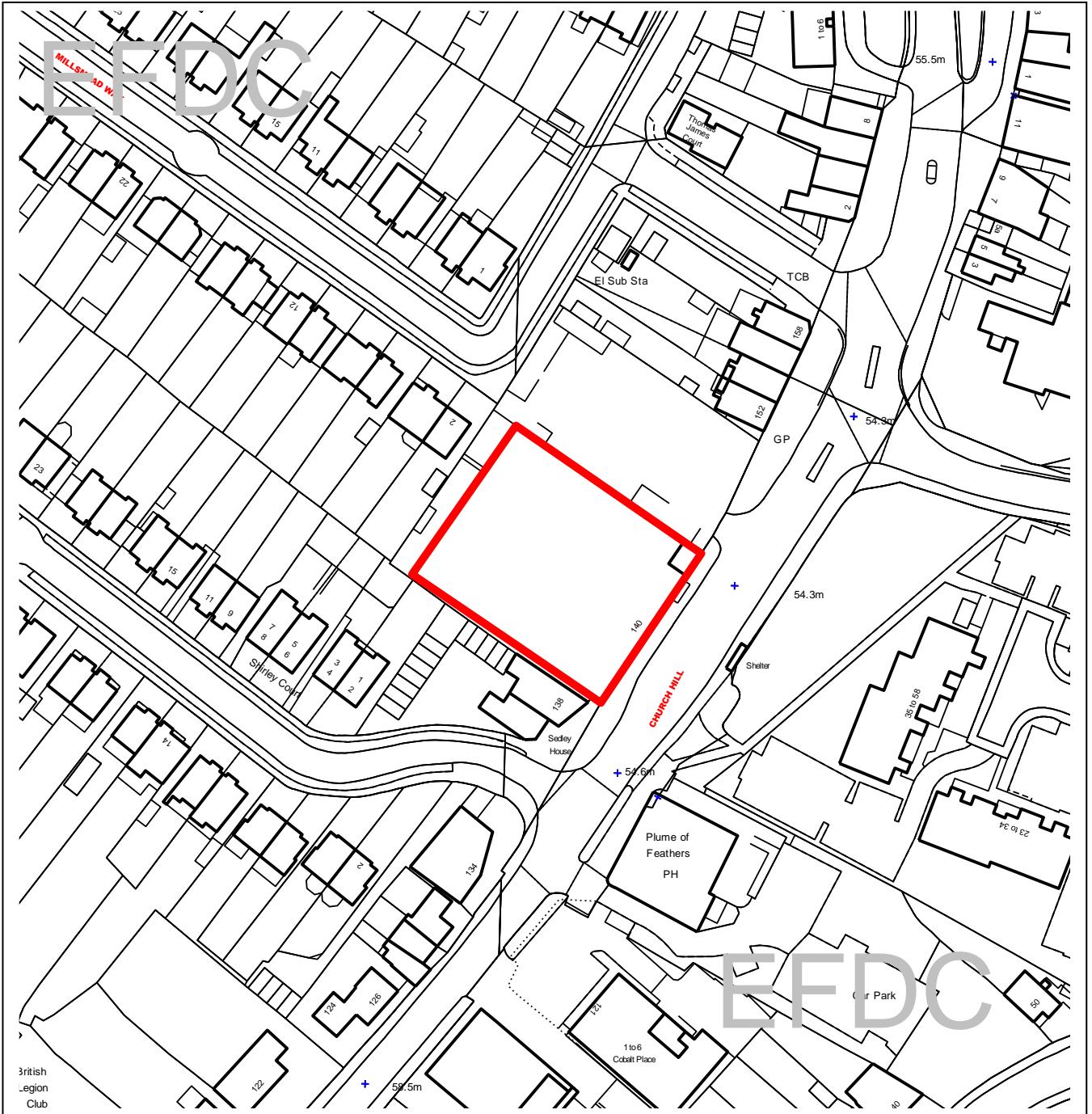




# Epping Forest District Council



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Application Number:	EPF/3016/19
Site Name:	140-142 Church Hill Loughton IG10 1LJ
Scale of Plot:	1:1250

