

COMMITTEE REPORT

Committee: East Area
Ward: Skelton, Rawcliffe, Clifton Without
Date: 25 January 2007
Parish: Clifton Without Parish Council

Reference: 06/02357/FULM
Application at: Tesco Stores Ltd Stirling Road York YO30 4XZ
For: Ground floor extension to rear of existing store and insertion of mezzanine first floor. Also alterations to pedestrian access from roundabout.
By: Tesco Stores
Application Type: Major Full Application (13 weeks)
Target Date: 29 January 2007

1.0 PROPOSAL

1.1 This is a full planning application to extend the existing Tesco superstore to the rear to provide an area for the operation of a home delivery service and to enlarge the retail area of the store. The proposals also include for the construction of a 2878 square metre mezzanine floor to provide additional retail floor space and additional bulk storage.

1.2 Previous planning permissions for an alternative format home delivery service extension at the rear of the store (ref. 06/01834/FUL) and extensions to the front of the store to provide additional retail floor space and rear to provide bulk storage (ref. 03/01099/FUL) remain extant. Permission ref. 03/01099/FUL allows for increasing the ground floor area of the store by 2889m² but includes the loss of a total of 89 visitors car spaces.

1.3 The original consent for the store was subject of conditions limiting the retail floor space. These were subsequently varied, most recently by application ref. 03/03107/FUL, and current limits imposed by that variation are that a maximum of 2536 square metres (net) floor space be given a over to non-food retail and 4240 square metres (net) to food retail. This is not an application to vary those limits.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

None

2.2 Policies:

GP1 – Design
GP4a - Sustainability
SP7 - The sequential approach to development

SP8 - Reducing dependence on the car
S2 - Out of centre retail warehouse criteria

3.0 CONSULTATIONS

INTERNAL

3.1 CITY DEVELOPMENT: The proposal is for a ground floor extension to rear of existing store and insertion of first floor mezzanine floor and alterations to pedestrian access from roundabout. The site is unallocated on the City of York Proposals Map (April 2005).

With an application such as this where additional floor space is proposed in an out of town location a Retail Impact Assessment would normally be required. PPS6 states

'impact assessments should be undertaken for any main town centre use which is proposed in an edge of centre or out of centre location, and not in accordance with the development plan'.

However the applicant (Tesco Stores Ltd) has previously received planning consent for a similar level of floor space (gross floor space 12,248sqm). This refers to application reference number 03/01099/FUL, which should also be read in conjunction with application 03/03107/FUL. The conditions of approval regarding floor space stated that:

- 1) The amount of non- food sales floor space should be limited to no more than 2536sqm of the net floor space of the extended Tesco Food store.
- 2) The amount of food sales floor space should be limited to no more than 4,240sqm of the net sales floor space of the extended Tesco Food store.

Provided that the current application conforms with the above conditions as set out in the 03/03107 decision, I would not wish to raise a policy objection.

3.2 ENVIRONMENTAL PROTECTION UNIT: No objections to this application. However the site is in quite close proximity to residential properties. I therefore have concerns regarding nearby residents being adversely affected by noise during any demolition, construction or refurbishment works and deliveries to and from site.

Therefore, the following condition is recommended:

1. All construction and demolition or refurbishment works and ancillary operations, including deliveries to the site and despatch from the site shall only be carried out between the hours of 08.00 and 18.00 Mondays to Fridays and 09.00 to 13.00 on Saturdays and not at all on Sundays and Bank Holidays.

Reason: To protect the amenity of local residents during the construction of the development.

I would also request that the following informative (construction and demolition) is included: [included as second informative]

3.3 HIGHWAYS NETWORK MANAGEMENT: It is officer's understanding that previous approval 03/01099 will be revoked under a Section 106 agreement should this application be successful and all recommendations are based on this understanding.

The home delivery service is already operating from the store and, based upon the number of trips the vehicles are likely to make, is not expected to have a material impact on the surrounding highway. The level of traffic generated by the delivery vehicles must also be considered against the potential savings in vehicle trips by customers shopping online.

