

12 DCCW2007/1229/F - VARIATION OF CONDITION 8 OF PLANNING PERMISSION DCCW2004/1679/F TO ALLOW FOR DOT.COM OPERATIONS ON SUNDAYS BETWEEN THE HOURS OF 9.00AM AND 4.30PM AT TESCO STORES LTD, ABBOTSMEAD ROAD, BELMONT, HEREFORD, HEREFORDSHIRE, HR2 7XS

For: Tesco Stores Limited per Development Planning Partnership, 14 Windsor Place, Cardiff, CF10 3BY

Date Received: 18th April, 2007 Ward: Belmont Grid Ref: 49325, 38452

Expiry Date: 13th June, 2007

Local Members: Councillors H. Davies, P.J. Edwards and G.A. Powell

1. Site Description and Proposal

- 1.1 This application site comprises the Tesco Supermarket at Belmont, Hereford.
- 1.2 The planning application seeks permission to vary condition no. 8 of the planning permission DCCW2004/1679/F to permanently allow for dot.com operations (home shopping/delivery service) on Sundays between the hours of 0900 and 1630.
- 1.3 The existing condition states:

"No machinery shall be operated or delivery vehicles loaded in association with the dot.com deliveries before 0700 on weekdays and Saturdays nor after 2300 on weekdays nor at any time on Sundays, Bank or Public Holidays."

The reason for the condition was to safeguard the amenity of the area.

- 1.4 Temporary planning permission was granted last year (DCCW2006/0869/F) for the condition to be varied which included the erection of a new acoustic gate onto Abbotsmead Road. Whilst this gate has been erected no Sunday operation of the dot.com service has operated.
- 1.5 Included with the submission of this planning application is an Environmental Noise Assessment.

2. Policies

- 2.1 National:
 - PPG24 - Planning and Noise
- 2.2 Herefordshire Unitary Development Plan 2007:
 - Policy DR13 - Noise

2.2 Belmont Parish Plan.

3. Planning History

3.1 There is a detailed and complex planning history associated with the site since the store was first approved under reference SH881340RM in December 1988. This planning application is for amendment to a condition attached to planning permission DCCW2004/1679/F pertaining to the dot.com service.

3.2 DCCW2004/1679/F Amendment to planning permission reference CW2001/1848/F to accommodate a re-positioning of the approved bulk store extension (no increase in floor space) together with a free-standing canopy in association with home delivery service. Approved 28th July, 2004.

3.3 DCCW2006/0869/F Variation of condition 8 of planning permission DCCW2004/1679/F to allow for dot.com operations on Sundays between 9am and 4.30pm. Temporary permission 3rd May, 2006.

4. Consultation Summary

Statutory Consultations

4.1 None.

Internal Council Advice

4.2 Head of Environmental Health & Trading Standards: "With reference to the above, I confirm that Environmental Health have not received any complaints regarding the dot.com centre during the temporary planning permission period. I note, however, that the dot.com service has not been running on a Sunday during this temporary period.

We have received a complaint previously regarding the noise emanating from the metal gates used within the dot.com area, however, this was resolved and no further complaints have been received by Environmental Health.

As the main store is currently operational on a Sunday, I cannot envisage a significant increase in noise levels from this operation. I would, however, recommend that the hours are kept to the same as the main store opening hours i.e. 10.00am instead of the requested 9.00am, especially with it being a Sunday."

4.3 Traffic Manager: No objection.

5. Representations

5.1 Belmont Parish Council: "With reference to the above planning application, Belmont Rural Parish Council has considered this application and wishes to object to these proposals on the grounds that we feel strongly that local residents should not be subjected to additional noise and disruption from the extension of this operation on Sundays. Increased vehicle movements would have a detrimental impact on the quality of life for those living in the immediate vicinity in this quiet residential housing estate."

5.2 Two letters of objection have been received from Mr. & Mrs. T. Smith, 8 Prinknash Close, Belmont and Mr. S.K. Jones, 4 Whitefriars Road, Belmont.
The main points raised:

1. Opposed to further noise and fumes on a Sunday which is put up with Mondays to Saturdays.
2. Previous complaints related to a metal gate used to gain access from the main car park. This use ceased but has recently re-commenced.
3. Vans have been pressure washed in this area with added noise.
4. Surely we are entitled to one day a week free of the noise.

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

6. Officers Appraisal

- 6.1 The key issue for consideration in relation to this planning application is the impact on the amenities of adjoining occupiers associated with delivery vehicle activity between 1100 hours and 1600 hours together with external activities including the operation of refrigerated compartments and their loading and unloading between 0900 hours and 1630 hours on a Sunday.
- 6.2 It is acknowledged that the proposal will increase activity at the rear of the store. This is recognised in the acoustic report, which identified the need for a replacement gate onto Abbotsmead Road which have now been installed under the previous temporary planning permission for the extended dot.com service on a Sunday. Although the extended period has not been utilised by the applicant.
- 6.3 The Head of Trading Standards and Environmental Health raises no objection and confirms that no objections have been received regarding the dot.com centre during the temporary planning permission period. Complaints were received previously regarding the use of the metal gate. However these were resolved and no further complaints have been received since.
- 6.4 The store is open 24 hours save for the normal restrictions on a Sunday which are 1000 hours to 1600 hours and Members will note that the Head of Trading Standards and Environmental Health is recommending that the hours are kept the same as the store, particularly the commencement of 1000 hours rather than 0900 hours. This advice has been incorporated into the recommendation.
- 6.5 Finally, it should be noted that the 12 month planning permission granted last year to enable the use to be monitored and assessed was not implemented. In light of this a further temporary planning permission for 12 months is considered appropriate.

