

10 DCCW2006/3671/F - INSTALLATION OF TWO TEMPORARY REFRIGERATED STORAGE UNITS AT TESCO STORES LTD, ABBOTSMEAD ROAD, BELMONT, HEREFORD, HR2 7XS**For: Tesco Stores Ltd. per Development Planning Partnership, 14 Windsor Place, Cardiff, CF10 3BY**

Date Received: 22nd November, 2006 **Ward: Belmont** **Grid Ref: 49325, 38455**
Expiry Date: 17th January, 2007

Local Members: Councillors P.J. Edwards, J.W. Newman and Ms. G.A. Powell

1. Site Description and Proposal

- 1.1 Tesco, Belmont is located between the A465 Hereford to Abergavenny road and Abbotsmead Road, Hereford.
- 1.2 The proposal, which is retrospective, is to retain two refrigerated storage units in the service yard which is accessed from Abbotsmead Road. The units are typical refrigeration lorry units which are proposed to be stationed adjacent to the cage marshalling enclosure for a period of three months over the festive period (November – January inclusive).
- 1.3 The units cover an area of approximately 64m² and can only be seen when the gate to the service yard is open.

2. Policies

- 2.1 Herefordshire Unitary Development Plan (Revised Deposit Draft):

Policy DR1	-	Design
Policy DR2	-	Land Use and Activity

3. Planning History

- 3.1 SH871411PM Retail and community units including supermarket, doctors surgery, public hall, sheltered housing and licensed premises. Land north and south sides of A465 Trunk Road, Belmont (Grid Ref. 49313845).
- 3.2 SH881340PM Erection of superstore and associated car parking. Land on north side of A465 Trunk Road, Belmont, Hereford. Approved 19/12/88 Tesco Stores Limited.
- 3.3 SH891171PF Widening of part of Abbotsmead Road to provide protected right turn lane into Tesco site. Part of Abbotsmead Road, Belmont, Hereford. Approved 7/8/89 Tesco Stores Limited.

4. Consultation Summary

Statutory Consultations

4.1 None.

Internal Council Advice

4.2 Head of Environmental Health and Trading Standards: "I can advise that I have had opportunity to visit the store and undertake some noise monitoring. Whilst I was unable to gain access to the residence of the person who has complained about noise from these units, a sound level measurement was made within the store premises. This indicated that the noise was unlikely to be a nuisance. The noise was just audible by the complainant's house but it was not possible to measure because of interference of other noises that were louder.

I therefore have no objection to this proposal. Should permission be granted and subsequently nuisance is caused the Environmental Protection Act 1990 provides the Local Authority with powers to deal with nuisance."

5. Representations

5.1 Belmont Rural Parish Council: Belmont Rural Parish Council has considered this application and has concerns that issues relating to noise from these units has not been addressed within the application. Furthermore, we are concerned that in granting this application, a precedent will be set for future applications of a "temporary" nature.

If granted, we strongly suggest that steps are taken to ensure that the units are removed as specified in the application at the absolute latest.

5.2 Two letters of objection have been received from Gloucester Housing Association, St. Michael's Court, Brunswick, Gloucester on behalf of their tenant, Mr. Smart of 1 Romsey Drive, Belmont and Mr. S. Hughes, No. 1 Chantry Court, Belmont. The main points raised are:

1. The noise level given off by the refrigerated storage units will be heard in our single glazed dwelling.
2. The service yard is a noise nuisance to nearby residents.

The full text of these letters can be inspected at Central Planning Services, Blueschool House, Blueschool Street, Hereford and prior to the Sub-Committee meeting.

6. Officers Appraisal

6.1 The submission of this application has resulted from an investigation by the Enforcement Officer following complaints from a local resident.

6.2 The storage units are required to provide additional storage to cover the increased demand of the Christmas trading period between November 2006 and January 2007.

- 6.3 They are located in a visually secluded position in the corner of the service yard adjacent to the supermarket building such that they are only visible when the service yard gates are open. Furthermore they are positioned so as not to interfere with any existing parking or turning areas and there is therefore no concern in relation to the safe manoeuvring of delivery lorries in the yard.
- 6.4 It is clear from the response from local residents and the Parish Council that there are concerns regarding the noise associated with these refrigerated units. In this respect the Head of Environmental Health and Trading Standards has carried out an assessment of the site and the noise generated by the refrigerated units. His conclusion is that the noise generated is unlikely to result in a nuisance that would justify the refusal of planning permission whilst confirming that separate powers under the Environmental Protection Act 1990 could be used if a nuisance was substantiated.
- 6.5 In the light of the above whilst acknowledging the concerns raised by local residents, it is not considered that the presence of the units for the period up until end of January 2007 would result in a detrimental effect on residential amenity such that the refusal of planning permission was warranted.

