

11 DCCW2006/0869/F - VARIATION OF CONDITION 8 OF PLANNING PERMISSION DCCW2004/1679/F TO ALLOW FOR DOT.COM OPERATIONS ON SUNDAYS BETWEEN 9.00AM AND 4.30PM 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: 14th March, 2006 Ward: Belmont Grid Ref: 49325, 38452

Expiry Date: 9th May, 2006

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

1. Site Description and Proposal

- 1.1 This application site comprises the Tesco supermarket at Belmont, Hereford.
- 1.2 The application seeks planning permission to vary condition no. 8 of planning permission DCCW2004/1679/F to allow for dot.com operations (home shopping/delivery service) on Sundays between the hours of 9am and 4.30pm.
- 1.3 The existing condition states:

“No machinery shall be operated or delivery vehicles loaded in association with the dot.com deliveries before 7am on weekdays and Saturdays nor after 11pm on weekdays nor at any time on Sundays, Bank or Public Holidays.

Reason: To safeguard the amenity of the area.”

The reason for the condition set out on the planning permission is to safeguard the amenities of the area.

- 1.4 All access on a Sunday would be via Abbotsmead Road and the existing wooden gate would be replaced with a 2.3 metre high solid wooden gate under the terms of this application.
- 1.5 An Environmental Noise Assessment was submitted with the application.

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 permission DCCW2004/1679/F.

3.2 CW2001/1848/F Extension to existing supermarket and storage area, provision of cage marshalling area. Relocation of existing petrol filling station, alteration of car park layout and associated highway works. Approved 12th September 2001.

3.3 DCCW2004/1679/F Amendment to planning permission reference CW2001/1848/F to accommodate a repositioning 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 SummaryStatutory Consultations

4.1 Highways Agency: Raise no objections.

Internal Council Advice

4.2 Traffic Manager: Raise no objection.

4.3 Head of Environmental Health & Trading Standards: "I would comment that Environmental Health were in receipt of a noise complaint in April 2005 regarding noise from the dot.com area. The complaint related specifically to the opening and closing of the inner metal gate (via the customer car park) which is situated at the end of the acoustic barrier. The complainants were just past this point and, therefore, not receiving any benefit from the acoustic barrier. Tesco's worked with us to solve the noise problem and this resulted in the gate not being used with the delivery vehicles coming in and out via the wooden gate leading onto Abbotsmead Road.

I have received no further noise complaints since then and would, therefore, recommend that this agreed procedure regarding the metal gate not being used continue or if this is not possible, then the acoustic fencing be extended further to protect the residents from any increased activity."

5. Representations

- 5.1 Belmont Parish Council: "Belmont Rural Parish Council has considered this application and wishes to object strongly to this proposal.

This Tesco store is located in a quiet residential estate. This Parish Council has received a number of complaints from nearby residents who are affected by the noise, traffic, fumes and litter from this store and we feel strongly that there must remain one day per week when residents can be permitted to enjoy some partial respite from these operations.

We dispute the findings of the report by Sharps Redmore regarding the impact of these proposals as the report ignores noise from reversing vehicles, horns and shouts associated with the dot.com operation. We also believe the distance from the source of potential noise to the rear wall of properties along Whitefriars road has been over-estimated and ignores the right of residents to enjoy their gardens in peace. We believe a more appropriate location for an expanded dot.com business would be the Tesco store in the Centre of Hereford which has far fewer residential properties within the immediate surrounding area."

The full text of this letter 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 relation to this application is the impact on the amenities of adjoining occupiers associated with delivery vehicle activity between 11am and 4pm together with other external activities including the operation of refrigerated compartments and their loading and unloading between 9am and 4.30pm on 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 identifies the need for improvements to the existing gated entrance onto Abbotsmead Road. The proposal is to replace the existing open wooden gate with a 2.3 metre high gate which would be kept closed when not in use to allow access and egress by delivery vehicles. The noise associated with the on-board cooling systems on these vehicles would therefore be effectively contained.
- 6.3 The Head of Environmental Health and Trading Standards raises no objection to the proposal subject to conditional control being exercised in respect of the closure of gates and as such it is considered that the concerns originally identified have been satisfactorily addressed with no further complaints having been made by local residents.
- 6.4 The comments made by the Belmont Rural Parish Council are noted but in the light of the advice received from the Environmental Health Officer (Pollution) it is considered that there are no sustainable grounds to challenge the technical information submitted with the Noise Assessment and more specifically that there would be no demonstrable harm to the residential amenity of nearby occupiers.
- 6.5 Subject to appropriate conditions, the proposal is considered acceptable.

RECOMMENDATION

That planning permission be granted subject to the following conditions:

- 1. No machinery shall be operated or delivery vehicles loaded in association with the dot.com deliveries before 7am on weekdays and Saturdays nor after 11pm on weekdays and between 9am - 4.30pm on a Sunday nor at any times on Bank or Public Holidays.

