Application No: 13/00149/VARYCO

Proposal: Variation of planning condition 49 of planning permission 11/03348/FUL to allow Easter Monday trading hours to be the same as those stated for the Monday to Saturday periods already noted in the condition.

Site Address: Land At Staithes Lane And East Of Dark Lane, Dark Lane, Morpeth, Northumberland

Applicant/Agent: Mr Mike Dackiewicz
Carrwood Court, Carrwood Road, Sheepbridge, Chesterfield
Derbyshire
S41 9QB
United Kingdom

Valid Date: 22 January 2013
Expiry Date: 23 April 2013

Case Officer Details:
Name: Miss Vivienne Robinson
Job Title: Principal Planning Officer
Tel No: 01670 622702
Email: vivienne.robinson@northumberland.gov.uk
1. Introduction

1.1 This application is being reported to committee contrary to the comments of Morpeth Town Council.

2. Description of the Proposals

2.1 Planning permission was granted in July 2011 for a supermarket with a gross floor area of 4853 sq. m, incorporating retail space, café and toilet facilities. The proposal also included the widening of Staithes Lane and junction improvements to facilitate integration with the town centre, car parking on two levels including both long and short stay parking, comprehensive landscaping and ecological improvements and the realignment of the Cotting Burn. Development has commenced on site and is close to completion.

2.2 Permission is now sought to vary condition 49 of planning permission 11/03348/FUL as the applicant would like Easter Monday trading hours to be the same as those stated for the Monday to Saturday periods already noted in condition 49. The existing condition reads as follows:

“49. Hours of opening shall be limited to 0800 – 2200 hours Monday to Saturday and any continuous period of 6 hrs between 1000 – 1800 hrs on Sunday and Easter Monday, unless otherwise agreed in writing with the local planning authority. This shall include the use of the decked parking areas, which should be fitted with adequate security devices to ensure they cannot be entered outside of these hours.

Reason: In order to protect residential amenity and to ensure a commensurate level of protection against noise”.

2.3 The supermarket is located at a high level in the north east corner of the site, with car parking to the west and a service yard to the east. The building is placed over two levels to reduce its impact, incorporating basement storage and car parking. The car park is two storeys with the lower level acting as compensatory static flood storage. Access to the top level car park is provided from the existing car park area by bridges over the Cotting Burn at the east and west ends. Access to the lower level is from Staithes Lane. The service yard of the supermarket is at the lower level, accessed from the end of Staithes Lane which has been widened under the proposals. The supermarket incorporates basement storage.

2.4 The land immediately to the south of the site is residential, with allotments to the north. The existing Morrisons supermarket abuts the western side of Dark Lane.

2.5 The application form submitted with the application made reference to the removal of condition 50, which restricts hours of delivery. The applicant’s agent has confirmed that this was an error and an amended application form has now been submitted. This current application is only seeking permission to vary the wording of condition 49. Condition 50 will remain.

3. Relevant Planning History

Reference Number: 11/00408/FUL
Description: Construction of retail superstore (use class A1) with access, car
parking, realignment of the Cotting Burn and associated works

**Status:** PER

**Reference Number:** 12/03487/VARYCO

**Description:** Variation to condition 49 (trading hours) and removal of condition 50 (delivery restrictions).

**Status:** WDN

### 4. Consultee Responses

<table>
<thead>
<tr>
<th>Morpeth Town Council</th>
<th>Objection. Concern was expressed that if the amendments to the trading hour conditions are approved Easter Monday trading hours would then be extended to be the same as those for standard Monday to Saturday business. MTC objects to removing a condition for Easter Monday trading which would be outside normal Sunday hours.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Highways</td>
<td>No objection</td>
</tr>
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<td>Public Protection</td>
<td>No objection</td>
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</table>

