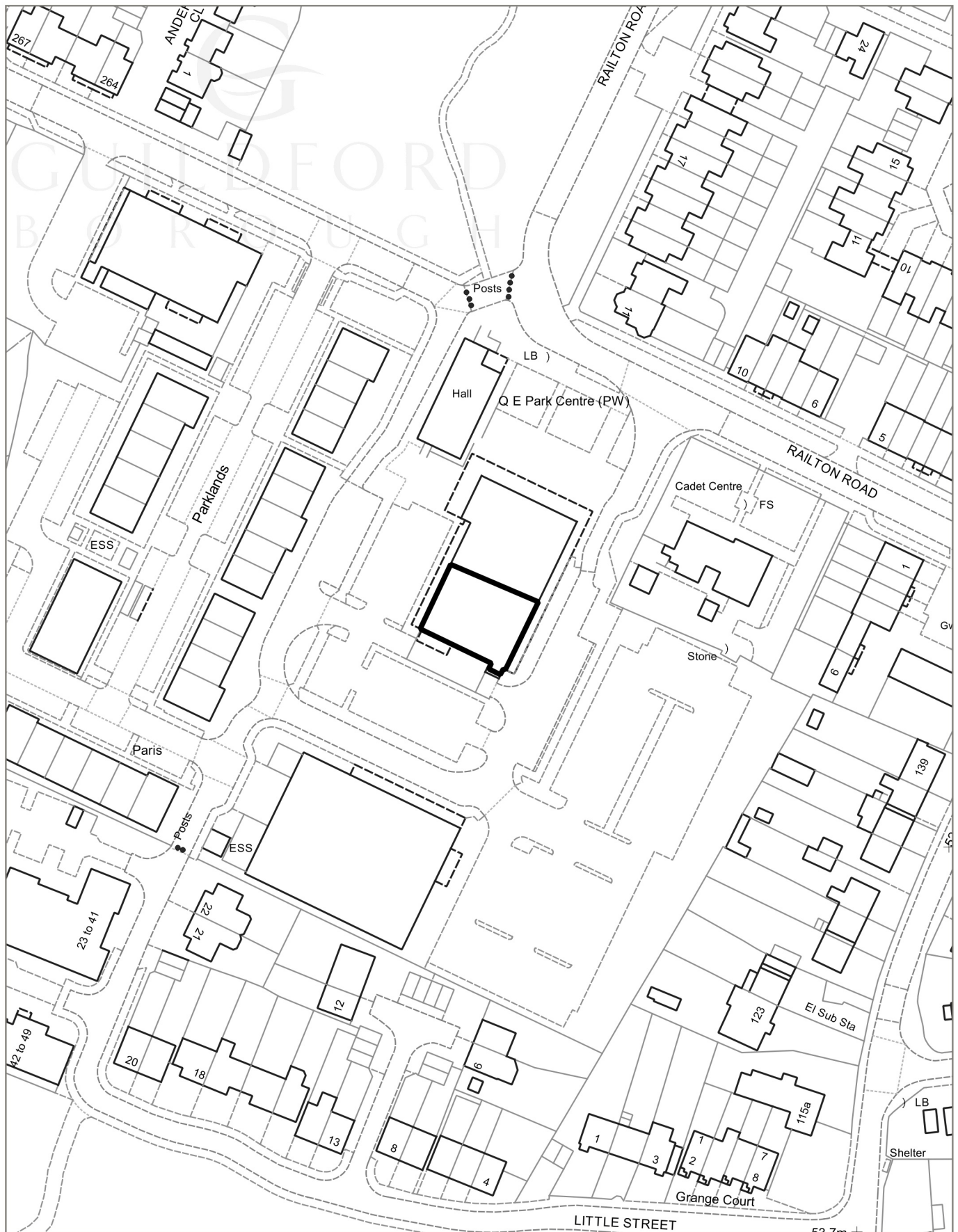


20/P/01756 - Food Store, Railton Road, Guildford



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Print Date: 15/03/2021

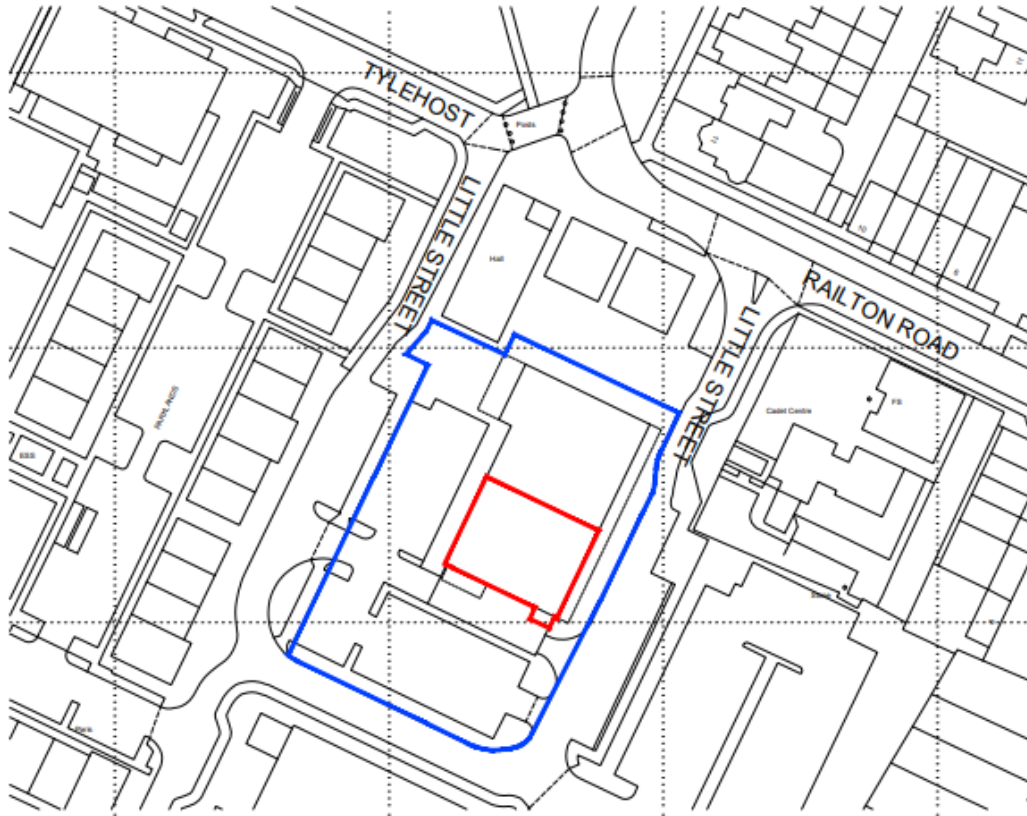


Not to Scale



GUILDFORD
BOROUGH

20/P/01756 – Food Store, Railton Road, Guildford



Not to scale

App No: 20/P/01756
Appn Type: Full Application
Case Officer: Chris Gent

8 Wk Deadline: 21/01/2021

Parish: Stoughton
Agent : Mr Botten
ROK Planning
16 Upper Woburn Place
London
WC1H0AF

Ward: Stoughton
Applicant: Tesco Stores

CO Agent

Location: Food Store, Railton Road, Guildford, GU2 9JX
Proposal: Variation of condition no 37 (opening hours) of application 02/P/01632, approved on 29/11/2002 to amend the approved opening hours.

Executive Summary

Reason for referral

This application has been called to committee by Councillor Pauline Searle on the grounds that the proposal may result in an adverse impact on neighbour amenity, contrary to Policy G1(3) of the Guildford Borough Local Plan 2003 (as saved by CLG Direction 24 September 2007).

Key information

Variation of condition no 37 (opening hours) of application 02/P/01632, approved on 29/11/2002 to amend the approved opening hours

Summary of considerations and constraints

The vacant store, with a lawful planning use of Use Class A1 (retail), is intended to be occupied in part by a Tesco Express (Tesco). In order to facilitate Tesco's occupation, this S.73 application seeks to extend the store opening hours in the morning by one hour, and in the evening by one hour, whilst also extending these hours to apply seven days a week.