<b>APPLICATION No:</b>	EPF/3016/19
<b>SITE ADDRESS:</b>	140-142 Church Hill Loughton IG10 1LJ
<b>PARISH:</b>	Loughton
<b>WARD:</b>	Loughton St Johns
<b>APPLICANT:</b>	Lidl GB Limited
<b>DESCRIPTION OF PROPOSAL:</b>	Application for Variation of condition 1 of EPF/2015/19 to enable a variation in delivery and waste collection hours.
<b>RECOMMENDED DECISION:</b>	Grant Permission (With Conditions)

**Click on the link below to view related plans and documents for this case:**

[http://planpub.eppingforestdc.gov.uk/NIM.websearch/ExternalEntryPoint.aspx?SEARCH\\_TYPE=1&DOC\\_CLASS\\_CODE=PL&FOLDER1\\_REF=631338](http://planpub.eppingforestdc.gov.uk/NIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=631338)

## CONDITIONS

- 1 No deliveries or waste collections are to be made outside of the hours 07.00 and 20.00 hours Monday to Saturday. No deliveries or waste collections are to be made outside the hours of 16.30 to 18.30 on Sundays and Bank Holidays.
- 2 The use hereby permitted shall not be open to customers / members outside the hours of 8am to 10pm on Monday to Saturday and 10am to 4pm on Sundays and Bank Holidays.
- 3 There shall be no external loudspeaker systems provided within the curtilage of the site. Any internal loudspeaker systems shall be such that at no time would the noise emanating therefrom exceed 45dbA, measured on the rear boundary of the site.
- 4 No access, either pedestrian or vehicular, shall be formed onto Millsmead Way
- 5 The proposed development should be carried out in accordance with the mitigation measures set in the noise report produced by Acoustics Consultants Ltd dated October 2019, reference : 7855/FD.

*This application is before this Committee since the recommendation is for approval contrary to an objection from a local council which is material to the planning merits of the proposal and from at least one neighbour (Pursuant to The Constitution, Part Three: Planning Services – Delegation of Council functions, Schedule 1, Appendix A.(g)*

### **Description of Site:**

The application site comprises a three-storey building with a flat roof. It was operating as a Homebase which is an A1 retail store. Lidl is also an A1 retail store and it does not require planning permission except for signage and plant material which has been approved recently (see relevant history section of report). It is not within a Conservation area nor is it a Listed Building. Church Hill is mixed in character with residential and commercial buildings which are two to three storeys in height. Land levels rise in the north and lower in the south. To the rear are Sedley Rise and Millsmead Way. These streets largely comprise of two storey suburban housing.

### **Description of Proposal:**

Application for Variation of condition 1 of EPF/2015/19 to enable a variation in delivery and waste collection hours. The proposed variation would be as follows:

- 07:00 – 20:00 Monday to Saturday
- 16:30 – 18:30 Sundays

There would be no alteration proposed in relation to the opening hours of the store or to any other condition originally imposed on EPF/2015/19.

### **Relevant History:**

EPF/2015/19 Application for Variation of Condition 2 'opening hours' for EPF/0756/79. (Amendments to proposed builders merchants as Do It Yourself store). FINAL DECISION 23-08-2019 Grant Permission (With Conditions)

EPF/1917/19 Proposed installation of an external plant area comprising of x 3 no. 3-pipe heat recovery outdoor units, x 2 no. food refrigeration pump stations and x 2 no. food refrigeration dry coolers. FINAL DECISION 12-08-2019 Grant Permission (With Conditions)

EPF/1131/19 Refurbishment of existing store comprising a new shop front and entrance, new glazing and window openings, alterations to existing roof, render and cladding finish to external elevations, new door and roller shutters, new escape doors and stairs, new ramp and steps, alterations of layout car park and new boundary fence. FINAL DECISION 22-05-2019 Grant Permission (With Conditions)

EPF/1130/19 Advertising and signage application for proposed food store including fascia signs, totem sign, directional sign, poster display unit and billboards. FINAL DECISION 21-05-2019 Grant Permission (With Conditions)

EPF/2487/15 Installation of covered storage canopy within existing service area. FINAL DECISION 21-10-2015 Grant Permission

EPF/0756/79 Amendments to proposed builders merchants D.I.Y store. FINAL DECISION 11-05-1979 Grant Permission (With Conditions)

### **Policies Applied:**

#### *Adopted Local Plan:*

CP2	Protecting the quality of the rural and built environment
DBE9	Loss of Amenity
DBE10	Design of Residential Extensions
RP5A	Adverse Environmental Impacts

#### *NPPF:*

The Revised National Planning Policy Framework (NPPF) has been published as of February 2019. Paragraph 213 states that existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, according to their degree of consistency with this Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given).

