

APPLICATION NO: 14/00766/CONDIT		OFFICER: Mr Martin Chandler	
DATE REGISTERED: 2nd May 2014		DATE OF EXPIRY : 1st August 2014	
WARD: Benhall/The Reddings		PARISH:	
APPLICANT:	Mr Alan Jones		
LOCATION:	ASDA Stores Ltd, Hatherley Lane, Cheltenham		
PROPOSAL:	Variation of condition 36 on planning permission 10/00252/FUL to extend the opening/closing times of the foodstore and petrol station		

REPRESENTATIONS

Number of contributors	9
Number of objections	9
Number of representations	0
Number of supporting	0

5 Unwin Close
Cheltenham
Gloucestershire
GL51 6PF

Comments: 29th May 2014

We would like to object to Asda's latest proposal to extend opening hours.

We are already disturbed early morning many mornings with staff arriving. These will have to arrive earlier so we will be disturbed earlier and for longer throughout the evening with public then staff leaving well in to the early hours! Despite the somewhat convenient noise survey that was undertaken we can still hear the trucks and deliveries, bottle bank deposits, trolley collections; especially in the warmer months when windows are open. I'm wonder how many car alarms went off during the noise survey, especially at night when background noise is much reduced.

In addition, despite the planting the green asda sign is clearly visible from our bedroom window and this will now illuminate our room again, in to the early hours.

I strongly suspect that Asda are just playing the long game to get to their desired position of 24 hour opening. This is completely unacceptable in a RESIDENTIAL area and we will object at every given opportunity based on the almost daily disruptions we currently have to endure.

7 Unwin Close
Cheltenham
Gloucestershire
GL51 6PF

Comments: 28th May 2014

I live at no7 Unwin Close and have received from our neighbour a copy of a letter sent to him, relating to the proposed increase in opening times for the ASDA store opposite us. Can I say that we are extremely disturbed and disappointed that you did not feel it necessary to advise us of this change, as we will be directly affected and that we most strongly object to the proposal on the following grounds:

1. The noise will cause added interference with our right to 'quiet enjoyment' of our home. Although the noise report included with the application appears to suggest there will be no significant increase in noise, the points that have been overlooked, are that any increase will be at night when any noise will be magnified, particularly after midnight and that there will be increased noise from staff vehicles leaving even later. At present the store closes at 10.00pm, although it is entitled to remain open until 11.00pm and at 11.00pm a motor cycle is heard leaving. This is disturbing, but not unduly so as we are normally still awake. If this were to happen any later, it would be very disturbing.
2. Potential light pollution is dismissed by saying that there will be no car park lighting after present permitted hours but that is clearly a play on words. At present because of the lack of demand of use the supermarket closes at 10pm and the lights are turned off at 11pm. In the event of an extension to permitted hours does this mean that car park lights will be turned off at 12 midnight - the time when these hoards of late night shoppers leave the store? This does not make sense and the next thing will be an application to extend the time when the car park lights can be on.

My view is that this is just the next step in a campaign by ASDA to apply and apply again to you until they receive permission to open 24hrs a day. There is no evidence submitted to support this application other than a vague reference to 'our customers' demands' which is clearly not true or the store would now be opening until 11pm and not closing at 10pm. There is also a reference to ASDA being put to a commercial disadvantage. There is no evidence submitted to support this assertion and it does apply to Morrisons, Waitrose or Sainsburys. Tesco Gloucester Rd is like a graveyard when open at night and these reasons are fanciful.

In all, this application seems unnecessary. The current approved opening times are not used to their limit, presumably because of the lack of demand and any increase will cause undue interference to neighbouring properties at very unsocial hours. The proposal is ill conceived and should be rejected.

10 Roxton Drive
Hatherley
Cheltenham
Gloucestershire
GL51 6SQ

Comments: 20th May 2014

I see ASDA, Hatherley Lane, are yet again complaining about their opening hours, & asking for extended hours.

I would like to formally object.

Their premises back onto our houses here in Roxton Drive, & unlike the two people quoted in the recent article in The Echo, we do hear their deliveries, with the noise of lorries, & rubbish bins being clattered about.

I refuse to believe that there is a large demand for this extension to their opening times, as claimed by their planning consultant, & I equally refuse to believe we need yet another alcohol outlet opening late at night.

I cannot help but think that initially ASDA accepted the refusal of 24 hour opening grudgingly, but accepted the compromise with a view to raising the issue again, & if necessary, again once the store was built.

I may sound cynical but I sincerely believe that if this application were to be allowed, in a year or so's time they'll be back arguing that they need 24 hour opening, & as they are almost there, the Council might just as well grant it.

I also feel sorry for the staff, some of whom are already working at earlier & later times than they would wish, & who would undoubtedly be pressurised to extend their hours again.