The applicant proposes the following alternative wording for Condition 37:

The hours of operation of units within the commercial core application hereby approved are as follows:-

Health and Fitness Centre - 6.30 am - 11.00 pm seven days a week

Childrens' Nursery - 7.00 am - 7.00 pm seven days a week

A1 Retail unit - 6.00 am - 11.00 pm seven days a week

The main planning consideration is the effect the variation of the condition would have on neighbour amenity.

The closest residential properties are located approximately 45metres away from the site. The Council's Environmental Health Officer has raised no objection to the extension of trading hours however, concerns have been raised to whether the increase in hours would be accompanied by earlier and later deliveries, traffic movements/unloadings and the potential noise impact this could have on nearby residents. Whilst it was originally proposed that deliveries would take place within

the stores extended opening times, following discussions with the applicant, it has now been agreed that a condition be attached to restrict the delivery hours to between 07:00am to 10:00pm. Subject to this condition, the Environmental Health Officer raises no objection.

Given the above, it is considered that the proposed increase in opening hours would not have a detrimental impact on the amenity of neighbouring occupiers.

The changes to Condition 37 of 02/P/01632 would not cause harm to residential amenity and therefore the application is recommended for approval.

It should be noted that planning officers have reviewed the original conditions under planning application 02/P/01632 and have only applied the relevant conditions that meet the statutory test.

RECOMMENDATION:

Subject to a Deed of Variation to link the obligations secured through application 02/P/01632 to this application, the decision is to:

Approve - subject to the following condition(s) and reason(s) :-

1. The development hereby approved shall only be carried out in accordance with the external materials approved through the discharge of condition 2 of planning application 02/P/01632.

Reason: To ensure that the external appearance of the building is satisfactory.

2. The development hereby approved shall only be carried out in accordance with the boundary treatment details approved through the discharge of condition 3 of planning application 02/P/01632.

Reason: To safeguard the visual amenities of neighbouring properties and the locality.

3. The development hereby approved shall only be carried out in accordance with the external lighting details approved through the discharge of condition 4 of planning application 02/P/01632.

Reason: In the interests of visual amenity.

4. No new development shall be occupied until space has been laid out within the site in accordance with drawing No. 101 Revision H for cars to be parked in accordance with the following schedule :

Car Parking
Spaces

Offices	112
Foodstore	48
Health and Fitness Centre	120
Mixed Use Building	24

The parking areas shall be used and retained exclusively for its designated use.

Reason: In order that the development should not prejudice highway safety nor cause inconvenience to other highway users.

5. The development hereby approved shall only be carried out in accordance with the flue details approved through the discharge of condition 24 of planning application 02/P/01632.

Reason: To protect adjoining premises and the area generally from noise and disturbance.

6. The development hereby approved shall only be carried out in accordance with the ventilation and filtration equipment details approved through the discharge of condition 25 of planning application 02/P/01632.

Reason: To protect neighbouring properties and the area generally from odours.

7. The development hereby approved shall only be carried out in accordance with the site drainage system details approved through the discharge of condition 26 of planning application 02/P/01632.

Reason: To prevent pollution of the water environment.

8. The development hereby approved shall only be carried out in accordance with the surface water source control measures details approved through the discharge of condition 27 of planning application 02/P/01632.

Reason: To prevent the increased risk of flooding and to improve water quality.

9. The development hereby approved shall only be carried out in accordance with the arboricultural method statement details approved through the discharge of condition 29 of planning application 02/P/01632.

Reason: To ensure that the tree cover is properly managed and maintained to an agreed overall strategy.

10. The development hereby approved shall only be carried out in accordance with the bin stores details approved through the discharge of condition 31 of planning application 02/P/01632.

Reason: In the interest of visual amenity.

11. The development hereby approved shall only be carried out in accordance with the roof materials details approved through the discharge of condition 32 of planning application 02/P/01632.

Reason: In the interest of visual amenity.

12. The development hereby approved shall only be carried out in accordance with the demarcation of the car parking area to the Health and Fitness Centre details approved through the discharge of condition 33 of planning application 02/P/01632.

