

Reference: 06/15/0277/F

Officer: Mr G Clarke

Expiry Date: 02-07-2015

Applicant: Lidl

Proposal: Renewal of planning permission 06/13/0422/F to permit deliveries on Sundays and Bank Holidays during the hours 8am -6pm to be made permanent

Site: Lidl

Pasteur Road

Great Yarmouth

REPORT

1 Background / History :-

- 1.1 The Lidl store is sited between Pasteur Road to the north west and Station Road to the south east, to the south west of the site is the B & M store and to the north east is the Thurlow Nunn car dealership. There is housing to the north east at Plevna Terrace, the main residential area of Southtown is on the opposite side of Station Road to the south east.
- 1.2 When the original planning application for the store was approved in 2004 (ref: 06/04/0317/F) a condition was imposed restricting the opening hours of the store and limiting deliveries to 7.30am to 21.30pm Monday to Saturday with no deliveries on Sundays or Bank Holidays unless otherwise agreed in writing by the Local Planning Authority.
- 1.3 In 2007 a planning application was submitted (ref: 06/07/0899/F) to vary condition 4 to allow deliveries on Sundays and Bank Holidays during trading hours (10am to 4pm). This application was refused on the basis that the extended delivery times would cause disturbance to nearby residents on days when they would not normally experience such activity.
- 1.4 In September 2014 a temporary planning was granted (06/13/0422/F) for a period of six months for a variation of condition 4 of planning permission 06/04/0317/F to allow deliveries on Sundays and Bank Holidays during the hours of 8am to 6pm. This permission expired on 12 May 2015.

2 Consultations :-

2.1 Highways – No objection

- 2.2 Environmental Health – The department has no reports logged relating to recent issues with Sunday or Bank Holiday afternoon deliveries. It is understood deliveries on these days to this site have generally been scheduled for the late afternoon - one vehicle movement per day. At such times there is significant background noise from general traffic movements in the area and from other business and residential properties. Sensitivity to noise issues in the afternoon (from whatever source) is usually not as great as similar noise occurring in the morning - especially early mornings. Clearly if this permission is granted Lidl could schedule Sunday and BH deliveries in the morning but 8.00am on such days is not considered so early as to be anti social.

Over the past year there have been issues with deliveries on various occasions in the Monday to Friday period arriving outside permitted times.

Better enforcement of Lidl policy rules as well as planning conditions is essential to ensure even occasional breaches do not occur giving concern to residents. Once disturbance by vehicle engine noise occurs in an area early in a morning the damage is done even if immediate steps are taken to have the engine switched off.

The Environmental Health department would not object to the application as proposed but if granted would seek better self-enforcement by Lidl as outlined above.

- 2.2 Neighbours – one objection has been received a copy of which is attached. The objection is on the grounds of noise and disturbance caused by delivery vehicles and the repeated failure of Lidl to comply with the existing conditions.

3 Assessment :-

- 3.1 The loading bay for the store is on the side of the building nearest to the dwellings on Station Road, when the original application was considered concerns were raised by the nearby residents regarding potential noise and disturbance from vehicles delivering to the site. When the application was approved it was with a condition limiting the opening hours of the store to 8am to 9pm Monday to Saturday and 9am to 6pm on Sundays and Bank Holidays. The condition also restricted deliveries to 7.30am to 9.30pm Monday to Saturday with no deliveries on Sundays or Bank Holidays.
- 3.2 In 2013 the applicant applied to vary the condition to allow deliveries to take place on Sundays and Bank Holidays during the hours of 8am to 6pm (06/13/0422/F), Committee agreed to approve the variation of the condition for a temporary period of six months to enable the effects of the extended hours to be assessed. The temporary period was to run from the time that an acoustic fence had been erected on the Station Road frontage of the site. This

application is to renew that temporary consent and for the permission to now be on a permanent basis.