### 5. Public Responses

**Neighbour Notification**

<table>
<thead>
<tr>
<th>Number of Neighbours Notified</th>
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</thead>
<tbody>
<tr>
<td>Number of Objections</td>
<td>5</td>
</tr>
<tr>
<td>Number of Support</td>
<td>0</td>
</tr>
<tr>
<td>Number of General Comments</td>
<td>0</td>
</tr>
</tbody>
</table>

**Notices**

- General Site Notice, 28th March 2013
- Morpeth Herald 14th February 2013

**Summary of Responses:**

Five letters of objection have been received. However, three of the letters are objecting to the removal of condition 50. As the applicant's agent has removed any reference to condition 50 from the application form, only two of the letters raise material objections. The grounds of objection are:

- Impact on the quality of life of the residents of Staithes Lane
- Increase in the need for deliveries

### 6. Planning Policy

**6.1 National Planning Policy**

National Planning Policy Framework

**6.2 Development Plan Policy**

C12 Wildlife Corridors - Castle Morpeth District Local Plan
7. Appraisal

Principle of development

7.1 The issue to be considered in the determination of this application is whether the proposed variation to condition 49 can be justified in this instance and whether the proposed changes to the wording of the condition would result in an unacceptable impact on adjacent residential properties.

Impact on residential amenity

7.2 The proposal would allow the store to be open on Easter Mondays between the hours of 8am and 10pm. The current wording of condition 49 restricts Easter Monday opening to a continuous period of 6 hours between 10am and 6pm. The applicant has stated that they are seeking the variation in order to be able to operate under the same hours that their existing store currently operates under and so that they have similar opening times to their competitors.

7.3 The site is overlooked by a row of residential properties, which are located on the southern side of Staithes Lane. It is not considered that the change in opening hours on Easter Mondays, which would allow the store to be open for 14 hours as oppose to 6 hours as previously approved, would result in a significant detrimental impact on the amenities of surrounding properties. Public Protection has been consulted and has raised no objection to the change to the wording of condition 49.

8. Conclusion

8.1 The proposed variation of the wording of condition 49 to allow less restrictive store opening times on Easter Mondays would not result in a materially different situation when compared to the existing planning permission. It is therefore considered that the principle of development is acceptable.

9. Recommendation

That this application be GRANTED permission subject to the following:

Reason for Decision

The proposed variation of the wording of condition 49 to allow less restrictive store opening times on Easter Mondays would not result in a materially different situation when compared to the existing planning permission. It is therefore considered that the principle of development is acceptable.
01. The development hereby permitted shall be begun before the expiration of three years from the 27.07.2011.

Reason: To ensure that the development is commenced within a reasonable period of time from the date of the permission.

02. The development hereby permitted shall be carried out in accordance with the approved plans as listed below or in accordance with any minor modification thereof that may be approved in writing by the Local Planning Authority:

- 05-183 PL-20C Red Line Plan;
- Site Layout Plan Upper Level 05-183 PL-22 Rev AB
- Site Layout Plan Lower Level 05-183 PL-21 Rev AC
- Proposed Site Layout Master Plan 05-183 PL-33 Rev H
- Proposed First Floor Building Plan 05-183 PL-31 Rev D
- Proposed Building Basement Plan 05-183 PL-30B
- Proposed Ground Floor Building Plan 05-183 PL-25 Rev F
- Proposed Levels Plan Lower Level 05-183 PL-23J
- Proposed Levels Plan Upper Level 05-183 PL-24K
- Proposed Elevations 05-183 PL-26L
- Proposed Deck Elevations 05-183 PL-36 Rev B
- Site Sections Sheet 1 05-183 PL-28D
- Site Sections Sheet 2 05-183 PL-29C
- Site Sections Sheet 3 05-183 PL-32E
- Demolition Plan 05-183 PL-37
- Roof Plan 05-183 PL-38A
- Cottin Burn Sections and Details 10692-5002-200B
- Arboricultural Survey TS01A
- Proposed Drainage Layout 10692/5002/102
- Landscape Strategy Plan 1458.1.1 Rev E
- Illustrative Site Layout Plan Primary Access Points 05-183 PL-35 Rev F
- Covered walkway Proposals 05-183 PL-39
- ATM Pod 2ATM LLF50.50 Rev B

Reason: To ensure that the development as carried out and does not vary from the approved plans in the interest of visual amenity.

