

SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Planning Committee

12 January 2011

AUTHOR/S: Executive Director (Operational Services)/
Corporate Manager (Planning and New Communities)

S/1689/10 – GREAT SHELFORD
Installation of plant and associated fencing – 36-38 Woollards Lane,
for Tesco Stores Ltd

Recommendation: Approve Conditionally

Date for Determination: 29th November 2010

Notes:

This Application has been reported to the Planning Committee on the request of the local member Cllr Nightingale.

Members will visit the site on the morning of the 12th January 2010.

Site and Proposal

1. The application site comprises a two-storey detached retail unit (A1 Use Class) located within the centre of Woollards Lane. Woollards Lane is identified within the villages Conservation Appraisal as being a relatively calm street, even though this is the main shopping street and the centre for commercial and community life in the village. This section of the village contains a library, bank, newsagents, dental surgery and opticians, restaurants and delicatessens, convenience stores, a small department store (application site), pharmacy, estate agents, travel agents, bicycle shop and a greengrocer. The mix of commercial and residential properties are predominantly late 19th century in character, comprising the mainly unplanned conversion of former yellow brick and slate dwellings to shops. In most cases, this has led to the use of back lands as car parks.

2. The site is situated within the village development framework, Conservation Area, Character Area (as designated by the Village Design Statement) and is in within an area of special advertisement control. The application site is not specifically identified within the village's Conservation Appraisal. There are a variety of advertisements within Woollards Lane including ATM units, plant and machinery and shop frontages with an array of shop fascias. There are parking restrictions within Woollards Lane with the road being narrow at points with on street parking causing congestion at peak times. The village Design Statement designates Woollards Lane as the principal shopping centre and focus for village activity. This document refers to the conflict between pedestrians and vehicles within this concentrated area. Furthermore, this document goes on to reference that the design of shop fronts within Woollards Lane makes a strong and varied impact upon the appearance of the street in the village and in combination with signage and advertisements are a matter for attention in the raising of the standards of high visual quality.

3. The proposal comprises the installation of one Refrigeration Condenser to the rear of the store upon the approved two-storey rear extension. This plant will be enclosed by a timber-fence. In addition it is proposed that three air conditioning units will be installed upon the western elevation, two of which would serve the sales floor, whilst the third would serve the cash office.
4. The application is supported by a Heritage Statement, Design and Access Statement, Noise Impact Assessment but has not been party to any pre-application advice.
5. There was an administration error during the consultation period whereby the correct application forms were not made visible via the website. However, this matter has been rectified and the application in full has been made public for a period in excess of 21 days.
6. The proposed development does not require a parallel application for Conservation Area Consent.

Planning History

7. Planning Application S/0481/74/F for a single storey rear extension was approved.
8. Planning Application S/1708/79/F for single storey rear extension was approved.
9. Planning Application C/0715/69/O for internal alterations and extension to the rear was approved.
10. Planning Application S/0130/81/F for a replacement display window was approved.
11. Planning Application S/1039/84/F for a replacement display window was approved.
12. Planning Application S/1269/85/F for a first floor shop extension was approved.
13. Planning Application S/1579/85/F for the use of no.38 as retail space was approved.
14. Planning Application S/0085/86/F for a two-storey rear extension was approved.
15. Planning Application S/0640/10 for a two-storey rear extension was approved.

Planning Policy

16. **South Cambridgeshire Local Development Framework, Development Control Policies, DPD, 2007:**
 - DP/1 Sustainable Development
 - DP/2 Design of New Development
 - DP/3 Development Criteria
 - DP/7 Development Frameworks
 - CH/5 Conservation Areas

17. **South Cambridgeshire LDF Supplementary Planning Documents (SPD):**
Development affecting Conservation Areas SPD – Adopted January 2009
Great Shelford Conservation Area Appraisal – Adopted September 2007
Great Shelford Village Design Statement – Adopted February 2004

