

Unrestricted Report

ITEM NO: 05

Application No.
21/00746/FUL
Site Address:

Ward:
Warfield Harvest Ride

Date Registered:
28 July 2021

Target Decision Date:
22 September 2021

**Tesco Stores Ltd 17 County Lane Warfield Bracknell
Berkshire RG42 3JP**

Proposal:

Section 73 application to vary condition 3 (restriction on delivery times between 0500 to 2400 hours) of planning permission 11/00248/FUL to allow deliveries to Tesco store between the hours of 0300 to 2400 hours.

Applicant:

Mr Ben Train

Agent:

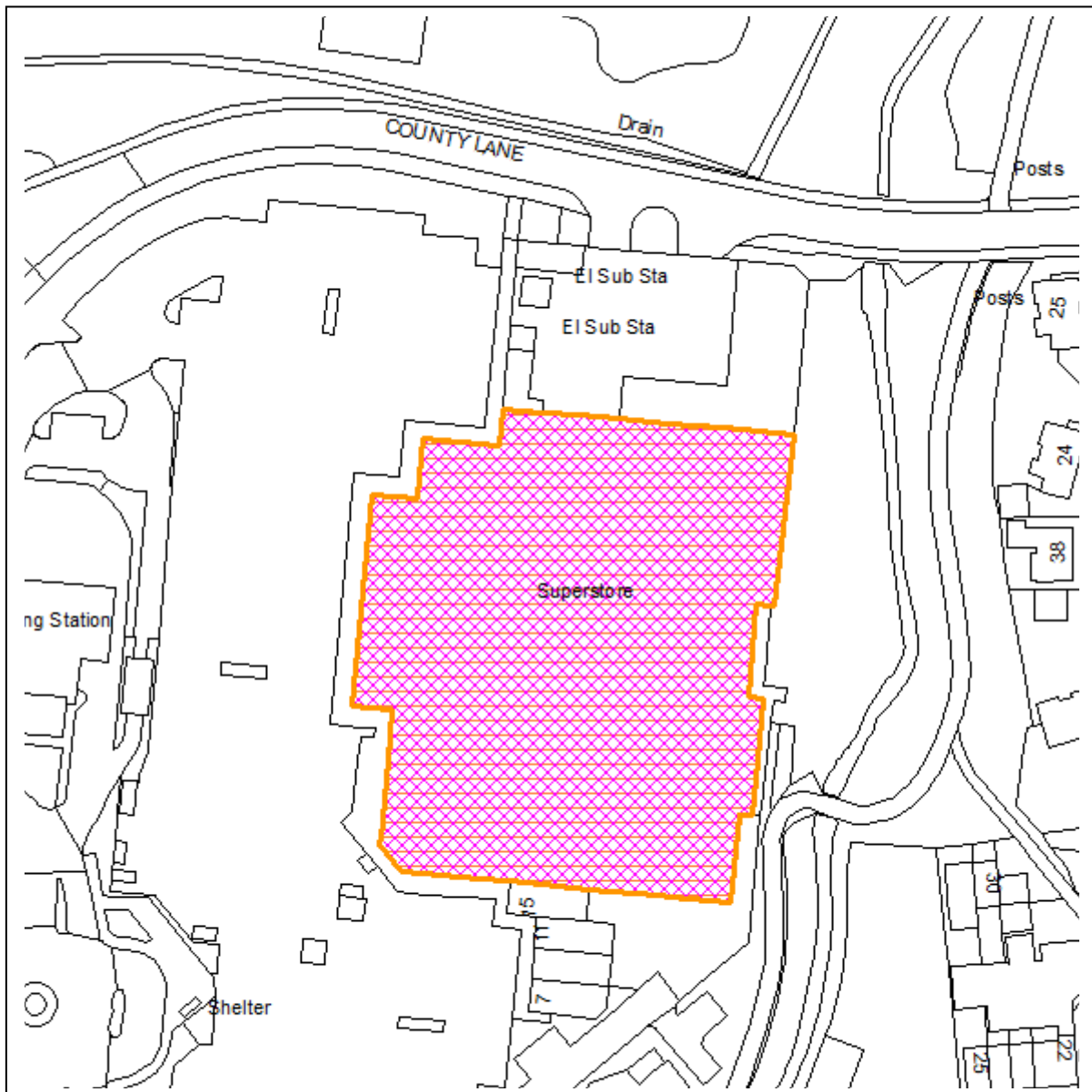
Mr Roderick MacLeod

Case Officer:

Olivia Jones, 01344 352000

Development.control@bracknell-forest.gov.uk

Site Location Plan (for identification purposes only, not to scale)



1 **OFFICER REPORT**

1. SUMMARY

- 1.1 The proposal concerns a Section 73 planning application to vary condition 3 of planning permission 11/00248/FUL. This condition prevents deliveries to the store between midnight and 5am. The proposed amendment would allow deliveries from 3am until midnight.
- 1.2 The proposed amendment is not considered to have an adverse impact on residential amenity or highway safety. No other planning considerations are considered to be affected by the proposed amendment.

RECOMMENDATION

The Assistant Director: Planning be recommended to approve the application subject to the conditions set out in Section 11 of this report

2. REASON FOR REPORTING THE APPLICATION TO THE ADVISORY PLANNING COMMITTEE

- 2.1 The application has been reported to the Advisory Planning Committee following the receipt of over 5 objections.

3. PLANNING STATUS AND SITE DESCRIPTION

PLANNING STATUS

Within Settlement Boundary

- 3.1 Tesco County Lane, Warfield lies within an established neighbourhood centre with a supermarket, petrol filling station, car wash and 3no. units containing a drycleaners, Parish Council Offices and estate agents. It is surrounded on three sides by residential units.

4. RELEVANT PLANNING HISTORY

- 4.1 The relevant planning history is summarised as follows:

00/01055/FUL

Enlargement of store by erection of front, side and rear extensions (involving demolition of 2no. existing shop units) to provide an additional 1932 sq. m. gross external floorspace (yielding an additional 1429 sq. m. total net sales area), erection of 2no. shop units to side of existing, alterations to car park layout, cycle parking and associated works. Relocation of recycling facility to northern site boundary.

Approved 2002

09/00173/FUL

Construction of a lobby extension to act as a wind break to the main entrance of the store and adjustments to associated street furniture

Approved 2009

10/00011/FUL

Installation of combined heat and power unit to roof.

Approved 2010

10/00610/FUL

Erection of extension to entrance lobby, installation of bi-fold doors and relocation of trolley bays.

Approved 2010

10/00660/FUL

Section 73 application to vary condition 13 (This condition restricts opening hours to 08.30 - 20.00 Monday - Thursday, 08.30 - 21.00 Friday, 08.30 - 20.00 Saturday and 10.00 - 16.00 Sunday) of Planning Permission 00/01055/FUL to extend the opening hours to 07.00 to 22.00 Monday to Saturday and 10.00 to 16.00 Sundays.

Refused 2010

11/00248/FUL

Section 73 application to vary condition 13 (This condition restricts opening hours to 08.30 - 20.00 Monday - Thursday, 08.30 - 21.00 Friday, 08.30 - 20.00 Saturday and 10.00 - 16.00 Sunday) of Planning Permission 00/01055/FUL to extend the opening hours to 07.00 to 22.00 Monday to Saturday and 10.00 to 16.00 Sundays.

Approved 2011

5. THE PROPOSAL

- 5.1 The proposal is for a Section 73 application to vary condition 3 of planning permission 11/00248/FUL to extend the delivery hours to the store from between 5am and midnight, to between 3am and midnight. No alterations are proposed to the opening hours of the store or petrol station.

6. REPRESENTATIONS RECEIVED

Warfield Parish Council

- 6.1 Objection raised on the following grounds:
"The existing condition should be retained as it is in place for the protection and wellbeing of neighbouring properties."

Other Representations

- 6.2 Letters of objection have been received from the occupants of 14 properties, raising the following concerns:
- 1) The noise impact of deliveries and associated activities such as lorries arriving and departing through residential areas, engines idling, activities from machinery and employees.
 - 2) Highway safety concerns from lorries blocking a lane of County Lane.
 - 3) Pollution concerns.
- 6.3 One letter of representation has been received requesting clarification of the proposal.
- 6.4 One letter of support has been received.

