

Our Ref.: 21-00291

15 October 2021

London Borough of Greenwich
Planning Department
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LONDON
BIRMINGHAM
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Dear Sir/Madam,

Re: Application for Variation of Condition 14 Under Section 73 of the 1990 Town and Country Planning Act (as amended) pursuant to the planning application Ref. 04/2140/F at Lidl, 1b Eynsham Drive, Dagenham, SE2 9RQ.

We are instructed to submit a variation of condition planning application on behalf of Lidl Great Britain ('Lidl') at the abovementioned site.

We enclose the following documents which have been submitted in support of the planning application via the Planning Portal (Ref. PP-10277400) on the 15 October 2016:

- Planning application form.

The planning application fee in the amount of £234.00 has been paid via the Planning Portal.

In addition to the above enclosures, we would be grateful if you could take into account the contents of this cover letter in determining the application.

Site and Surroundings

The Lidl Supermarket is located along Eynsham Drive, which connects to the A2041 roundabout in Abbey Wood, southeast London. The Lidl site and its associated car park is 1.5 acres in size. Commercial and light industrial units are located to the south, a pet hospital is located to the east and residential areas are located to the north and west.

Lidl's delivery bay is located on the building's south facing elevation, adjacent to the commercial units south of the store.

Relevant Site Planning History

A search of Greenwich Borough Council's online planning application portal reveals the following relevant planning history:

Application Ref.	Description	Decision	Decision Date
12/0193/V	Removal of condition 14(Deliveries) of planning permission dated 27/2/06 (Ref: 04/1552/F) for the demolition of existing supermarket(842m2) with 90 parking spaces and the erection of a replacement supermarket (1747m2) with 104 parking spaces. Applicant in seeking permission to allow deliveries to be made throughout the night.	Withdrawn	28/03/2012
04/1552/F	Demolition of existing supermarket (842 square metres) with 90 parking spaces and the erection of a replacement supermarket (1747 square metres) with 104 parking spaces and associated landscaping. (Revised parking and vehicular access)	Approved	27/02/2006

Lidl's Operational Requirements

Although this store is open 08:00 to 22:00, Lidl stores typically open for a core period of 07:00 to 23:00 on Mondays to Saturdays, including Bank Holidays.

With regard to deliveries, Lidl's foodstores are typically served by 1 to 2 HGV deliveries per day. These deliveries also take waste back to the Belvedere regional distribution centre, helping to reduce the number of traffic movements at Lidl's sites and reducing emissions as a consequence. The number of deliveries may be higher at peak seasonal times but will remain, typically, no more than 2 to 3 per day during this period.

Lidl are seeking to extend the delivery hours currently permitted on Monday to Saturday at this store.

By varying Condition 14 attached to planning permission Ref. 04/1552/F, the store will be consistent with Lidl's standard operational requirements, given that it will allow deliveries to be made between 07.00 and 23.00.

This proposal will provide greater flexibility in terms of delivery times and will also allow deliveries to be made outside of the store opening hours (08:00 to 22:00) if necessary.

The Proposal

Delivery hours

The delivery hours at the Lidl store are restricted by Planning Condition 14 attached to Planning Permission Ref. 00625/B/P5 which states:

"Deliveries onto the site shall be restricted to between the hours of:

- 07:00 - 22:00 Monday to Saturday
- 08:00 - 17:00 Sunday and Bank Holidays"

It is proposed that Condition 14 is varied as follows:

“Condition 14: Deliveries onto the site shall be restricted to between the hours of:

- *07:00 – 23:00 Monday to Saturday*
- *08:00 - 17:00 Sunday and Bank Holidays”*

For ease of reference, please refer to the comparison table below for the existing and proposed delivery hours:

Ref. 00625/B/P5	As Existing	As Proposed
Condition 14	Condition 14: Deliveries onto the site shall be restricted to between the hours of: 07:00 - 22:00 Monday to Saturday 08:00 - 17:00 Sunday and Bank Holidays	Condition 14: Deliveries onto the site shall be restricted to between the hours of: 07:00 – 23:00 Monday to Saturday 08:00 - 17:00 Sunday and Bank Holidays”

The permitted delivery hours are to remain as existing on Sundays and Bank Holidays.

National and Local Planning Policy

National Planning Policy Framework

The National Planning Policy Framework (NPPF) was most recently updated in July 2021. It sets out the purpose of the planning system of achieving sustainable development and how these are expected to be applied.

The framework states that noise needs to be considered when development may create additional noise or would be sensitive to the prevailing acoustic environment (including any anticipated changes to that environment from activities that are permitted but not yet commenced).

Paragraph 55 states that Planning conditions should be kept to a minimum and only imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects.

Paragraph 81 states that Planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development. The approach taken should allow each area to build on its strengths, counter any weaknesses and address the challenges of the future.

National Planning Policy Guidance

The National Planning Policy Guidance (PPG) states that when preparing plans, or taking decisions about new development, there may also be opportunities to make improvements to the acoustic environment. Good acoustic design needs to be considered early in the planning process to ensure that the most appropriate and cost-effective solutions are identified from the outset (Paragraph: 001 Reference ID: 30-001-20190722).

When considering whether noise can override other planning concerns, the PPG is clear that noise must be considered alongside the economic, social, and other environmental dimensions of a proposed development; indeed, the level of concern over noise depends on the combination of these factors in any given situation

(Paragraph: 002 Reference ID: 30-002-20190722).

