

At a Meeting of the DEVELOPMENT CONTROL (SOUTH SUNDERLAND) SUB-COMMITTEE held in the CIVIC CENTRE on THURSDAY 27th APRIL, 2017 at 4.45 p.m.

Present:-

Councillor Porthouse in the Chair

Councillors Ball, Bell, D. Dixon, M. Dixon, I. Galbraith, Hunt, Hodson, Jackson, Mordey and Scaplehorn.

Declarations of Interest

17/00298/VAR – Lidl Ryhope Road, Sunderland, SR2 9TB

Councillor Mordey declared that a close personal friend worked at the store in question and withdrew from the meeting during consideration of this matter.

Apologies for Absence

Apologies for absence were submitted on behalf of Councillors English, Kay, Smith, Waller, P. Watson and S. Watson.

Applications made under the Town and Country Planning Acts and Regulations made thereunder

The Executive Director of Economy and Place submitted a report (copy circulated) relating to the South Sunderland area, copies of which had been forwarded to each Member of the Council, upon applications made under the Town and Country Planning Acts and Regulations made thereunder.

(For copy report – see original minutes).

16/02130/VAR – Variation of condition 3 of previously approved application 99/00084/OUT to allow: The Class A1 development hereby permitted shall not be used for the retailing of any of the following goods without the prior consent of the local planning authority: (a) food and drink (excluding the sale of food and drink for consumption on the premises); (b) fashion clothing (excluding gardening/DIY overalls and protective clothing); (c) fashion accessories; (d) footwear (excluding gardening/DIY protective footwear); (e) jewellery; (f) cosmetics and toiletries; (g) pharmaceutical products; (h) books and magazines (excluding gardening/DIY books and magazines); (i) toys (excluding garden toys and play equipment); (j) sports goods (including walking and climbing equipment) and (k) camping equipment, in order that the

local planning authority may retain control over the development. However, the area indicated pink on drawing no.15165-SK05 with a gross internal area of no more than 5,162 sq.m shall be used for the sale of any non-food goods and up to 30% (1,549 sq.m) of food and drink goods.

B&Q Warehouse, Trimdon Street, Sunderland, SR4 6DW

The representative of the Executive Director of Economy and Place outlined the development proposal to Members of the Committee and the relevant material planning considerations against which the application had been assessed.

1. RESOLVED that Members be minded to approve the application for the reasons set out in the report and that the application be referred to the Secretary of State in accordance with the provisions of the Town and Country Planning (Consultation) (England) Direction 2009 (Circular 2/09)

Change in the order of business

The Chairman advised that the application number 17/00558/FU4 would be considered at this point.

17/00558/FU4 – Erection of single storey extension to 3no. existing classrooms to front elevation and installation of new concrete path (amended description 04.04.2016)

East Herrington Primary Academy, Balmoral Terrace, East Herrington, Sunderland, SR3 3PR

The representative of the Executive Director of Economy and Place outlined the development proposal to Members of the Committee and the relevant material planning considerations against which the application had been assessed.

2. RESOLVED that consent be granted in accordance with Regulation 4 of the Town and Country Planning General Regulations 1992 (as amended) for the reasons set out in the report subject to the 5 conditions set out therein.

17/00298/VAR – Variation of Condition 4 (Number and times of deliveries) of planning approval 16/02018/VAR to allow for maximum of two deliveries per day to be taken at, or despatched from, the approved store, with one delivery to take place between the hours of 08:00 and 13:00 and one delivery to take place between the hours of 12:00 and 18:00, Monday to Sunday (including Bank Holidays) (Additional consultation, amended proposals and additional supporting information received)

Lidl, Ryhope Road, Sunderland, SR2 9TB

The Chairman advised that a site visit had been undertaken on 19th April from 7:50am and that a delivery to the store at 8am had been observed by Members during this visit.

