

Deadline:	21 st JUNE 2010		
Application Number:	S/2010/0639		
Site Address:	140 LONDON ROAD & LAND & BUILDINGS TO REAR AMESBURY SALISBURY SP4 7EQ		
Proposal:	DEMOLITION OF ALL BUILDINGS AND REDEVELOPMENT TO FORM A CLASS A1 STORE WITH ASSOCIATED PARKING AND LANDSCAPING AND ALTERATIONS TO ACCESS, INSTALLATION OF A WIND TURBINE, AMENDMENTS TO CONDITION 30 STORE DESIGN AND DELETION OF CONDITION 20 RESTRICTION TO DELIVERY HOURS		
Applicant/ Agent:	G L HEARN		
Parish:	AMESBURY EASTAMESBURY EAST		
Grid Reference:	416368.699544907 141906.972530365		
Type of Application:	S73		
Conservation Area:		LB Grade:	
Case Officer:	Mr A Madge	Contact Number:	01722 434541

<p>Application Number: S/2010/0639/S73</p> <p>Proposed Development: Demolition of all buildings and redevelopment to form a class A1 store with associated parking and landscaping and alterations to access, installation of a wind turbine, amendments to condition 30 store design and deletion of condition 20 restriction to delivery hours</p> <p>Officer Report</p>

<p>Reason for the application being considered by Committee</p> <p>The Director of Neighbourhood and Planning does not consider it prudent to exercise delegated powers as the recommendation from officers in respect of the change to delivery hours of this application differs from that previously accepted by the planning inspector at Public Inquiry. The director of planning considered it important that the reasons for the officer recommendation were made clear at committee.</p>

<p>1. Purpose of Report</p> <p>To consider the above application and to recommend that planning permission be GRANTED subject to conditions</p>
<p>2. Main Issues</p> <p>The main issues to consider are :</p>

- 1) The change in design and appearance of the store from that allowed by the secretary of state
- 2) The change to the hours of delivery from that approved by the secretary of state.
- 3) Other matters

3. Site Description

The site was formerly that of the Gregory's distribution and transport depot, various smaller single storey industrial buildings, the councils gritting yard, an ambulance station and a small number of former railway cottages. All of these buildings have now been demolished and the site is presently being prepared for construction work to commence on the new Tesco's retail store.

4. Planning History

There have been a number of planning applications associated with this site but most recently and of significance to this application

Application number	Proposal	Decision
S/2008/0572	Redevelopment to form a class A1 store with associated parking and landscaping	Granted by SoS

5. The Proposal

The proposal consists of two parts,

1) It is proposed to vary condition no 30 of the consented development scheme via a redesign of the exterior of the store such that most of the previously proposed composite panels will now be replaced with wood cladding along with timber columns and beams on the store front. The two external elevations facing South West and North East will be timber clad and windcatchers of approximately 2.5m height will be added to the roof. Xtralite rooflights will replace the previously proposed pillow rooflights. It is also proposed to remove the wind turbine previously proposed as this would not have provided significant power to the store.

2) Secondly it is proposed to amend the delivery hours of the store via a variation to condition no 20. The condition was imposed by the secretary of state and restricted delivery times from 7.00am to 22.00pm from Monday to Saturday and 9.00am to 16.00pm on Sundays and public holidays. It is proposed by the applicant to amend the delivery hours to 24hr usage.

6. Planning Policy

The following policies are considered relevant to this proposal

PPS1	Delivering sustainable development
PPG 24	Planning and noise
G1 Local Plan	General development criteria
G2 Local Plan	General criteria for development
D1 and D2 Local Plan	Design policies

7. Consultations

Town/ Parish Council

Object to the proposed Pharmacy as it will impinge on pharmacies in the town centre.

Object to the wind catchers on the grounds of size and bulk as they will impinge on the amenities of residents in James Road and Annetts Close

Object to delivery hours based on likelihood of lorries using London Road as an exit route and therefore increasing volumes of traffic on Holders Road and London Road. Considered that the delivery hours should remain as stated by the planning inspector in order to protect the amenities of neighbouring residential properties.

Environmental Health

After reviewing the application, and on the basis of the information contained in the SRP Acoustic Report, the grant of the application should not lead to any exceedance of relevant guidelines with respect to night time noise. However, it should be acknowledged that the application will introduce a new noise source during the night to what is a residential area. The actual impact of the delivery vehicles will very much depend on how the vehicles themselves are operated and managed by the individual drivers. Notwithstanding this, if the vehicles are driven and operated in a reasonable and responsible manner the grant of the application should not lead to any exceedance of the relevant noise guidelines.