Consultation

18. **Great Shelford Parish Council** – Recommends refusal making the following comments:
- The technical nature of the noise impact assessment makes it difficult for the Parish to comment on the likely impact of the plant; the background noise levels recorded at the other side of the car park may not reflect those experienced by the occupiers of the flats at no.40;
 - There are five existing air conditioning units upon the elevation of the building society adjacent to the application site. An additional three units may result in noise nuisance to the occupiers of the flats above the building society;
 - The environmental health officer should look at the cumulative impact of eight units and the condenser to the rear of the building.
 - The installation of plant and machinery would result in the store be able to store and sell a wider range of products that would as a consequence result in an increase in traffic movements to and from the store to the detriment of highway safety.
19. **Conservation** – Raises no objections commenting that the proposed units would be well hidden from major views of the building. Nevertheless, the units should be coloured off-white to match the tone of the existing brickwork.
20. **Environmental Health** – Raises no objections based on the Noise Impact Assessment providing that the equipment as installed does not differ from that proposed within the assessment. However, the following condition has been recommended to ensure that the equipment is maintained to the specifications within the noise impact assessment: 'The plant/equipment and associated fencing, hereby approved, shall be installed, operated, maintained and serviced in accordance with the submitted details and report entitled 'Noise Impact Assessment, BS4142:1997 and PPG Assessment Refrigeration and Air Conditioning Equipment' undertaken by KR Associates (UK) Ltd (Dated 13/07/2010/ Report reference KR01698).
21. **Local Highways Authority** – Raise a holding objection to the planning application on the grounds that insufficient information has been provided by the applicant to demonstrate the impact that the proposed plant would have upon the level of traffic movements associated with the occupation of the premises.

Representations

22. **528** letters of objection have been received in total in addition to a petition of **395** signatures. The objections are summarised below with relevance to this application:

- The proposal would result in noise and disturbance to neighbouring residential properties and passers-by;
- There are several air conditioning units within the vicinity and the noise assessment submitted is deficient as it simply states that noise levels will be quieter than the surrounding background noise;
- The plant will enable the premise to store a wide range of stock including chilled goods; as a consequence this would result in an increase in vehicle movements that would have no choice but to park within the restricted zone at the front of the premises in order to deliver goods, which will conflict with pedestrians and car users;
- The disabled car parking spaces within Woollards Lane would be compromised from such deliveries;
- If minded to approve then conditions should be imposed to limit deliveries outside of school hours;
- The noise assessment should be scrutinised by an independent expert;
- Deliveries are a material consideration for this application where an A1 Retail Use already exists; as defined by the Sunninghill Tesco (Berkshire) and Mill Road (Cambridge) appeal decisions;
- There are double yellow lines outside the premises along with prohibitive 'No Waiting at any time signs'; the site is also adjacent to a vehicular junction;
- 5-7 deliveries a day would result in more than 3 hours a day of traffic congestion and its knock on effects to pedestrians would be significant;
- Large lorries would obscure views of other traffic users, block the free flow of traffic and the associated deliveries would hinder pedestrian and cycle movements;
- The village and nearby villages are well provided for by shops selling the same merchandise as those offered by Tesco;
- The presence of Tesco would threaten the local stores;
- The applications will contravene Planning Policy SF/1 as they will threaten the loss of traditional village shops;
- The development would contravene Planning Policy SF/4 as Tesco would not be of the size or the attraction appropriate to the scale of the village;
- The use of the premises as a Tesco store would result in increased antisocial behaviour and is not wanted;
- Shelford is defined as a Rural Centre, which serves its local catchment area and not the wider community that Tesco wishes to reach;
- A new Tesco store would not be in scale with the retail hierarchy of the village as the village is adequately served by sufficient retail provision;
- Woollards Lane is unsuitable for multiple daily deliveries by Tesco. The volume of traffic using this road has increased over the years and upon rubbish collection day there are noticeable tailbacks and jams;
- Tesco will apply for an alcohol license, which will lead to increased anti-social behaviour;
- The proposals would make the overall development appear larger and more intrusive and would dominate the area;
- The noise and smell of extractor units would be harmful upon residential amenity;
- There are already 5 AC units located adjacent to the site within the small alley between both properties, further plant may cause an increased cumulative noise disturbance for local residents;
- If the store is to be open late at night then the car park will be used to a late hour, which would adversely affect neighbouring residential properties through undue noise and disturbance;

