

Agenda Item A9	Committee Date 6 February 2017	Application Number 16/01475/VCN
Application Site Tesco Lodge Quarry Lancaster Road Carnforth	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 15/01438/VCN in relation to hours of deliveries)	
Name of Applicant Tesco Stores Ltd	Name of Agent	
Decision Target Date 15 February 2017	Reason For Delay None	
Case Officer	Mrs Eleanor Fawcett	
Departure	No	
Summary of Recommendation	Approval	

1.0 The Site and its Surroundings

- 1.1 The site relates to a supermarket located on the north west side of Scotland Road, towards the southern edge 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. The site is located adjacent to the Carnforth Conservation Area.

2.0 The Proposal

- 2.1 Planning permission is sought to vary a condition which restricts the hours of deliveries to the supermarket. The original grant of planning permission (98/01043/FUL) on the site restricted deliveries between 0630-2130 Monday to Friday and 0800-1800 on Sundays. A previous proposal under a Section 73 application (15/01438/VCN) was granted consent in 2016 to allow deliveries and servicing between 0630 and 2130 hours Monday to Sunday and one delivery between midnight and 0200 on a daily basis. Prior to this, a temporary consent was given to this arrangement (14/01079/VCN). The current application seeks to vary the approved arrangements to allow one delivery a day between midnight and 0200 hours or 0500 and 0630 hours. The submission sets out that Carnforth is one of several Tesco stores where the night shift is to be removed. Therefore the requirement will be for the first delivery to commence at 0500 hours except for busier periods in the year (e.g. Christmas and Easter) where there will be a requirement for a delivery between midnight and 0200 hours.

3.0 Site History

- 3.1 There is an extensive history on this site. The most relevant is set out below.

Application Number	Proposal	Decision
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)	Approved
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)	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
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

4.0 Consultation Responses

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

Consultee	Response
Parish Council	Approve in principle
County Highways	No objection.
Environmental Health	No objection. It is unlikely there will be 'observed effect levels' associated with the proposed delivery times.
Conservation	No objection.

5.0 Neighbour Representations

5.1 One piece of correspondence has been received which raises an objection to the proposal and sets out the following concerns:

- Noise and disturbance from extended opening hours
- Loss of privacy

6.0 Principal National and Development Plan Policies

6.1 National Planning Policy Framework (NPPF)

Paragraphs 7, 14 and 17 – Sustainable Development and Core Principles
Paragraph 123 – Noise implications of development

6.2 Local Planning Policy Overview – Current Position

At the 14 December 2016 meeting of its' Full Council, the local authority resolved to undertake public consultation on:

- The Strategic Policies and Land Allocations Development Plan Document (DPD); and,
- A Review of the Development Management DPD.

This will enable progress to be made on the preparation of a Local Plan for the Lancaster District. It is envisaged that the public consultation will commence on 27 January 2017 and conclude on 24 March 2017, after which (if the consultation is successful), the local authority will be in a position to

make swift progress in moving towards the latter stages of; reviewing the draft documents to take account of consultation outcomes, formal publication and submission to Government, and, then independent Examination of the Local Plan. If an Inspector finds that the submitted DPDs have been soundly prepared they may be adopted by the Council, potentially in 2018.

The **Strategic Policies and Land Allocations DPD** will replace the remaining policies of the Lancaster District Core Strategy (2008) and the residual 'saved' land allocation policies from the 2004 District Local Plan. Following the Council resolution in December 2016, it is considered that the Strategic Policies and Land Allocations DPD is a material consideration in decision-making, although with limited weight. The weight attributed to this DPD will increase as the plan's preparation progresses through the stages described above.

The **Review of the Development Management DPD** updates the policies that are contained within the current document, which was adopted in December 2014. As it is part of the development plan the current document is already material in terms of decision-making. Where any policies in the draft 'Review' document are different from those adopted in 2014, and those policies materially affect the consideration of the planning application, then these will be taken into account during decision-making, although again with limited weight. The weight attributed to the revised policies in the 'Review' will increase as the plan's preparation progresses through the stages described above.

6.3 Lancaster District Core Strategy (adopted July 2008)

SC1 – Sustainable Development

6.4 Development Management Development Plan Document (adopted July 2014)

DM35 – Key Design Principles

7.0 Comment and Analysis

7.1 The main issues to be considered in the determination of this application are:

- Impact on residential amenity

7.2 Impact on residential amenity

7.2.1 The current hours of delivery have been in operation since May 2015, originally granted under a temporary consent. This application seeks to amend the night time hours to allow flexibility to the store as the night shift is to be removed. It is proposed to still have one night time delivery each day and this would be between the hours of either midnight and 0200 hours (as previously approved) or 0500 and 0630 hours. The submission sets out that the baseline noise data measured at the site shows that the noise levels for these two periods of time is similar, with the period between 0500 and 0630 generally noisier than the earlier period. The submission goes on to say that, whilst this does not mean that the later period is any less sensitive, with the existing noise climate being generally higher, this should provide increased noise masking to delivery noise.

7.2.2 Environmental Health has advised that in view of the previous application to extend and vary the delivery hours presenting no evidence of adverse impacts, with reference to the previous noise assessment, it is considered that it is unlikely there will be an adverse impact on the amenity of nearby residential properties. The previous consents required deliveries to the store being undertaken in accordance with the Service Yard Noise Management Plan and a written log to be undertaken to record HGV deliveries between midnight and 0200. It is reasonable to require this, with the log covering the additional night time delivery hours.

8.0 Planning Obligations

8.1 There are none to consider as part of the application.

9.0 Conclusions

9.1 It is considered that the alterations to the delivery hours will not have a detrimental impact on the amenities of the nearby residential properties and the proposal is therefore considered to be

acceptable.

Recommendation

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

1. Control of Goods for sale
2. Development in accordance with plans
3. Car parking
4. Servicing
5. Hours of trading of supermarket
6. Servicing and deliveries to supermarket
7. Parking of refrigerated vehicles
8. Hours of operation/ use of industrial units
9. Processes carried out within industrial buildings
10. Collection and emptying of recycling bins
11. Disposal of surface water by infiltration methods
12. Surface water passed through an oil interceptor
13. Impermeable base to areas used for the storage of fuels/oils/chemicals
14. Service Yard Management Plan

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 applicant to secure development that improves the economic, social and environmental conditions of the area. The recommendation has been taken 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 report, and to all relevant material planning considerations, including the National Planning Policy Framework, National Planning Practice Guidance and relevant Supplementary Planning Documents/ Guidance.

Background Papers

None