Reason: To ensure that the approved number of car parking spaces is not exceeded on the site.

13. The development hereby approved shall only be carried out in accordance with the details of the front elevation of the Food Store approved through the discharge of condition 34 of planning application 02/P/01632.

Reason: To achieve a satisfactory appearance to the building.

14. The development hereby approved shall only be carried out in accordance with the details of the surfacing materials and street furniture to the Town Square area approved through the discharge of condition 35 of planning application 02/P/01632.

Reason: To ensure that a satisfactory public amenity is achieved.

15. This permission grants Planning Approval for not more than the gross floor areas of the range of commercial and community uses set out on page 1 of the applicants' supporting statement (received 26/07/02) as amended by plans received 12/11/02.

Reason: To accord with the terms of the application and to control the development of this site.

16. The hours of operation of units within the commercial core application hereby approved are as follows:-

Health and Fitness Centre - 6.30 am - 11.00 pm seven days a week
Childrens' Nursery - 7.00 am - 7.00 pm seven days a week
A1 Retail unit - 6.00 am - 11.00 pm seven days a week

Reason: To safeguard the residential amenities of neighbouring properties.

17. No deliveries shall be taken at or dispatched from the site except between the hours of 7.00 am - 10.00 pm.

Reason: To safeguard the residential amenities of neighbouring properties.

Informatives:

1. This statement is provided in accordance with Article 35(2) of the Town and Country Planning (Development Management Procedure) (England) Order 2015. Guildford Borough Council seek to take a positive and proactive approach to development proposals. We work with applicants in a positive and proactive manner by:

- Offering a pre application advice service
- Where pre-application advice has been sought and that advice has been followed we will advise applicants/agents of any further issues arising during the course of the application
- Where possible officers will seek minor amendments to overcome issues identified at an early stage in the application process

However, Guildford Borough Council will generally not engage in unnecessary negotiation for fundamentally unacceptable proposals or where significant changes to an application is required.

Pre-application advice was not sought prior to submission and the application was acceptable as submitted.

Officer's Report**Site description**

The application site is located inside the Guildford urban area and lies within the Queen Elizabeth Park residential-led development. The site is an existing vacant retail unit within a freestanding building and includes a secure store and parking area. The unit was formally in use as a supermarket.

Proposal

Variation of condition no 37 (opening hours) of application 02/P/01632, approved on 29/11/2002 to amend the approved opening hours

The vacant store, with a lawful planning use of Use Class A1 (retail), is intended to be occupied in part by a Tesco Express (Tesco). In order to facilitate Tesco's occupation, this S.73 application seeks to extend the store opening hours in the morning by one hour, and in the evening by one hour, whilst also extending these hours to apply seven days a week.

Relevant planning history

20/P/01655 - Installation of an ATM and bollards (Officer note: This application is currently under consideration)

20/P/01656 - Proposed additional entrance within existing shop front. Approved with conditions - 23/11/2020.

20/P/01772 - Installation of CO2 gas cooler plant, 3 air conditioning units and Armco barriers. Approved with conditions - 03/12/2020.

20/P/01723 - Advertisement consent for the display of three internally illuminated fascia signs, one internally illuminated projecting sign, four graphics signs and six other signs. Approved with conditions - 27/11/2020.

02/P/01632 - Local centre comprising: Childrens' nursery, A1 foodstore, D2 Health & Fitness Centre, mixed use building (to now include the provision for the whole building to be used for the purpose of a doctors surgery within Use Class D1), B1 employment & associated car parking, together with alterations to access arrangements (including the deletion of the Bus only route) from outline planning permission 01/P/0881 dated 30/10/01. Amended plans received 24/09/2002 08/10/2002, 28/10/2002 and 12/11/02). Approved with conditions - 29/11/2002.

Consultations

County Highway Authority - has undertaken an assessment in terms of the likely net additional traffic generation, access arrangements and parking provision and are satisfied that the application would not have a material impact on the safety and operation of the adjoining public highway. The County Highway Authority therefore has no highway requirements.