- The store was designed for rear loading and the proposed plant would obstruct access to the rear;
- All the application forms upon the website relate to S/1687/10 and not the relevant applications, furthermore, there is no Conservation Area Consent for these applications;
- Deliveries to the store will need to be made through the front entrance using vehicles of approximately 10m in length, which would result in an adverse impact and conflict with pedestrians and car users due to the restrictions upon Woollards Lane;
- The cumulative impact of the noise of the plant and the noise of the deliveries as a result of the plant will adversely effect the amenity of residents contrary to the provisions of PPG24;
- There is a clear precedent for known hazards relating to deliveries being regarded a material planning consideration where a planning application relates to plant. Copies of decisions at Mill Road, Cambridge and Sunninghill Berkshire have been provided to illustrate this point;
- The servicing of the chilled and frozen food elements of the proposal by vehicles of any size will render the flow of traffic through the village impossible at times, and will endanger pedestrians. The proposal should therefore be refused, as it would lead to increased congestion and danger to vehicular traffic through the vicinity;
- There is no information relating to the storage or means of access for deliveries including cages, refuse and recycling, this detail would have an adverse impact upon the free flow of the public highway and the character and appearance of the Conservation Area;
- The heritage statement submitted has several material deficiencies, such as the fact that the statement addresses all four planning applications and is not therefore specific to each proposal. In addition there is no evidence of the examination of historic records or the expertise of the author. The statement also fails to correctly address and assess the significance of local heritage assets. The archaeological potential of the site has also not been considered.

In addition to the above the Stop Tesco Action Group (STAG) have submitted a joint submission to all four applications, which is included within the annexe to this report.

23. **10** Letters of support have been received, which raise the following comments:

- The positives of the store would outweigh the negative, such as the stores increased accessibility for older customers;
- The store would provide a wide range of affordable food items for all;
- The store would provide local jobs when unemployment is high;
- Local retail competition will be healthy for the village;
- No change in land use would occur;
- The store will create little additional traffic and the existing co-op store already has parking and access problems with the use of large delivery lorries;
- There is sufficient local parking to accommodate the store;
- Not everyone in the village is against this store;
- The store would be more accessible to the elderly;
- There is ample car parking within the village to serve the store;
- The existing food retailers within the village such as the CO OP block pavements and access when delivering goods and this has never been a problem locally;

- There are already chillers in similar retail premises and there have been no objections to these;
- The Parish Council has rarely if ever supported any form of retail or restaurant use within the village citing their view of justification or demand. However, the village has benefited from the opening of new premises recently and it is for Tesco to decide, whether their investment will bring a return;
- Were the application made by an alternative retailer to Tesco there would be substantially less objections;
- Tesco will not stop residents shopping locally at other stores, but it will bring about more choice and competitive prices;
- Many other stores within the village sell alcohol;

Planning Comments – Key Issues

24. The key issues to consider in this instance are the impact that proposals would have upon the character and appearance of the Conservation Area and the public realm, residential amenity in respect of noise pollution and the potential of increased traffic movements with regard to highway safety.
25. Representations have been received which raise both objections and support of the proposal that relate to the occupation of the premises by Tesco and the resultant impact upon local retail competition and the village as a whole. These comments are not considered to relate to material planning considerations and have not been given weight in the in the determination of this planning application.

