
Number: S1
Application Number: 14/00398/VAR
Proposal: Variation of condition 11 (opening hours) of planning application 08/03881/FUL to extend stores trading hours Monday to Saturday to 9pm.
Location: LiDL, Durham Road, Sunderland

Following the preparation of the main report to the Sub-Committee, matters relating to the impact of the proposed extended operating hours on residential amenity and the local highway network have been summarised below.

Residential Amenity - One of the core principles of the National Planning Policy Framework (NPPF), as set out by paragraph 17, is that planning should “always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.”

Policy EN10 of the saved adopted Unitary Development Plan (UDP) states that:

“All proposals for new development (including changes of use) will be judged in accordance with the policies and proposals of this plan. Where the plan does not indicate any proposals for change, the existing pattern of land use is intended to remain; proposals for development in such areas will need to be compatible with the principal use of the neighbourhood. “

In addition to the above, policy EN5 of the UDP is concerned with noise and vibration and states that “where development is likely to generate noise sufficient to increase significantly the existing ambient sound or vibration levels in residential or other noise sensitive areas, the Council will require the applicant to carry out an assessment of the nature and extent of likely problems and to incorporate suitable mitigation measures in the design of the development. Where such measures are not practical, permission will normally be refused.”

The site has been subject to two previous noise assessments as part of the original planning approval and a subsequent application that sought amendments to the car parking layout, boundary enclosures, provision of 2no. trolley bays (App.no.09/02847/FUL). Each of the assessments shared several assumptions to limit the effect of the development upon levels of residential amenity. These assumptions were:-

- 1 – All deliveries will be made between 07:00 hrs and 19:00 hrs.
- 2 – There will only be one delivery per day.
- 3 – A 2 m high, imperforate noise barrier with a mass greater than 10kg/m² is installed.

Further to consultations with the City Council's Environmental Health Section it is noted that the operation of the premises at such hours may result in disturbance to nearby residents as a result of customers entering and leaving the store. With the above in mind, it is recommended that the store should take precautions to reduce the level of noise disturbance that may result in a statutory nuisance to local residents.

In light of the aforementioned parameters remaining constant to mitigate noise, it is considered that given the proposal has not received any negative representations from local residents relating to the existing levels of noise, then the additional hour requested at the end of the day Monday to Saturday is considered to be acceptable.

Local Highway Network – Policy T14 of the UDP aims to ensure that new developments are easily accessible to both vehicles and pedestrians and indicate how parking requirements will be met.

The current proposal does not alter the previously approved access arrangements and as such given the extent of the proposed alteration to opening hours the Network Management Team have no observations to report.

CONCLUSION

In conclusion it is considered that the proposed variation of condition 11 of planning application 08/03881/FUL to increase the opening hours of the shop by 1 hour to 08:00 – 21:00, is an acceptable form of development and as such the proposal accords with the relevant UDP. In this regards it is recommended that consent be granted for the proposed works subject to the conditions listed.

RECOMMENDATION: APPROVE

Conditions:

- 1 Unless otherwise first agreed in writing with the Local Planning Authority, the development hereby granted permission shall be carried out in full accordance with the following approved plans:

Location Plan received 21.02.204.

In order to ensure that the completed development accords with the scheme approved and to comply with policy B2 of the adopted Unitary Development Plan (UDP).

- 2 The number of deliveries to the development hereby approved in any one day shall not exceed one in total, to enable the Local Planning Authority to control the number of deliveries and delivery vehicles expected to visit the site to ensure that the amenity of nearby residents is not adversely affected

by way of noise and disturbance, in accordance with policy EN5 of the UDP.

3. No goods deliveries shall be taken to or dispatched from the site outside the hours of 07:00 – 19:00 Monday to Saturday and 10:00 – 16:00 Sundays, to ensure that nearby properties are not adversely affected by the development and that highway safety is not compromised and to comply with policies EC5 and T14.
4. The premises shall only be operated for the purposes hereby approved between the hours of 08:00 and 21:00 Monday to Saturday and 10:00 – 16:00 Sundays, in order to protect the amenities of the area and to comply with policy EN5 of the UDP.

ITEMS FOR INFORMATION

LIST OF OTHER APPLICATIONS CURRENTLY ON HAND BUT NOT REPORTED ON THIS AGENDA WHICH WILL BE REPORTED WITH A RECOMMENDATION AT A FUTURE MEETING OF THE SUB COMMITTEE

	APPLICATION NUMBER AND WARD	ADDRESS	APPLICANT/DESCRIPTION	DATE SITE VISIT REQUESTED	LAST ON AGENDA	COMMENTS
1	13/03796/FUL Pallion	Site Of Former Ford And Hylton Social Club Poole Road Sunderland	Inspiring Environments LLP Residential development comprising 18 no. dwellings - 13 no 2 bed and 5 no three bed	N/A	N/A	Pending consideration
2	13/02903/FUL Pallion	Land adj Saint Lukes Road, Front Road	Gentoo Homes The construction of 123 new dwellings with associated hard and soft landscaping with the stopping up of existing roads and footpaths. (Amended Plans received 12.02.2014)	N/A	N/A	Pending Consideration
3	14/00655/FUL Hendon	Pretty Wicked 3 - 4 Hudson Road Sunderland	Mrs Katherine High Change of use to first and second floor for use as private members club.	N/A	N/A	Pending consideration

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4	14/00622/VAR Ryhope	Ryhope General Hospital Stockton Road Ryhope	Northumberland Tyne And Wear NHS	N/A	N/A	Pending Consideration
5	14/00072/FUL Hendon	22 Percy Terrace, Hendon, Sunderland, SR2 8SE	Mr Roger Harris Change of use from 7 bedroomed residential home to 8 bedroomed HMO and construction of dormer to the rear	N/A	N/A	Pending Consideration