

Report to Planning Applications Committee
Date 17 January 2013

Report of Head of Planning Services
Subject 12/01569/VC 174 - 178 Plumstead Road Norwich NR1 4JZ

Item
5(3)

SUMMARY

Description:	Variation of Condition 15 from 'No deliveries to the store nor refuse disposal from the store hereby permitted shall take place outside the hours of 07:30 to 22:00 Monday to Saturday and 09:00 to 16:00 hours on Sundays/Bank Holidays' to 'No deliveries to the store nor refuse disposal from the store hereby permitted shall take place outside the hours of 06:30 to 23:00 Monday to Saturday, and 09:00 to 16:00 hours on Sundays/Bank Holidays' of previous planning permission 08/00593/F 'Construction of new retail food store, associated parking and landscaping'.
Reason for consideration at Committee:	Objection
Recommendation:	Approve in part
Ward:	Crome
Contact Officer:	Jo Hobbs Planner 01603 212526
Valid Date:	2nd October 2012
Applicant:	Aldi Foodstore Limited
Agent:	Planning Potential Limited

INTRODUCTION

The Site

Location and Context

1. The site is located on Plumstead Road to the north of the city. The vehicular access to the site is via Plumstead Road, with the exit to the site on Harvey Lane to the east of the site. The access is restricted to turning left into the site only and exiting by turning left only.
2. There are a number of commercial uses to the north of the site that form Plumstead Road District Centre, a public house to the north east of the car park and residential uses to the west, south and south east of the store. The car park is shared with the Heartsease Public House.
3. The servicing and delivery bay is located on the south side of the store adjacent to the boundary with neighbouring residents. There is a 2m wooden board fence along this boundary.

Planning History

4. Permission was granted for the food store in 2009 (08/00593/F). Subsequent to this there have been no formal planning applications, except for the discharge of conditions and advertisement consent for the store:

Conditions 2 (external materials), 3 (walls and fences), 4 (car parking, cycle storage and refuse storage), 5 (pedestrian access across site), 6 (landscaping), 10 (use of reversing alarms), 18 and 19 (highway improvements), 20 (car park management), 21 (directional traffic signs) and 25 (renewable energy) were discharged under application 09/00293/D.

Conditions 8 (extraction and flues) and 24 (refuse screening for Heartsease Public House) were agreed under application 09/00501/D.

Conditions 16 (plant and machinery) and 20 (car park management) were agreed under application 09/00684/D. Condition 20 was agreed twice, the most recent decision being 09/00501/D.

Conditions 22 and 23 (travel plan) was agreed under application 09/01366/D.

Equality and Diversity Issues

5. There are no significant equality or diversity issues.

The Proposal

6. The application is to vary condition 15 of planning permission 08/00593/F relating to the hours for deliveries and refuse collections from the existing supermarket on the site.

7. The wording of the approved condition 15 is:

“No deliveries to the store nor refuse disposal from the store hereby permitted shall take place outside the hours of 07:30 to 22:00 Monday to Saturday and 09:00 to 16:00 hours on Sundays/Bank Holidays.”

8. The proposed wording is:

“No deliveries to the store nor refuse disposal from the store hereby permitted shall take place outside the hours of 06:30 to 23:00 Monday to Saturday, and 09:00 to 16:00 hours on Sundays/Bank Holidays.”

9. The applicant has applied for these delivery and servicing hours to enable deliveries to occur before the store opens at 08:00am. The opening hours of the store were not restricted by condition on the approved application 08/00593/F.
10. Extending the hours to this time will, in the view of the applicants, enable them to stock up the store before the main sales of the day and lead to delivery vehicle movements being at times of the day when there are less customers parking at the store.

Representations Received

11. Advertised on site and in the press. Adjacent and neighbouring properties have been notified in writing. Two letters of representation have been received citing the issues as summarised in the table below.

12.

Issues Raised	Response
Noise disturbance to residents	Paras 18-23
Directional signs to be fitted onto Harvey Lane	This is an enforcement matter outside of the remit of this application. The planning enforcement team are aware of this complaint.
Highways congestion	Paras 16-17
Outstanding conditions and enforcement issues to original permission	Paras 16 and 24-27

Consultation Responses

13. Environmental Health Officer – insufficient information to assess hours proposed by applicants. See paragraph 20 for further details.

