

**Report to:** Planning applications committee

**Item**

4 December 2014

**Report of:** Head of planning services

**Subject:** Application ref: 14/01436/VC Aldi, 174 – 178  
Plumstead Road

**Reason or referral:** Objection

**4F**

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<b>Site address</b>	174 - 178 Plumstead Road Norwich NR1 4JZ
<b>Ward:</b>	Crome
<b>Case officer</b>	Mrs Joy Brown - Joybrown@norwich.gov.uk

<b>Development proposal</b>		
Variation of condition 13 of planning permission (12/01569/VC) to allow deliveries between 06:00 - 23:00 Monday to Saturday and between 07:00 - 23:00 on Sundays and bank holidays.		
<b>Representations</b>		
Object	Comment	Support
3	0	0

<b>Main matters for consideration</b>	<b>Key issues</b>
Amenity	Impact upon neighbouring residents to the south and south east.
<b>Expiry date</b>	30 December 2014
<b>Recommendation</b>	Approve

## The site and surroundings

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.

## Constraints

4. The site is situated within the Plumstead Road District Centre.

## Relevant planning history

5.

Ref	Proposal	Decision	Date
08/00593/F	Construction of new retail food store, associated parking and landscaping	Approved	04/03/2009
09/00293/D	Details of Condition 2: Walls and roof; Condition 3: Boundary walls and fences; Condition 4: Car parking; Condition 5: Pedestrian access routes; Condition 6: Landscaping/planting scheme; Condition 10: Reversing alarms; Condition 18: Off-site highway improvements; Condition 20: The car park management plan; Condition 21: Traffic management scheme; Condition 25: 10% of predicted energy from renewable sources; for previous planning application (08/00593/F) 'Construction of new retail food store, associated parking and landscaping.'	Approved	18/09/2009
09/00501/D	Conditions 8 and 24 of previous planning application 08/00593/F.	Approved	18/09/2009
09/00684/D	Details of Condition 16: noise and vibration remediation and Condition 20: car park management of previous planning permission 08/00593/F	Approved	16/09/2009

	'Construction of new retail food store, associated parking and landscaping'.		
09/01366/D	Details of Condition 22 - Travel Plan of previous planning permission 08/00593/F 'Construction of new retail food store, associated parking and landscaping'.	Approved	10/08/2010
12/01569/VC	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'.	Approved	04/02/2013

## The proposal

6. The application seeks to vary condition 13 of planning permission 12/01563/VC relating to the hours for deliveries and refuse collections from the existing supermarket on the site.
7. The wording of the approved condition 13 is as follows:

“No deliveries to the store nor refuse disposal from the store hereby permitted shall take place outside the hours of 07.00 to 23.00 Monday to Saturday, and 09.00 to 16.00 hours on Sundays/Bank Holidays. For the avoidance of doubt, no delivery vehicles may enter the site outside of these hours”.
8. The proposed wording is as follows:

No deliveries to the store nor refuse disposal from the store hereby permitted shall take place outside the hours of 06.00 to 23.00 Monday to Saturday, and 07.00 to 23.00 hours on Sundays/Bank Holidays. For the avoidance of doubt, no delivery vehicles may enter the site outside of these hours.
9. Extending the delivery and servicing hours will, in the view of the applicants, enable delivery vehicles to manoeuvre in the car park when the store is closed and would allow delivery vehicles to service more than one store prior to them opening for trade. The opening hours of the store were not restricted by condition on the approved application 08/00593/F or the more recent variation of condition application 12/01569/VC.

## Summary information

Proposal	Key facts
<b>Operation</b>	
Opening hours	These were not conditioned as part of the previous applications.
<b>Transport matters</b>	
Vehicular access	No changes to existing arrangement
No of car parking spaces	No changes to existing arrangement
Servicing arrangements	To extend the servicing times from 07.00 to 23.00 Monday to Saturday, and 09.00 to 16.00 hours on Sundays/Bank Holidays to 06.00 to 23.00 Monday to Saturday, and 07.00 to 23.00 hours on Sundays/Bank Holidays.

## Representations

10. Advertised on site and in the press. Adjacent and neighbouring properties have been notified in writing. Three letters of representation have been received citing the issues as summarised in the table below. All representations are available to view in full at <http://planning.norwich.gov.uk/online-applications/> by entering the application number.