We already have 24 hour shops in parts of Cheltenham, we have filling stations that sell milk/bread on a 24 hour basis, & many stores, including ASDA have on-line shopping services that can be accessed 24 hours a day. To say this is needed is a gross abuse of the English language.

25 Century Court
Montpellier Grove
Cheltenham
Gloucestershire
GL50 2XR

Comments: 16th May 2014

I am objecting on behalf of my mother who lives at Wade Court AND on my own behalf as I often encounter traffic problems near ASDA when visiting her.

I do not understand why ASDA is asking for an extension of opening hours when they are currently not open for the hours that were originally approved. Current permitted hours total 102. Current actual hours total 95. And yet they are applying to open for a total of 114 hours! Why?

There are already major traffic issues, as we all know, along Hatherley Lane, mostly generated since the arrival of ASDA. The extended hours will simply exacerbate these and make Hatherley Lane even more unacceptably busy and dangerous.

If you are travelling towards ASDA with the intention of getting to the A40 from Wade Court or Grace Gardens, it is already very difficult to get across the small roundabout outside ASDA because the oncoming traffic has right of way. If this volume of traffic increases because of extended hours, it will cause even greater blocks and back ups of traffic.

As far as we are aware, ASDA have not yet done all that was specified in the original planning approval with regard to road and traffic management eg traffic calming measures etc. If they have demonstrated that they are incapable of doing what was required of them, why should they be allowed to expand and attract even more business and cause more noise, traffic pollution and road deterioration?

2 Unwin Close
Cheltenham
Gloucestershire
GL51 6PF

Comments: 23rd May 2014

The application to extend the opening hours will cause disturbance to the residents that live near to Asda. At present the staff can be heard leaving the store, unwinding with rather loud voices and laughter, getting into their cars and driving off, this being before midnight is fully acceptable. If planning is passed we are talking of the staff leaving in the small hours of the morning and the same behaviour would not be acceptable. The staff could be asked to be as quiet as possible when leaving the store, but we all know that this would be hard to monitor. The bright lights of the car park of course will by law have to be on until the park has been cleared of shoppers and staff. We are now talking about 1.0. - 1.30am. Often car alarms are activated during store hours when

customers return to their cars, they will appear to be a lot louder in the small hours of the morning.

Could any of the suggestions below be put forward to help nullify the disturbance at such unsociable times for the residents who will have to experience this every night/early morning. Could a covered walkway be built down the side of the store where the staff exit the building? This would help to reduce the noise to the residents living so close.

Ask the late night staff to park on the right hand side of the car park next to the office complex, to elevate some of the noise at this very late night/early morning hour. The noise and reverberation of car engines from the petrol station is at present already enough.

The car park lights: could they be fitted with more shields on the Unwin Close side, dimming the glare from the nearby bedroom windows?

Knowing that Asda will eventually be planning to extend to 24 hour opening in the future, perhaps these suggestions could be put forward now. A little less expensive than in a year's or so time!! When a large and very busy store is built only a few yards from your property all problems and disturbances such as the above are there for the duration. Unfortunately we have to put up with it. The manager (Mr. Lee Williamson) of this store has been so considerate towards us the neighbours he has ironed out many problems as they have arisen, we could not have hoped for a more co-operative neighbour. We just hope that he will stay at this store for a few more years.

8 Redgrove Cottages
Hatherley Lane
Cheltenham
Gloucestershire
GL51 6SH

Comments: 29th May 2014

Regarding Asda's application to extend opening hours, I have the following points to make against the proposal:

- The current opening hours are perfectly adequate for a supermarket in a residential area.
- The biggest issue is traffic. Traffic is already at very high levels along Hatherley Lane, at all times of the day - and IS getting worse. Increasing the opening hours is only going to add to the misery for local residents. The roundabout which leads to the store has already had to be resurfaced due to excessive wear.
- Less than 2 years since Asda last applied to extend its opening hours (which was rightly rejected), the Council has still not spent the 2m GBP which was pledged to make improvements to traffic calming on Hatherley Lane and surrounding roads. There have been countless incidents of excessive speeding and dangerous or careless driving since the store opened, which, I suggest, can be attributed in part to the increase in traffic using the road. Asda 'home delivery' vans are also guilty of speeding.
- There is an ongoing and serious litter problem, which has come about as a direct result of Asda Store opening, yet nothing is being done to clear it up. Trolleys are also regularly abandoned outside nearby houses.
- Had this application been submitted when the store opened, it would have been rejected. Asda is making the application by 'stealth' in the hope that no one will care now that the store is established. There is a 24 hour Asda less than 10 mins drive away; if anyone's that desperate to use Asda outside their current opening hours, they can go to Gloucester, or they

can visit several other late opening convenience stores. Customers can also shop 24hrs online. I completely reject the claim that there is a "need for this proposal".