There is an existing permission for this site, 03/01099, for an extension to the front of the building which would increase the GFA to 12,248 sq m. This approved extension necessitated the removal of customer car parking spaces, but a parking accumulation survey indicated that sufficient parking capacity remained during peak hours. A Transport Assessment was submitted with this application and the possible implications for the surrounding network examined by officers and found to be acceptable as information provided by Tesco showed that similar extensions in other stores provide enhanced facilities for existing customers rather than attracting greater numbers of customers. Pedestrian and cycle improvements were also included in this application with improved cycle parking and a new pedestrian/cycle link to Clifton Moor Gate.

This development proposes a GFA increase to 12,240 sq m and is therefore comparable with the existing permission. Unlike the previous consent, this proposal does not reduce the customer car parking spaces but does reduce staff parking by 10 spaces. As per the existing permission, improved cycle parking and a new pedestrian/cycle link to Clifton Moor Gate have been included in this application. A Travel Plan has been submitted which is acceptable subject to the condition below.

There are no highway objections to this proposal subject to the following conditions: [attached as conditions 4, 5 and 6].

EXTERNAL

3.4 CLIFTON WITHOUT PARISH COUNCIL: No objections.

3.5 CLIFTON MOOR BUSINESS ASSOCIATION: No objections.

3.6 PUBLICITY: The application has been advertised by press notice and site notice to which no response has been received.

4.0 APPRAISAL

RETAIL IMPACT.

4.1 The proposed development would result in the store having a gross floor area of 12,240 square metres compared with the extant consent (ref. 03/01099/FUL) which would result in a gross floor area of 12,248 square metres. The applicant has undertaken to revoke this previous consent and a previous home delivery extension if this consent is granted and on this basis there is not considered to be additional adverse impact on retailing in the city and hence no retail impact assessment has been required. The previous consent can be revoked by the applicant unilaterally entering into a legal agreement and hence it is recommended that, if members are minded to grant consent, any consent is deferred to officers until such an agreement has been completed. Grant of consent would not result in any variation of the food and non-food floor space limits. As such the proposals are considered to be in accordance with the aims of Policy S2 of the Draft City of York Local Plan and the aims of PPS6.

TRANSPORT

4.2 The previously approved scheme resulted in the loss of 89 visitors car parking spaces. This revised scheme would retain existing visitors parking but would result in the loss of 10 staff parking spaces at the rear of the store. The transport statement submitted with the application states that the maximum staff numbers on site at any one time will rise from 350 to 400, this is the same rise with the previously approved extensions. A scheme of improved pedestrian, cycle and bus access measures are proposed for the front of store that include a new more direct link to the pedestrian crossing between this store and the adjacent retail area to the west.

4.3 A staff travel plan has been submitted and additional staff cycle parking is proposed to be sited at the rear of the store. The comments of the Highways Network Management team are noted and the measures proposed are considered adequate. Detailed design of the additional staff cycle parking (to be covered and secure) shall be secured by condition. As such the proposals are considered to be in accordance with the aims of Policies GP4a, SP8 and T13a of the Draft City of York Local Plan and the aims of PPS1 and PPG13.

VISUAL IMPACT

4.4 The design of the proposed extensions to the rear of the store are in keeping with the existing building and are not considered detrimental to the appearance of the building or the wider area. The extensions are not considered to appear incongruous or disproportionate. Control of materials to match the existing building can be secured by condition. As such the proposals are considered to be in accordance with the aims of Policy GP1 of the Draft City of York Local Plan and the aims of PPS1.

AMENITY.

4.5 It has been recommended by the Environmental Protection Unit that any permission be subject to a standard construction hours condition. However given the distance separating the nearest dwelling from the site, the busy road which separates them and the 24 hour operation of the store such a condition is considered to be unduly onerous. It is considered that the amenity of these residential units can be protected through a construction management plan - controlling such matters as delivery times, working hours and noise levels - secured by condition and agreed with the applicant. As such any consent is considered to be in accordance with the aims of Policy GP1 of the Draft City of York Local Plan and the aims of PPS1.

5.0 CONCLUSION

5.1 It is considered that the proposal, subject to the conditions listed below and the revocation of planning permissions reference 03/01099/FUL and reference 06/01834/FUL, would not cause undue harm to interests of acknowledged importance, with particular reference to the appearance of this building, the vitality of the city centre, living conditions enjoyed by occupiers of nearby dwellings or the safe operation of the highway network. As such the proposal is considered to comply with policies SP8, T4, T13, GP1 and S2 of the Local Plan Deposit Draft and the aims of PPS6 and is recommended that approval be delegated to officers following revocation of planning permissions ref. 03/01099/FUL and ref. 06/01834/FUL.

