

**8 DCCW2005/0034/F - VARIATION OF CONDITION 10 OF PLANNING PERMISSION CW2001/1848/F TO ALLOW FOR ONE TANKER DELIVERY TO PETROL STATION ON SUNDAYS BETWEEN THE HOURS OF 10.00 AM AND 4.00 PM AT TESCO STORES LTD, ABBOTSMEAD ROAD, BELMONT, HEREFORD, HR2 7XS**

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

**Date Received: 6th January 2005    Ward: Belmont    Grid Ref: 49184, 38415**

**Expiry Date: 3rd March 2005**

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

**1. Site Description and Proposal**

1.1 The application site comprises the recently relocated petrol filling station (PFS) for the Tesco store at Belmont, Hereford.

1.2 The application seeks full planning permission to vary Condition 10 of planning permission CW2001/1848/F to allow for one petrol tanker delivery to the filling station site on a Sunday between the hours of 10 a.m. to 4 p.m. Currently Condition 10 restricts any deliveries on Sundays, Bank or Public Holidays to the site. The reason for the conditions set out on the planning permission is to safeguard the amenities of the locality.

**2. Policies**

2.1 Planning Policy Guidance:

PPG24            -            Planning and Noise

2.2 Hereford and Worcester County Structure Plan:

Policy CTC9     -            Development Requirements

2.3 South Herefordshire District Local Plan:

Policy GD1      -            General Development Criteria

2.4 Herefordshire Unitary Development Plan (Revised Deposit Draft):

Policy DR13     -            Noise

**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 SH88/1340/RM in December 1998. This application is for an amendment to a condition attached to planning approval

CW2001/1848/F - extension to existing supermarket and storage area, provision of cage marshalling area and relocation of existing petrol filling station including alterations to car park layout and associated highway works. Approved 8th September 2003.

DCCW2004/2611/F Variation of Condition 10 planning permission CW2001/1848/F to allow for one tanker delivery to the existing petrol filling station on Sundays between the hours of 10.00 a.m. and 4.00 p.m. Refused 14th December 2004. Appeal pending.

#### **4. Consultation Summary**

##### Statutory Consultations

- 4.1 Highways Agency raise no objections.
- 4.2 Environment Agency - no objections.

##### Internal Council Advice

- 4.3 The Traffic Manager raises no objection.
- 4.4 Head of Environmental Health and Trading Standards - no adverse comments for use of the site between 10 a.m. and 4 p.m.

#### **5. Representations**

- 5.1 Belmont Rural Parish Council - "Belmont Rural Parish Council has considered this application and wishes to record a unanimous objection to the proposals. As stated in our previous consideration of these proposals, this site is located within a residential area and deliveries by tanker would have a detrimental effect on neighbouring properties from the noise and fumes of the tanker delivery. Neighbouring properties report that Sundays is the only day they are able to enjoy their homes and gardens without the noise and fumes from tanker deliveries. The Parish Council believes this should be preserved.

We have further concerns that in permitting one tanker delivery, the precedent would be set to permit further deliveries in the near future and that such a situation would be difficult to monitor."

- 5.2 Eight letters of objection have been received, the main points raised are:
  - 1. Sunday is the only day of the week that some residents do not work. They do not want the smell and noise of delivery vehicles ruining that peace and quiet.
  - 2. Tesco have made and continue to make various changes, if this is approved will they seek 24 hour opening.
  - 3. Tesco's have already breached conditions on site.

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 key issue for consideration in this application is the impact on the amenities of adjoining occupiers that one petrol tanker delivery would have on a Sunday between the hours of 10 a.m. and 4 p.m.
- 6.2 The previous planning application was refused essentially through lack of information. No environmental noise assessment had been undertaken and limited background detail had been provided to substantiate a need to vary the condition. This information has been submitted and assessed by your Officers.
- 6.3 The existing planning permission allows deliveries to the site between 8 a.m. and 6 p.m. Mondays- Fridays and 8 a.m. to 1 p.m. on Saturdays. In addition the petrol filling station (PFS) is permitted to be open between the hours of 8 a.m. to 10 p.m. on Sundays and Bank Holidays. Under the present restriction this would mean that no petrol could be delivered between 1 p.m. on a Saturday and 8 a.m. on a Tuesday of a Bank Holiday. The applicants consider that could seriously limit their abilities to retain an adequate fuel stock and therefore retain customer satisfaction and expectations. However this must be balanced against the impact of allowing a petrol tanker into the site and its affect on nearby residential property.
- 6.4 The tanker bay is approximately 18 metres away from the nearest residential façade, 15 metres from the centre of a garden and in accordance with PPG24 noise levels should not exceed 50dBA on residential facades or 55dBA in gardens. The discharge of fuel from the tanker is by gravity and it is only the arrival and departure of the tanker that are considered to be events that generate noise. It has been calculated that the noise level at 10 metres from the tankers is 58dBA at 18 metres that is reduced by 5dBA and the acoustic fence which runs along the boundary of the site provides a further 8dBA giving a resultant level at the residential façade of 48dBA. The noise level from the centre of the nearest garden is calculated as being 44.5dBA. Therefore noise levels from one tanker event on a Sunday would be below the criteria for gardens and residential façade prescribed in Government guidance. It is therefore considered that there would be no demonstrable harm to the amenity of nearby residents.

## RECOMMENDATION

**That planning permission be granted subject to the following conditions:**

- 1. 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 8.00 a.m. to 6.00 p.m. Mondays to Fridays and 8.00 a.m. to 1.00 p.m. on Saturdays nor at any time on Bank or Public Holidays. On a Sunday one tanker delivery only will be allowed between the hours of 10 a.m. and 4 p.m.**

**Reason: To safeguard the amenities of the locality.**

- 2. A10 (Amendment to existing permission).**

**Reason: For the avoidance of doubt.**

**Informative:**

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

Decision: .....

Notes: .....

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**Background Papers**

Internal departmental consultation replies.