RECOMMENDATION

That planning permission be granted subject to the following condition:

- 1. **This permission shall expire on 31st January 2007. Unless further permission is granted in writing by the local planning authority prior to the end of that period, the use hereby approved shall permanently cease.**

Reason: To enable the local planning authority to give further consideration of the acceptability of the proposed use after the temporary period has expired.

Informatives:

- 1. **N19 - Avoidance of doubt.**
- 2. **N15 - Reason(s) for the Grant of PP/LBC/CAC.**

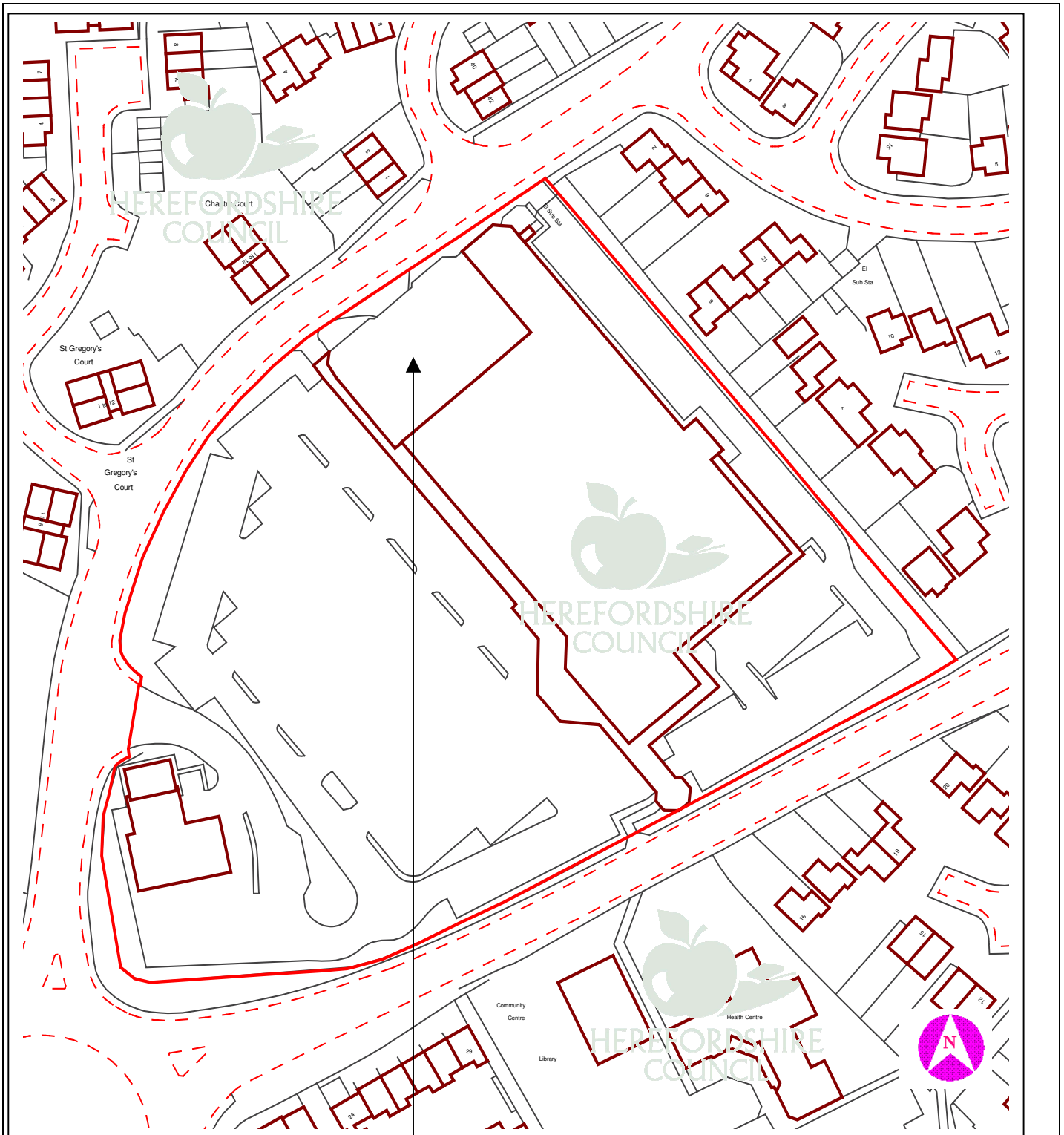
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DCCW2006/3671/F

SCALE : 1 : 1250

SITE ADDRESS : Tesco Stores Ltd, Abbotsmead Road, Belmont, Hereford, HR2 7XS

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