03. The development shall be carried out in accordance with the general principles of the submitted Design and Access Statement 'Lower Stanners, Morpeth – New Foodstore (Job Number: 05-183 dated 29 March 2011) by WCEC Architects'.

Reason: To achieve a satisfactory form of development on the site.

04. The development hereby approved shall be carried out in accordance with the approved scheme for the diversion and relocation of Northumbrian Water apparatus and in accordance with plans 30374/R/CVD/002 rev B dated 17.08.11 CSO Relocation GA plan and 30374/R/CVD/004 rev B dated 17.08.11 CSO Relocation Details.

Reason: A public sewer crosses the site and is shown built over on the application. Northumbrian Water will not permit a building over or close to its apparatus.

05. The development shall be carried out in accordance with the approved scheme for compensatory flood storage and finished floor levels as shown on drawings 10692-5002-108, 10692-5002-109, 10692-5002-01PP and 10692-5002-07PP. The scheme shall be fully implemented and subsequently maintained, in accordance with the time/phasing arrangements embodied within the scheme, or within any other period as may be subsequently be agreed, in writing, by the Local planning Authority.
Reason: To prevent flooding elsewhere by ensuring that compensatory storage of flood water is provided and to reduce the risk of flooding to the proposed development and future occupants.

06. The development shall be carried out in accordance with the approved scheme for the diversion of the Cotting Burn and construction of the flood defence and associated temporary flood defence arrangements approved under application 11/02333/DISCON.

Reason: To ensure the proposed flood defence is constructed satisfactorily and has no detrimental impact on flood risk within the area.

07. The development shall be carried out in accordance with the approved scheme for surface water management approved under application 11/02503/DISCON.

Reason: To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site.

08. The development hereby permitted shall be carried out in accordance with the ‘Construction Method Statement carried out by Tolent dated September 2011 (including amendments dated 5 December 2011)’ and the ‘Method Statement by Thompsons of Prudhoe, dated 15 December 2011’. Further detailed method statements shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved statements and any subsequent amendments shall be agreed in writing with the local planning authority.

Reason: The construction phase of any proposed development poses potential flood risks arising from an increase in surface water drainage and displacement of flood waters.

09. The development hereby permitted shall be carried out in accordance with the approved scheme for the provision and management of a buffer zone alongside the Cotting Burn and River Wansbeck (drawings 0546 1 Rev B and Landscaping Scheme providing details of planting scheme). Thereafter the development shall be carried out in accordance with the approved scheme and any subsequent amendments shall be agreed in writing with the local planning authority.

Reason: Development that encroaches on the Cotting Burn and River Wansbeck and has a potentially severe impact on their ecological value. Land alongside the Cotting Burn and River Wansbeck is particularly valuable for wildlife and it is essential this is protected. Article 10 of the Habitats Directive also stresses the importance of natural networks of linked corridors to allow movement of species between suitable habitats, and promote the expansion of biodiversity. Such networks may also help wildlife adapt to climate change.

10. The development hereby permitted shall be carried out in accordance with the approved ‘White Clawed Crayfish Report, Low Stanners, Morpeth by E3 Ecology’. Any change to operational, including management responsibilities, shall be submitted to and approved in writing by the local planning authority. The White Clawed Crayfish protection plan shall be carried out in accordance with a timetable for implementation as approved.

Reason: This condition is necessary to protect the White Clawed Crayfish and its habitat within and adjacent to the development site. Without it, avoidable damage could be caused to the nature conservation value of the site contrary to national planning policy as set out in Planning Policy Statement 9 and Planning Policy Statement 1. The applicant could also be liable to criminal prosecution under the Wildlife and Countryside Act 1981 (as amended by the Countryside and Rights of Way Act 2000).