14. Broadland District Council – no response received.

ASSESSMENT OF PLANNING CONSIDERATIONS

Relevant Planning Policies

National Planning Policy Framework:

Statement 1 – Building a strong, competitive economy

Statement 2 – Ensuring the vitality of town centres

Statement 11 – Conserving and enhancing the natural environment

Relevant policies of the adopted Joint Core Strategy for Broadland, Norwich and South Norfolk 2011

Policy 5 – The economy

Policy 12 – Remainder of Norwich area

Policy 19 – The hierarchy of centres

Relevant saved policies of the adopted City of Norwich Replacement Local Plan 2004

EP22 – Protection of residential amenity

TRA8 – Provision in development for servicing

Supplementary Planning Documents and Guidance

Other Material Considerations

Written Ministerial Statement: Planning for Growth March 2011

Principle of Development

Policy Considerations

15. The application solely relates to the variation of hours for deliveries and servicing. The key planning considerations are therefore the impact on residential amenity of the extended hours of vehicle movement on the site. The size of the store is not changing and so although the delivery hours are increasing it is unlikely that there would be an increase in vehicle movements from this proposed variation of condition only.

Other Matters in Letters of Representation

16. The outstanding matters of enforcement relating to the original permission cannot be used as a reason to refuse this application. This is a separate matter to this planning application. It would be unreasonable to prevent this permission on the basis of outstanding matters to be resolved on the site.
17. The traffic generated by the site is a material planning consideration. In this instance the hours of opening of the store are not controlled by condition, only the delivery and servicing hours. The hours for servicing and delivery applied for would be at times when there is generally less traffic on the road and fewer customers in the store. Therefore the proposed variation of condition would not increase the number of cars accessing the site and would enable servicing and delivery vehicles to access the site when there are less customer car movements.

Residential amenity

18. The increase in hours permitted for servicing and deliveries to the store would impact on the residents to the south and south east of the site. These residential units are close to the servicing bay for the store with only a 2m wooden board fence along the boundary. The rear of the residential properties would also previously have been more private areas of the residence and experienced less noise than the front of the properties. For this reason the hours of deliveries and servicing were restricted to reduce the extent of disturbance to these residents.
19. The proposed hours are at times of the day when there is generally less background noise. According to British Standard 4142 night time is considered to be between 23:00 and 07:00. Therefore night time is considered to end at 7am. This is further backed by Norfolk Environmental Protection Groups guidance that was brought in to replace Planning Policy Guidance 24 on noise. This identifies daytime to be between 07:00 to 23:00 and identifies acceptable noise exposure for these times. The likely sources of noise from the deliveries are the sound of engines running, often needed to keep food chilled, and the warning noise for reversing vehicles. This noise is relatively short term due to the time taken to carry out an actual delivery of offloading goods or loading refuse. Therefore the World Health Organisation (WHO) guidance is more appropriate to this case. This guidance identifies the maximum noise levels at night time but does not identify maximum noise levels for during the day.
20. At present, the information submitted is too limited to fully investigate the impact of the noise levels on adjacent residents to justify extending these servicing and delivery hours into night time (between 23:00 to 07:00). The noise survey uses physical locations for testing that do not fully assess the likely impact of noise to the residents and testing mechanisms, such as frequency of background noise tests,

which do not provide a comprehensive understanding of the impact. There is no comprehensive study of existing background noise levels to demonstrate the background noise levels.

21. Under the World Health Organisation guidance referred to above the maximum noise levels permitted at night for outside bedrooms is 60 L_{Af} Max (dB(A)). The information submitted with the planning application indicates that the likely noise level before 07:00 was predicted to be around 73.8L_{Af} Max (dB(A)). The existing noise levels were stated to be 73.9L_{Af} MAX (dB(A)). However this data as outlined above was not comprehensive enough to give a full picture of background noise levels. The data provided on the existing was only monitored on a single occasion which is not sufficient to fully assess the background noise levels. There is no evidence to suggest that these noise levels would be the same over a week or longer, it may have just been an anomaly in the noise survey. Therefore there is no justification for allowing the extension of hours into recognised night time hours, and to noise levels that would exceed the WHO guidelines.
22. No reference was made to the impacts on Sundays or Bank Holidays which are also a particularly sensitive time with lower background noise levels. This was subsequently removed from the proposal however and the hours for these days are to remain as per the original condition wording.
23. There is no justification for allowing the stated noise levels before 07:00 or after 23:00 as this is considered to be night time under the WHO guidance and the noise levels exceed the recommended amount. During day time however the noise level would be acceptable under the WHO guidance. Therefore the revised wording to the condition recommended for approval is:

“No delivery vehicles are to enter the site, carry out deliveries to the store or collect refuse from the store outside the hours of 07:00 to 23:00 Monday to Saturday, and 09:00 to 16:00 hours on Sundays/Bank Holidays.”
24. There is a history on the site of noise complaints relating to the arrival of delivery vehicles on the site in the hours prior to delivery times currently permitted. Delivery vehicles stay on site with engines running which leads to noise disturbance. Therefore in light of the current operating practices and noise levels that have been reported on the site it is recommended that the condition is worded to prevent delivery vehicles entering the site outside of the permitted delivery hours.

Conditions from previous permission

25. Should the application be approved it is necessary to include all other relevant conditions from original permission 08/00593/F if they are still relevant and enforceable on the site.
26. Conditions that have been agreed but need to be reapplied to ensure their continued compliance include conditions 3 (walls and fences), 4 (car parking, cycle storage and refuse storage), 5 (pedestrian access across site), 6 (landscaping), 8 (extraction and flues), 16 (plant and machinery), 20 (car park management), 21 (directional traffic signs), 23 (travel plan) and 24 (refuse screening for Heartsease Public House) and 25 (renewable energy).
27. Of these conditions some do not need to be reapplied as they have been implemented, but are not required to be retained in perpetuity or the implementation

is controlled by another condition. These include conditions 1 (time limit), 2 (materials), 18 (highway improvements) and 22 (travel plan).

28. Some conditions relate to ongoing control of activities on site including conditions 7 (landscaping replacement), 9 (storage of materials on site), 10 (use of reversing alarm), 11 (refrigeration units), 12 (loading areas), 13 (rubber shroud), 14 (use of cages), the subject of this application - 15 (hours of delivery), 17 (retail type), 19 (highway improvement implementation), 23 (travel plan implementation) and 26 (highway measures implementation).
29. Conditions 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 19, 20, 21, 23, 24, 25 and 26 are to therefore be reapplied to ensure they are continued to be complied with although reworded where the details for the conditions have been agreed.

Conclusions

30. It is considered that an extension to the hours up to 23:00 and after 07:00 from Monday to Saturday would not lead to a significant harm of the amenity of adjoining residents by virtue of the existing background noise that is likely to be present after 07:00 and before 23:00 from surrounding roads.
31. It is considered that the extended hours of delivery and servicing will not have an adverse impact on the amenities of the immediate neighbours or the wider area during day time hours of 07:00 to 23:00, by virtue of the presence of existing noise levels from surrounding roads. As such the proposal accords with the criteria set out within policies HBE12 and EP22 of the City of Norwich Replacement Local Plan (adopted November 2004) and paragraphs 9 and 17 of the National Planning Policy Framework (March 2012).

