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01/2016/0239

Scale: 1:1250

Printed on: 3/6/2016 at 14:07 PM



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SITE PLAN

Retaining walls to rear of store 5.055m high with planted arcankment above
 Retaining walls to North and South of store reducing in height to suit ground conditions
 Service Yard wall min 3.0m from inside including entrance wings
 Southern wall and Gas Meadow Lane wall 1.8m high on outside of site
 All remaining boundaries to have min 1.0m high stone walls (above footpath)
 see landscape proposals
 Jet wash outlet and rear wall 3.0m high screen wall.



REVISED PLAN

Rev H Fuel tanker fill amended to 1 road
 Standards guidelines 27/04/98 1s.

Rev G Pile cap line & pile positions
 amended in line with boundary line

Plan amended to avoid piled wall 15/03/98 Jan
 Rev F Pile cap line revised as per JAP approved 5/97
 retaining wall amended as boundary line

car parking revised from retaining wall
 end-cave landscaping removed

Service yard levels amended and
 Sub station amended 12/03/98 Jan.

Rev E level's amended 19/12/97 Jan.
 Rev C revised levels & PFS 7/12/97 Jan.

Rev B layout revised following PPC 18/10/97 Jan.
 Rev A layout revised following client meeting 8/10/97 Jan.

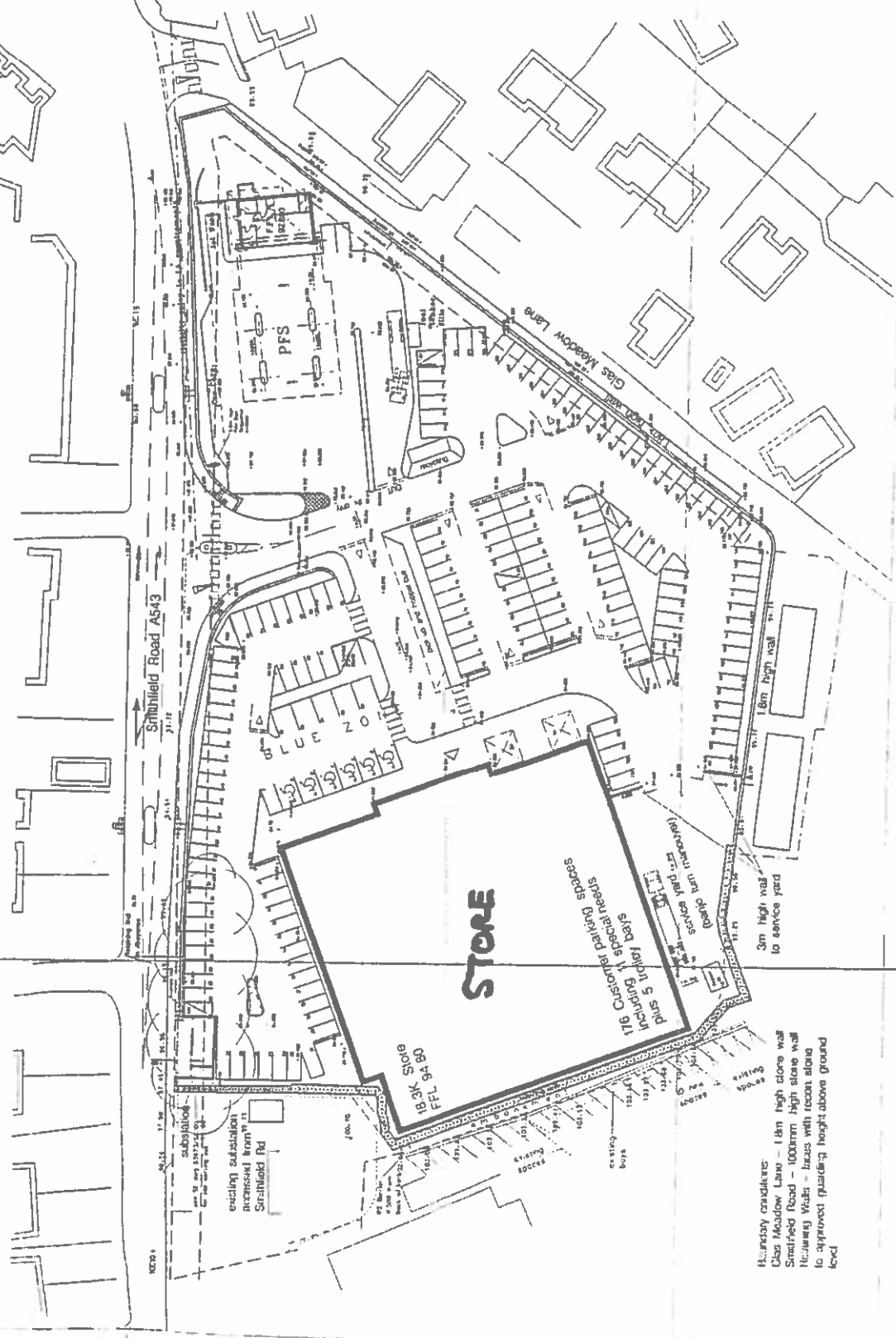
Notes

The Contractor is to check and verify all dimensions, levels and bearings from the datum level shown on the site plan. The Contractor is to ensure that all dimensions are taken from the datum level shown on the site plan. The Contractor is to ensure that all dimensions are taken from the datum level shown on the site plan. The Contractor is to ensure that all dimensions are taken from the datum level shown on the site plan.

