

DCCW2008/2101/F - VARIATION OF CONDITION 1 OF PLANNING PERMISSION DCCW2007/1229/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 DPP LLP, 14 Windsor Place, Cardiff, CF10 3BY

Date Received: 15 August 2008 Ward: Belmont Grid Ref: 49325, 38455

Expiry Date: 10 October 2008

Local Members: Councillors H Davies, PJ Edwards and GA Powell

Introduction

This application was considered by the Central Area Planning Sub-Committee on 5th November 2008. Members resolved to refuse the application contrary to recommendation. The decision was accordingly referred to the Head of Planning and Transportation to determine if it should be reported to the Planning Committee for further consideration.

During the debate Members raised a number of issues with regard to the impact of the use. These concerned a failure to maintain the noise barrier and leylandi screen along the boundary, that the noise barrier was inadequate and there was pollution from vehicle engine fumes. There was discussion as to the extent of any previous complaint and to whom they were addressed. A number of suggestions were proposed including a further trial period with additional conditions requiring further noise and attenuation work. However Members concluded that in their view the result of the trial period was that the operation on a Sunday was not acceptable.

Members were advised that the only record of complaint was during the planning application process and not through the trial period. A noise assessment had been considered by the Environmental Protection Manager who had concluded that subject to control over the hours of work there was no objection to the proposal.

Given the defensibility of the application at appeal the matter has accordingly been referred.

1. Site Description and Proposal

- 1.1 The application site comprises the Tesco Supermarket at Belmont, Hereford.
- 1.2 The planning application seeks permission to vary Condition No. 1 of planning permission DCCW2007/1229/F to allow the dot.com operations (home shopping/delivery service) to operate on a permanent basis on a Sunday. Planning permission was granted last year for a temporary trial period (DCCW2007/1229/F). Conditions attached to that planning permission further restricted the operation hours in the yard to 1000 hours - 1630 hours on a Sunday with deliveries not permissible outside the hours of 1100 hours – 1600 hours.

2. Policies

2.1 National Planning Policy:

PPG24 - Planning and Noise

2.2 Herefordshire Unitary Development Plan 2007:

DR13 - Noise

2.3 Belmont Parish Plan

3. Planning History

3.1 There is a detailed and complex planning history associated with the site since the store was given approval under ref: SH881340RM in December 1988. This planning application is to amend a condition attached to planning permission to the dot.com service.

3.2 DCCW2007/1229/F - Variation of Condition 8 of planning permission DCCW2004/1679/F and to allow for dot.com operations on Sundays between the hours of 9am and 4.30pm. Temporary Planning Permission 6th June 2007.

3.3 DCCW2006/0869/F - Variation of Condition 8 of planning permission DCCW2004/1679/F to allow for dot.com operations on Sunday between 9am and 4.30pm. Temporary Planning Permission 3rd May 2006.

3.4 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.

4. Consultation Summary

Statutory Consultations

4.1 Highways Agency: No objections.

Internal Council Advice

4.2 Traffic Manager: No objections.

4.3 Environmental Protection Manager: I have had the opportunity to consider the proposal to allow for dot.com operations on Sundays between the hours of 9.00am and 4.30pm. There is no record of any complaint made to the Environmental Protection team regarding disturbance made by this operation during the trial period and I have therefore no objection to the proposal. I would however suggest that it might be possible to restrict the hours of work to that of the store Sunday opening times i.e. 10.00am until 4.30pm so as to mitigate any impact on neighbours.

5. Representations

5.1 Belmont Parish Council: This Parish Council recognises that Sunday operations have been permitted for some time and this application is to extend Sunday activities in line

with store opening hours. However, whilst there are no objections to the proposals, the Parish Council has concerns that poor site maintenance, gates being left open for long periods of time and vehicles parking on pavements will increase with the additional operating hours. If permission is granted, we would request that the applicants be conditioned to maintain the leylandii hedging to enable it to thicken and to extend the noise attenuating fencing to protect residents in nearby Monkscroft Drive who have been excluded from the noise assessment processes.

5.2 Three letters of objection have been received from:

Mr. E. Hine, 6 Prinkash Grove, Belmont
 Mr. & Mrs. T. Smith, 8 Prinkash Grove, Belmont
 Mr. S.K. Joner, 4 Whitefriars Road, Belmont.

The main points raised are:

1. The conifer trees planted by Tesco have not been trimmed and managed properly on the housing side. The poor management has made them very thin in places.
2. The noise reduction fence should be extended as vehicles come and go through both entrances to the site.
3. The business is already operating longer hours and the noise attenuation fence is not functioning to keep the noise level down.
4. Opposed to further noise and fumes on a Sunday which is put up with Monday to Saturday.
5. Use of metal gate for access.
6. Vans have been pressure washed with added noise.
7. Surely we are entitled to one day a week free of 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. Officer's Appraisal

- 6.1 The key issue for consideration in relation to this planning application is the impact on the amenity of adjoining occupiers associated with the Dot.com delivery vehicle.
- 6.2 Two trial periods of 12-month durations have now been operated and during those two periods no complaints have been made to the Council's Environmental Protection Team or Planning Services. The planning application has however resulted in objections being made associated mainly with noise complaints.
- 6.3 Consequently the planning application and its supporting document including the noise assessment report have been reviewed by the Environmental Protection Manager who is satisfied, subject to time constraints, that the proposal is acceptable.
- 6.4 For clarification purposes the Dot.com delivery vehicles are not permitted to leave the premises on a Sunday before 1100 hours and must return before 1600 hours. The condition requested to be amended is to secure the permanent approval of the Sunday operations which have been operating for a trial period over the last two years.
- 6.5 Finally inspection of the noise attenuation barrier revealed two areas which needed to be repaired. This work has now been completed.