I would comment that the impact of a noise does not solely relate to the level of that noise in terms of decibels but also relates to its character. The character of certain noises that could arise as a result of this application (such as reversing sirens attached to delivery vehicles and the movement of cages across the delivery yard) could have a negative impact upon residents living nearby. However I note the comments from GLHERN in their letter dated 23 April 2010 stating that the level access will be used for all deliveries directly into the building and comments on page 10 of the SRP acoustic report confirming that reversing alarms are not used at night at Tesco stores.

I would therefore recommend that the following conditions are attached to any approval:

- 1.** All deliveries taken at or dispatched from the development outside the hours of 07:00 to 22:00 Monday to Saturday and 09:00 to 16:00 on Sundays and Bank Holidays shall be received directly into or taken directly from the building via the level access.

2. Between the hours of 22:00 and 07:00 Monday to Saturday and 16:00 and 09:00 on Sundays and Bank Holidays delivery vehicles on site shall not operate any audible vehicle reversing alarm.

Wessex Water No comments

Wiltshire Fire and Rescue – various comments in relation to fire safety that the building should comply with.

8. Publicity

The application was advertised by site notice /neighbour notification
Expiry date 21st June 2010

Eight letters of comment/objection have been received.
Summary of key points raised

Concern is expressed about the increase in noise levels particularly at night which could cause sleep disturbance.

Increased levels of pollution from traffic are a concern.

South Wiltshire CPRE – concerned about noise and the perception of noise and disturbance.

Stonehenge Chamber of Trade – Tesco did not challenge the conditions put forward with regard to noise at the recent public inquiry. considers that the S106 agreement banned night time activities. Urges refusal of the application

London Road and Solstice Park are already polluted by noise. Why should a shop have 24hour deliveries when the shop is not going to be open these hours?

9. Planning Considerations

9.1 The effect of the changes to the external appearance of the store

9.2 The impact of allowing 24 hour deliveries to the store

9.3 Policy G1 of the saved policies of the adopted local plan encourages the use of sustainable measures in developing new buildings it states –

In accordance with the principles of sustainable development, priority will be given to ensuring that development proposals:

- (i) *achieve an overall pattern of land uses which reduce the need to travel and support increased use of public transport, cycling and walking;*
- (ii) *promote the vitality and viability of local communities;*
- (iii) *conserve both the natural environment and cultural heritage of the District;*
- (iv) *make effective use of land in urban areas, particularly*

on previously developed sites.

This follows on from government advice contained within planning policy statement one and its companion guide which encourages sustainable development. The council's own adopted SPG Creating places makes various points encouraging the use of sustainable design including the following which relates specifically to the wind catcher type proposals as shown on the plans.

Often known as "passive solar design" this involves taking advantage of the natural light and heat from the sun and using air movement for ventilation. If well designed, such an approach can significantly reduce the need for artificial light, heat, cooling or ventilation.

The applicant's proposals are all being altered from that originally proposed because Tesco's store format has been updated from that which it originally proposed as a significant period of time has now elapsed from when the original planning application was made. The new store format now includes wood cladding from sustainable sources. The introduction of windcatchers to passively ventilate the building and cool the building in summer reducing air conditioning usage. The introduction of larger rooflights to enable more natural daylight into the store so that lights can be used less. It also involves the removal of the previously proposed wind turbine as these have proved to be less effective in the production of power in other stores than was previously thought.

Officers have considered the introduction of these measures and it is considered that these are all positive enhancements to the store design which provide a more attractive and environmentally friendly store design which is to be encouraged.

Officers note the opinion of Amesbury Town Council in relation to the Pharmacy which is shown on the submitted plans. These plans are for indicative purposes only and do not infer that a pharmacy will or will not be built within the store. There are external processes that in any case licence pharmacies.

Officers also note the view of the town council that the proposed windcatchers would be detrimental to the amenity of neighbouring properties. Whilst respecting this view officers consider that the wind catchers would not only be environmentally sensitive but would provide an attractive feature in themselves which differentiates the building from other buildings. They are officers consider a strong architectural feature which should be encouraged.

