

Agenda Item A10	Committee Date 8 th February 2016	Application Number 15/01438/VCN
Application Site Tesco Lancaster Road Carnforth Lancashire	Proposal Erection of a food retail store and relocation of existing plant hire company including demolition works and ancillary servicing and alterations to access (pursuant to the variation of condition 20 on planning permission 14/01079/VCN in relation to hours of deliveries)	
Name of Applicant Tesco Stores Ltd	Name of Agent Sharpes Redmore Partnership	
Decision Target Date 12 February 2016	Reason For Delay Awaiting Environmental Health comments	
Case Officer	Mr Mark Potts	
Departure	No	
Summary of Recommendation	Approval	

1.0 The Site and its Surroundings

- 1.1 The site subject to this planning application is currently a supermarket on the north west side of Scotland Road on the southern fringes of Carnforth. The supermarket is close to the north west boundary with a large car park to the front and north. The predominant land use surrounding the site is residential in nature with dwellings along Grosvenor Place backing onto the supermarket site along the north western boundary with further properties along Victoria Street, Albert Street and Fern Bank to the south and on Alexander Road on the opposite side of Scotland Road.
- 1.2 The site is relatively unconstrained however the site is located within the Carnforth Conservation Area.

2.0 The Proposal

- 2.1 The proposed development is to allow deliveries and servicing between 0630 and 2130 hours Monday to Sunday and one delivery between midnight and 0200 on any one night. Planning permission was granted in 2015 under a Section 73 application (permission 14/01079/VCN) which allowed for the temporary consent of the above arrangements – i.e. one delivery to the supermarket between midnight and 0200 on any night of the week and deliveries between 0630 to 2130 Monday to Sunday. This was on a temporary basis for 6 months, and this expired on 15th November 2015. It was granted temporary permission due to the Local Planning Authority's concerns that noise could be detrimental to the residential amenity of those properties in close proximity to the site. In essence therefore this application seeks permanent consent for the scheme permitted under application 14/01079/VCN.

3.0 Site History

- 3.1 The site has been subject to a number of planning applications as detailed below.

Application Number	Proposal	Decision
98/01043/FUL	Erection of a food retail store and relocation of existing plant hire company including demolition works and ancillary servicing and alterations to access	Approved
99/00530/FUL	Erection of a company offices building and retention of former bakery premises as workshop/stores in place of previously approved parking	Approved
02/00251/FUL	Modification of condition no. 19 on 98/01043/FUL to change opening hours on Sundays from 10:00-16:00 to 11:00-17:00	Approved
05/01044/FUL	Erection of new cage marshalling and insulated area with loading bays with canopy over for home delivery service	Approved
07/00075/FUL	Removal of existing vegetation, realignment of existing footway, installation of HGV waiting area in front of service yard access gates and re-design of the service yard gates to allow HGV access from waiting area – Approved	Approved
12/00641/VCN	Temporary variation of condition 3 of 02/00251/FUL to allow for the relaxation of store opening hours to 9:00-20:00 on Sundays	Approved
14/01079/VCN	Erection of a food retail store and relocation of existing plant hire company including demolition works and ancillary servicing and alterations to access (pursuant to the temporary variation of condition 20 on application 98/01043/FUL to allow night time deliveries on a daily basis and Sunday evening deliveries to the food retail store)	Approved
15/01312/VCN	Erection of a food retail store and relocation of existing plant hire company including demolition works and ancillary servicing and alterations to access (pursuant to the variation of condition 19 on planning permission 98/01043/FUL in relation to hours of trading)	Withdrawn
15/01313/VCN	Erection of a food retail store and relocation of existing plant hire company including demolition works and ancillary servicing and alterations to access (pursuant to the variation of condition 20 on planning permission 98/01043/FUL in relation to hours of deliveries)	Withdrawn
15/01439/VCN	Erection of a food retail store and relocation of existing plant hire company including demolition works and ancillary servicing and alterations to access (pursuant to the variation of condition 19 on planning permission 14/01079/VCN in relation to hours of trading)	Pending Consideration

4.0 Consultation Responses

4.1 The following responses have been received from statutory and non-statutory consultees:

Consultee	Response
Environmental Health	No objections to the scheme and the continuation of the current arrangement is unlikely to adversely affect residential amenity.
County Highways	No objection
Carnforth Town Council	Concerns about disturbance to residents caused by deliveries made between 22:30 and 0700 and that the timing and description of the deliveries is unclear.
Conservation Section	No objection

5.0 Neighbour Representations

5.1 The application has been advertised in the press, site notice and adjacent businesses consulted. To date there has been no letters of representation received.

