried out on some of the parking spaces. It is not in a conservation area nor is the building listed. However, the Grade II listed former Brent Town Hall is situated to the north of the subject site. Surrounding uses are mixed commercial (the superstore), residential (to the east) and a school (the Lycée International de Londres Winston Churchill, to the north).

There is a pedestrian link from the north western end of the Asda Car Park to the GP Surgery which is part of the Chalkhill Primary Care.

D) SUMMARY OF KEY ISSUES

The main planning consideration when assessing this application is:

Whether the proposed development would have an unacceptable impact on the amenity of neighbouring residents.

The acoustic monitoring report submitted found that the noise levels produced when trialling deliveries under the recommended 'delivery management plan' were within reasonable levels as measured against the appropriate guidance and standards. As such, the Council is satisfied that ASDA have demonstrated that decreased and reasonable noise levels are achievable. However, it is important that these standards are enforced, and the recommendation of the planning department is subject to a condition requiring a continued adherence to the recommended measures throughout the lifetime of the development.

RELEVANT SITE HISTORY

15/4162 Installation of various internally and externally illuminated as well as non-illuminated signage to the store and within the grounds of the Asda store. **Granted 23/11/2015**

14/4831 Pedestrian crossing improvements located outside the main entrance to the store, to also include relocation of 2 parent and child parking bays and reduction in the length of the covered walkway. **Granted 20/02/2015**

14/2592 Variation of condition 4 (change opening hours from 08:00 to 20:00 Monday to Sunday to 08:00 to 22:00 Monday to Sunday), of full planning permission reference 13/3646 dated 07/02/2014 for Construction of a permanent "Home Shopping" van loading canopy and grocery collection "Drive To" canopy within the car park, with associated fencing and alterations to the existing store of learning building including the provision of a chiller and freezer. **Granted 18/09/2014**

13/3647 Installation of x5 externally illuminated fascia signs,x1 direction sign on a flat panel post and x3 non-illuminated vinyl signs with the store car park. **Granted 07/02/2014**

13/3646 Construction of a permanent "Home Shopping" van loading canopy and grocery collection "Drive To" canopy within the car park, with associated fencing and alterations to the existing store of learning building including the provision of a chiller and freezer. **Granted 07/02/2014**

13/1654 Full Planning Permission sought for erection of a canopy for the grocery collection service in the store car park. **Refused 09/08/2013**

13/0394: Details pursuant to condition(s) No 4 (lighting), 5 (ramp & retaining structure details), 6 (landscaping) & 7 (drainage) of Full Planning Permission reference 12/1268 dated 30 October, 2012 - **Granted, 04/06/2013**

13/0213 Full Planning Permission sought for modification of car park layout to include reduction of 6 parking spaces from a total of 417 to 411 in association with automated four-pump petrol filling station approved under planning reference 12/1268 - **Granted, 23/04/2013.**

12/1268 Full Planning Permission sought for proposed automated four-pump petrol filling station and canopy within car park, ancillary control unit structure, relocated lamp post and CCTV post, realignment of access road and footpath and associated hard and soft landscaping works and subject to a Deed of Variation dated 18 October 2012 of the Deed of Agreement dated 7 July 1998 under Section 106 of the Town and Country Planning Act 1990, as amended - **Granted, 30/10/2012.**

11/2679 Proposed automated four-pump petrol filling station and canopy within car park, ancillary control unit structure, relocated lamp post and CCTV post, realignment of access road and footpath and associated hard and soft landscaping works **Withdrawn 15/12/2011**

07/2604 Change of use of existing car parks (ancillary to A1 retail) to car wash (Sui Generis) (as accompanied by "Car Park Valeting Limited: Drainage Legislation Summary") **Granted 12/11/2007**

07/0862 Reconfiguration of existing parking and pedestrian walkway and erection of new external pedestrian canopy walkway **Granted 30/05/2007**

04/2643 Alterations to existing car park layout and installation of 6 trolley shelters **Granted 12/10/2004**

***03/1003** Variation of condition 9 (hours of delivery) of planning permission no. 98/0413, dated 03/07/98, for the construction of a retail superstore with provision of service yard and customer car-parking to read as follows: "The store shall not be serviced on Sundays and Bank Holidays by more than six service vehicles on any one day without the consent in writing of the Local Planning Authority" **Granted**

03/1053 Variation of condition 8 (opening hours) of planning permission reference 98/0413 dated 03/07/1998 for construction of a retail superstore with provision of service yard and customer car-parking to read as follows: "The premises shall not be open for retail trade except between the hours of 0800 Mondays to 2400 hours Saturdays, and between 1100 to 1700 hours on Sundays and Bank Holidays, unless otherwise agreed in writing by the Local Planning Authority." **Granted 04/06/2004**