9.4 The impact of allowing 24 hour delivery

There have been objections from local residents and the town council as well as other groups to the delivery hours being extended from 7.00am to 22.00pm Mondays to Fridays to 24-hour usage. Local residents and groups feel that this would not be acceptable as it would have an adverse effect on people living close to the store and in the wider area by delivery lorries exiting the store and disturbing residents further afield at night time.

Policy G2 of the saved policies of the Salisbury district council local plan states that development will only be allowed if the development meets the following criteria

(vi) avoidance of unduly disturbing, interfering, conflicting with or overlooking adjoining dwellings or uses to the detriment of existing occupiers.

PPG24 similarly, aims to make developments next to existing residential properties compatible in terms of their noise and disturbance.

The applicants have considered the issue of noise and disturbance in their accompanying document which has been prepared by Sharps Redmore consultants. Environmental Health have given advice to planning officers on the issue of the change to the delivery hours (above). As can be seen it is environmental health's opinion that in view of the noise report as submitted. There are not sufficient grounds for refusing the application because the relevant noise levels would not be exceeded at night. This is based on the assumption that the lorries and loading and unloading will be done in a reasonable manner. In this respect the environmental health officer has suggested that if the condition is varied it should incorporate within the new varied condition that the deliveries will be made via the level access and that the lorries warning beepers are switched off.

The properties closest to the proposed development in Annetts Close have a significant tall close boarded fence between them and the proposed development and are situated above the level of the loading bay at the rear of the development. The actual dwellings are in close proximity to the loading bay at 25m distance (nearest).

The planning inspector that imposed the current delivery hours did so with the agreement of the local authority and the applicant at the time, however given the new information provided within the noise report and the new noise surveys that have been carried out since that time officers consider that the situation has materially changed in the light of this report and therefore are recommending approval of the 24 hour delivery proposed by the applicant.

Whilst it is appreciated that residents will be wary of having night time activity so close to their property. Providing delivery activities are well managed and compliance with the revised condition is achieved minimal disturbance should occur to those living closest to the site.

Other matters

Members should note that although the applicant has applied to vary two conditions (no's 20 and 30) as the local authority will effectively be reissuing a planning permission with the two conditions varied, the original conditions where details have not been approved have been reissued with their original numbering in order that compliance with their objectives is achieved. Similarly all the original provisions in the S106 will be provided for by the signing of a new supplemental legal agreement.

10. Conclusion

10.1 In relation to the change in the external appearance of the building it is considered that the changes made by the applicant represent an upgrade of the store design in terms of sustainable measures which will enhance the environment and would comply with sustainability policies (G1) as contained within the saved policies of the former Salisbury district council local plan. It is not considered that any of the amendments proposed would have a significant effect on the amenity (in visual terms) of surrounding properties.

10.2 Following receipt of the Sharps Redmore report and the recommendation from the councils own environmental health officers it is considered that it is acceptable (subject to

conditions) to allow 24 hour deliveries at the site subject to the variation to condition 20 to take account of the environmental health officers comments in relation to imposing additional conditions.

Recommendation

It is recommended that planning permission is granted for the following reasons:

In relation to the change in the external appearance of the building it is considered that the changes made by the applicant represent an upgrade of the store design in terms of sustainable measures which will enhance the environment and would comply with sustainability policies (G1) as contained within the saved policies of the former Salisbury District Council Local Plan. It is not considered that any of the amendments proposed would have a significant effect on the amenity (in visual terms) of surrounding properties. Following receipt of the Sharps Redmore report and the recommendation from the councils own environmental health officers it is considered that it is acceptable (subject to conditions) to allow 24 hour deliveries at the site subject to the variation to condition 20 to take account of the environmental health officers comments in relation to imposing additional conditions, to comply with policy G2 of the Salisbury District Council Local Plan.

And Subject to the following conditions:

1 The development hereby permitted shall be begun before the expiration of five years from the date of this permission

Reason to comply with the provisions of section 91 and 92 of the Town and Country Planning Act 1990 and to reflect the size and nature of the Development

2 Before development is commenced a schedule of materials and finishes and where so required by the Local Planning Authority samples of such materials and finishes to be used for the external walls and roofs of the proposed development shall be submitted to and approved in writing by the Local Planning Authority Development shall be carried out in accordance with the approved details

Reason To secure a harmonious form of development

POLICY: D1, D2

3 The development shall be carried out in accordance with the submitted land contamination details as approved by letter dated 8th June 2010

Reason In order to ensure any contamination at the site is adequately remediated.