11. The development shall be carried out in accordance with the remediation strategy approved under application 11/02333/DISCON.
Reason: The information provided with the planning application indicates that the site has been subject to a potentially contaminative land use [i.e. council depot]. The environmental setting of the site is sensitive as it lies within Zone III of a currently designated groundwater Source Protection Zone. This condition will ensure that the risks posed by the site to controlled waters are assessed and addressed as part of the redevelopment.

12. No occupation of any part of the permitted development shall take place until a verification report demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include a long-term monitoring and maintenance plan for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan, and for the reporting of this to the local planning authority.

Reason: The information provided with the planning application indicates that the site has been subject to a potentially contaminative land use [i.e. council depot]. The environmental setting of the site is sensitive as it lies within Zone III of a currently designated groundwater Source Protection Zone. This condition will ensure that the risks posed by the site to controlled waters are assessed and addressed as part of the redevelopment.

13. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for, an amendment to the remediation strategy detailing how this unsuspected contamination shall be dealt with.

Reason: Unsuspected contamination may exist at the site which may pose a risk to controlled waters.

14. Prior to the development being brought into use a scheme detailing the Flood Warning and Evacuation Plan for the development shall be submitted to the local planning authority for approval. The approved scheme shall thereafter be fully implemented and subsequently maintained in accordance with the timing/phasing arrangements embodied within the scheme prior to the development being brought into use.

Reason: To ensure safe access and egress from the development in times of flooding.

15. The approved temporary hoarding shown on plans 05-183 SK-123 Rev A and 05-183 SK 124 shall be erected prior to any work of demolition or construction and shall be retained for the duration of works on the site, or as otherwise agreed in writing with the local planning authority.

Reason: In order to protect residential amenity and ensure a commensurate level of protection against noise.

16. During any site works, no noisy activity shall be audible beyond the site boundary on Sundays or Public Holidays, or outside the hours of Monday - Friday 0800 - 1800 and Saturday 0800 - 1300. Working outside of these times will only be allowed for unforeseen works or with prior notice and agreement of the local planning authority.

Reason: In order to protect residential amenity and ensure a commensurate level of protection against noise.

17. The development hereby permitted shall be carried out in accordance with the 'Construction Noise Management Plan carried out by Tolent' and the 'Method Statement by
Thompsons of Prudhoe, dated 15 December 2011’. Further detailed method statements shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved statements and any subsequent amendments shall be agreed in writing with the local planning authority.

Reason: In order to protect residential amenity and ensure a commensurate level of protection against noise.

18. Prior to the development being brought into use acoustic and screening barriers designed to reduce noise and headlight glare to neighbouring residential properties shall be provided in accordance with the details shown on plan WCEC 05-183 SK-111 Rev C. The approved acoustic and screening barriers shall be retained thereafter.

Reason: In order to protect residential amenity and ensure a commensurate level of protection against noise.

19. The development hereby permitted shall be carried out in accordance with the extract system approved under application 11/02794/DISCON.

Reason: To prevent a nuisance from odours and noise in the interests of amenity.

20. The premises shall not be brought into use until the details of the facilities for the storage of refuse have been submitted to and approved by the local planning authority and thereafter provided in accordance with the approved details. All waste materials awaiting collection shall be stored within a suitable covered and enclosed lockable area, or receptacles. The waste receptacles should be easily accessible by the waste collectors and should have sufficient capacity.

Reason: To prevent nuisance from vermin, odours and litter in the interests of amenity.

21. The development shall be carried out in accordance with heating installation details approved under application 11/02794/DISCON.

Reason: To ensure that no adverse effect on air quality and health results from the development.

22. The development shall be carried out in accordance with the approved external lighting details approved under application 12/02911/DISCON.

Reason: To avoid light pollution and in the interests of appearance of the area, and to conserve protected species and their habitat.