02/2884 Installation of 12 trolley shelters within the car park of super store **Granted 30/12/2002**

***00/1937** Variation of condition 9 of planning consent 98/0413 for retail superstore to read as follows: "No commercial vehicles may arrive, depart, be loaded or unloaded within the general site, except between the hours of 7am and 9pm Mondays to Saturdays and between 10 am and 4pm on Sundays and Bank Holidays, without the agreement in writing of the Local Planning Authority" **Granted 09/02/2001**

99/2206 Details pursuant to condition 2 (reduction of lighting in the car-park and at its access points) of planning permission no. 99/1072 which sought to extend the opening hours imposed by condition 8 of planning permission no. 98/0413, dated 03/07/98, for the construction of a retail superstore with provision of service yard and customer car-parking **Granted 07/12/1999**

99/1072 Variation of condition 8 of planning approval 98/0413 for retail superstore to read as follows: "The premises shall not be open for retail trade except between the hours of 8am and 12pm, Mondays to Saturdays, and 11am and 5pm, Sundays and Bank Holidays" **Granted 18/08/1999**

***99/1073** Variation of condition 9 of planning approval 98/0413 for retail superstore to read as follows: "No commercial vehicles may arrive, depart, be loaded or unloaded within the general site except between the hours of 7am and 9pm Mondays to Saturdays and between 10am and 4pm on Sundays and Bank Holidays without the agreement in writing of the Local Planning Authority" **Granted 18/08/1999**

***98/0413** Construction of a retail superstore with provision of service yard and customer car-parking **Granted 03/07/1998**

*Of particular relevance to this application

CONSULTATIONS

45 nearby properties (flats 1 – 42 at 115 Chalkhill Road, as well as units 1 - 3 at 113 Chalkhill Road were given prior notification of this proposal for a minimum of 21 days on 12/02/2016.

An objection to the proposal was received on 04/03/2016 from the adjoining occupier at Flat 31, 115 Chalkhill Road.

The occupier objected on the following grounds:

- The amenities of residents at 115 Chalkhill Road have been disrupted for many years during nights, early mornings, weekends and bank holidays by unnecessary noise caused by store activities.
- The acoustic monitoring investigation was not objective; lasting for a short period of time with residents noticing unusually decreased noise levels during the monitoring period.

Officer's response to objection:

The acoustic monitoring report submitted found that the noise levels produced when trialling deliveries under the recommended 'delivery management plan' were within reasonable levels as measured against the appropriate guidance and standards. As such, the Council is satisfied that ASDA have demonstrated that decreased and reasonable noise levels are achievable. However, it is important that these standards are enforced, and the recommendation of the planning department is subject to a condition requiring a continued adherence to the recommended measures throughout the lifetime of the development.

Councillor Consultations

Cllrs Shafique Choudhary, Michael Pavey and Sarah Marquis, members for Barnhill Ward were consulted.

No representations were received.

Internal Consultations

The Council's Regulatory Services (Environmental Health) officers were consulted regarding this application due to the potential amenity impact of noise and vibration resulting from the use. A response was received on 19/02/2016. Regulatory Services recommended that the condition is discharged – further discussion below.

POLICY CONSIDERATIONS

Brent's Unitary Development Plan - 2004

BE8: Light and Light Pollution - Sensitively designed proposals which create and improve lighting are encouraged where it contributes to the overall spectacle of major areas. Lighting should be controlled to avoid nuisance to road users, harm to residential amenity and or detriment to local distinctiveness.

EP2: Noise and Vibration - Noise and/or vibration generating development will be permitted unless it would create, or worsen, noise levels above acceptable levels or unless users would suffer noise levels above acceptable levels. In particular they will not be permitted where they would harm existing or proposed noise sensitive development in the area and if this cannot be acceptably attenuated.

The above policies within the Adopted Unitary Development Plan together with the government guidance are relevant considerations for this application. The specific issues relevant to the proposal is the impact of the proposal on the transportation and the impact of overnight deliveries on the amenities of neighbouring occupiers particularly in terms of noise and light pollution.

TRN3: Environmental Impact of Traffic - When a planning application would cause or worsen an unacceptable environmental impact from traffic generated it will be refused.

