

Agenda Item A11	Committee Date 8 th February 2016	Application Number 15/01439/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 19 on planning permission 14/01079/VCN in relation to hours of trading)	
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 amend the hours of trading condition to allow Tesco to trade between the hours of 0800 hours to 2200 hours. The extant planning permissions already allow Tesco to trade until 2200 hours on a Thursday and Friday and therefore this application seeks consent to trade an addition four evenings a week; Monday, Tuesday, Wednesday and Saturday. Sunday Hours would remain unchanged.

3.0 Site History

- 3.1 The site has been subject of a number of planning permissions which can be seen 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 19 on planning permission 14/01079/VCN in relation to hours of trading)	Withdrawn
15/01438/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 14/01079/VCN in relation to hours of deliveries)	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
County Highways	No Objections
Carnforth Town Council	No Objections
Conservation Section	No Objections

5.0 Neighbour Representations

5.1 The application has been advertised in the press, by site notice and adjoining residents/businesses consulted by letter. There have been no letters of representation received in relation to the application.

6.0 Principal National and Development Plan Policies

6.1 National Planning Policy Framework

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 Development Management DPD

Policy DM35 – Sustainable Development

6.3 Lancaster Core Strategy

Policy SC1 – Sustainable Development

6.4 Lancaster District Local Plan

Saved Policy EC5 – Employment Allocations

7.0 Comment and Analysis

7.0.1 The application raises the following issues;

- The protection of amenity of adjoining local residents;
- Other Material Considerations.

7.1 The protection of amenity of adjoining local residents

7.1.1 The store is already operating until 22:00 on two days a week being a Thursday and Friday, and this application is proposing to extend the hours of trading on a Monday, Tuesday, Wednesday and Saturday until 2200. Sunday hours would remain unchanged. It is clear that the condition was imposed on the original grant of consent in the interest of protecting residential amenity. Whilst the principle of development is accepted at this site it needs to be considered whether additional hours of trading will negatively impact on the amenity of adjoining residents.

7.1.2 The application is accompanied by a Noise Impact Assessment, which has principally examined the noise associated with car park activity for the additional two hours per evening. The results indicate that the predicted ambient noise levels from car parking would be below the World Health Organisation noise values and also below the existing ambient noise climate between 2000 and 2200 hours. This assessment predicts that the store could operate between 2000 and 2200 hours without giving rise to significant adverse impacts at adjacent residential properties. The Council's Environmental Health Officer has reviewed the application and has no adverse comments to make in relation to this application.

7.1.3 It is therefore considered the amendment to the condition will not cause any loss of amenity for those residents that bound the site (no letters of objection have been received in respect of the application) and that the additional eight hours of trading will improve the efficiency of the store therefore benefitting those local residents that use Tesco's.

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.

7.2.2 A separate application has been made to amend a further condition relating to hours of deliveries (15/01438/VCN), which is being considered by members at this planning committee. 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 There are no obligations as part of this application.

9.0 Conclusions

9.1 The applicant has demonstrated through the provision of a noise impact assessment that the approval of this application would not result in a loss of enjoyment to residents in close proximity to the site, and allow users of the store to benefit from the additional hours of use.

Recommendation

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

19. The supermarket shall not be open for trading except between the following hours:

0800 – 2200 Monday to Saturday
1000 – 1600 Sunday

Except where may be agreed in advance writing with the Local Planning Authority for the Christmas Holiday season and other exceptional periods.

All the other conditions 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.