23. Development shall take place in accordance with the mitigation proposed in Section D4 of the E3 Ecology Survey (E3 Survey), including but not restricted to: habitat enhancement along areas of the Burn left open; the extent of bridging works along the course of the Burn should be kept to a minimum as far as is practicable; any works should strictly follow the method statement found in Appendix 1 of the E3 survey; water quality should be strictly monitored with works affecting the burn being subject to scrutiny and approval by the Environment Agency; and spatial restrictions to public access should be implemented in the form of a five metre buffer/exclusion zone along the Burn, with the buffer zone being the subject of a management plan.

Reason: To conserve protected species and their habitat.

24. The development shall be carried out in accordance with the ‘Otter Checking Survey Report carried out by E3 Ecology’.

Reason: To conserve protected species and their habitat.
25. No vegetation clearance works or felling should be undertaken during the bird-breeding season (March to August inclusive) unless a checking survey, carried out by an appropriate qualified project ecologist immediately prior to the start of works, has demonstrated active nests are absent (including all potential Kingfisher nesting holes).

Reason: To conserve protected species and their habitat.

26. Due to the loss of habitat as a result of the proposal, the store shall not be occupied unless a total of 20 bird boxes have been provided, in the manner stated in Section D4 of the E3 Survey.

Reason: In order to mitigate the loss of habitat.

27. The development shall be carried out in accordance with the checking survey ‘A Bat Survey of Low Stanners, Morpeth Prepared in Relation to Planning Permission Reference 11/00408/FUL Pursuant to the Discharge of Condition 27 Attached to this Permission by E3 Ecology’ which was carried out to determine whether or not bats have subsequently occupied any of the buildings which are to be demolished.

Reason: To conserve protected species and their habitat.

28. Trees identified as having the potential to support roosting bats should be ‘section felled’ in accordance with Section 5.2.2 of the submitted Bat Survey, avoiding the hibernation period (November to March inclusive) and should be overseen by a suitably qualified ecologist.

Reason: To ensure an appropriate form of removal and prevent colonisation of the area by this plant species.

29. Due to the loss of habitat as a result of the proposal, the store shall not be occupied unless a total of 20 bat boxes have been provided, in the manner stated in Section D4 of the E3 Survey.

Reason: In order to mitigate the loss of habitat.

30. The development shall be undertaken fully in accordance with the method statement for the eradication of Japanese Knotweed contained in ‘Japanese Knotweed Removal Method Statement by E3 Ecology’.

Reason: To ensure an appropriate form of removal and prevent colonisation of the area by this plant species.

31. The development shall not be brought into use until the agreed energy efficiency measures set out in ‘Morpeth Low Stanners Store Sustainable Energy Statement by b:ssec dated 13.01.12’ have been implemented in accordance with the approved details.

Reason: To ensure that the development contributes to a reduction in carbon emissions.

32. The development shall be carried out in accordance with the programme of archaeological work approved under application 11/01808/DISCON.

Reason: The site is of archaeological interest.

33. The development hereby approved shall be carried out in accordance with the approved dimensioned layout plans (60101435-05-0000-001 Rev A2, 60101435-02-0000-001 Rev A5, 60101435-03-0000-001 Rev A4, 60101435-04-0000-001 Rev A4) which incorporate road
drainage, street lighting, road signs and carriageway markings and landscaping, together with longitudinal sections and construction details of all highway and associated works.

Reason: To achieve a satisfactory form of development in the interests of highway safety.

34. All roadworks and associated works shall be to a standard eligible for adoption in accordance with the Northumberland C. C. manuals or as agreed in consultation with the County Highway Authority.

To achieve a satisfactory form of development in the interests of highway safety.

35. The development hereby approved shall be carried out in accordance with the highway improvement details agreed by the Planning Authority in the legal Agreement.

Reason: To achieve a satisfactory form of development in the interests of highway safety.

36. A traffic management scheme designed to prevent the parking of vehicles on the adjacent road network shall be submitted to and approved in writing by the Planning Authority. The development hereby approved shall not be brought into operation until the approved scheme has been implemented to the satisfaction of the Planning Authority.