DETAILED CONSIDERATIONS

1. The main planning consideration when assessing this application is:

- **Whether the proposed development would have an unacceptable impact on the amenity of neighbouring residents.**

2. The original condition (no. 4) for the application in question (03/1003) reads as follows:

"With regard to noise assessment, further monitoring and acoustic investigations shall be carried out by a specialist independent agency within 6 months of the commencement of the extended delivery hours. Details of the monitoring shall be submitted in writing within 9 months and approved by the Local Planning Authority demonstrating that noise-emission levels do not give rise to loss of residential amenity. In the event of the Local Planning Authority not being satisfied that adequate attenuation has been provided, measures shall be submitted to and approved by the Local Planning Authority of attenuation works to afford adequate protection to residential amenity, and implemented within a period of 3 months or such longer period as may be agreed in writing by the Local Planning Authority

Reason: To enable the Local Planning Authority to review the position in light of the impact of the extended delivery hours upon the amenities of adjoining residential occupiers."

History

3. The planning permission reference number 98/0413 granted for the store in July 1998 imposed a number of conditions of which No.9 is relevant here:

"No commercial vehicles may arrive, depart, be loaded or unloaded in the general site except between the hours of 7am and 10pm Mondays to Saturdays and at no time on Sundays or Bank Holidays without the agreement in writing of the local planning authority."

4. This was subsequently amended by an application (99/1073) to allow the servicing of the store on Sundays and Bank Holidays between the hours of 10am and 4pm to accompany the revised store opening hours of 11am to 5pm on those days.
5. A further application (00/1937) was submitted to allow servicing of the store between 7am and 9pm Mondays to Saturdays and between 10am and 4pm on Sundays and Bank Holidays. Condition 2 attached to the approval notice stated that the store should not be serviced on Sundays and Bank Holidays by more than six service vehicles without the prior approval of the Local Planning Authority.
6. The applicant submitted this application as the store was experiencing some problems in ensuring that the full range of goods was available to customers during all trading hours. This problem was particularly acute with fresh produce as in-store warehousing is restricted to ensure efficient distribution.
7. An application to vary the condition relating to delivery hours (03/1003) was submitted with the intention to remove time restrictions on deliveries but to limit the number of delivery vehicles down to a maximum of 6 per day on Sundays and Bank Holidays. Some concerns were raised by the Environmental Health department, however ultimately the application was approved subject to conditions requiring monitoring to be carried out to ensure that the proposal would not have a detrimental impact on the amenities of neighbouring occupiers.
8. The acoustic monitoring report, required to discharge a condition of 03/1003 has been submitted as part of this application. This condition required details to be submitted within 9 months of the commencement of the extended delivery hours and this submission. The submission was therefore due some time ago and the Council issued a planning enforcement notice relating to the breach of this condition.
Nevertheless, information has now been submitted and has been discussed in detail within this report.

Considerations of adverse of amenity impact arising from noise and vibrations

9. The submitted noise impact assessment and follow up noise monitoring report demonstrate that the assessment has been carried out using normal acoustic methodology and measured against the appropriate guidance and standards.
10. The initial noise report dated 5 November 2015 concluded that there is likely to be an adverse impact at the nearest residential properties from the normal operation of the servicing bay during the extended hours.
11. Complaints and observations by officers had highlighted several issues that cause annoyance to residents that could easily be rectified. These include: *(many of the below items are readily controlled but require management to ensure these are maintained and that all staff are trained and aware of the delivery management plan)*

Source of annoyance	Reason for annoyance
Intercom	Loud click and collect phone sounding
Loading and unloading/delivery area	Banging and crashing of crates being un/loading
Loud Voices	Loud talking by staff
Vehicles revving	Home delivery vans
Mechanical Plant Noise plus alarm	A humming whirring/motor noise
Gates	Metal gate dragged across tarmac

12. To address the levels of noise that were being experienced, the report submitted for this application recommended mitigation measures to reduce the noise level, which includes the implementation of a 'Delivery Management Plan'.

13. The Delivery Management Plan includes a number of measures, including:

Warehouse Staff

- *Be proactive and keep all noise to a minimum at night;*
- *Ensure the delivery yard is clear of obstructions so vehicles can manoeuvre easily;*
- *Be ready for the delivery vehicle to arrive and keep lorry waiting and idling to an absolute minimum;*
- *Move cages carefully and slowly at all times, avoiding any impact with other cages and objects;*
- *Wheel goods in yard slowly to reduce rattling and wheel noise on the concrete;*
- *Open and shut gates and doors quietly;*
- *Keep voice levels to a minimum;*
- *Careful operation of the scissor lift, with care taken to minimise noise caused by metal ramps.*

Delivery Drivers

- *Drivers should remain aware of the effect noise levels can have on local residents when approaching the site and manoeuvring into position;*
- *Do not sound horn;*
- *Refrigeration units are to be turned off prior to arriving on site and started up only when away from site;*
- *Engines should be switched off immediately when not manoeuvring;*
- *Switch the radio off before arriving on site*
- *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, even within the trailer*
- *Lower flaps on tail lifts quietly and carefully*
- *Keep voice levels to a minimum*
- *IMPORTANT - the load restraining bars must be carefully placed on the trailer floor and not dropped*
- *IMPORTANT - scissor lift ramps to be lowered carefully onto bed of lorry or service yard floor and*

not dropped.