Residential Amenity (Noise)

26. It is intended that 3 air conditioning (A/C) units will be installed against the side of the premises. These are stated to be X1 Mitsubishi Heavy SRC 28 CD 5 and X2 Mitsubishi Heavy FDCA 501 HESR units. It is acknowledged that these are to be located in a narrow alleyway with no open-able windows and that there are already 5 air conditioning heat pumps mounted on the facade of the adjacent premises in the alleyway, close to the proposed location for the aforementioned equipment.
27. The proposed A/C units will not be in direct line of site facing straight onto any windows of residential properties. It is acknowledged that the first floor windows of nos.2 & 4 Robinson Court are only just viewable from this location but at a slight angle and 30 metres in distance from source to receiver. There is no record of any complaints being received relating to noise from the existing air conditioning heat pumps.
28. With regard to the Searle refrigeration condenser proposed for the rear of the premises, a 1600 high timber close-boarded fence will be erected as an enclosure. This will significantly reduce emitted noise levels. A sufficiently erected acoustic barrier without any holes or gaps can reduce decibel levels by up to 10dB. The properties to the rear of Ashen Green are bungalows and obscured from a direct line of sight to the refrigeration condenser with another fence to the rear of the car park further assisting noise mitigation. The nearest noise sensitive residential dwelling is located on the flats to the side of the premises. However, the openable window to this will be completely obscured from a direct line of site to the refrigeration unit by the rear wall of the application site. The proposed 3 air conditioning units in the alleyway will

not have an adverse impact on the use and enjoyment of this dwelling either as they will be totally obscured.

29. The concerns raised by residents are acknowledged in relation to cumulative noise, but the findings of the Noise Impact assessment conducted by LR Associates (UK) dated 13th July 2010 are considered to be satisfactory. It is noted that the report also considers +3dB for reverberant noise, typical from noise sources adjacent to reflective surfaces. This factor has been worked into the calculations. In conclusion, the findings of the acoustic report are considered satisfactory and would not result in any adverse environmental impacts, such as noise or disturbance.

Visual Amenity

30. The proposals would be sited to the rear of the building enclosed within a timber fence and to the side down a narrow alleyway. As a result the plant and equipment would not be sited within prominent locations that would be visible from major views of the building or the wider Conservation Area. Furthermore, there are multiple examples of similar plant and equipment upon commercial and residential premises within Woollards Lane, in particular upon the adjacent building to that of the application site. In light of the above it is considered that the proposals would have a neutral visual impact preserving the character and appearance of this part of the Conservation Area and public realm. The comments of the Conservation Officer is noted and a condition will be imposed to ensure that the plant and equipment are of an appropriate colour to help the equipment blend in with the brickwork of the building that they are to be attached.

Highway Safety

31. Representations raised by local residents refer to an appeal decision in Berkshire; whereby an appeal by Tesco was dismissed for the occupation of an existing retail unit. The representations state that in this particular case that highway safety was a material consideration in the determination of the appeal despite the fact that the site's lawful use was one of retail. As a consequence it is the view of local residents and the Parish Council that highway safety should in fact be a material consideration of this application, as the provision of cold refrigeration will allow the applicant to undertake a wider range of stock thereby increasing traffic movements.
32. Notwithstanding the above, it is evident that the appeal case in question involved works such as the creation of additional floor space by way of an extension and the creation of a dedicated service yard and car parking. In light of this, it is considered that highway safety was correctly a material consideration in the determination of this appeal but in contrast the proposal differed greatly from that which is under consideration presently. Despite the differences between this appeal case and the current application it is acknowledged that the proposed occupation of a food retailer within a store of this size may result in significant traffic movements above that of a standard non-food retails use.
33. A second appeal decision at Mill Road, Cambridge City has been raised as an indicator of highway safety being a material planning consideration for the installation of plant and machinery. However, this appeal also involved the creation of floor space by virtue of an extension. Highway safety was

therefore clearly material to the determination of this appeal. The highway safety elements referred to within that decision are based on the servicing of the store and customer car parking as a result of the creation of floor space. There is no direct comparison made between the provision of the plant and machinery and highway safety issues specifically. This is further illustrated by the fact that following this appeal the applicant re-applied for the plant under a separate planning application. This application was subsequently refused by the City Council on a number of issues, highway safety being the primary reason. However, the applicant did not appeal this decision as the plant was subsequently installed internally within the building without the need for consent.