*Epping Forest District Local Plan (Submission Version) 2017:*

On 14 December 2017, full Council resolved that the Epping Forest Local Plan Submission Version 2017 be endorsed as a material consideration to be used in the determination of planning applications and be given appropriate weight in accordance with paragraph 48 of the NPPF.

Paragraph 48 of the NPPF provides that decision-takers may give weight to relevant policies in emerging plans according to:

- The stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
- The extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
- The degree of consistency of the relevant policies in the emerging plan to the policies in the NPPF (the closer the policies in the emerging plan to the policies in the NPPF, the greater the weight that may be given).

In general terms it is considered that the Submission Version of the Plan is at an advanced stage of preparation and the policies are considered to be consistent with the NPPF. As regards unresolved objections, some policies within the Submission Version have more unresolved objections than others. All of these factors have been taken into consideration in arriving at the weight accorded to each of the relevant policies in the context of the proposed development listed below:

SP1	Sustainable Development
DM9	High Quality Design
DM21	Local environmental impacts, pollution and land contamination

**Summary of Representations Received**

TOWN COUNCIL: OBJECT to this application to protect the amenity of neighbours. However, should the Local Planning Authority be minded to approve this application, members requested a condition that one refuse collection only be allowed on Bank Holiday Monday's between the hours of 16:00 and 18:00, but no deliveries to be permitted on either Sundays or Bank Holidays.

1 MILLSMEAD WAY, OBJECT:

The proposal will have a negative effect on their living conditions. We urge that a compromise on the proposals for weekend and Bank Holiday deliveries and waste collection hours is sight. In relation to food waste Lidl's comments regarding vermin from food waste note being collecting frequently due to the restriction in waste and delivery hours is unfounded as vermin proof containers could be used. Their comments concerning the mental health of staff is overdramatised. We note the comments by Lidl concerning the use of broadband reversing alarms and electric pallets trucks, but we see there is no mentioned of how waste collection

noise will be negated. Their proposal, in any case, will only go part way to reducing noise pollution.

#### LOUGHTON RESIDENTS ASSOCIATION PLANS GROUP, OBJECT:

We are disappointed Lidl have not taken any of our suggestions on board. We suggested 7.30am as a compromise to protect the amenity of adjoining residents who have already raised concerns with us, and this should be subject to a temporary one-year consent so the case could be reviewed if problems were arising.

As the application stands, we object on the following grounds;

Lidl's have provided no details on the number of lorry movements or information to demonstrate the store is not viable operating within the permitted hours.

The business will attract large lorries moving into the site which will create noise with diesel engines running, reversing sounds, tail lifts operating etc. These activities will disturb residents particularly in the summer when windows are open to ventilate rooms. Moving glass bottles and jars particularly noisy and startling for neighbours when moved. Given the turnover associated with food stores there will be a large number of vehicle movements which will be very disruptive to neighbours. The applied hours are unacceptable; 9pm is particularly too late and will impact on the well being of young children who to bed earlier than this deadline.

If the District Council is minded to approve the application, we ask for conditions as follows:

- That the consent is temporary for one year only. Reason; So, the impact of the revised hours on neighbours can be reviewed and changed if necessary.
- The hours be restricted to 7.30am and 8.30pm. Reason; anything earlier or later will impact on the amenity of residents
- All servicing trolleys to be fitted with rubber wheels. Reason; To reduce noise and protect the amenity of neighbours
- A hot line should be published and manned to handle complaints. Reason; so disturbed residents can alert Lidl's of any operational problems arising from loading and unloading.

#### **Main Issues and Considerations:**

##### Background

Condition 1 of Planning Permission Ref. EPF/2015/19 states:

*"No deliveries or waste collections are made outside of the hours 08:00 and 20:00 hours Monday to Saturday. No deliveries or waste collections are to be made on Sundays and Bank Holidays".*

The application as originally submitted sought to vary the hours to the following:

*"No deliveries of waste collections are made outside of the hours 07:00 to 21:00 on Mondays to Saturdays (including Bank Holidays). No deliveries or waste collections are to be made outside the hours 16:30 to 18:30 during Sundays."*

However, these were amended to reflect recommendations by the Environmental Health team as set out below:

*“No deliveries or waste collections are made outside of the hours 07.00 - and 20.00 hours Monday to Saturday. No deliveries or waste collections are to be made outside the hours of 16.30 to 18.30 on Sundays and Bank Holidays.”*

#### Reason why the proposed change in delivery hours is required

Lidl PLC feel that the delivery hours restriction set out on condition 1 of decision reference EPF/2015/19 would result in a significant manoeuvring impact on delivery vehicles. Delivery drivers will need to reverse in a small and busy car park off Church Hill which is already a busy thoroughfare. Furthermore, the planning condition means that all deliveries will have to be done within the restrict timeframes. Consequently, deliveries will occur during the hours of school release and work rush hours of 18.00 to 19.00.