- *When working in the vehicle trailer avoid banging cages into the vehicle walls*
- *All cages/crates to be moved slowly to minimise noise from wheels, including within the trailer*
- *When finishing unloading/loading, close up vehicle quietly*
- *Gentle acceleration on departure.*

14. A subsequent round of monitoring was undertaken on 16 December 2015, which examined the noise levels associated with the operation of the servicing bay when the 'Delivery Management Plan' (DMP) was being implemented. This report demonstrated that the DMP achieved a 9 dB reduction in noise level and that the resultant noise levels do not exceed background levels.
15. The submission demonstrates that the mitigation measures set out within the Delivery Management Plan are sufficient to reduce noise levels so that they do not exceed background noise levels and are unlikely to have a detrimental impact on the nearby residential properties. For this reason, the requirements of the planning condition have been achieved.
16. Nevertheless, it is important to consider that the monitoring session was attended and would have been obvious to ASDA delivery staff whose behaviour may have changed as a result. However, this also demonstrates that if carefully managed, the noise can be reduced to a reasonable level.
17. Condition 3 of the original consent (03/1003) sets out controls over the maximum noise levels associated with night time deliveries, specifying that levels from individual noise events should not exceed 45 dB. Nevertheless, the submitted assessments demonstrate that it is important that the Delivery Management Plan is fully implemented to ensure that noise generated from night time servicing does not reach levels that are likely to disturb nearby residents.
18. Given the level of importance of the implementation of the Delivery Management Plan, it is recommended that a condition is attached to this approval which requires the ongoing implementation of the plan, and only allows the extended delivery hours to take place providing the plan is being implemented.

Conclusion

19. Considering the points discussed above, officers consider the submitted report to meet the requirements of the condition, subject to assurance that the measures as set out within the report are adhered to throughout the lifetime of the development. A condition has been applied to ensure that the Council is able to enforce this.
20. This recommendation is made in the interests of ensuring that the local residents experience the lowest possible amenity impact as a result of activities relating to deliveries.



Brent

TOWN AND COUNTRY PLANNING ACT 1990 (as amended)

DECISION NOTICE – APPROVAL

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Application No: 16/0615

To: Mrs Carolyn Morgan-Welker
Thomas Eggar
Belmont House
Station Way
Crawley
West Sussex
RH10 1JA

I refer to your application dated 10/02/2016 proposing the following:
Details pursuant to condition 4 (monitoring and acoustic investigation) of variation of condition application ref 03/1003 relating to planning permission ref 98/0413, dated 03/07/98, for the construction of a retail superstore with provision of service yard and customer car-parking to read as follows: "The store shall not be serviced on Sundays and Bank Holidays by more than six service vehicles on any one day without the consent in writing of the Local Planning Authority"

and accompanied by plans or documents listed here:

- Acoustic Consultancy Report (Noise Impact Assessment for 24 hr Store Delivery Activity)** - Acoustic Consultancy Partnership Ltd – Dated 5th November 2015
- Acoustic Consultancy Report (Follow Up Noise Monitoring of Store Delivery Activity)** – Acoustic Consultancy Partnership Ltd – Dated 16th December 2015 at Asda, Forty Lane, Wembley, HA9 9EX

The Council of the London Borough of Brent, the Local Planning Authority, hereby GRANT permission for the reasons and subject to the conditions set out on the attached Schedule B.

Date:

Signature:

Head of Planning, Planning and Regeneration

Notes

- Your attention is drawn to Schedule A of this notice which sets out the rights of applicants who are aggrieved by the decisions of the Local Planning Authority.
- This decision does not purport to convey any approval or consent which may be required under the Building Regulations or under any enactment other than the Town and Country Planning Act 1990.

DnStdG

SCHEDULE "B"

Application No: 16/0615

- 1 No commercial vehicles may arrive, depart, be loaded or unloaded within the general site, except between the hours of 7am and 9pm Mondays to Saturdays and between 10 am and 4pm on Sundays and Bank Holidays, unless the "Delivery Management Plan" measures set out within the "Acoustic Consultancy Report Follow Up Noise Monitoring of Store Delivery Activity Asda Wembley" dated 16 December 2015 are implemented and adhered to in full.

Reason: In the interests of preserving the amenities of nearby occupiers

Any person wishing to inspect the above papers should contact Toby Huntingford, Planning and Regeneration, Brent Civic Centre, Engineers Way, Wembley, HA9 0FJ, Tel. No. 020 8937 1903