

**8 DCCW2008/2578/F - REMOVAL/VARIATION OF
CONDITION 10 OF PLANNING APPLICATION
DCCW2001/1848/F AT TESCO STORES LTD,
ABBOTSMEAD ROAD, BELMONT, HEREFORD,
HEREFORDSHIRE, HR2 7XS**

**For: Tesco Stores Ltd. per DPP LLP, 14 Windsor Place,
Cardiff, CF10 3BY**

Date Received: 13 October 2008 Ward: Belmont Grid Ref: 49184, 38415

Expiry Date: 8 December 2008

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

1. Site Description and Proposal

1.1 Tesco's Petrol Filling Station is located on the northern side of the A465 Hereford to Abergavenny road adjacent to Tesco supermarket, Belmont, Hereford. Residential development abuts the northern and western boundaries.

1.2 The proposal is to vary the time periods when deliveries can be made. Presently they are controlled by condition no. 10 which restricts delivery times to:

0800 - 1800 hours Monday – Friday

0800 - 1300 hours Saturdays

No deliveries on a Sunday, Bank or Public Holidays.

1.3 Subsequently an appeal was allowed in 2006 (DCCW2004/2611/F) which permitted one fuel tanker delivery on a Sunday between the hours of 1000 - 1600 hours.

1.4 The new times requested by this application are:

0700 - 2200 hours Monday - Friday

0700 - 2100 hours Saturday

0900 - 1600 Sundays, Bank/Public Holidays

1.5 The justification of the increase is to enable Tesco to meet basic operational requirements and customer demand at the petrol filling station. Current restrictions have raised concerns at the ability to maintain adequate fuel stocks at the petrol filling station, particularly over Bank Holiday weekends.

2. Policies

2.1 National Planning Policy:

PPG24 - Noise

2.2 Herefordshire Unitary Development Plan 2007:

Policy DR1	-	Design
Policy DR2	-	Land Use and Activity
Policy DR13	-	Noise

3. Planning History

The main history files are:-

- 3.1 DCCW2001/1848/F Extension to existing supermarket and storage area, provision of cage marshalling area. Relocation of existing Petrol Filling Station, alterations of car park layout. Approved 8 September 2003.
- 3.2 DCCW2004/2611/F Variation of condition 10 of planning permission CW2001/1848/F to allow for one tanker delivery to petrol station on Sundays between 10 a.m. and 4 p.m. Refused 14 December 2004. Appeal allowed 9 March 2006.

4. Consultation Summary

Statutory Consultations

- 4.1 None.

Internal Council Advice

- 4.2 Traffic Manager: Raises no objection.
- 4.3 Head of Environmental Health & Trading Standards: I can confirm that I have had opportunity to consider the above application and the associated noise report which concludes that proposed extension of delivery times can be undertaken without 'harming the amenity of local residents'. Whilst any increase in deliveries is bound to introduce additional noise and therefore have an affect on the amenity, it is unlikely, considering the nature of the neighbourhood that the extension of delivery times would have an unacceptable detrimental effect. I would add that the removal of the restriction of only one delivery on a Sunday would in my opinion only have a limited impact because of the constraints of on site fuel storage capacity. I would therefore not wish to raise any objection.

5. Representations

- 5.1 Belmont Parish Council: "Belmont Rural Parish Council has considered this application and wishes to object to the proposed variation on the following grounds:

The petrol filling station referred to in this application is in the middle of a residential area with housing within a few metres of the site. This application proposes extending the period during which deliveries of petrol and diesel can be received by an additional 35 hours per week and permit an unlimited number of deliveries during that period, compared with one permitted delivery during Sundays and Bank Holidays as per the current amended permission. We believe such an extension will have a detrimental impact on the peace and tranquility of neighbouring properties from noise and fumes resulting from deliveries of fuel. We note that no local environmental assessment of the impact of fuel vapours has been supplied.

We can see no business reason for the request to extend deliveries and have not been aware of the petrol filling station running out of fuel to justify extending deliveries.

We also have concerns that in permitting this extension, the applicants may seek to extend current opening hours to a full 24 hour opening which would also also oppose strongly.”

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 main aspect to consider with this proposal is the impact on residential amenity of the proposed increase in hours for delivery vehicles to enter and leave the site.
- 6.2 The noise assessment report identifies that the noise associated with the delivery events is generally 8dBA below the general background noise levels of the petrol filling station measured between the hours of 0700 – 2200 Monday – Friday, 0700 – 2100 Saturday, 0900 – 1600 – Sundays. The background noise levels equates to at least 50dBA.
- 6.3 The Council’s Environmental Health Officer has assessed the noise report submitted with the application and is satisfied with its conclusion which confirms that there will be no discernible increase in noise levels to the detriment of adjoining residential property. In addition PP24 identifies time periods for day and night time and the extended hours requested are still within the daytime period (0700 – 2300).
- 6.4 Accordingly the proposal to extend the time period for delivery is considered to be acceptable.