6.0 RECOMMENDATION: Approve subject to Section 106 Agreement

- 1 The development hereby permitted shall be carried out only in accordance with the following plans and other submitted details:-

Drawing Number P103 revision A received 7 December 2006
Drawing Number 10 revision B received 30 October 2006
Drawing Number P101 received 30 October 2006
Drawing Number P102 received 30 October 2006
Drawing Number P104 received 30 October 2006
Drawing Number P105 received 30 October 2006

or any plans or details subsequently agreed in writing by the Local Planning Authority as an amendment to the approved plans.

Reason: For the avoidance of doubt and to ensure that the development is carried out only as approved by the Local Planning Authority.

- 2 The development shall be begun not later than the expiration of the three years from the date of this permission.

Reason: To ensure compliance with Sections 91 to 93 and Section 56 of the Town and Country Planning Act 1990 as amended by section 51 of the Compulsory Purchase Act 2004.

- 3 The materials to be used externally shall match those of the existing building in colour, size, shape and texture.

Reason: To achieve a visually acceptable form of development.

- 4 The development hereby approved shall not be brought into use until covered and secure cycle parking facilities have been provided in accordance with detailed drawings, which are to be submitted to and approved in writing by the LPA. Such facilities shall thereafter be retained for the purposes of parking cycles.

Reason: To ensure that adequate provision for the parking of cycles, in accordance with the council's minimum cycle parking standards.

- 5 The site shall hereafter be occupied in accordance with the aims, measures and outcomes of a Travel Plan which shall be submitted to and approved in writing by the LPA.

Reason: To ensure the development complies with advice contained in PPG13 (Transport) and in policy T20 of the City of York Local Plan, and to ensure adequate provision is made for the movement of vehicles, pedestrians, cycles and other forms of transport to and from the site together with parking on site for these users.

- 6 The development hereby approved shall not be brought into use until the pedestrian/cycle link shown on drawing P103 has been constructed in accordance with detailed drawings submitted to and approved in writing by the LPA.

Reason: To ensure safe means of pedestrian access and encourage sustainable travel.

- 7 Prior to any works commencing on site, a Construction Management Plan (CMP) shall be submitted to and approved in writing by the Local Planning Authority. The CMP shall identify the steps and procedures that will be implemented to minimise the creation and impact of noise, vibration, dust and waste disposal resulting from the site preparation, groundwork and construction phases of the development and manage Heavy Goods Vehicle (HGV) access to the site. Once approved, the CMP shall be adhered to at all times, unless otherwise agreed in writing with the Local Planning Authority.

Reason: To safeguard the amenity of occupants of nearby residential properties.

7.0 INFORMATIVES:

1. Reason for approval.

In the opinion of the Local Planning Authority the proposal, subject to the conditions listed above, would not cause undue harm to interests of acknowledged importance, with particular reference to the appearance of this building, the vitality of the city centre, living conditions enjoyed by occupiers of nearby dwellings or the safe operation of the highway network. As such the proposal complies with policies SP8, T4, T13, GP1 and S2 of the Local Plan Deposit Draft and the aims of PPS6.

2. Demolition and Construction - Informative

The developer's attention should also be drawn to the various requirements for the control of noise on construction sites laid down in the Control of Pollution Act 1974. In order to ensure that residents are not adversely affected by air pollution and noise, the following guidance should be attached to any planning approval:

1. The work shall be carried out in such a manner so as to comply with the general recommendations of British Standards BS 5228: Part 1: 1997, a code of practice for "Noise and Vibration Control on Construction and Open Sites" and in particular Section 10 of Part 1 of the code entitled "Control of noise and vibration".
2. All plant and machinery to be operated, sited and maintained in order to minimise disturbance. All items of machinery powered by internal combustion engines must be properly silenced and/or fitted with effective and well-maintained mufflers in accordance with manufacturers instructions.
3. The best practicable means, as defined by Section 72 of the Control of Pollution Act 1974, shall be employed at all times, in order to minimise noise emissions.
4. All reasonable measures shall be employed in order to control and minimise dust emissions, including sheeting of vehicles and use of water for dust suppression.
5. There shall be no bonfires on the site.

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