The NPPG states that when determining applications, local authorities should consider:

- Whether or not a significant adverse effect is occurring or likely to occur.
- Whether or not an adverse effect is occurring or likely to occur; and
- Whether or not a good standard of amenity can be achieved.

Local Planning Policy

The relevant Local Development Framework documents for London Borough of Greenwich Council comprises the following:

- The London Plan (March 2021); and
- The London Borough of Greenwich Local Plan (adopted in 2014)
- Eltham Town Centre Masterplan Supplementary Planning Document (April 2012)

London Plan (2021)

The Greater London Authority formally adopted the new London Plan on the 3rd of March 2021.

The London Plan 2021 is the Spatial Development Strategy for Greater London. It sets out a framework for how London will develop over the next 20-25 years and the mayor's vision for Good Growth. Please see relevant policies below:

Policy D14 Noise – to reduce, manage and mitigate noise to improve health and quality of life.

Policy T7 Deliveries, servicing, and construction – This states that Developments should be designed and managed so that deliveries can be received outside of peak hours and in the evening or nighttime.

The London Borough of Greenwich Local Plan (adopted 30 July 2014)

The Local Development Framework is a collection of planning documents that deliver the spatial planning strategy and policies for the local area.

The relevant policies are outlined below.

Policy E (a) – Pollution - Planning permission will not normally be granted where a proposed development or change of use would generally have a significant adverse effect on the amenities of adjacent occupiers or uses, and especially where proposals would be likely to result in the unacceptable emission of noise, light, vibrations, odours, fumes, dust, water and soil pollutants or grit.

Policy E (b) - The Royal Borough will seek to reduce nuisance caused by existing uses from the emission of noise, fumes, light, dust, grit, odours, or vibration by:

- Refusing planning permission for consolidation or expansion of problem uses, or imposing conditions on planning permission; and iv.

- Taking enforcement action where appropriate.

Greenwich Local Plan Policies Map (2014)

The site is located within a strategic development location (Thamesmead and Abbey Wood), identified for regeneration purposes.

Planning Assessment

This section assesses whether the proposal is compliant with both national and local planning policy.

As previously set out, this application seeks to vary Condition 14 attached to planning application Ref. 04/1552/F in order to extend the permitted delivery hours on Monday to Saturday. The proposal will result in the possibility for deliveries to be made during an additional hour at night-time (22:00 – 23:00).

Varying Condition 14 will ensure consistency with Lidl's standard delivery times and will provide greater flexibility, especially during busier periods such as Easter, Christmas, and other promotional occasions.

Lidl are mindful of the need to minimise any disturbance to neighbouring residents and landowners. To assist in achieving this, each store has only one or two dedicated deliveries per day. This provides all the necessary products for the store, including frozen and chilled goods, which are carried using individual temperature-controlled units that can be loaded on to the vehicle. This ensures minimum disruption by removing the need for noisy air conditioning units on the vehicle. During deliveries, it is company policy that vehicle engines are switched off to reduce noise and disturbance.

Due to the location of the site, a noise assessment has been deemed unnecessary. The delivery bay is located to the rear of the Lidl store and is not in close proximity to any sensitive receptors with the nearest residential dwelling (traveller / gypsy site) being located to the southeast on Thistlebrook, approximately 45 metres from the delivery point. Therefore, the noise associated with the extended delivery times will have a negligible impact on the amenity of surrounding residential occupiers.

It is also important to note that Eynsham Drive is located in front of the Lidl store and therefore generates vehicular noise throughout the day, including during the proposed extended opening hours. As such, the noise generated by the deliveries during the proposed opening hours will likely not exceed the existing background noise.

Therefore, it can be concluded that the proposed variation of condition 14 complies with planning policies D14 (Noise) of the London Plan and Policy E (a) of the Greenwich Local Core Strategy which state that all proposed developments should have no adverse effect on the amenities of all adjacent occupiers. The proposal is also compliant with London Plan Policy T7 (Deliveries, servicing, and construction) which states that Developments should be designed and managed so that deliveries can be received outside of peak hours and in the evening or nighttime.

Given that the proposal would allow the store to operate flexibly in accordance with Lidl's standard operational requirements, Paragraph 81 of the NPPF is applicable. This states that planning decisions should help create the conditions where businesses can expand and adapt.

NPPF Paragraph 55, which states that planning conditions should be kept to a minimum and only imposed where they are necessary and reasonable in all other respects is also of relevance to the application.

Given that it is considered that the proposed delivery hours are acceptable as outlined, condition 14 should therefore be varied as proposed.

Conclusion

The application seeks permission to extend the delivery hours by one hour at night-time to 07:00 - 23:00, Monday to Saturday. This scheme represents an operational requirement to ensure that the store is prepared for opening whilst avoiding any detrimental effect on customer experience. The extended delivery hours will also facilitate safer manoeuvrability and reduced traffic impact as deliveries can be made outside store opening hours and peak periods.

After consideration of relevant national and local planning policies, it is considered that this application for the variation of condition 14 will not result in an unacceptable impact on the amenity of neighbouring properties. The application is therefore considered acceptable in planning terms and there is a compelling case for the granting of permission without delay.

We trust that the enclosed information is sufficient to enable you to validate the application and look forward to receiving your confirmation in due course. Rapleys will be pleased to address any matters raised through the consultation process.

Please contact the undersigned in the first instance should you require any further information.

Yours sincerely,

Matthew Kettleborough

Matthew Kettleborough (Oct 15, 2021 16:06 GMT+1)

Matthew Kettleborough

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Rapleys

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