The representative of the Executive Director of Economy and Place outlined the development proposal to Members of the Committee and the relevant material planning considerations against which the application had been assessed.

The proposed variation would allow for an increase in the number of deliveries per day from one to two however it would reduce the permitted hours for receiving deliveries so that deliveries would not be able to be taken before 8am when currently deliveries could arrive at 6am. It was considered that although there would be an extra delivery there would be a betterment to the existing situation due to the reduction in permitted hours on the morning. If members were minded to approve the application the other conditions on the existing planning permission would remain in place and if the application was refused then the existing arrangements would remain in place. It was not considered that a refusal would be sustainable on the basis of noise or disturbance.

Whether there would be a significant adverse impact on the residential amenity of the neighbouring houses due to noise created by the additional delivery was in question. There had been a noise assessment carried out which was more reliable than the previous assessment as actual real information was used rather than predicted noise levels. It had been shown that the noise levels at the nearest noise sensitive property would be 2db over the background noise levels and as such it was considered that there would not be a significant adverse impact on the neighbouring residential properties. Additional mitigation had been implemented including the installation of an acoustic fence; the installation of noise resilient matting and the use of a pallet truck with a silent operation mode.

Within the report for circulation was a revision to condition 4 and also a proposed additional condition, condition 19, which would require the mitigation measures to be retained in working order for perpetuity in order to ensure that no significant adverse impact would be caused.

There had been a temporary stop notice and a breach of condition notice issued in respect of noise levels in order to prevent this breach of condition from continuing.

Councillor Scaplehorn referred to the allegations that Lidl had been carrying out deliveries outside of the approved hours and asked whether enforcement action would be taken if they breached this condition in future. The Representative of the Executive Director of Economy and Place advised that if there was a breach then enforcement action would be taken and that the nature of the enforcement action would depend on the nature and severity of the breach and the harm caused by it.

Councillor Hunt referred to the noise assessment and queried why the assessment had been carried out at ground level when people's bedrooms were upstairs and it was the bedrooms which were most sensitive to noise early in the morning. The Environmental Health representative advised that the noise assessment had been carried out in accordance with the requirements of the British Standard.

The Chairman then welcomed to the meeting local resident Mr Tindle who was in attendance to speak in objection to the application.

Mr Tindle advised that as well as raising his own objections he was also speaking on behalf of fellow resident Mr Lambert who was also in attendance. He stated that the current noise level was intolerable and that the banging and crashing noises that occurred during the deliveries was the issue. The deliveries took around one hour and there was intermittent noise during that time. The level of noise changed depending on what type of trailer was used with the refrigerated trailers being

quietest due to the insulation; it was asserted that the noise assessment had been done during one of the quieter deliveries. It was also asserted that the site visit had also taken place on a day when the quieter trailer had been used and the truck had also parked in a different position to usual on that day. The noise increased as the trailer was emptied as the noise echoed through the trailer and also there was a greater distance for the trollies to be moved. He stated that he was not against the store or deliveries taking place but that he did object to the noise created during the deliveries. There had always been two or three deliveries a day taking place. He had been shown the acoustic matting and this was already damaged and worn and was clearly not fit for purpose. The acoustic fence had also caused issues as due to the concrete construction of the store and the location of the fence the sound was now being funnelled towards residents. Customers and staff did not hear the noise so he did not see why residents should have to put up with it. He was happy to work with Lidl and had attended a meeting with Rapleys, the representatives of the applicant, to find a solution to the issues but did not feel that he should have to put up with an extra hour of noise each day.

The representative of the Executive Director of Economy and Place acknowledged that there were issues caused by different types of noise and that this was why condition 19 would be added to ensure that mitigation measures were put in place. The noise assessment had been considered by Environmental Health and was considered to be representative of the typical noise from a typical delivery; it had taken into account that different vehicles were used and actual information had been used for this assessment rather than the predicted data that had been used in the previous assessment.

