
ITEM	APP/2007/5843	WARD Heswall
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Location: Tesco Superstore Telegraph Road Heswall Wirral CH60 7SE

Proposal: Variation of Condition 8 on planning approval APP/2002/6748/D to change service hours of the service yard.

Applicant: Tesco Stores Limited PO Box 400 Cirrus Building Shire Park Welwyn Garden City Herts AL7 1AB	Agent: Development Planning Partnership 49 Barton Arcade Manchester M3 2BH
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Development Plan allocation and policies: Key Town Centre
SH1 Criteria for Development in Key Town Centres

Planning History:

Representations and consultations received: Representations:
A site notice was displayed on a lamppost at the entrance to the site. A total of 49 letters of notification have been sent to properties in the area. At the time of writing this report 6 letters of objection have been received and a qualifying petition containing signatures from 30 addresses, listing the following grounds:

- Noise and vibration from the delivery vehicles already has an adverse impact on local residents.
- Extension of delivery times would further impact heavily into residents 'quality' time, i.e. during which might be termed normal domestic leisure/living time.
- Formal complaints have been logged over a number of years with Wirral MBC regarding noise nuisance arising from delivery vehicles
- The environs of Tesco is generally a residential area and residents should be entitled to a residential quality of life.
- Tesco's are consistently in contravention of the existing hours restrictions and there is no evidence to suggest this would be addressed by this proposal

Consultations:
Director of Regeneration - Housing & Environmental Protection Division
The consultant's report submitted with the application proposes the installation of an acoustic fence to ameliorate the overall impact of the proposal. It is agreed that such a proposal would address problems of noise pollution from the site although the height and siting of the fence would need to be agreed. The fence would need to be in place before the revised servicing hours are brought into first use.

Director of Technical Services - Traffic Management Division
The proposal is to extend delivery times which will be at times when traffic flows are low on this highway network and as such, no objections are raised.

Directors comments: PROPOSAL
The proposal is for the Variation of Condition 8 on planning approval APP/2002/6748/D to change service hours of the service yard.

PRINCIPLE OF DEVELOPMENT
The proposal relates to the variation of a condition directly relating to an existing planning permission on the site. The proposal is therefore considered acceptable in principle.

SITE AND SURROUNDINGS
The site comprises of a large supermarket with it's own car park. It is located within the Key Town centre of Heswall although the area to the north west of the site is a Primarily Residential Area, and it is this boundary that will be the most affected by the proposal.

POLICY CONTEXT

Policy SH1 (Criteria for Development in Key Town Centres) allows for proposals for A1, S2, A3 and D1 uses in Key Town Centres. It requires that any development should undermine the vitality and viability of the Key Town Centre and should have no detrimental impact on the amenities of the existing uses or on the highway network.

APPEARANCE AND AMENITY ISSUES

No building work is proposed as part of this application and all amenity issues relate to the impact of vehicles servicing the store at the proposed times.

There is a current problem with noise and disturbance from delivery to the adjoining residential properties and this is reflected in the objections received from residents.

The Director of Regeneration has indicated that the proposal, as it stands would not be acceptable and would be likely to exacerbate existing residential amenity problems from noise. The consultant, in the report submitted with the application indicates that Tesco's would be prepared to erect an improved acoustic fence to mitigate the potential noise impacts.

The size and siting of the fence can be controlled through a suitably worded planning condition.

HIGHWAY/TRAFFIC IMPLICATIONS

There are no Highway Implications relating to this proposal.

ENVIRONMENTAL/SUSTAINABILITY ISSUES

There are no Environmental/Sustainability issues relating to these proposals.

HEALTH ISSUES

There are no health implications relating to this application.

CONCLUSION

Whilst the proposal to amend the hours, in themselves are not considered acceptable, however, this may be mitigated through the erection of an acoustic fence which may be controlled through a suitably worded planning condition.

Summary of Decision:

It is for the reason of the proposal having no significant detrimental impact on the amenities of the surrounding occupiers that it is considered to comply with UDP policy SH1 subject to a condition requiring an acoustic fence.

Recommendation: Approve

Condition(s):

- 1 Full planning permission: standard commencement date. (C03A)
- 2 Precise details of an acoustic fence to mitigate potential for noise from service and delivery vehicles are to be submitted to and approved in writing by the LPA. The fence is to be erected in accordance with the approved details to the satisfaction of the LPA prior to the implementation of the amended servicing house and maintained as such thereafter.

Reason for conditions

- 1 Standard (CR86)
- 2 In the interests of residential amenity.

Last Comments By: 31 May 2007

56 Day Expires On: 19 June 2007

Case Officer: Mr R McGinn