DELEGATED REPORT / CASE OFFICER'S ASSESSMENT

Ref No: ST/1202/17/COND
Proposal: Discharge of Condition 7 - canopy details including noise impact assessment - relating to previously approved Planning Application ST/0780/17/VC
Location: Co-op
Formerly The Mariner
Mortimer Road
South Shields
NE34 0RU

Site Visit Made: N/A

Relevant policies/SPDs

1 DM1(A and B) - Management of Development

Description of the site and of the proposals

These details have been submitted to discharge condition 7 (details of a canopy with acoustic properties to enclose the proposed external yard area and the external access to the yard area from the delivery bay) attached to a previously approved planning application (Ref: ST/0780/17/VC) for minor material amendments to an application for the change of use of the former Mariner Public House to a retail shop.

The application site is located on Mortimer Road, South Shields and is currently in use as a Co-op shop.

Publicity / Consultations (Expiry date: 15/02/2018)

1) Neighbour responses

No. 98 Warwick Road, South Shields

The occupant of No. 98 Warwick Road has expressed concern for the following reasons:

The report entitled Noise Impact Assessment Report states:

10.2 Assumptions
We understand that operational information for the proposed store is part of the agreed service delivery agreement and this will include:

- Up to 1No. delivery after 16:30 hours from a 8.5m long lorry.
- Up to 2No. deliveries after 16:30 hours from a transit van
- Materials to be delivered from the lorry will be transferred on wheeled trollies.

These assumptions are incorrect. Some deliveries are in this timescale but not all. In the first couple of weeks deliveries were made routinely at 06:45.

Some are still made early morning. Noise of goods movement can be heard from as early as 05:30. Even on a Sunday they have been noted at 08:00. These times appear unreasonable in a residential district and do cause disturbance and distress.

Given these incorrect assumptions the noise assessment above is clearly incomplete and cannot be viewed as having discharged the condition.

Moreover, it is suggested that the CO-OP live up to the "service delivery agreement" referred to in the report and make all deliveries at the reasonable times stated.

2) Other Consultee responses

Environmental Protection Team (Noise)

The information submitted is acceptable and the condition can be discharged.

With reference to the neighbour representation, this should not have an impact on the discharge of the condition. The neighbour is challenging some assumptions made by the consultant; however these assumptions do not affect the outcome of the noise assessment.

The representation from the neighbour states that deliveries do take place outside of the times discussed in the noise impact report; I believe that the assumptions will relate to the main delivery, whereas the neighbour will be referring to the newspaper deliveries. Therefore, I do not believe that the assumptions listed in the noise impact assessment are incorrect.

Whilst I acknowledge that some main deliveries did take place in the morning of the first week the store was in operation, this has now been resolved and no further main deliveries take place at inappropriate times.

We are not currently in receipt of a noise complaint from any residents in the vicinity of the store.

Finally, the purpose of the installation of this canopy is to aid in reducing noise levels from all delivery operations, and should serve to provide further mitigation for neighbouring properties.

Assessment

Planning History

On 03 October 2016 planning permission (Ref: ST/0593/16/FUL) was granted for the change of use of the former Mariner Public House from a Public House to a retail shop with a single storey rear extension, an ATM to the font elevation, new boundary treatments and the widening of a vehicular access from Mortimer Road.

On 23 November 2016 a Section 73 application for minor material amendments (Ref: ST/0780/17/VC) was approved. The approved amendments included the relocation of the security door from the north to west elevation, the increase in the height of the single storey rear extension to match the existing parapet height, the relocation of the external plant (except compressor pack) to the first floor terrace further away from the nearest noise receptor, the screening of the external plant with a 2.3 metre high close boarded timber fence, and an additional gate to the yard timber fence to the west as a fire route escape.

Assessment of Proposals

Condition 7 states:

> "Notwithstanding the information already submitted full details of a canopy with acoustic properties to enclose the proposed external yard area and the external access to this yard area from the delivery bay, as shown on drawing PL_004 Rev H received 10/10/2017, shall be submitted to and approved in writing by the Local Planning Authority. The approved

details must then be implemented in full prior to the occupation of the building, in accordance with the approved details and they shall then be retained and maintained henceforth.

In the interests of residential amenity, particularly in terms of the need to mitigate against any significant noise pollution issues relating to the activities associated with the external yard area and associated deliveries, in accordance with South Tyneside Local Development Framework Policy DM1."

When the original planning application was being considered, a number of residents expressed concern regarding the impact of the development upon their existing amenity with regard to noise and general disturbance generated by the proposed service yard and plant area. The applicant's noise impact assessment also recommended that an acoustic canopy was provided to reduce the noise. The condition was therefore attached to the planning permission in the interests of residential amenity, particularly in terms of the need to mitigate against any significant noise pollution issues relating to the activities associated with the external yard area and associated deliveries.

The proposed canopy details have been assessed by the Council's Environmental Protection Team, who consider that the details are acceptable with regard to the reduction in noise levels associated with the external yard area and associated deliveries.

Furthermore, it is considered that the design of the canopy is acceptable with regard to its impact on the visual amenities of the area.

As such, it is considered that the details are acceptable and are in accordance with Development Management Policy DM1 (A and B).

In assessing this application due regard has been had to the requirement of section 149 of the Equality Act 2010.

Recommendation

Approve Details of Condition

List of approved plans for standard note

Plan Reference
Drg No PL-006 (Proposed Site Layout/Ground Floor Plan with Canopy received 12/12/2017
Drg No sk100 (Shelter Canopy Details) received 30/11/2017
Drg No PL-005 (Shelter Canopy Details) received 15/12/2017
Noise Impact Assessment Report 22870/NIA Rev1 (27 November 2017) received 15/12/2017
Moduline Specification received 16/02/2018

Case officer:
Signed:
Date:

Authorised Signatory:
Date:

«END»