Revisions

MABON RICHARDS PARTNERSHIP ARCHITECTS LANDSCAPE ARCHITECTS 11 MAY 1998	
Office of issue Birmingham	Date 11 MAY 1998
Project SAFEWAY Smithfield Road Denbigh Scheme Layout	Drawn by GIN
Scale 1:500	Job no. T1190
Project File Ref. 185494.rdg	Sheet 18
Date 16-09-97	Checked by H

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Highway constraints:
 Gas Meadow Lane - 1.8m high stone wall
 Smithfield Road - 1.000m high stone wall
 Highway Walls - 1.2m high with recessed stone
 to approved planting height above ground level

STORE
 18.3K Store
 PFL 94 80

Specialist parking spaces
 for 19 Cranes and
 19 Cranes and
 19 Cranes and
 19 Cranes and

3m high wall
 to service yard

1.8m high wall

WARD : Denbigh Upper/Henllan

WARD MEMBER(S): Cllr Colin Hughes
Cllr Geraint Lloyd Williams

APPLICATION NO: 01/2016/0239/PS

PROPOSAL: Variation of condition number 10 of planning permission ref 01/867/97 to read 'The delivery of goods to the store shall be restricted to hours between 05:00 - 23:00 daily and delivery of goods to the petrol filling station and kiosk shall be restricted to hours between 06:30 and 22:00 daily'

LOCATION: Wm Morrison Supermarkets Plc Smithfield Road Denbigh

APPLICANT: Wm Morrison Supermarket Plc

CONSTRAINTS: Conservation Area
Article 4 Direction

PUBLICITY UNDERTAKEN: Site Notice – No
Press Notice – No
Neighbour letters - Yes

REASON(S) APPLICATION REPORTED TO COMMITTEE:
Scheme of Delegation Part 2

- Recommendation to grant / approve – Town / Community Council objection

CONSULTATION RESPONSES:

DENBIGH TOWN COUNCIL

"The town council would wish to object to the application on the grounds of the effect of the new hours would have on the amenity of local residents.

I would request that this objection be brought to the attention of the planning committee."

DENBIGHSHIRE COUNTY COUNCIL CONSULTEES –

Public Protection Pollution Control Officer

No objection.

RESPONSE TO PUBLICITY: None.

EXPIRY DATE OF APPLICATION: 12/05/2016

REASONS FOR DELAY IN DECISION (where applicable):

- re-consultations / further publicity necessary on amended plans and / or additional information

PLANNING ASSESSMENT:

1. THE PROPOSAL:

1.1 Summary of proposals

- 1.1.1 The application proposes the variation of a planning condition at Morrisons Supermarket in Denbigh.

- 1.1.2 The proposal is for the variation of condition number 10 of planning permission 01/867/97 which restricts the hours of delivery on the site.
- 1.1.3 Condition 10 reads:
The delivery of goods to the store, petrol filling station and kiosk shall be restricted to between the hours of 0800 and 2200 in any day.
The reason for this condition was:
To protect the amenities of nearby residential properties.
- 1.1.4 The variation being sought is:
The delivery of goods to the store shall be restricted to between the hours of 0500 and 2300 in any day and the delivery of goods to the petrol filling station and kiosk shall be restricted to between the hours of 0630 and 2200 in any day.
- 1.1.5 The Agent has advised that the variation of the condition would enable greater flexibility for deliveries.
- 1.1.6 The application is supported by the following documents:
- Planning Statement
 - Details of Morrison's Quiet Delivery System Plan which sets out the delivery process to limit impacts on the adjacent occupiers.

1.2 Description of site and surroundings

- 1.2.1 Morrisons supermarket is located on the southern side of Smithfield Road in Denbigh.
- 1.2.2 The service yard is to the south western corner of the site (to the rear/side of the main supermarket building). Access is gained to the service yard via the main car park.
- 1.2.3 The north of the site is bounded by Smithfield Road, opposite the site are some residential properties, the fire station and Denbigh Hwb. To the east of the store there are residential properties off Green Meadow Lane. To the south of the site are allotments and fields. The Council Offices at Caledfryn are to the west of the site.

1.3 Relevant planning constraints/considerations

- 1.3.1 The site is located with the development boundary of Denbigh.

1.4 Relevant planning history

- 1.4.1 The original planning permission for the site was granted at Planning Committee in 1998. The hours of delivery were conditioned as part of this application.
- 1.4.2 An application was made to remove condition no. 10 in 2006. This application was refused as Officers were concerned over the amenity impacts of unrestricted delivery hours.