Reason: To achieve a satisfactory form of development in the interests of road safety.

37. The development shall be carried out in accordance with the approved phasing programme as shown on ‘Tolent Phasing Plan’ or agreed subsequent amendments.

Reason: To achieve a satisfactory form of development in the interests of highway safety.

38. The development shall be carried out in accordance with the sheltered and secure cycle parking facilities scheme approved under application 12/02000/DISCON.

Reason: To achieve a satisfactory form of development in the interests of road safety.

39. The development hereby permitted shall not be brought into operation until approximately 285 short stay customer parking spaces and 225 long term public parking places, to include a minimum of 29 disabled spaces, have been provided to the satisfaction of the Planning Authority, in accordance with details to be submitted to and approved in writing by the Planning Authority.

Reason: To achieve a satisfactory form of development in the interests of road safety.

40. A comprehensive Travel Plan identifying measures to be put in place to minimise car journeys and support sustainable travel shall be submitted to the Planning Authority for approval within 3 months of the store becoming operational.

Reason: To achieve a satisfactory form of development in the interests of road safety.

41. During the construction period of the development hereby permitted, a site compound shall be provided within the application site for the off loading and storage of all plant and materials and for the parking and turning of operatives vehicles.

Reason: In the interests of road safety.

42. A turning facility for construction traffic and subsequently for delivery vehicles, must be provided within the site to ensure all vehicles leave the site in a forward direction.

Reason: In the interests of road safety.
43. A wheel washing facility shall be provided and retained within the site, in accordance with the approved scheme as agreed with the Local Planning Authority. The agreed wheel washing facility must be used by all construction traffic leaving the site during the construction phase of the development.

Reason: In the interests of road safety.

44. All construction vehicles entering and leaving the site shall be 'sheeted' to prevent spillage and unnecessary deposits on the public highway.

Reason: In the interests of road safety.

45. A road sweeper will be provided as necessary to clear the public highway of any mud, dust or other debris that may be deposited by construction vehicles associated with the development of the site.

Reason: In the interests of road safety.

46. The development shall be carried out in accordance with the car park management plan approved under application 11/02660/DISCON.

Reason: In the interests of road safety.

47. During the hours of 1900 - 2200 and 0700 - 0800 tonal (bleeping) reversing alarms shall not be used by delivery vehicles reversing within the service yard unless otherwise agreed in writing by the Local Planning Authority.

Reason: In order to protect residential amenity and to ensure a commensurate level of protection against noise.

48. The development shall be carried out in accordance with the fixed plant and equipment scheme approved under application 11/02794/DISCON.

Reason: In order to protect residential amenity and to ensure a commensurate level of protection against noise.

49. Hours of opening shall be limited to 0800 - 2200 hours Monday to Saturday and any continuous period of 6 hrs between 1000 - 1800 hrs on Sunday, unless otherwise agreed in writing with the local planning authority. This shall include the use of the decked parking areas, which should be fitted with adequate security devices to ensure they cannot be entered outside of these hours.

Reason: In order to protect residential amenity and to ensure a commensurate level of protection against noise.

50. Hours of deliveries/servicing shall not commence before 0700 hrs, or after 2200 hrs Monday to Saturday and 0900 – 2200 hrs on Sundays and Easter Monday unless otherwise agreed in writing with the local planning authority.

Reason: To prevent a nuisance from noise in the interests of amenity.

51. The development shall be carried out in accordance with the mitigation measures set out in ‘Air Quality Assessment, August 2011, by Wardell Armstrong’.

Reason: To ensure that no adverse effect on air quality and health results from the development.
52. The development shall be carried out in accordance with the details of the electrical hook ups approved under application 12/02295/DISCON.

Reason: In order to protect residential amenity and to ensure a commensurate level of protection against noise.

