
Site Address:	Lidl Supermarket, Somborne Drive, Havant, PO9 5AN		
Proposal:	Variation of Condition 10 of Planning Permission 06/71971/001 to vary delivery hours to allow deliveries between 0700 - 2100 hours on any day.		
Application No:	APP/15/01438	Expiry Date:	29/02/2016
Applicant:	Lidl UK GmbH	Team:	Team 2
Agent:	Mr Tookey	Case Officer:	Emma Chisnall
	RPS		
Ward:	Battins		

Recommendation: **REFUSE PERMISSION**

1 Site Description

Lidl food store is a large retail unit located in Somborne Drive which stretches the length of the road to meet Stockheath Road. To the north of the food store there is a large car park for customers that is accessible from Somborne Drive and stretches along the back of the store along the east elevation. The food store is on level ground and is surrounded by a variety of uses, to the west beyond Somborne Drive and to the north are commercial uses, to the south beyond Stockheath Road are residential dwellings and to the east is a rest home and other residential properties. The deliveries take place to the rear of the building and the boundaries to the residential uses to the east are a mix of fencing and hedging.

2 Planning History

APP/12/00307 - Display of 2No. non-illuminated fascia signs., Permitted 07/06/2012

06/71971/001 - Demolition of existing office building. Construction of Lidl neighbourhood food store (retail area 1286 square metres) and two storey office and reception (743 square metres). Permitted 21.03.07 , subject to delivery condition as follows:

- 10 Deliveries shall only be taken and/or dispatched from the site between the hours of 07:00 and 21:00 Mondays to Saturdays and 09:00 and 17:00 on Sundays and Bank Holidays.

Reason: In the interests of the amenities of occupiers of nearby residential properties and having due regard to policies and proposals UB3 of the Hampshire County Structure Plan 1996-2011 (Review), and PC1 of the Havant Borough District Wide Local Plan 1996-2011.

3 Proposal

Variation of Condition 10 of Planning Permission 06/71971/001 to vary delivery hours to allow deliveries between 0700 - 2100 hours on any day including public holidays.

4 Policy Considerations

National Planning Policy Framework

Havant Borough Local Plan (Core Strategy) March 2011

CS16 (High Quality Design)

DM10 (Pollution)

Havant Borough Local Plan (Allocations) July 2014

AL3 (Town, District and Local Centres)

Listed Building Grade: Not applicable.

Conservation Area: Not applicable.

5 Statutory and Non Statutory Consultations

Environmental Health

Since we have received complaints from members of the public (residents) for the time the delivery times are currently consented to, I do not think that extending those would be beneficial to the residents and therefore I would not support extending the hours.

Comment: In the past complaints have been received by the Planning Enforcement and Environmental Health Team with regard to Lidl breaching the current permitted delivery times causing disruption to neighbouring properties at unsociable times. Two recent objections have been received in relation to this application asking that the delivery times to the store are not extended.

6 Community Involvement

This application was publicised in accordance with the Council's Code of Practice for Publicity of Planning Applications approved at minute 207/6/92 (as amended), as a result of which the following publicity was undertaken:

Number of neighbour notification letters sent: 24

Number of site notices: Not applicable.

Statutory advertisement: Not applicable.

Number of representations received: 2

Summary: Concern raised over disturbance and noise levels from deliveries at the extended times and public bank holidays. Comments made regarding the current arrangement and times not being adhered too as agreed which has lead to further disturbance and noise nuisance.

7 Planning Considerations

7.1 Having regard to the relevant policies of the development plan it is considered that the main issues arising from this application are:

- (i) Principle of extending delivery hours
- (ii) Impact on residential amenities

(i) Principle of extending delivery hours

- 7.2 The Local Planning Authority recognise that flexibility in delivery hours for supermarkets is desirable to allow them to operate with maximum efficiency, however, this must be balanced in partly residential locations against the impacts that such flexibility can have on the amenities of nearby residents. This assessment is made below.

(ii) Impact upon residential amenity

- 7.3 The existing delivery hour restrictions allow deliveries between 7am and 9pm on all days excepting Sundays and Bank Holidays when deliveries are restricted to 9am to 5pm. There is therefore, already considered to be a large degree of flexibility in relation to deliveries for the store operator.
- 7.4 Following the feedback that existing delivery hours have not always been adhered to at the Lidl store it has raised concern over the proposed extension of time for deliveries to be made on Sundays and Public Holidays. Residents are in close proximity to the store and there has been a documented history of complaints with regards to the noise generated from the deliveries at un-social hours. On balance it does not seem reasonable to permit the extension of delivery times to the Lidl store when such significant disruption is caused to the neighbouring properties. It is therefore considered that this application is unacceptable and should be refused. It is considered to be important to restrict deliveries on one day of the week and public holidays in order that nearby residents are afforded some relief from early and late delivery and consequent noise and disturbance.

8 Conclusion

It is considered that extending delivery hours on Sundays and Bank Holidays would harm the amenities of nearby residents on those days. Therefore the application to extend the Lidl opening hours on Sunday's and Public Holidays is recommended for refusal.

9 **RECOMMENDATION:**

That the Executive Head of Planning and Built Environment be authorised to **REFUSE PERMISSION** for application APP/15/01438 as set out below:

- 1 The proposed extension of delivery hours on Sundays and Public Holidays to between 07:00 hours and 21:00 hours would cause significant additional noise and disturbance on these days at un-social hours which would be harmful to the residential amenities of the occupiers of nearby residential properties/uses. The proposal is therefore contrary to Policy DM10 and Policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011, and the National Planning Policy Framework.