Issues raised	Response
This is a residential area and engine noise and refrigeration units create a nuisance to properties which are only 30 metres away from the delivery bay. Extending the servicing times will spoil more Sundays by having increased noise from the loading bay.	See main issue 1.
Noise is a nuisance from staff arriving at 3.30am to get ready for the delivery that arrives at 6.30am (not 7.30 as previously agreed.)	It is not appropriate or reasonable to condition hours that staff can be on the premises.
Extending servicing hours could create a problem between articulated lorries using the car park at the same time as pub goers.	It is unlikely that there would be an increase in the total number of vehicle movements and it is unlikely that pub goers would use the car park between the hours of 0600 and 0700. Increasing the hours of servicing on a Sunday could result in delivery vehicles using the car park at the same time as the

	public house is open however this is no different to the current situation on other days of the week.
If permission is granted it will pave the way for 24 hour delivery.	A further application would be needed and this would be assessed on its own merit.
This is a very busy area and could not cope from a safety point of view with large lorries during daytime hours.	It is unlikely that there would be an increase in the number of vehicle movements or the size of vehicles from the proposed changes to servicing hours.
There are supposed to be no right turns out of Aldi but this is not enforced.	This is an enforcement issue and not relevant to this application. The condition relating to traffic management will be reapplied to this application should permission be granted.

## Consultation responses

11. Consultation responses are summarised below the full responses are available to view at <http://planning.norwich.gov.uk/online-applications/> by entering the application number.

### Environmental protection

12. No objection subject to a condition that restricts deliveries between 06.00 and 07.00 to no more than two. The conditions restricting early entry to the site and use of refrigeration plant on the delivery vehicles should be re-imposed on this permission.

### Broadland District Council

13. No comment (consultation with Broadland District Council expires on 3 December 2014)

## Assessment of planning considerations

### Relevant development plan policies

14. **Joint Core Strategy for Broadland, Norwich and South Norfolk adopted March 2011 amendments adopted Jan. 2014 (JCS)**
- JCS1 Addressing climate change and protecting environmental assets
  - JCS5 The economy
  - JCS12 The remainder of the Norwich urban area including the fringe parishes
  - JCS19 The hierarchy of centres
15. **Norwich Development Management Policies Local Plan adopted Dec. 2014 (DM Plan)**

- DM1 Achieving and delivering sustainable development
- DM2 Ensuring satisfactory living and working conditions
- DM11 Protecting against environmental hazards
- DM18 Promoting and supporting centres
- DM21 Protecting and supporting district and local centres
- DM31 Car parking and servicing

### **Other material considerations**

#### **16. Relevant sections of the National Planning Policy Framework March 2012 (NPPF):**

- NPPF0 Achieving sustainable development
- NPPF1 Building a strong, competitive economy
- NPPF2 Ensuring the vitality of town centres
- NPPF11 Conserving and enhancing the natural environment

### **Case Assessment**

17. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. Relevant development plan policies are detailed above. Material considerations include policies in the National Planning Framework (NPPF), the Councils standing duties, other policy documents and guidance detailed above and any other matters referred to specifically in the assessment below. The following paragraphs provide an assessment of the main planning issues in this case against relevant policies and material considerations.

#### **Main issue 1: Amenity**

18. Key policies and NPPF paragraphs – DM2, DM11, NPPF paragraphs 9 and 17.
19. As the application solely relates to the variation of hours for deliveries and servicing the key planning consideration is the impact upon residential amenity of the extended hours of vehicle movements 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 the proposed variation of condition only.
20. With regards to the impact upon neighbouring residents the main issue is the impact that the proposal will have upon the residents to the south (Supple Close) and south east (Harvey Lane) of the site as these residential properties are close to the servicing bay for the store with only a 2m wooden board fence along the boundary.
21. The proposed changes to the hours of servicing on Monday to Saturday are at a time which is considered as night time (night time is considered to be between 2300 and 0700). As such the applicant has submitted a noise impact assessment as part of the application which has made an assessment of existing and predicted noise levels between the periods of 2300 and 0000 and 0600 and 0700 at 117 Harvey Lane and for the properties on Supple Close.
22. The noise impact assessment shows that the existing noise level at 117 Harvey Lane between 0600 and 0700 is 60 dB L Aeq 1hr with the predicted being 51 dB.

The combined therefore is 61 dB which is a difference of +1 dB. For the properties at Supple Close the existing is 53 dB with the predicted being 46 dB. The combined is predicted at 54 dB which is a difference of +1 dB. The noise impact assessment therefore demonstrates that taking into account the existing noise levels, the likely noise from deliveries between 0600 and 0700 would not have a significant impact on the existing noise climate.