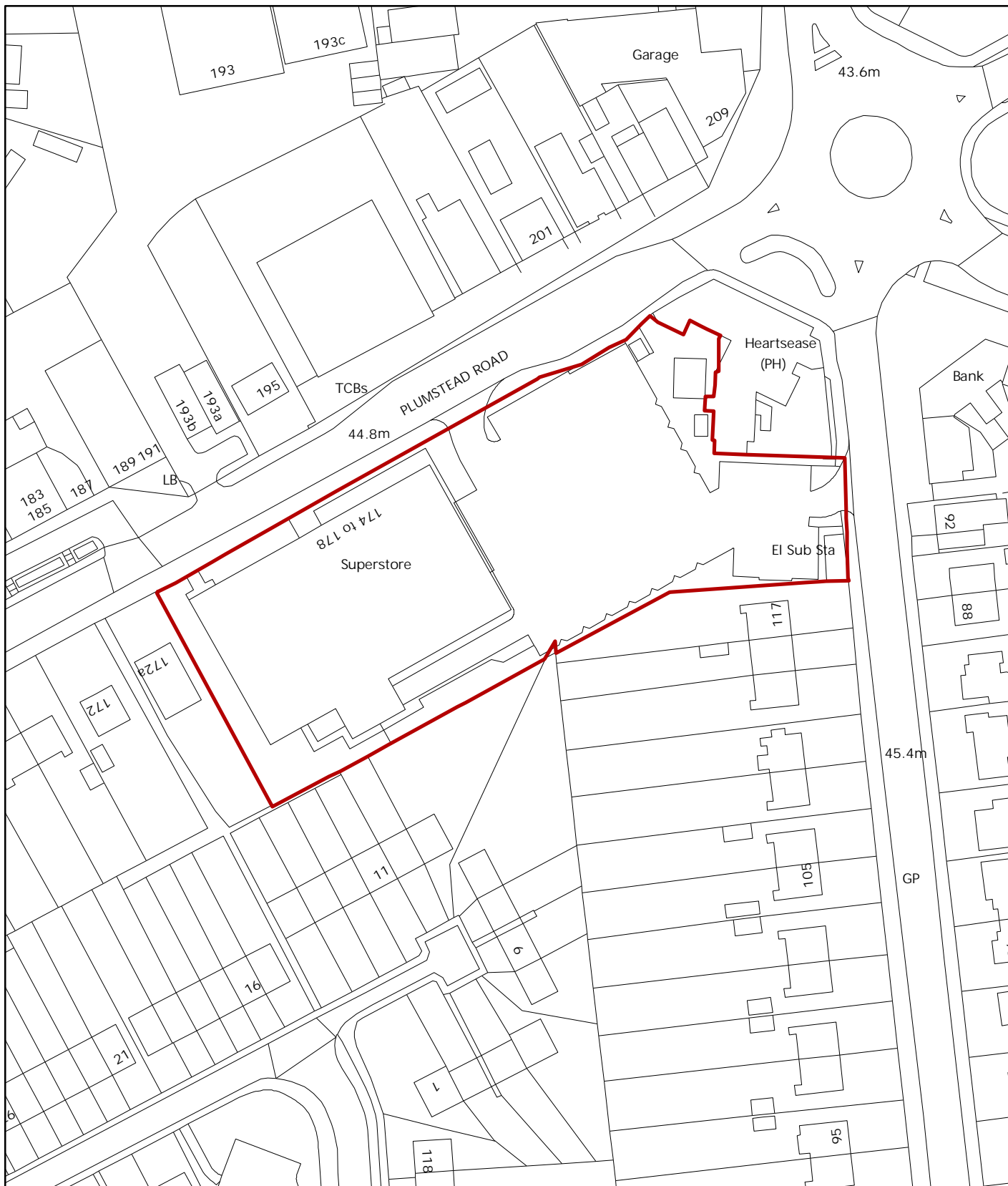
RECOMMENDATIONS

To approve Application No 12/01569/VC at 174-179 Plumstead Road and grant planning permission, subject to the following conditions:-

- 1) Walls and fences retained as agreed
- 2) Car parking, cycle and refuse storage retained as agreed
- 3) Pedestrian access through site retained as agreed
- 4) Landscaping retained as agreed
- 5) Replacement landscaping as required
- 6) Ventilation or fume extraction systems agreed as required
- 7) No storage of materials on site
- 8) No reversing alarms
- 9) Vehicle refrigeration units switched off
- 10) Vehicle loading and unloading as agreed
- 11) Delivery bay shroud retained as agreed
- 12) No cages used on site
- 13) Servicing and delivery hours 07:00-23:00 Monday to Saturday and 09:00-16:00 Sundays and Bank Holidays
- 14) Plant or machinery agreed as required
- 15) Retail sales type restriction
- 16) Highway improvement works completion
- 17) Car park management plan

- 18) Traffic directional signs
- 19) Travel plan implementation retained as agreed
- 20) Refuse storage screening for Heartsease Public House retained as agreed
- 21) 10% renewable energy on site retained as agreed
- 22) Highway matters implementation

(Reasons for approval: The decision is made with regard to policy EP22 of the City of Norwich Replacement Local Plan (adopted November 2004), paragraphs 9 and 17 of the National Planning Policy Framework (2012) and all material considerations. The extended hours of delivery and servicing will not have an adverse impact on the amenities of the immediate neighbours or the wider area during day time hours of 07:00 to 23:00, by virtue of the presence of existing noise levels from surrounding roads.)



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Planning Application No 12/01569/VC
 Site Address Aldi 174-178 Plumstead Road
 Scale 1:1,000



NORWICH
 City Council

PLANNING SERVICES