4 The development shall be carried out in accordance with the submitted hard and soft landscaping plans as approved by letter dated 8/6/2010.

Reason to enable the Local Planning Authority to secure a satisfactory standard of design and implementation of landscaping of the development in the interests of visual amenity

POLICY: G2

5 All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development or in accordance with the programme agreed with the Local Planning Authority.

Reason to enable the Local Planning authority to secure a satisfactory standard of design and implementation of landscaping of the development in the interests of visual amenity

POLICY: G2

6 The development shall be carried out in accordance with the schedule of landscape maintenance as approved by letter dated 8/6/2010.

Reason

To enable the Local Planning Authority to secure a satisfactory standard of design and implementation of landscaping of the development in the interests of visual amenity

POLICY: G2

7 No development shall commence until a comprehensive programme for the undertaking of the off site highway works shall have been submitted to and approved in writing by the Local Planning Authority. For the avoidance of doubt the off site works shall include the widening of the footway along the eastern side of Holders Road as shown on drawing 208302 107. All necessary off site highway works shall be provided and undertaken strictly in accordance with the approved programme.

Reason In the interest of ensuring that the required infrastructure is provided at the appropriate times

POLICY: G2

8 The development shall be carried out in accordance with the submitted green travel plan the details of which were approved by letter dated 8/6/2010. The approved Travel Plan shall be put in place prior to the first occupation of the building

Reason To minimise the impact of the proposed development on the Strategic Road Network and to ensure that sustainable travel objectives for the site are Met

POLICY: G1

9 No development of the store shall take place until a detailed scheme for site accesses both vehicular and pedestrian cyclists has been submitted to and approved in writing by the Local Planning Authority. The building shall not be brought into use until the site accesses have been constructed in accordance with the approved details.

Reason In the interests of highway safety and amenity

POLICY: TR11, TR12

10 The development shall be carried out in accordance with the comprehensive construction phase programme as submitted and approved by letter dated 8/6/2010.

Reason In the interests of highway safety and to mitigate any adverse environmental impact to neighbouring communities

POLICY: G2

11 The development shall be carried out in accordance with the details approved of the construction Environmental Management plan as approved by letter dated 8/6/2010

Reason In the interests of the amenities of the residential occupiers in the Locality

POLICY: G2

12 No construction work shall take place on Sundays or Public Holidays or outside the hours of 07 00 to 19 00 hours Monday Friday and 07 00 to 13 00 hours Saturdays. This condition shall not apply to the internal fitting out of the buildings

Reason In the interests of the amenities of the residential occupiers in the Locality

POLICY: G2

13 The Acoustic fencing and hoardings shall be erected in accordance with the details submitted and approved by letter dated 8/6/2010. No development shall take place without the acoustic barriers being in place.

Reason In the interests of the amenities of the residential occupiers in the Locality

POLICY: G2

14 Development shall take place in accordance with the scheme for the control of airborne dust emissions as approved by letter dated 8/6/2010.

Reason In the interests of the amenity of neighbouring residents

POLICY: G2

15 Any ventilation refrigeration and combined heat and power plant shall achieve a noise rating of no more than the following dB A

Daytime LAeq 15 min 42dB A
Nighttime LAeq 15min 36dB A

At the boundary of the site with Annett s Close

Reason In the interests of the amenity of residents in Annett s Close

POLICY: G2

16 The acoustic barrier as shown on the approved plans shall be designed with a minimum superficial density of 10kg m² and of a minimum 2 metres in height The barrier shall be fully erected prior to the retail unit first coming into use and shall thereafter be retained and maintained in accordance with a scheme of repair and maintenance to be submitted to and approved in writing by the Local Planning Authority prior to the barrier being erected

Reason In order to ensure that the acoustic barrier is erected and maintained thereafter in a manner which protects the amenities of adjacent residential properties

POLICY: G2

17 The retail unit hereby approved shall not be open to the public outside the following hours

07 00 hours to 23 00 hours Monday to Saturday
10 00 hours to 17 00 hours Sundays or Public Holidays

Reason In the interests of the amenity of neighbouring residents

POLICY: G2

18 All deliveries taken at or dispatched from the development outside the hours of 07:00 to 22:00 Monday to Saturday and 09:00 to 16:00 on Sundays and Bank Holidays shall be received directly into or taken directly from the building via the service yard dock leveller access.