Councillor Ball commented that she had attended the site visit and had spent around an hour and a half on site and had heard the noise from the delivery from multiple places including from Rydale Park.

Councillor Hodson queried whether the acoustic matting had made any difference before it had been damaged; he also queried whether the change in hours would represent an improvement. Mr Tindale stated that it had made a marginal difference however most of the noise came from within the trailer. Mr Lambert added that the delivery at the weekend had woken him up at 6:50am and that the deliveries regularly woke up his children; the change in hours would not alleviate this problem at weekends.

The Chairman then introduced Mr Huteson who was in attendance to speak in support of the application on behalf of planning consultant Rapleys; he was joined by Mr Murphy who was representing Lidl. Mr Huteson stated that he had met with residents on Monday and that work was being done to address the concerns raised. Steps had been taken including the installation of rubber acoustic matting and an acoustic fence. There were now two dedicated drivers for this store who were aware of the sensitivity of the site and this would help to reduce the impact of the deliveries.

Mr Murphy stated that he had only been made aware of the issue after the temporary stop notice had been issued and that if he had been aware of the issue sooner then steps could have been taken to mitigate against the issue sooner. There was a desire for the store to be a good neighbour. The rubber matting was a short term fix and work was being done to design a bespoke long term solution using composite panels rather than steel in the construction of the loading dock however the design,

manufacture and installation would take time. The matting would be maintained until the long term solution could be implemented. The acoustic fence would also be upgraded. He provided residents with an assurance that he was committed to addressing their concerns. He also agreed that 8am was too early for deliveries in this location and stated that he was formally amending the variation application to provide two deliveries to the store between 10am and 6pm.

Discussions then took place around the suggestion that deliveries only be taken to the store between 10am and 6pm. Mr Huteson confirmed that the site was only big enough to accommodate one delivery truck at a time so the deliveries would not be taken at the same time as each other. Mr Murphy stated that it would be implemented as soon as possible and the amended delivery hours would be in place within a few days.

Councillor D. Dixon expressed concerns that condition 19 was drafted to take account of temporary arrangements and suggested that the wording be changed to state that the rubber matting would remain until replaced with a more suitable form of mitigation. The representative of the Executive Director of Economy and Place agreed that the condition could be redrafted to reflect this.

Councillor Ball, seconded by Councillor Hunt, moved that the proposal to allow two deliveries between the hours of 10am and 6pm be approved pursuant to the revision to the application offered by the applicant. With all Members being in agreement it was:-

3. RESOLVED that the application be approved for the reasons set out in the report and circulatory report subject to the conditions set out therein with condition 4 amended to allow two deliveries to the store per day within the hours of 10am and 6pm and condition 19 amended to require the acoustic matting to remain in place until such time that a more suitable permanent solution be installed.

**17/00335/LP3 – Change of use from open space to allotments including the erection of new boundary fence, stripping of contaminated land, importation of 350mm topsoil and provision of hardstanding
Ford Quarry Allotments, Pallion Trading Estate, Sunderland**

The representative of the Executive Director of Economy and Place outlined the development proposal to Members of the Committee and the relevant material planning considerations against which the application had been assessed.

4. RESOLVED that Members be minded to grant consent under Regulation 3 of the Town and Country Planning General Regulations 1992 for the reasons set out in the report subject to the 9 conditions set out therein.

**17/00344/LP3 – Erection of Electricity Sub-Station with associated access
Land at Alexandra Business Park off Woodbine Terrace/European Way,
Sunderland, SR4 6UG**

The representative of the Executive Director of Economy and Place outlined the development proposal to Members of the Committee and the relevant material planning considerations against which the application had been assessed.

5. RESOLVED that planning permission be granted in accordance with Regulation 3 of the Town and Country Planning General Regulations 1992 for the reasons set out in the report subject to the 2 conditions set out therein.

The Chairman thanked everyone for their attendance and closed the meeting.

(Signed) S. PORTHOUSE,
Chairman.