Date of Report: 08.05.2013

Background Papers:
Planning application file(s) 13/00149/VARYCO
### List and Comments of representations received:

<table>
<thead>
<tr>
<th>Name</th>
<th>Address</th>
<th>Summary of Comments</th>
</tr>
</thead>
</table>
| **David E Clark** | Millview  
3 Wansbeck Street  
Morpeth  
Northumberland  
NE61 1XZ | See letter dated 19/03/2013                                               |
| **Mr Marcus Hopper** | 30 Staithes Lane  
Low Stanners Morpeth Northumberland NE61 1TD | Formal Objection.  
Re: 11/03348/FUL Variation of planning 49 (Trading Hours) Easter Monday.  
Dear Sir/Madam  
Can I ask that you register my objection in the strongest possible terms, to this proposed application.  
Primarily my objection is as follows:  
The circumstances under which condition 49 was imposed has not materially changed.  
The removal of this condition would have a significant and negative effect on the quality of life, of those people living in Staithes Lane and adjacent residential areas adjacent to the Super Store.  
It would mean the need for extra delivery's that would break the already poor restrictions we have on delivery times, and the restrictions for them must be kept at all costs to keep the welfare and quality of life for the residents of Staithes Lane.  
Please acknowledge this communication and inform me of any further developments related to this request.  
Yours faithfully.  
Marcus Hopper |
John Grieve

26 Staithes Lane
Low Stanners
Morpeth
Northumberland
NE61 1TD

Dear Sir/Madam,

Can I ask you register my objection in the strongest of terms to the above proposals.

Variation of planning condition 49. I object to this proposal as the longer opening hours will increase nuisance from noise to a longer period of time whilst the store is open. I am a shift worker who at times is required at work as early as 5am. I am by profession required to have an undisturbed nights sleep before undertaking my duties. I feel this proposal would be detrimental to the undisturbed rest I now enjoy. I further object to this proposal as no reasonable justification has been put forward for this change.

I also object to the proposed lifting of delivery times restriction for the same reasons as above.

Yours,

John Grieve
26 Staithes Lane
Morpeth
Northumberland
NE61 1TD

Eric Fletcher

1 Swinneys Court
Staithes Lane
Low Stanners
Morpeth
Northumberland
NE61 1TD

Dear Sir/ Madam

I write with some concern, having read an article in the local press, regarding the above application to vary the conditions to planning approval 11/03348/FUL. Your correspondence regarding this new application indicated that it only related to condition 49 - Opening hours. Prompted by the press report I have now checked the application available on the planning portal and the application includes the request ‘to remove all delivery restrictions’ which are actually subject of Condition 50 - as detailed in my objection to the previous
application to vary planning conditions (12/03487/VARYCO refers and which was withdrawn by the applicant) which I have copied below.

I consider this a cynical attempt to circumvent the planning process and can only conclude that Morrisons are attempting to amend the Condition 50 by stealth!

I appreciate that the deadline for objections to this particular application may have passed, however, I feel that in the circumstances my comments should be considered by the Planning Committee.

Eric Fletcher  
1 Swinneys Court  
Staithes Lane  
Morpeth NE61 1TD

| Wendy Fail | 2 Swinneys Court  
Staithes Lane  
Low Stanners  
Morpeth  
Northumberland  
NE61 1TD | Dear Sir/Madam  
As highlighted in the Morpeth Herald (dated 1st March 2013), and through investigation on the NCC planning portal, I am appalled to discover the sly, covert application which appears to have been made by Morrisons Supermarket Plc under the guise of 'Condition 49 - Opening hours' to attempt to remove all restrictions to their delivery hours at their new store on Dark Lane in Morpeth. This request for change to delivery conditions was previously withdrawn by the applicant earlier this year.

If the planning portal is correct, and they are re-applying, I wish to lodge my objection to this proposal and, although the deadline may have passed, I would appreciate if my points are considered. Please see my letter of objection below.

Many thanks |
Dear Sir/Madam

Re: Wm. Morrison Supermarkets PLC application for Variations to condition 49 (trading hours) and removal of condition 50 (delivery restrictions)

I am writing in reference to the application made by Optimisation Developments Ltd for changes to the original planning conditions for the new Morrison supermarket development situated at Dark Lane, Morpeth. The notice of application indicates a request to remove all delivery restrictions.