RECOMMENDATION

That planning permission be granted subject to the following conditions:

- 1. This planning permission shall expire on 6th June, 2008 unless further permission is granted in writing by the local planning authority prior to the end of that period.

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

- 2. No machinery shall be operated or delivery vehicles loaded in association with the dot.com deliveries before 0700 hours or after 2300 hours on weekdays and Saturdays or outside the hours of 1000 hours - 1630 hours on a Sunday or at any time on a Bank or Public Holiday.

Reason: In order to protect the residential amenity of the area.

- 3. On a Sunday no dot.com delivery vehicles shall leave or enter the premises outside the hours of 1100 hours – 1600 hours.

Reason: In order to protect the residential amenity of the area.

- 4. All access to the dot.com services area on Sundays shall be via Abbotsmead Road access which shall not be open until 1100 hours and thereafter shall be kept closed at all times other than to allow the immediate entry and exit of delivery vehicles and unless otherwise agreed in writing by the local planning authority.

Reason: In order to protect the residential amenity of the area.

Informatives:

- 1. For the avoidance of doubt the term dot.com delivery service refers to the internet home shopping and delivery services operated by the applicant.
- 2. N15 - Reason(s) for the Grant of PP/LBC/CAC

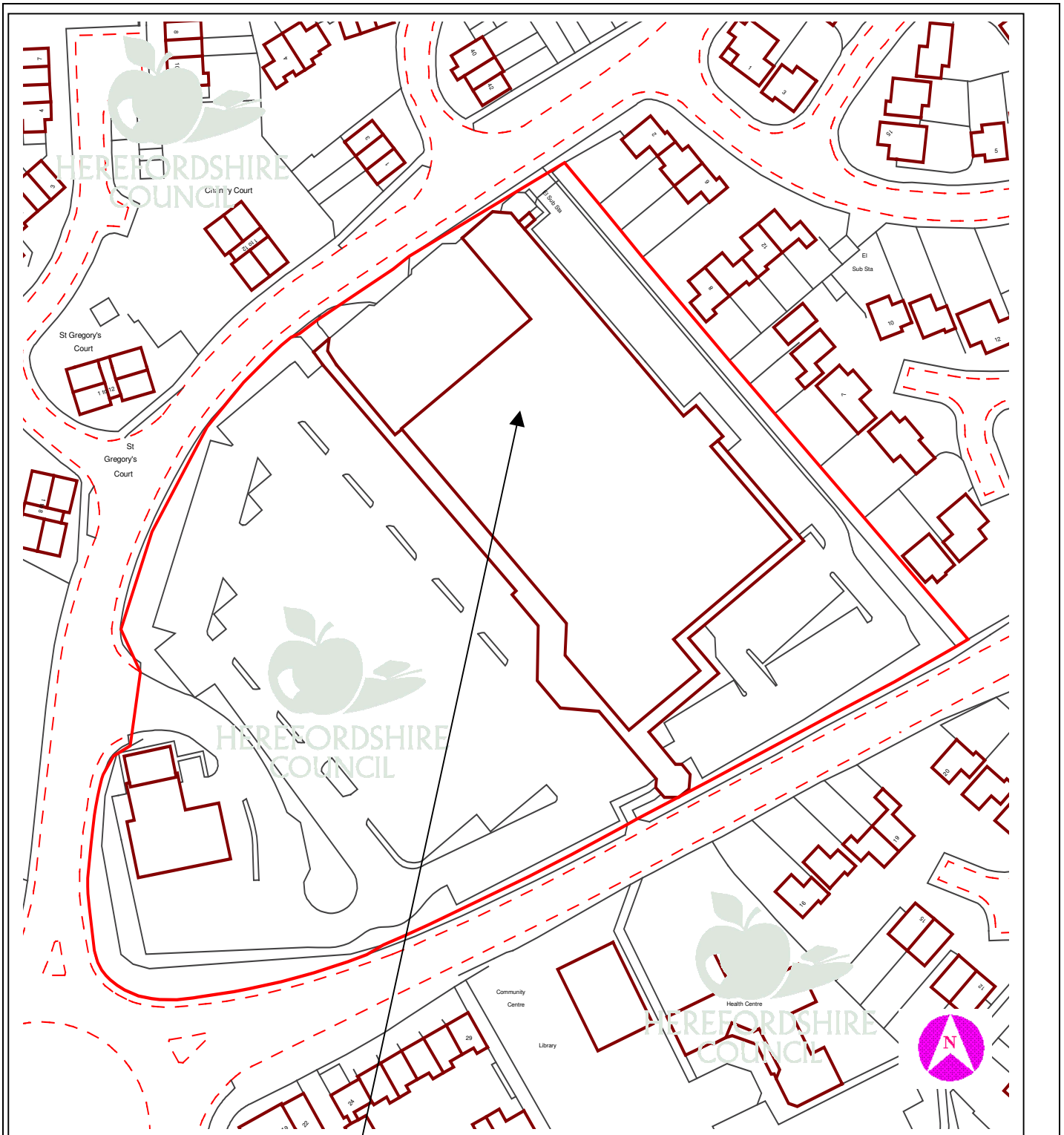
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DCCW2007/1229/F

SCALE : 1 : 1250

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

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