1.1 Developments/changes since the original submission

- 1.1.1 Following concerns raised by Public Protection Officers additional information was submitted in support of the application (the QDS Document).

2. **DETAILS OF PLANNING HISTORY:**

- 2.1 1/867/97/PF – Amended details of retail store, petrol filling station, car parking facilities and associated vehicular and pedestrian accesses – *granted 9th January 1998.*
- 2.2 01/2006/1486/ PS - Removal of condition number 10 on Planning Permission reference number 01/867/97/PF restricting hours of delivery – refused 8th February 2007. The reason for refusal was as follows:
It is the view of the Local Planning Authority that the removal of condition 10 of planning permission Code No. 1/867/97/PF would result in an unacceptable loss of amenity for nearby residents by way of increased activity, noise and disturbance and as such would be contrary

to criteria v) of Policy GEN 6 of the adopted Denbighshire Unitary Development Plan and advice as contained in National planning guidance.

3. RELEVANT POLICIES AND GUIDANCE:

The main planning policies and guidance are considered to be:
Denbighshire Local Development Plan (adopted 4th June 2013)
Policy RD1 Sustainable Development and Good Standard Design

3.1 Government Policy / Guidance

Planning Policy Wales Edition 8 January 2016

4. MAIN PLANNING CONSIDERATIONS:

In terms of general guidance on matters relevant to the consideration of a planning application, Planning Policy Wales Edition 8, January 2016 (PPW) confirms the requirement that planning applications 'should be determined in accordance with the approved or adopted development plan for the area, unless material considerations indicate otherwise' (Section 3.1.2). PPW advises that material considerations must be relevant to the regulation of the development and use of land in the public interest, and fairly and reasonably relate to the development concerned., and that these can include the number, size, layout, design and appearance of buildings, the means of access, landscaping, service availability and the impact on the neighbourhood and on the environment (Sections 3.1.3 and 3.1.4).

The following paragraphs in Section 4 of the report therefore refer to the policies of the Denbighshire Local Development Plan, and to the material planning considerations which are considered to be of relevance to the proposal.

4.1 The main land use planning issues in relation to the application are considered to be:

4.1.1 Principle

4.1.2 Residential amenity

4.2 In relation to the main planning considerations:

4.2.1 Principle

The application site lies within the development boundary of Denbigh. The principle of the retail development was established under the original planning permission and has been operational for some time. Hence the only issue for consideration here is the amenity impacts of the proposed extended hours, which is considered below.

4.2.2 Residential amenity

Local Development Plan Policy RD 1 test (i) requires due regard to issues of siting, layout, form, character, design, materials, aspect, microclimate and intensity of use of land / buildings and spaces between buildings, which touch on the potential for impact on residential amenity; test (vi) sets the requirement to assess the impact of development on the amenities of local residents, other land and property users, or characteristics of the locality, in terms of increased activity, disturbance, noise, dust, fumes, litter, drainage, light pollution, etc.

The application proposes a variation to the store delivery hours and the petrol station and kiosk delivery hours. The variation proposed would enable deliveries to be made to the store between the hours of 0500 and 2300 and the petrol station and kiosk between then hours of 0630 and 2200. These extended hours equate to an hour and a half earlier in the mornings and an hour later in the evenings than originally approved.

Although there are a mix of uses around the site, the area is predominantly an edge of town centre residential area. No representations have been received from neighbours relating to the extended delivery hours. Concerns have been raised over the amenity impacts of the extended hours by the Town Council.

In Officers opinion, the extended delivery times are not unreasonable. The original condition was attached on the basis of the hours suggested by the Applicant at that time, clearly in the intervening period operating procedures have changed. The extension to allow additional hours is not considered excessive, the latest deliveries would be up to 2300hrs and earliest 0500hrs. Documentation submitted in support of the application refers to the Quiet Delivery System which is proposed to be operated at the site. Public Protection Officers have considered this and the justification submitted with the application and raise no objection to the proposal. Hence it is the opinion of Officers that it would be unreasonable to resist the variation of condition.

5. SUMMARY AND CONCLUSIONS:

5.1 Although there are local concerns over this proposal Officers' view is that it does not raise significant amenity issues, and therefore it is recommended for grant, subject to suitable conditions.

RECOMMENDATION: GRANT- subject to the following conditions:-

1. Delivery methods within the specified hours shall proceed strictly in accordance with all of the recommendations of the Quiet Delivery System (QDS) submitted in support of the application, and reversing alarms shall not be allowed to be used within the site.

The reason for the condition is :-

1. In order to safeguard the amenity of local residents.

NOTES TO APPLICANT:

Planning Conditions/History:

You are reminded that this decision relates solely to the variation of condition 2a of planning permission 41/2010/1177 and that the conditions on this permission and relevant previous consents still apply at the site.