6.6 The request to extend the attenuation fence is not justified given the conditions that limit access on a Sunday to the Abbotsmead entrance only and the cutting of the conifer hedge is a civil matter between the land owner.

RECOMMENDATION

That planning permission be granted subject to the following condition:

- 1. **B04 (Amendment to existing permission).**

Reason: For the avoidance of doubt and to comply with the requirements of Policy DR1 of the Herefordshire Unitary Development Plan.

INFORMATIVE:

- 1. **N15 – Reasons for the Grant of PP/LBC/CAC.**

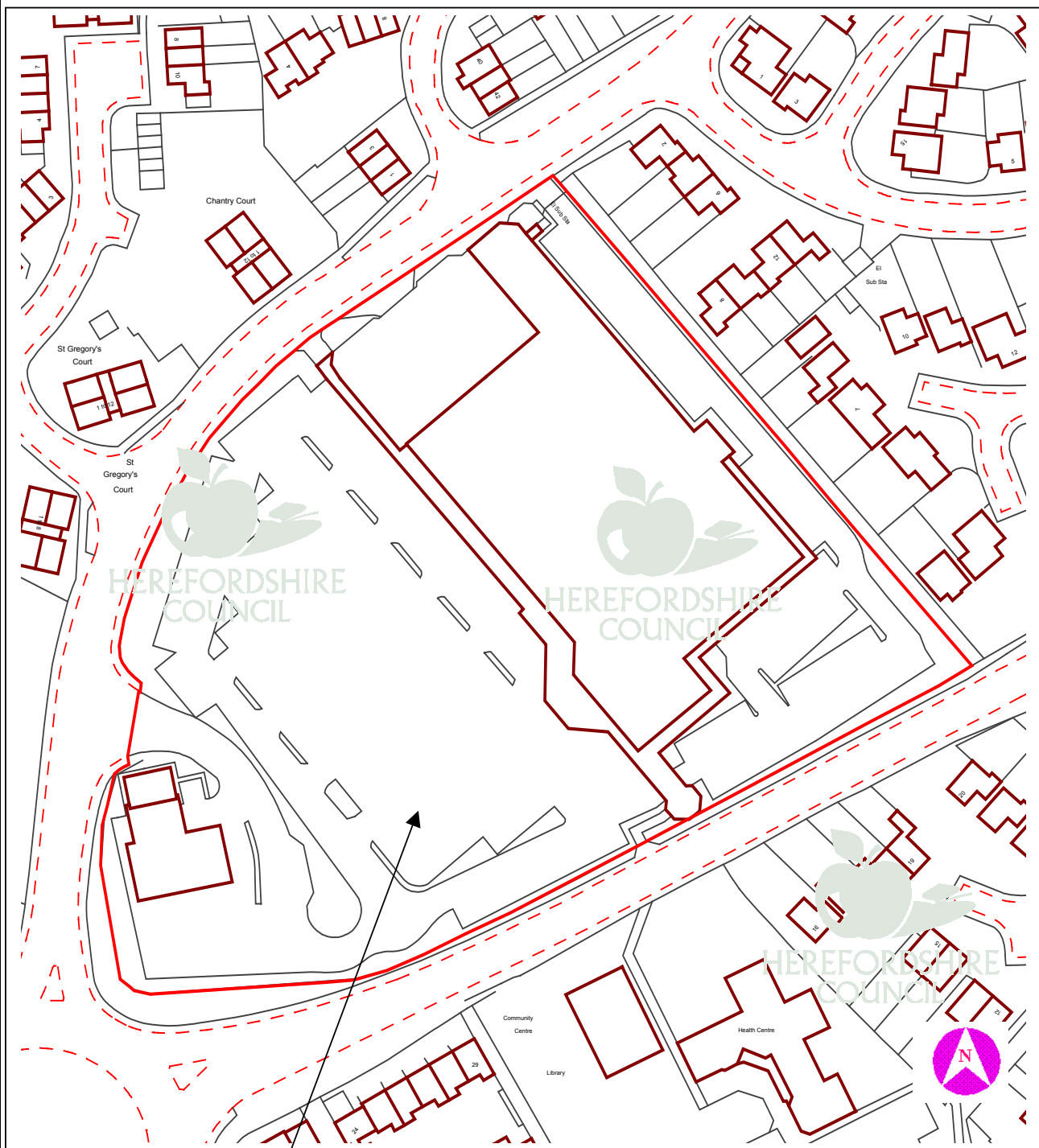
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DCCW2008/2101/F

SCALE : 1 : 1250

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

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