23. Furthermore as part of this application it is being sought to extend the servicing time on Sundays. World Health Organisation (WHO) guidelines do not differentiate between a weekday, weekend or public holiday and therefore the applicant is suggesting that there is no justified reason as to why deliveries should be restricted to between 0900 and 1800 hours. The noise impact assessment submitted with the application however does acknowledge that existing background noise may be quieter than those which have been measured in the survey and as such it is recommended by the survey that deliveries on Sunday and Bank Holiday are limited to daytime (0700 – 2300 hours) only.
24. Having reviewed the noise impact assessment, Norwich City Council's Environmental Protection Officer, has confirmed that he has no objection to the proposal to allow extended delivery times, subject to an additional condition being attached to any future planning consent requiring that no more than two deliveries to be carried out between the hours of 0600 and 0700. Therefore it is considered that the proposal is acceptable and will not have a significant detrimental impact upon the living conditions of neighbouring residents.

#### **Other matters**

25. Should the application be approved it is necessary to reapply all 22 conditions from permission 12/01569/VC as these are all still relevant and enforceable.

#### **Equalities and diversity issues**

26. There are no significant equality or diversity issues.

#### **Local finance considerations**

27. Under Section 143 of the Localism Act the council is required when determining planning applications to have regard to any local finance considerations, so far as material to the application. The benefits from the finance contributions for the council however must be weighed against the above planning issues.

#### **Conclusion**

28. It is considered that an extension to the hours of servicing and delivery would not lead to a significant harm to the amenity of adjoining residents, subject to a condition restricting the number of delivery vehicles to two between the hours of 0600 and 0700 and subject to the previous conditions relating to early entry to the site and the use of refrigeration plant on the delivery vehicles being reapplied.
29. The development is therefore in accordance with the requirements of the National Planning Policy Framework and the Development Plan, and it has been concluded that there are no material considerations that indicate it should be determined otherwise.

## **Recommendation**

To approve application ref: 14/01436/VC Aldi, 174 – 178 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 06:00-23:00 Monday to Saturday and 07:00-23:00 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
23. No more than two deliveries each day between the hours of 06:00 and 07:00.

### **Article 31(1)(cc)**

The local planning authority in making its decision has had due regard to paragraph 187 of the National Planning Policy Framework as well as the development plan, national planning policy and other material considerations and has approved the application subject to appropriate conditions and for the reasons outlined in the officer report.





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Planning Application No 14/01436/VC

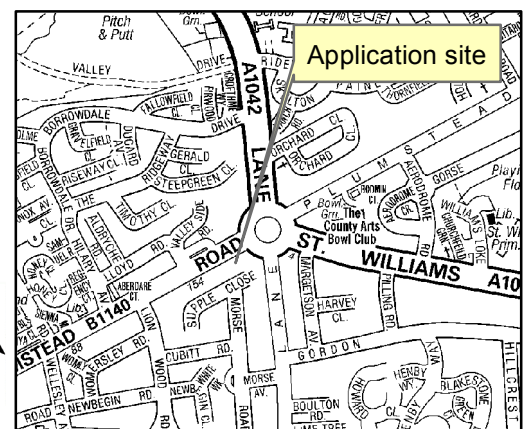
Site Address Aldi 174 - 178 Plumstead Road