Between the hours of 22:00 and 07:00 Monday to Saturday and 16:00 and 09:00 on Sundays and Bank Holidays delivery vehicles on site shall not operate any audible vehicle reversing alarm

Reason In the interests of the amenity of neighbouring residents

POLICY: G2

19 Before the first occupation of any part of the building a scheme to restrict shopping trolleys leaving the curtilage of the site shall be submitted to and approved in writing by the Local Planning Authority and the scheme as approved shall be implemented prior to such first occupation and thereafter shall be retained in relation to the development hereby permitted

Reason In the interests of the general amenity of the surrounding area

POLICY: G2

20 This permission grants a net convenience sales floor area of 2300 square metres and a net comparison goods sales area of 1160 square meters Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 1995 or any Order revoking and re enacting that Order there shall be no provision of retail floorspace in excess of the net areas defined within the building without the prior express consent of the Local Planning Authority neither shall there be any alteration or subdivision of the sales floor nor provision of ancillary or subsidiary retail units within that sales floor

Reason In the interests of the preservation of the vitality and viability of the specialist retail function of Amesbury Town Centre

POLICY: PPS4

21 Immediately upon the commencement of trading of the retail store hereby permitted provision shall be made at the entrance to the store for the advertising of town centre retail and service facilities in accordance with a scheme which has been submitted to and approved in writing by the Local Planning Authority prior to commencement of the internal fitting out of the building.

Reason In the interests of the preservation of the vitality and viability of the specialist retail function of Amesbury Town Centre

22 Before the first occupation of any part of the building further details of any external lighting to be installed which shall demonstrate measures to reduce light spillage shall be submitted to and approved in writing by the Local Planning Authority and shall thereafter be installed and operated in accordance with those further details approved The submitted details shall ensure no spillage of light into residential dwellings adjacent to the development hereby consented greater than 10 lux before 23 00 hours and 2 lux after 23 00 hours

Reason In the interests of the amenity of neighbouring residents

POLICY: G2

23 Before the first occupation of any part of the building a scheme for the covered

secure parking of bicycles shall be submitted to and approved in writing by the Local Planning Authority and the scheme as approved shall be implemented prior to first occupation of any part of the building and thereafter shall be retained in relation to the development hereby permitted

Reason To promote the use of energy efficient modes of transport in accordance with local and national policy objectives

POLICY: TR11

24 Notwithstanding the provisions of Part 4 of Schedule 2 to the Town and Country Planning General Permitted Development Order 1995 or any Order revoking and re enacting that Order the car parking and service yard areas shall not be used for any other purpose without the prior approval by the Local Planning Authority

Reason To prevent temporary uses and structures ancillary to the retail use of the building taking place within the car park in the interests of the amenities of the locality and to ensure that adequate servicing and turning facilities are provided at all times

POLICY: G2

25 Surface water shall be disposed of in accordance with the details submitted to ensure that there is no surface water run off from the site for all events up to the 1 in 100 year storm including an allowance of 20 increase in peak rainfall intensity to take account of climate change in accordance with Planning Policy Statement 25

Reason To ensure the satisfactory provision of drainage facilities to serve the proposed development

POLICY: G2

26 The scheme shall be implemented in accordance with the details of water efficiency and energy improvement measures as previously submitted and approved by letter dated 8/6/2010.

Reason In the interests of sustainable development and prudent use of natural resources

POLICY: G2

28 Prior to being discharged into any watercourse surface water sewer or soakaway system all surface water drainage from impermeable parking areas and hardstandings for vehicles commercial lorry parks and petrol stations shall be passed through an oil interceptor designed and constructed to have a capacity and details compatible with the site being drained Roof water shall not pass through the interceptor.