They have stated that the current delivery hours restriction means that deliveries will have to occur within store opening hours and will be significantly impacted by customer cars. Delivery drivers will need to reverse in a small and busy car park from Church Hill. They have stated that the 20:00 restriction means the company's deliveries will need to be completed by this time and as such deliveries will arrive during the busy school/work rush hours.

Lidl would have their standard form of vehicle servicing this store. However, given the size of the car park area, the manoeuvre the drivers must make requires as much space as possible. If customer cars are already on site then this manoeuvre is impacted greatly and will eliminate the possibility of deliveries. This could lead to delivery vehicles queuing on Church Hill and would impact on rush hour traffic.

The firm's logistics team have raised significant concerns if the above condition is to be implemented and in order to comply with this condition they would have to consider serving this store with smaller delivery vehicles. If this is to be the case then the number of deliveries within the restricted timescales would increase as they would be unable to service the stock requirements for the store in one delivery using the smaller vehicles.

The firm have stated that within the context of the Sunday restrictions again, this would have a negative operational impact from a logistics perspective. With no Sunday deliveries, customer experience and product availability will be adversely affected with increased deliveries being required on Saturday and Mondays. They could result in a detrimental effect on customer experience with their being significant levels of stock on the sales floor at these times needing to be unpacked in the store.

The working environment over the weekend and into Monday would be incredibly stressful with delivery restrictions being as they are due to number of deliveries being confined to a small window.

Wirth regards to Bank Holidays, Lidl have stated that as these either fall on a Monday or Friday and, from retailer's experience, they are now treated as normal trading days, not being able to deliver to the store on Bank Holidays will have a further impact on the shopping experience and successful ability to function as a store.

In regard to waste collections, Lidl have stated that having no waste collections on Sundays or Bank Holidays has the potential to increase foxes or vermin to the area as food waste could be stored for potentially two days before it is collected.

For the reasons set out above, the proposal seeks to alter the hours of delivery and waste collection. Lidl have agreed with the Councils Environmental Health teams' recommendations regarding this as set out below:

*“No delivers or waste collections are made outside of the hours 07.00 and 20.00 hours Monday to Saturday. No deliveries or waste collections are to be made outside the hours of 16.30 to 18.30 on Sundays and Bank Holidays.”*

They have argued for the reasons set out above that the above hours of operation would allow them greater operational flexibility whilst minimising disruption.

#### Impact on neighbour living conditions

The key consideration in this application is regarding the potential impacts on surrounding neighbours, and this is the main concern of objectors.

A noise impact assessment has been produced by Acoustics Consultants Ltd. The document concludes that the delivery noise associated to the proposed delivery hours, having regard to the context of the site, would be acceptable and the development noise will not cause excessive harm to neighbour amenity.

Mitigation measures proposed by the applicant are as follows:

- Reverse warning sound to be a broadband reversing alarm
- The use of a quiet electric pallet truck to unload and load stock and waste. These trucks have larger wheels and create less noise when moving full pallets.

The Council's Environmental Health Service has been consulted on the proposed development and whilst they objected to the original submission they have suggested an amendment to the altered hours, which has been agreed by the applicant.

#### **Conclusion**

The proposed change in delivery and waste collection hours in line with what is suggested by the Environmental Health Service and as now agreed by Lidl PLC, the application would be subject to conditions, safeguard the amenity of neighbouring residents whilst meeting the operational needs of the company.

***Should you wish to discuss the contents of this report item please use the following contact details by 2pm on the day of the meeting at the latest:***

***Planning Application Case Officer: Sukhdeep Jhooti  
Direct Line Telephone Number: 01992 564 298***

***or if no direct contact can be made please email:  
[contactplanning@eppingforestdc.gov.uk](mailto:contactplanning@eppingforestdc.gov.uk)***