- 3.3 Since the store has been open, complaints have been made to the planning department on a regular basis regarding deliveries being made to the store outside the permitted hours. The breaches alleged included deliveries early in the morning and late at night, lorries leaving their engines and refrigerator units running and also delivery vehicles arriving early and parking on the road outside the site. The objector to this application has repeatedly complained about noise and disturbance from deliveries and the use of the compactor unit within the site. In 2007 a Breach of Condition Notice was served on Lidl requiring compliance with the condition regarding delivery times and correspondence is still on-going between the objector and Lidl about breaches of the condition.
- 3.4 The temporary permission was granted in order to see if deliveries on Sundays or Bank Holidays would cause additional problems to nearby residents, since that approval no complaints have been made regarding deliveries on these additional days. According to Environmental Health this is due to the deliveries being made in the afternoon when there is general background noise from traffic in the area and other businesses. As there has not been any specific complaint about deliveries on the additional days covered by the temporary consent it would be difficult to justify a refusal for renewal of the permission. The applicant has requested the permission should be on a permanent basis and for the same hours as before, ie. 8 am to 6 pm, however as it is early mornings that have previously led to complaints and deliveries are currently made in the afternoons it is suggested that if permission is now granted on a permanent basis the hours should be limited to 12 midday to 6 pm.

4 RECOMMENDATION :-

Approve – permanent consent for deliveries on Sundays and Bank Holidays during the hours of 12 midday to 6 pm.

Graham A. Clarke

Subject:

Matt Whitton
RE: Renewing of PP 06/13/0422/F - Lidl, Pasteur Road

From: Stuart Robertson [mailto:srobertson73@ntlworld.com]
Sent: 22 June 2015 09:34
To: Matt Whitton
Cc: Penny S. Linden; Gemma M. Manthorpe; Graham A. Clarke
Subject: Renewing of PP 06/13/0422/F - Lidl, Pasteur Road

REF: Renewed Planning Permission for LIDLs, Pasture road, Great Yarmouth.

Good Morning Mr. Whitton,

I write in connection with the above planning application. I wish to object strongly to the change in the permitted Delivery schedule proposed (application 06/13/0422/F)

Lidl's have continually failed over the years to operate within the guideline set out in the original agreed Planning application allowing Lidl's to build and operate from this residential location.

They have failed numerous times to adhere to verbal & written warnings to operate within the parameters of the agreed Planning application to the point they have been served with a breach of conditions notice last year.

Even with a **Breach of Conditions Notice** last year they still failed to adhere to the " Service Yard Management Plan"

Receiving apology e-mail after apology e-mail from Kate Watts, Lidl's Compliance Manager, since the erecting of the acoustic fence (which does not work) proves there's no care for any planning restrictions that the council puts in place. Only in the last few months has Lidl started to comply with the PP to make sure the renewal of the delivery schedule goes ahead.

Importance: High

Dear Mr Robertson

Town and Country Planning Act 1990 (as amended by the Planning and Compensation Act 1991)

Lidl - Pasteur Road GY - Breach of Conditions Notice Served

I write to confirm that the Company Secretary of Lidl Limited has now been served with the attached Breach of Conditions Notice

Lidl's have requested a change to the delivery schedule on two occasions to my knowledge not including the original planning application, and on both accounts it was rejected by Mr D. Minns with the same following decision.

Nothing has changed to reasonably consent to an extension of the delivery schedule.

The Great Yarmouth Borough Council hereby give notice in pursuance of the provisions of the Town and Country Planning Act, 1990 that permission has been refused for the carrying out of the development referred to in

Part 1 here of for the following reasons:-

Part 2 - Particulars of Decision

1. The restriction on deliveries to and from the site contained within condition 4 of planning permission

was imposed to protect the residents of nearby dwellings from noise and disturbance caused by such

activities outside the permitted hours and particularly on Sundays and Bank Holidays.

The relaxation of this condition, even if limited to the suggested hours, would be contrary to the

intentions of the original condition and would undoubtedly result in activity that would lead to

significant disturbance to the occupiers of nearby dwellings on days when residents could reasonably