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

- 2. No dot.com delivery vehicles shall enter or leave the premises outside the hours of 11am-4pm on a Sunday.

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

- 3. No Sunday operation of the dot.com delivery service shall be carried out until full details of the gate proposed in the Environmental Noise Assessment received on 14th March 2006 have been submitted to and approved in writing by the local planning authority and subsequently installed. The approved gate shall thereafter be permanently maintained.

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

- 4. All access to the dot.com service area on Sundays shall be via the Abbotsmead Road access which shall not be open until 11am 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 service operated by the applicant.
- 2. N15 - Reason(s) for the Grant of Planning Permission.

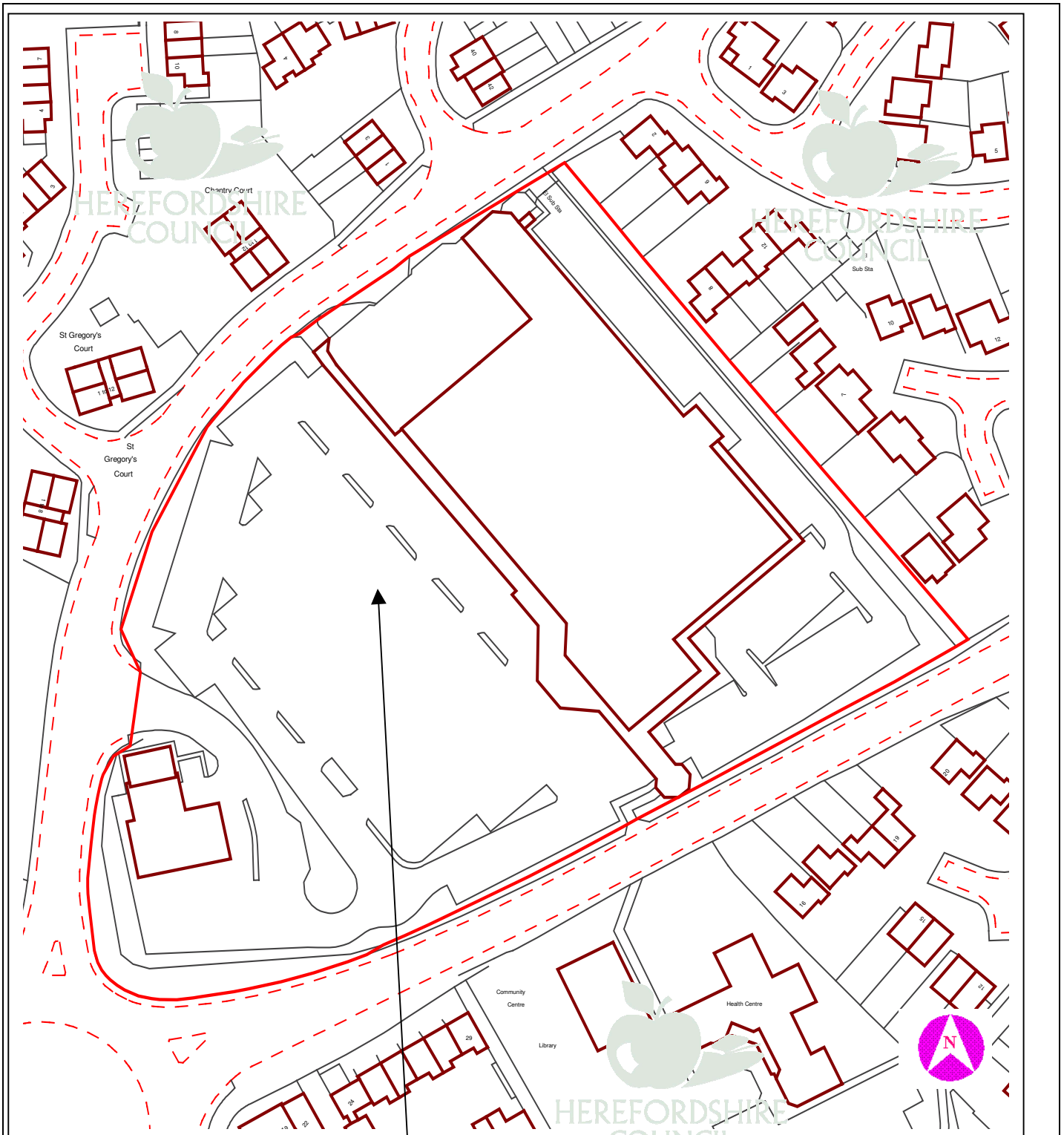
Decision:

Notes:

.....

Background Papers

Internal departmental consultation replies.



This copy has been produced specifically for Planning purposes. No further copies may be made.

APPLICATION NO: DCCW2006/0869/F

SCALE : 1 : 1250

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

Based upon the Ordnance Survey mapping with the permission of the controller of Her Majesty's Stationery Office, © Crown Copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. Herefordshire Council. Licence No: 100024168/2005