We sincerely hope that Cheltenham Borough Councillors and the Licensing Department take notice of these views, and are not swayed by individuals who are not resident in the near vicinity. The covering letter with the application brushes aside the "impact on residential amenity" with complete disdain; its author clearly has no clue what she is talking about. Who did she speak to? No-one has ever contact me or my neighbours. The traffic and noise impact is significant. We know - we live on Hatherley Lane. We're not just talking local traffic either. More and more traffic and buses from outside the local area is using Hatherley Lane as a rat run to avoid the A40, and the Asda store has exacerbated the traffic situation. It should also be noted that Asda lorries also cause considerable noise pollution through the night as they make deliveries. It's time that the council did something positive for local people and rejects this application and does not submit to corporate greed.

We would appreciate support from local councillors (cc'd) too please.

6 Unwin Close
Cheltenham
Gloucestershire
GL51 6PF

Comments: 28th May 2014

I have received from our neighbour a copy of a letter sent to him, relating to the proposed increase in opening times for the ASDA store opposite us.

Can I say that we are disappointed that you did not feel it necessary to advise us of this change, as we will be directly affected and that we most strongly object to the proposal on the following grounds:

1. The noise will cause added interference with our right to 'quiet enjoyment' of our home. Although the noise report included with the application appears to suggest there will be no significant increase in noise, the points that seem to have been overlooked, as far as I can tell, are that any increase will be at night when any noise will be magnified, particularly after midnight and that there will be increased noise from staff vehicles leaving even later. At present the store closes at 10.00pm, although it is entitled to remain open until 11.00pm and at 11.00pm a motor cycle is heard leaving. This is disturbing, but not unduly so as we are normally still awake. If this were to happen any later, it would be very disturbing.
2. There is already increased traffic in Hatherley Lane, to and from ASDA. This proposal will increase the possibility of more traffic at unsocial hours, together with the associated noise, not a satisfactory situation for those living in the Hatherley Lane area.

In all, this application seems unnecessary. The current approved opening times are not used, presumably because of the lack of demand and any increase will cause undue interference to neighbouring properties at very unsocial hours. The proposal is ill conceived and should be rejected.

7 Roxton Drive
Hatherley
Cheltenham
Gloucestershire
GL51 6SQ

Comments: 2nd June 2014

With reference to the latest request by ASDA to extend its hours, I would like to object to their application.

I note that a company commissioned I assume by ASDA could not find anything wrong with the noise levels taken over a one day period.

Then they weren't around Sunday evening May 18th when two delivery lorries over a one hour period were parked up with their refrigeration units running at full blast, and I can supply photos and video if you wish as I can see them from my bedroom window.

And again today Sunday June 1st. an ASDA lorry parked was up with its refrigeration unit running.

This is not the first time I have complained to ASDA managers and pointed out that the agreement is for the lorries to park on the A40 and phone in to check if they can drive straight into the unloading bay. This link I sent to the council in November 2012

<http://www.youtube.com/watch?v=nLXtz6EbVLU&feature=g-crec-u> of a lorry parked for over an hour with the unit running, so long that I even had time to go around and video it.

To conclude I see that the application doesn't ask for increased deliveries, but feel that an increase in business, as ASDA predict, will surely mean more goods will have to be delivered and its only a matter of time before an increase in deliveries will be applied for should the extension be granted.

6 Tylea Close
The Reddings
Cheltenham
Gloucestershire
GL51 6RB

Comments: 27th May 2014

I am writing to object to the extension of the opening hours of the ASDA store on Hatherley Lane on the grounds of noise and disturbance.

With regard to ASDA's statement regarding their need to be competitive. The nearest Supermarket is Morrisons which closes at 10pm as does Sainsburys with the only 24 hour store being Tesco which is not built in a residential area. As ASDA chose to build near a residential area such as this store, the opening hours must be restricted to allow for consideration to nearby residents.

The existing planning permission already allows the store/petrol station to open until 2300 which at present they are not utilising. Therefore, this application will amount to a 17% increase in the total weekly opening hours.

Much as ASDA has produced a detailed noise report, this means little to the nearby residents who are left to live with the outcome. Let's be honest if the store is open longer more noise will be

created if not by the odd person who needs to visit the store near midnight but due to the fact that the store is operating with staff going about their duties.

My house backs on to the rear of the store and we can clearly hear the tannoy announcing that the store is closing. If this permission is granted then there must be measures put into place to restrict this nuisance noise at what will be after midnight! In addition there is some form of compressor that starts up at various times and can be heard in the house with the windows closed. It may only go on for 5 minutes but will this now occur soon after 6am or 11:30pm?

We are all too well aware that it is ASDA's intention to open 24hours and they will keep pushing until this is achieved. I can only hope that the Cheltenham planning take into account the location of the store and its closeness to residential property and ensure that this request is denied.

Therefore I feel that this application is irresponsible and inappropriate considering its closeness to residential areas.