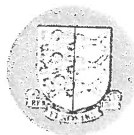
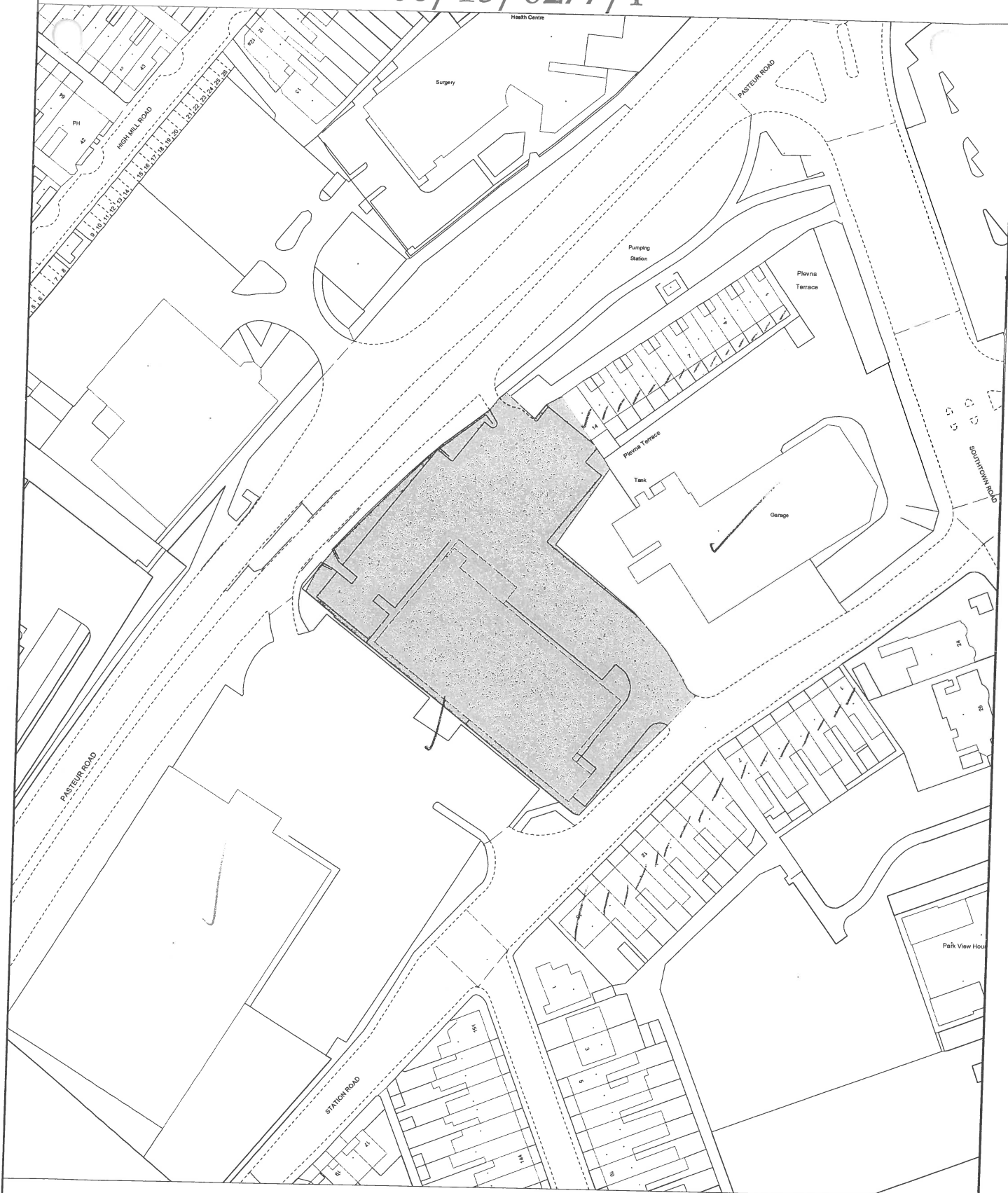
expect the peaceful enjoyment of their homes.

Kind regards

Stuart Robertson

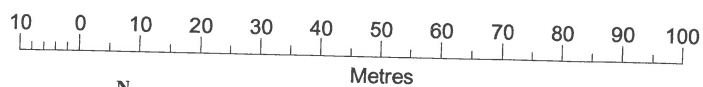
10 station road
Southtown
Great Yarmouth
NR31 0HB

SITE NOTICE
06/15/0277/F

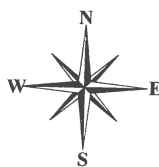


GREAT YARMOUTH
BOROUGH COUNCIL

Planning and Development Department,
Trafalgar House, Greyfriars Way,
Great Yarmouth, Norfolk. NR30 2QE



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