

20 January 2016

Our reference: KM/2090Lo/L001

Planning Services  
Havant Borough Council  
Public Service Plaza  
Civic Centre Road  
Havant  
PO9 2AX

Dear Sir/Madam

**RE: PLANNING APPLICATION FOR VARIATION OF CONDITION 1 OF PLANNING PERMISSION (08/68697/003) TO ALLOW SERVICING TO TAKE PLACE FROM 08.00 AND 20.00 ON SUNDAYS AT TESCO EXPRESS STORE, 28 STATION ROAD, HAYLING ISLAND, PO11 0EG (Planning portal ref: PP-04768521).**

On behalf of our client, Tesco Stores Ltd. we hereby submit an application for the variation of condition 1 of the above planning permission granted on 6 January 2009.

The application has been submitted via the planning portal (ref: PP-04768521) and the application fee of £195 will be paid by Cheque enclosed with a hard copy of this letter. In addition to this cover letter and the application form, the application is accompanied by the information as detailed below:

- Proposed Site and Location Plan
- Environmental Noise Assessment of a proposal to allow Sunday delivery hours prepared by Sharps Redmore Acoustic Consultants.

#### Background

Planning permission (ref: 96/50030/010) was granted on 3 April 1997 for the construction of a food retail store and associated parking with access from Station Road (outline application) at Ham Field, Manor Road PO11. Condition 14 of this permission restricted the permitted opening hours of the store, and condition 15 controlled the permitted servicing hours as follows:

*14) The premises hereby permitted shall not be open to the public before **08.00** hours or remain so open after **21.00** hours on Monday to Saturday and **10.00 hours to 16.00** hours on Sundays.*

*Reason: In the interests of the amenities of nearby residential properties.*

*15) No delivery vehicles shall enter or leave the premises the subject of this application except between the hours of **07.00 hours and 18.00 hours** on Monday to Friday and between the hours of **09.00 and 18.00** on Saturdays and not at all on Sundays or any recognised public holidays.*

*Reason: In the interests of the amenities of nearby residential properties.*

It appears that, when constructed, the premises may have been subdivided to create four individual retail units; with the largest unit, Unit 1 (subsequently Unit A) being the foodstore.

Planning permission (ref: 98/50030/014) was granted on 30 July 1998 for the variation of condition 14 of planning permission 96/50030/010 in respect of the opening hours to apply to Unit 1 of the approved retail development.

Planning permission (ref: 01/50030/020) was granted on 9<sup>th</sup> July 2001 for use of Units B and C (adjacent 'One Stop' Community Store) for class A3 (food and drink) uses (in place of previously approved retail use) and variation of Condition 14 of Planning Permission 96/50030/10 (opening hours) to allow Units B and C to open 0600 - 2230 Monday to Saturday and 0700 - 2230 Sunday.

Tesco Stores Limited have occupied Unit A since 2002/2003. The adjoining units B and C are in Class A5 use as takeaways and Unit D is used for Class A1 purposes as a pet shop. The change of use of the adjacent units from retail (Class A1) to non A1 retail uses is covered under separate planning permissions.

In January 2009 planning permission was granted to vary condition 15 of 96/50030/010 to extend the hours in which servicing is permitted. The condition was varied as follows:

*1) No delivery vehicles shall enter or leave the premises the subject of this application except between the hours of **07:00 hours and 20:00 hours** on Monday to Friday and **0800 hours to 2000 hours** on Saturdays and Bank Holidays and **not at all on Sundays**.*

*Reason: To safeguard the amenities of the locality and having regard to policies PC1 and D1 of the Havant Borough District Wide Local Plan 1996-2011.*

#### Purpose of the application

The Tesco store is currently controlled by the above conditions which differ in terms of the opening hours and when servicing is permitted.

|                         | Current Opening Hours | Servicing Hours |
|-------------------------|-----------------------|-----------------|
| <b>Monday to Friday</b> | 06.00 – 22.30         | 07.00 – 20.00   |
| <b>Saturday</b>         | 06.00 – 22.30         | 08.00 – 20.00   |
| <b>Sunday</b>           | 07.00 – 22.30         | Not Permitted   |
| <b>Bank Holiday</b>     | 06.00 – 22.30         | 08.00 – 20.00   |

The Tesco store is a popular store serving the local community and visitors to Hayling Island. The prevention of servicing taking place on a Sunday is impeding the ability of the store to be adequately stocked on weekends which is a particularly busy time. The store also provides a valuable source for top-up shopping trips. However due to the small size of the store there is limited storage space for stock and given its

popularity, the long gap between the trading hours and the permitted servicing hours which exclude Sundays is resulting in operational difficulties for weekend trading.