RECOMMENDATION

That planning permission be granted subject to the following condition:

1. **The permission hereby granted is an amendment to planning permission CW2001/1848/F dated 8 September 2003 and, otherwise than is altered by this permission, the development shall be carried out in accordance with that planning permission and the conditions attached thereto.**

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

2. **The loading and unloading of service and delivery vehicles to the petrol filling station together with their arrival and departure from the site shall not take place outside the hours of 0700 to 2200 hours Mondays to Fridays; 0700 to 2100 hours on Saturdays and 0900 to 1600 Sundays, Bank or Public Holidays.**

Reason: To safeguard the amenities of the locality and comply with the requirements of Policies DR1, DR2 and DR13 of the Herefordshire Unitary Development Plan.

Informatives:

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

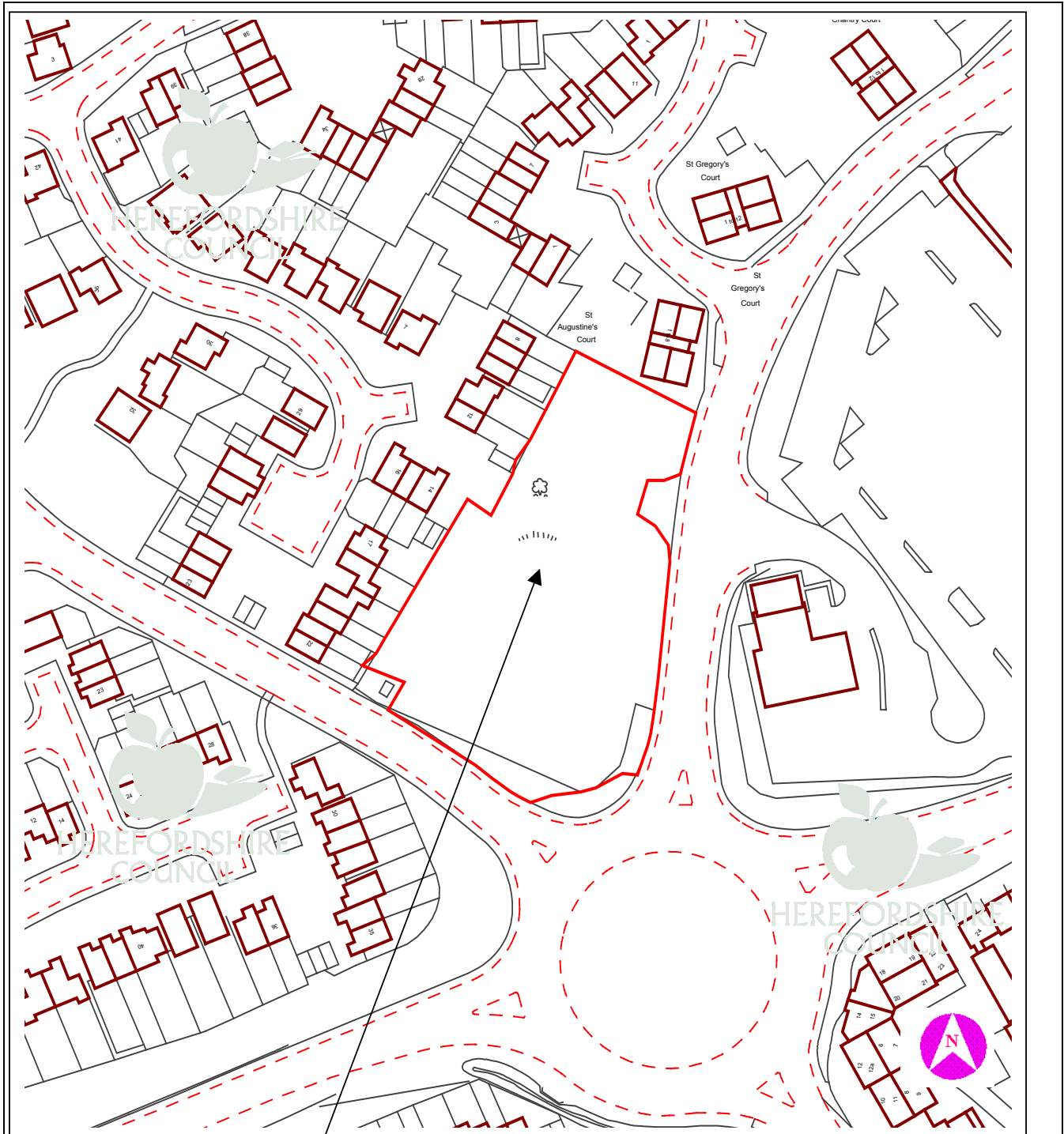
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DCCW2008/2578/F

SCALE : 1 : 1250

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

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