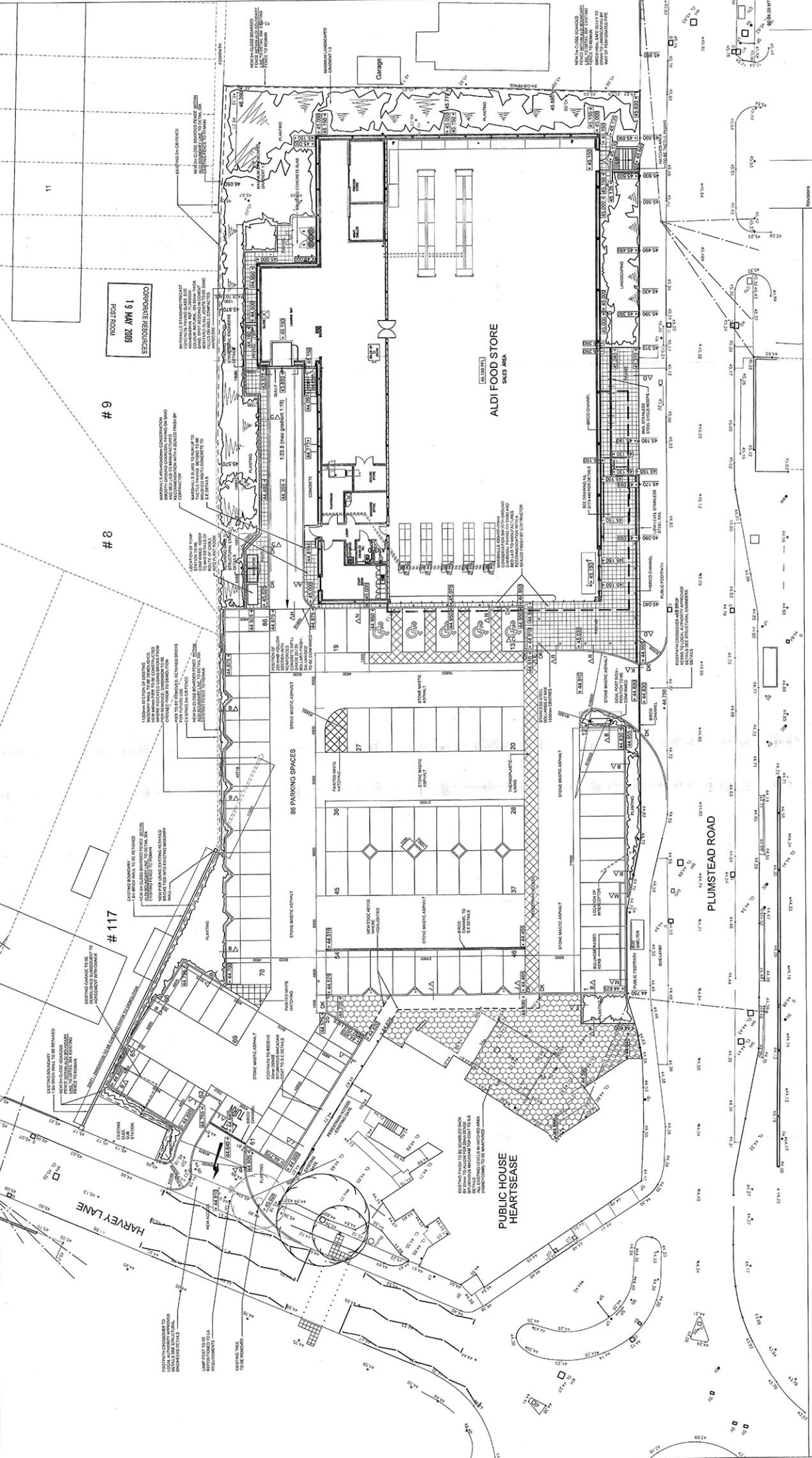
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**NORWICH**  
City Council

PLANNING SERVICES





19 MAR 2008  
CORPORATE RESOURCES  
POST ROOM



PROPOSED SITE PLAN	
Client	ALDI STORES LIMITED CHEAMFORD
Drawn By	FOR APPROVAL
Scale/Date	1:200 18.05.09
Job No.	2173-500
Drawn By	LB
Check By	LB
Project No.	2173-500.DWG

PROPOSED FOOD STORE	
Project Title	PLUMSTEAD ROAD NORWICH
Client	ALDI STORES LIMITED CHEAMFORD
Drawn By	FOR APPROVAL
Scale/Date	1:200 18.05.09
Job No.	2173-500
Drawn By	LB
Check By	LB
Project No.	2173-500.DWG

LEVELS KEY:	
+45.150	UNBOXED LEVELS ARE EXISTING LEVELS
+45.150	PROPOSED LEVELS ARE PROPOSED LEVELS
+45.150	UNDERLINED LEVELS ARE EXISTING LEVELS TO BE RETAINED
DK	DROP KERBS DETAIL E
FOR EXISTING LEVELS REFER TO EXISTING SITE PLAN DRAWING 2173-401.	
FOR EXISTING SERVICES LOCATIONS REFER TO SUB-SIGHT DRAWING 43519	



STONE MASTIC ASPHALT  
PATTERN TO BE USED FOR ALL  
PARKING SPACES AND DRIVEWAYS  
UNLESS OTHERWISE SPECIFIED  
IN THE DRAWING