Therefore this application seeks to allow deliveries to take place on Sundays and as such it is proposed that the condition is varied to read as follows:

*1) No delivery vehicles shall enter or leave the premises the subject of this application except between the hours of 07:00 hours and 20:00 hours on Monday to Friday and 0800 hours to 2000 hours on Saturdays, **Sundays** and Bank Holidays.*

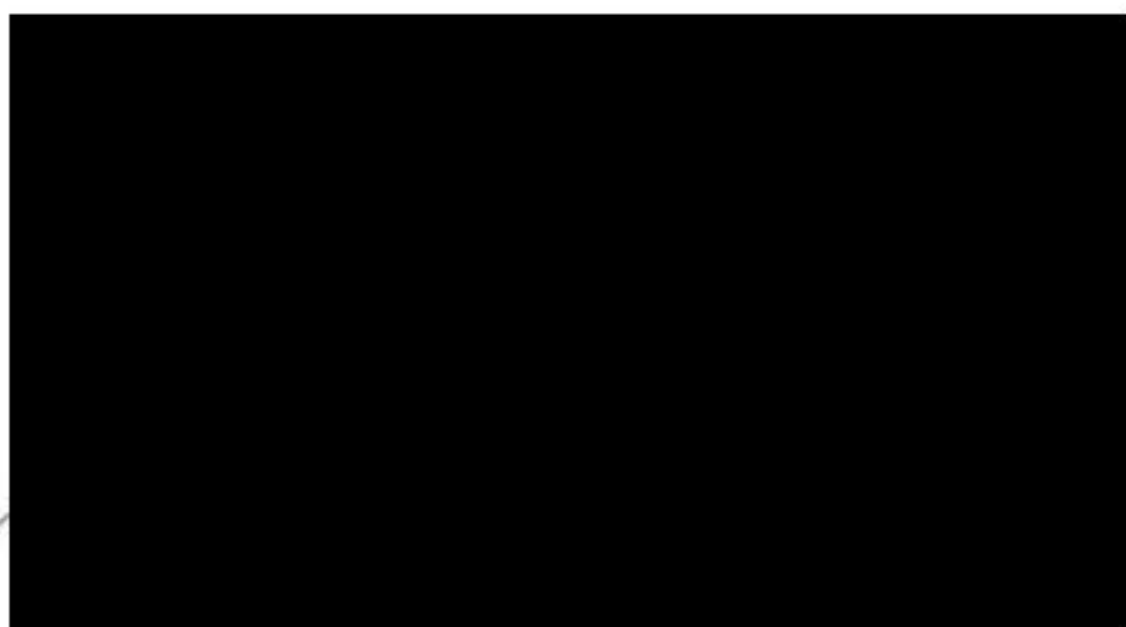
Given the location of residential properties to the site, Sharps Redmore Acoustic Consultants were instructed to carry out a noise survey of the existing conditions on a Sunday and provide a noise assessment which establishes that the introduction of servicing on a Sunday would not significantly increase noise levels in the vicinity of the site.

The nearest noise sensitive properties are located in Station Road and Aubrey Close to the rear. Station Road itself is a busy route, carrying a steady flow of vehicles including local buses. Noise from vehicles entering the site will be no greater or different in character from vehicles on Station Road. Therefore considering the relatively low number of deliveries that will be received by the store on a Sunday (approximately four), noise from delivery vehicles entering and leaving the site will not have a significant impact on local residents. There have been no complaints made by neighbouring residents regarding nuisance from servicing vehicles on Mondays to Saturdays. The acoustic assessment nonetheless includes recommended measures to minimise noise levels from delivery activity which will be implemented at all times including switching off engines when vehicles are parked in the unloading area.

Given the character of the area and the evidence provided in the Acoustic Assessment, we do not consider that deliveries taking place on a Sunday would cause any significant disturbance to residents in the vicinity of the site. On that basis the proposal is considered to comply para 123 of the NPPF (2012) and Policy DM10 Pollution of the Havant Borough Core Strategy (2011).

We trust that the information submitted is sufficient to be able to determine the application and we look forward to receiving your confirmation that this application has been registered. If in the meantime there is anything else you require please do not hesitate to contact me.

Yours sincerely



Kathryn Moran BA(Hons) MA

DPP

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