6.0 Principal National and Development Plan Policies

6.1 National Planning Policy Framework (NPPF)

Paragraphs 7, 8, 9, 10 and 14 – Achieving Sustainable Development
Paragraphs 17 – Core Planning Principles
Paragraphs 18, 19, 20 and 21 – Building a strong, competitive economy
Paragraph 123 – Noise
Paragraph 206 – Use of Planning Conditions

6.2 Lancaster District Local Plan

Saved Policy EC5 – Employment Allocations

6.3 Development Management DPD

Policy DM35 – Sustainable Development

6.4 Lancaster Core Strategy

Policy SC1 – Sustainable Development

7.0 Comment and Analysis

7.0.1 The application raises the principle concerns

- Impact on neighbouring properties;
- Other Material Considerations.

7.1 Impact on neighbouring properties

7.1.1 The scheme proposes the continuation of the night time/early morning operating regime that was permitted under application 14/01079/VCN, albeit this was approved for a temporary period of time of 6 months (which lapsed on the 15th November 2015, notwithstanding this, the application was submitted and validated before this date).

7.1.2 The site has been operating on the basis of the revised hours since May 2015 without adversely affecting the amenity of adjoining users, and it is interesting to note that no objections have been received to the application from local residents despite a relatively wide spread consultation exercise. The accompanying noise assessment has been reviewed by Environmental Health who offer no objection to the scheme as the noise survey demonstrates that the continuation of deliveries between the hours of 0630 – 2130 Monday to Sunday and one delivery between midnight and 0200 is unlikely to affect residential amenity, especially coupled with no responses in relation to the publicity surrounding this application or complaints on delivery noise. With that they offer no objection to the scheme.

7.1.3 With this in mind it is considered that continuation of the proposal that was found acceptable under application 14/01079/VCN can be supported permanently, subject to the continuation of the deliveries to the store being undertaken in accordance with the Service Yard Noise Management Plan and a written log to be undertaken to record deliveries.

7.2 Other Material Considerations

7.2.1 In line with current guidance when an application under Section 73 is granted, the effect is the issue of a new planning permission, sitting alongside the original permission. The guidance suggests that to assist with clarity, decision notices for the grant of planning permission under Section 73 should also repeat relevant conditions from the original planning permission, unless they have been

discharged. A separate application to control the hours of trading is being considered under a separate application for determination at this committee (15/01439/VCN); it is therefore considered whilst it is unusual to apply for two variations to the same consent as two separate applications the applicant is within their right to apply to vary these conditions under two separate applications.

7.2.2 In essence two planning permissions will therefore be issued (assuming both schemes are approved). In the event both are approved to assist with clarify both decision notices will replicate the conditions.

8.0 Planning Obligations

8.1 Not Applicable.

9.0 Conclusions

9.1 The proposal was considered acceptable, albeit on a temporary basis under application 14/01079/VCN. The applicant's noise assessment has demonstrated to the satisfaction to the Local Planning Authority that the site can continue to operate within the amended hours without posing a detrimental impact to the amenity of adjoining residents, it is therefore considered that the permanent arrangement can be supported by the Local Planning Authority subject to the scheme being undertaken in accordance with the Service Yard Management Plan and provision for recording of HGVS undertaking the deliveries between midnight and 2am.

Recommendation

That Planning Permission **BE GRANTED** subject to the following conditions:

20 Servicing and delivery of goods shall take place between the following hours:
0630 and 2130 hours Monday to Sunday and one delivery vehicle between midnight and 0200 hours on any one night.

All the other conditions (including a delivery log condition) attached to planning permission 14/01079/VCN will be applied to the new planning permission but varied to account for details approved under conditions or those which are no longer applicable.

Article 35, Town and Country Planning (Development Management Procedure) (England) Order 2015

In accordance with the above legislation, the City Council can confirm the following:

Lancaster City Council has made the recommendation in a positive and proactive way to foster the delivery of sustainable development, working proactively with the agent to secure development that improves the economic, social and environmental conditions of the area. The recommendation has been made having had regard to the impact of development, and in particular to the relevant policies contained in the Development Plan, as presented in full in the officer report, and to all relevant material planning considerations, including the National Planning Policy Framework, National Planning Practice Guidance and relevant Supplementary Planning Documents/ Guidance.

Human Rights Act

This recommendation has been reached after consideration of the provisions of The Human Rights Act. Unless otherwise stated in this report, the issues arising do not appear to be of such magnitude to override the responsibility of the City Council to regulate land use for the benefit of the community as a whole, in accordance with national law.

Background Papers

None.