7. SUMMARY OF CONSULTATION RESPONSES

Highway Authority

- 7.1 No objection

Environmental Health Officer

- 7.2 No objection

8. MAIN POLICIES AND OTHER DOCUMENTS RELEVANT TO THE DECISION

8.1 The key policies and associated guidance applying to the site are:

	Development Plan	NPPF
General policies	CS1 & CS2 of CSDPD	Consistent
Residential Amenity	Saved policies EN20 & EN25 of BFBLP	Consistent
Highways	CS23 of CSDPD, Saved policy M9 of BFBLP	Consistent
Supplementary Planning Documents (SPDs)		
Parking Standards (2016)		
Other publications		
National Planning Policy Framework (NPPF)		

9. PLANNING CONSIDERATIONS

9.1 The key issues for consideration are:

- (i) Principle of the Development
- (ii) Impact on residential amenity
- (iii) Highway safety considerations

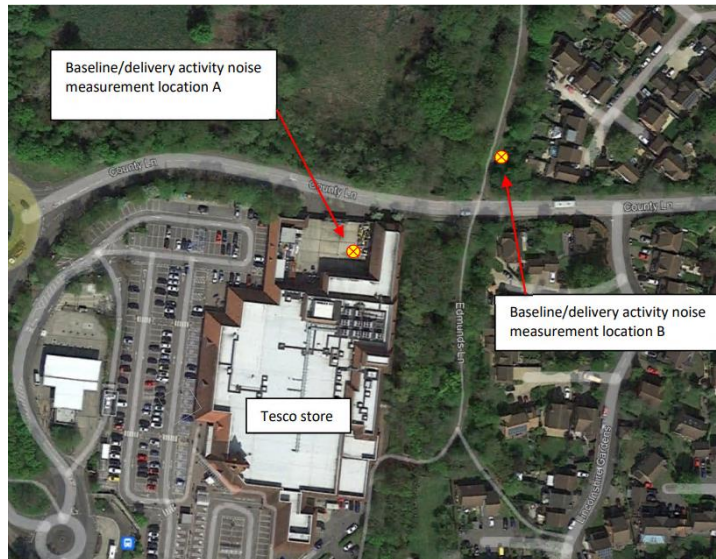
i. Principle of Development

9.2 The principle of the development was assessed and accepted under application 11/00248/FUL. There have been no changes in national or local policy since this approval which would mean that the principle of development should be re-assessed.

ii. Impact on residential amenity

9.3 The main issue for consideration is the impact of the extended delivery times on the amenities of the occupiers of the surrounding properties. Concerns have been raised that extending deliveries hours will result in unacceptable noise impacts to the detriment of the living conditions of neighbouring residents.

9.4 An Acoustic Report has been submitted with this application. This report assessed both the background noise levels during the night-time period, and also noise from existing deliveries to the store. These measurements were taken within 10 metres of the unloading bay (location A) and the land to the rear of the nearest residential property, 6 Dorset Vale (location B):



9.5 The WHO (World Health Organisation) has a peak night-time noise criterion of 60 dB. The Acoustic Report demonstrates that the levels of noise generated by deliveries would not exceed this limit at the nearest residential property, as illustrated in the following table (Table 7 of the Acoustic Report):

Noise level	Parameter	
	L _{Aeq T}	L _{Amax}
Receptor	6 Dorset Vale	
Predicted delivery event noise level day/night ^[1] (Arrival-Unloading-Departure)	35/37	45-50-59
Measured delivery peak noise levels Arrival- Unloading-Departure ^[2]	-	55-57-59
WHO guideline daytime/night time noise value ^[3]	55/45	60
Comply with WHO day/night time guidelines	YES	YES

9.6 The Environmental Health Officer (EHO) visited the site at 04:30 hours and witnessed two deliveries. The EHO determined that the level of noise generated by these deliveries would not cause a significant harm to local residents.

iii. Highway safety considerations

9.7 The Highway Authority has reviewed the scheme and has advised that the proposed change in delivery hours is unlikely to have an impact in respect of road safety as at this time of the night traffic levels are considerably lower.