As a resident involved in the planning application from its conception in 2009, I am appalled by the egregious retrospective application to changes in delivery times; which are in contradiction to the original conditions of planning consent. Indeed, literature published by Dransfield Properties issued in 2011 stated, and I paraphrase;

'We are prepared to accept a delivery hour restriction…no deliveries will be made between 10.00pm and 7.00am Monday to Saturday, and 10.00pm through to 9.00am on Sundays and Bank Holidays’ [i].

The reason for these conditions was, in part, due to the earlier concerns from residents regarding the location of the supermarket development and the consequential negative impact deliveries would have on residents in terms of increased noise, dust and
disturbance. Whilst I cannot currently prove my predictions, I would suggest that nychthemeron deliveries will have a significant, and detrimental, impact on my quality of life; including loss of privacy and light as large HGVs pass by my windows, noise and vibration disturbance from obstreperous engine noise, refrigeration units and vehicle reversing warning alerts. There is also a potential increased risk to the safety of pedestrians, especially during hours of darkness, as HGVs manoeuvre along a narrow road and into the tight access at the loading bay. This will be particularly acute during ‘out-of-hours’ and ‘shoulder of the day’ times when ambient noise is at its lowest. Furthermore, the Supporting Planning Statement refers to the amenity issues associated with the development; Section 5.17 states:

‘The key issue from an amenity perspective is the relationship between the development and residential properties on Staithes Lane to the south. A series of measures are proposed to minimise any impact, including:

- Control of deliveries and plant noise via conditions’ [ii]

With reference to noise disturbance, literature cites that:

‘Noise monitoring and evaluation has demonstrated that the main source of peak noise at out-of-hours delivery sites is that generated by the delivery vehicle, particularly when manoeuvring on site, with engine idling, over-revving and tyre scrub. This noise can be in excess of 75db, while normal unloading activity can typically be 60-65db’ [iii].

It is stated in Department of the Environment
PPG 24 ‘Planning and Noise’ (HMSO, 1994) that a change of 3dB(A) is the minimum perceptible under normal circumstances. Current ambient noise levels on Staithes Lane, as indicated in the report carried out by Hepworth Acoustics, are as follows:

<table>
<thead>
<tr>
<th>Survey Location</th>
<th>Daytime (14:00-17:00hrs)</th>
<th>Evening (19:00-22:00hrs)</th>
<th>Night-time (23:00-07:00hrs)</th>
</tr>
</thead>
<tbody>
<tr>
<td>36 Staithes Lane</td>
<td>52-56 dB</td>
<td>50-54 dB</td>
<td></td>
</tr>
<tr>
<td>35-36dB</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>10-12 Staithes Lane</td>
<td>57-59dB</td>
<td>52-55dB</td>
<td></td>
</tr>
<tr>
<td>39-52dB</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Table 1: Ambient noise levels (LAeg) measured at properties on Staithes Lane [iv]

It is clear than any predicted increase in noise, as suggested by the Quiet Deliveries Demonstration Scheme Report, will exceed this 3dB level; with the most marked increase likely to be during night-time hours. As far as I am aware, no measures have been proposed to clearly demonstrate how the supermarket development will mitigate the likely negative impact their out-of-hours deliveries will have on residents, such as minimising disturbance or disruption. I do not believe that the development has taken into account the interests of residents who may be affected by changes to the planning consent, nor have they proposed to implement or maintain the necessary protocols to lessen the impact.

It is for these reasons stated above I wish to firmly recalcitrate any proposed changes to the planning conditions relating to delivery hours. If the permission were to be granted I would suggest it would only serve to embarrass Northumberland County Council Planning Department and the earlier conjecture from Dransfield Properties Ltd, and highlight the ongoing capriciousness of the continued retrospective changes to planning conditions.
for this development.

Yours sincerely

Wendy Fail