Reason To prevent petrochemical substances from car parking surfaces

polluting the water environment

POLICY: G1, G2

29 The development hereby permitted shall be carried out in accordance with the following approved plans and drawings:

Plan no's -

1621.110D

1621.101C

1621.123A

1621.167

1621.121A

1621.122F

1621.166

6394-PL 105

Reason: In the interests of clarity

Appendices:

None

Background Documents Used in the Preparation of this Report:

Plan no's 1621.110D

1621.101C

1621.123A

1621.167

1621.121A

1621.122F

1621.166

6394-PL 105

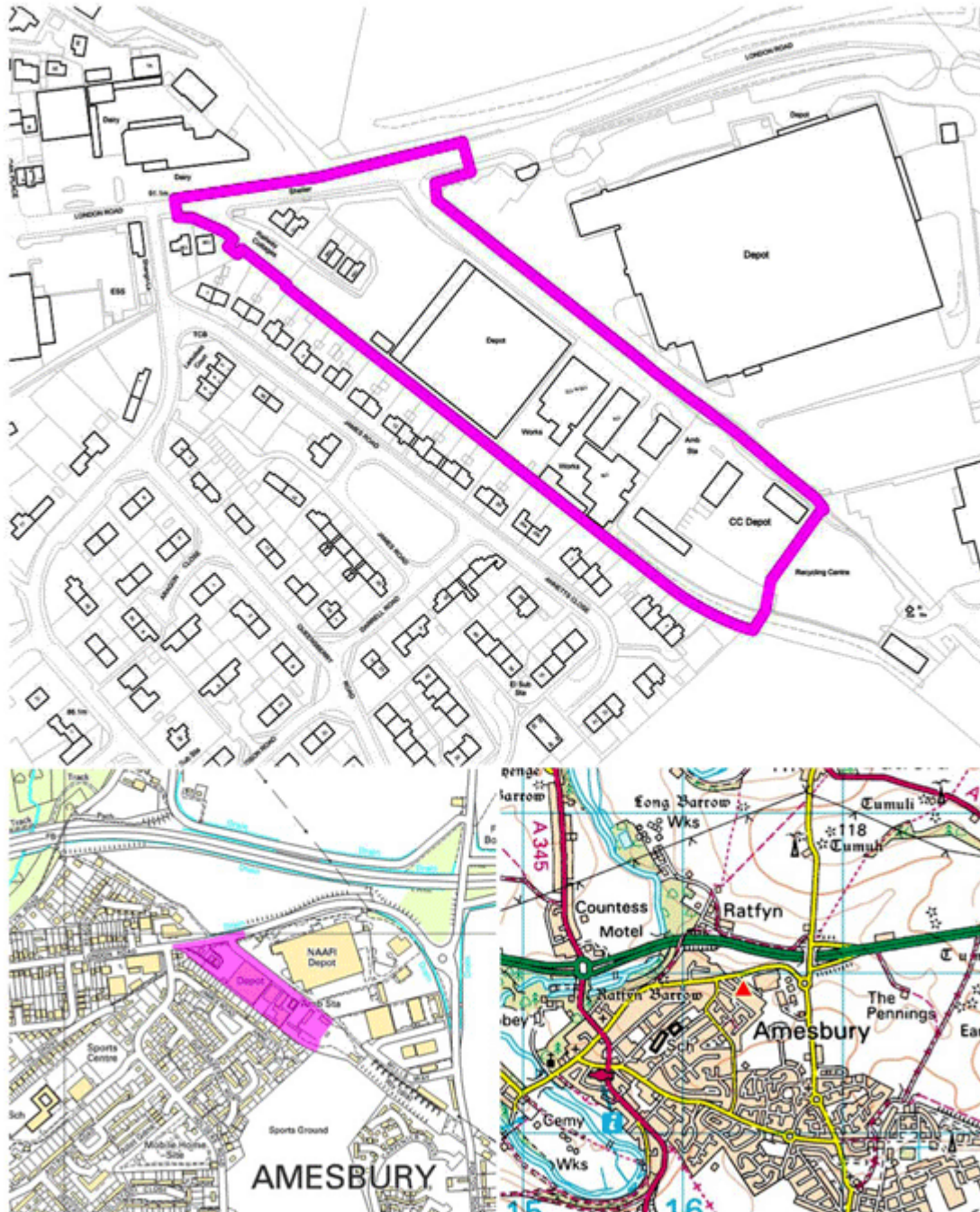
Noise Assessment report dated 22nd April 2010 by Sharps Redmore Partnership

MD Architects Design and Access statement

Environmental review prepared by Scott Wilson

Renewable energy statement prepared by Scott Wilson

Demolition of existing buildings and redevelopment to form a retail store S/2010/0639/S73
Includes associated parking, landscaping and alterations to access, installation of a wind turbine and changes to conditions with regard to store design and delivery hours.



140 London Road Amesbury Salisbury SP4 7EQ