34. A more recent appeal against a planning condition at Sheen Lane, Mortlake, London was allowed (i.e. permission granted) for the provision of plant and machinery to an existing retail use premises. This appeal is considered to be very similar to the current planning application as it related to an existing A1 Use and proposed the provision of a condenser unit and air conditioning units to the rear of the building. Within this appeal the inspector refers to the extant consent for the change of use and extension of the premises to that of retail, whereby the local authority were of the opinion that no adverse highway impacts would result. Similarly the site was within a restricted traffic zone, which was identified as being a busy local distributor road. These circumstances are considered to be more familiar with that of the current application than the appeal decisions referenced above.
35. Within that appeal decision the inspector acknowledged that plant and machinery of this type is not unfamiliar within refurbished retail units that could provide food retail within the permitted A1 Use Class. This view was further re-enforced by the provision of similar plant among local businesses and indeed local food retailers, much like that of the scenario of the current application. In light of this the inspector deemed that the delivery and service arrangements for the unit in question would lie within the range that should be anticipated for a retail use. Furthermore, the inspector considered that there was no reasoned link between the installation of the plant and the frequency of, and the size of vehicles used for, deliveries and servicing. As such, there was no convincing evidence that the development proposed would increase the frequency or size or volume of traffic generated as a result.
36. This decision has strong parallels with the current application as the highway restrictions upon Woollards Lane were in place at the time of the approval for the two-storey extension to the premises under Planning Application S/0640/10, whereby highway safety in relation to an A1 retail use was a material planning consideration. In the determination of that application, SCDC considered that no adverse impact would result. Whilst the authority had no knowledge of the applicant during the determination of this application and a food retail use is recognised as involving more frequent deliveries than other forms of retail, at this time it was not deemed that the use of the premises for food retailing, as a consequence of this extension, would be harmful. Furthermore, whilst information has been submitted to demonstrate the likely impact of the servicing of the premises upon highway safety, no empirical data has been provided, by either local opposition groups or the Local Highway Authority to demonstrate such harm.
37. The inspector concluded the above appeal by stating that it was the plant and machinery that was the consideration of the appeal and not the intended

operator. As such many of the local concerns raised related to the operator of the premises and not the development under consideration. Based on the above it is the opinion of officers that the proposed refrigeration unit may result in some additional vehicle movements to and from the store than would otherwise be associated with the operation of a retail unit without refrigeration. However, the impact of vehicle movements associated with this plant cannot be quantified without detailed information from the applicant with regard to the servicing of the store.

38. The applicant has therefore been requested to provide information about the likely traffic movements associated with the store as a result of their occupation (as a food retailer) in addition to separate data specifically isolating movements associated with the provision of the refrigeration plant. It is acknowledged that the lawful food retail occupation of the premises will have some impact upon the free flow and function of Woollards Lane as indicated by the detailed submission of the Stop Tesco Application Group, but this impact has to be considered against the operation of a foodstore without refrigeration, and compared with the amount of traffic and deliveries in the vicinity. The determination of this application therefore necessitates ascertaining the resultant vehicle movements associated with the plant in question only and not the impact of the delivery and servicing arrangements within the range that should be anticipated with a lawful retail use.

Conclusion:

39. Having regard to applicable national and local planning policies, and having taken all relevant material considerations into account, it is considered that delegated powers to approve or refuse the application are afforded to officers in which to seek and consider additional information from the applicant with regard to the likely level of vehicle movements associated with the installation of the proposed plant and its impact in the vicinity.

Recommendation

- 4.0 Delegated Approval / Refusal

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