Environmental Health Officer - raised initial concerns with regards to delivery hours and potential noise impact on nearby residents. The applicant has subsequently agreed to a condition for restricting deliveries to between 7am to 10pm. Subject to this condition, no objections are raised.

Third party comments:

14 letters have been received raising the following objections and concerns:

- concerns regarding noise nuisance
- concerns regarding anti-social behaviour
- parking/traffic issues
- littering

8 letters have been received supporting the proposal

Planning policies

The following policies are relevant to the determination of this application

National Planning Policy Framework (NPPF) (as revised 24 July 2018)

Chapter 12. Achieving well-designed places

Guildford Borough Local Plan 2003 (as saved by CLG Direction 24 September 2007):

Policy G1

Policy G5

Planning Considerations

The main planning considerations in this case are:

- impact of the development on neighbour amenity

The application is submitted under S.73 of the Town and Country Planning Act to vary condition 37 of planning permission 02/P/01632. The S.73 application will only consider the effect of the variation of the condition and will not reconsider the principal of the development.

Impact of the development on neighbour amenity

Condition 37 of 02/P/01632 states the following:

The hours of operation of units within the commercial core application hereby approved are as follows:-

Health and Fitness Centre - 7.00 am - 11.00 pm seven days a week

Childrens' Nursery - 7.00 am - 7.00 pm seven days a week

A1 Retail Unit - 7.00 am - 10.00 pm Mondays to Saturdays and 10.00 am - 6.00 pm Sundays.

Reason: *To ensure that the residential amenities of nearby properties are protected.*

The vacant store, with a lawful planning use of Use Class A1 (retail), is intended to be occupied in part by a Tesco Express (Tesco). In order to facilitate Tesco's occupation, this S.73 application seeks to extend the store opening hours in the morning by one hour, and in the evening by one hour, whilst also extending these hours to apply seven days a week.

The applicant proposes the following alternative wording for Condition 37:

The hours of operation of units within the commercial core application hereby approved are as follows:-

Health and Fitness Centre - 6.30 am - 11.00 pm seven days a week

Childrens' Nursery - 7.00 am - 7.00 pm seven days a week

A1 Retail unit - 6.00 am - 11.00 pm seven days a week

(A previous S.73 application was also submitted in 2005 under (05/P/00793) which varied hours for the nearby health and fitness centre. It is worth noting here that the health and fitness centre can already open at 06:30am seven days a week. These changes will also be carried forward as part of this S.73 application).

The only change to be assessed as part of the current application is the effect of extending the retail unit opening time from 07:00am to 06:00am in the morning and the increase in hours from 10:00pm to 11:00pm in the evening.

It is noted that the proposal also includes the extending of the Sunday opening times from 10.00am to 06:00am in the morning and from 6:00pm to 11:00pm in the evening. Whilst these are long hours, it should be noted that Sunday trading hours are covered by separate legislation so it would not be appropriate to use planning control to limit the Sunday hours in a more restrictive way to other days of the week.

The main planning consideration is the effect the variation of the condition would have on neighbour amenity.

The closest residential properties are located approximately 45metres away from the site. The Council's Environmental Health Officer has raised no objection to the extension of trading hours however, concerns have been raised to whether the increase in hours would be accompanied by earlier and later deliveries, traffic movements/unloadings and the potential noise impact this could have on nearby residents. Whilst it was originally proposed that deliveries would take place within the stores extended opening times, following discussions with the applicant, it has now been agreed that a condition be attached to restrict the delivery hours to between 07:00am to 10:00pm.

Subject to this condition, the Environmental Health Officer raises no objection.

As mentioned above, the Environmental Health Officer has not objected to the later opening. On this note, whilst concerns have been raised by residents with regards to anti-social behaviour, this is a matter for the police.

Given the above, it is considered that the proposed increase in opening hours would not have a detrimental impact on the amenity of neighbouring occupiers.

Conclusion

The changes to Condition 37 of 02/P/01632 would not cause harm to residential amenity and therefore the application is recommended for approval.

It should be noted that planning officers have reviewed the original conditions under planning application 02/P/01632 and have only applied the relevant conditions that meet the statutory test.