10. CONCLUSIONS

10.1 The amended scheme is not considered to result in any unacceptable impact on the residential amenity of the occupants of the neighbouring properties or highway safety. The development is therefore considered to be in accordance with the CSDPD, 'Saved' Policies of BFBLP the BFBC SPDs, all in accordance with the NPPF.

11. RECOMMENDATION

That the application be **APPROVED** subject to the following conditions:

01. The opening hours of the large store shall be limited to 07.00 - 22.00 Monday to Saturday and 10.00 - 16.00 Sunday and at no other times.
REASON: In the interests of the amenity of residents.
[Relevant plans and policies: BFBLP EN20, CSDPD CS7]
02. The opening hours of the petrol filling station shall be limited to 07.30 to 21.00 Monday to Thursday, 07.30 -22.00 Friday, 07.30 - 21.00 Saturday and 08.00 - 21.00 Sunday and at no other times.
REASON: In the interests of the amenity of residents.
[Relevant plans and policies: BFBLP EN20, CSDPD CS7]
03. No deliveries shall be made to the store between 24.00 hours and 03.00 hours on any day.
REASON: In the interests of residential amenity.
[Relevant plans and policies: BFBLP EN20, CSDPD CS7]
04. Noise from any source on site measured on a Leq(1-hour) basis shall not exceed by more than 5 dB(A) the background L90(1-hour) (excluding noise from the development) between 0630 and 2300 hours; and as measured on a Leq(5-minute) basis, shall not exceed by more than 5dB(A) the background L90(1-hour) between 2300 and 0630 hours, outside any dwelling.
REASON: In the interests of residential amenity.
[Relevant plans and policies: BFBLP EN20, CSDPD CS7]
05. The net sales area of the store (as defined in DPP's letter dated 29 May 2001 (approved under permission 00/01055/FUL) as the retail sales area, checkouts and customer services) shall not exceed 3850 sq m.
REASON: To control the amount of sales floorspace in accordance with retail planning policy.
[Relevant plans and policies: BFBLP E7, CSDPD CS21]
06. No more than 18% of the retail sales area of the store as extended (as defined in DPP's letter dated 29 May 2001 (00/01055/FUL)) shall be used for the sale or display of comparison goods. For the purposes of this condition, comparison goods shall exclude health and beauty and pharmaceutical goods.
REASON: To control the nature of the retail offer of the store in accordance with retail planning policy
[Relevant plans and policies: BFBLP E7, CSDPD CS21]
07. The unit shops approved under planning application 00/01055/FUL shall not be used for ancillary storage in association with the large store or amalgamated into larger units.
REASON: In the interests of sustainable development to ensure that a range of shop units are available within the neighbourhood centre serving a variety of neighbourhood centre goods and services.
08. The sound rating level (established in accordance with BS4142:2014) of any plant, machinery, deliveries and equipment used, installed or operated in connection with this permission shall not exceed, at any time, the prevailing background sound level at the nearest residential or noise sensitive property. If the plant, machinery or equipment is to be

enclosed details of the enclosure shall be sent to the Local Planning Authority for their approval before the development commences.

REASON: To protect future residents of the site and the occupants of nearby residential properties from noise.

09. All vehicle engines and refrigeration units shall be switched off during deliveries.

REASON: To protect the amenity of residents living in the vicinity of the site and to reduce impact on air quality.

Informative(s):

01. The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

02. Although they must be complied with, no details are required to be submitted in relation to the following conditions:

- (1) Store opening hours
- (2) Petrol station opening hours
- (3) Delivery hours
- (4) Noise from any source
- (5) Size of sales area
- (6) Use of sales area
- (7) No ancillary storage
- (8) Sound rating level
- (9) Engines and refrigeration units

Doc. Ref: Uniform 7/DC/Agenda

The application file to which this report relates can be viewed at the Council's Time Square office during office hours or online at www.bracknell-forest.gov.uk