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<b>APPLICATION NO.</b>	P09/E1055
<b>APPLICATION TYPE</b>	Full
<b>REGISTERED</b>	12.10.2009
<b>PARISH</b>	Henley-on-Thames
<b>WARD MEMBERS</b>	Mr Terry Buckettt Ms Roswitha Myer
<b>APPLICANT</b>	Tesco Stores Ltd
<b>SITE</b>	Variation of Condition 2 (restriction on car park lighting) to planning permission P97/S0467 to allow the car park lighting to be switched on between 7am and 10:30pm and for a 24 hour period between 14 <sup>th</sup> December and 3 <sup>rd</sup> January each year.
<b>PROPOSALS</b>	Tesco Store, 359 Reading Road, Henley-on-Thames
<b>AMENDMENTS</b>	None
<b>GRID REFERENCE</b>	476874/181497
<b>OFFICER</b>	Mr T Wyatt

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1.0 **INTRODUCTION**

- 1.1 This application is referred to Committee as the Officer's recommendations conflict with the views of the Town Council.
- 1.2 The application site, which is shown on the OS extract **attached** as Appendix A, is the Tesco supermarket located on the southern edge of Henley. The site lies immediately to the south of Reading Road Industrial Estate and to the west there is further commercial and leisure development. Therefore, the surrounding land uses are dominated by other commercial and industrial uses, however, there are a small number of residential dwellings located immediately to the north east of the site. The site also adjoins undeveloped land beyond the railway line to the east and a sports ground to the south.

2.0 **THE PROPOSAL**

- 2.1 This application seeks planning permission to vary Condition 2 of application P97/S0467, which states:

*That the car park lighting shall not be switched on until 07.00 and shall be switched off at 22.30, as specified in the application, or half an hour after the store closes for trade, whichever is the earlier.*

- 2.2 The current proposal only seeks to vary Condition 2 of permission P97/S0467 by allowing the car park lighting to remain on during a 24 hour period between 14<sup>th</sup> December and 3<sup>rd</sup> January in any given year. This is to take advantage of the Christmas trading period. There are no restrictions in respect of the opening hours of the store.
- 2.3 A copy of the proposed plans is **attached** at Appendix B whilst other documents relating to the application can be found on the Council's website, [www.southoxon.gov.uk](http://www.southoxon.gov.uk).

3.0 **CONSULTATIONS AND REPRESENTATIONS**

3.1 **Henley-on-Thames Town Council** – The application should be refused due to being unneighbourly on the grounds of increased light pollution and general traffic.

3.2 **Environmental Health Officer** – No objections. The level of light generated by the proposal is very unlikely to represent a statutory nuisance and traffic levels associated with 24 hour opening should not result in any significant noise disturbance. It would, however, be beneficial to keep the car park lighting closest to the Mill Lane residents switched off to minimise any light pollution.

3.3 **Neighbours** – One letter of objection received:  
-there are no reasons to lift the original restrictions regarding the lighting.

4.0 **RELEVANT PLANNING HISTORY**

4.1 P97/S0467 - Amendment to approval of reserved matters P93/S0402/RM to vary the approved car park lighting restrictions from 0700-2200 to 0700-2230 hrs. Planning Permission granted on 10<sup>th</sup> December 1997.

4.2 P93/S0402/RM - Superstore, service yard, car parking and access to 347, 349 & 351 Reading Road. Reserved Matters Approval on 21<sup>st</sup> June 1994.

4.3 P92/S0516/O - Superstore, car parking and associated works with hockey, football and boxing clubs, all weather sports pitch and relocation of sports pitch and access to 347, 349 and 351 Reading Road. Appeal against non-determination allowed on 16<sup>th</sup> March 1993.

5.0 **POLICY AND GUIDANCE**

5.1 Policies of the Adopted South Oxfordshire Local Plan 2011 (SOLP):  
-G1, G2, G6, C1, C4, EP3, D1, TC7

5.3 Government Guidance:  
-PPS1 – Delivering Sustainable Development  
-PPG13 – Transport  
-PPS23 – Planning and Pollution Control

5.4 Supplementary Planning Guidance  
-South Oxfordshire Design Guide July 2008 (SODG)

6.0 **PLANNING ISSUES**

6.1 The planning issues that are relevant to this application are:  
1. The impact on the character and appearance of the surrounding area  
2. The impact on the amenity of neighbouring occupiers

The Impact on the Character and Appearance of the Surrounding Area

6.2 The site is located on the southern edge of Henley and adjoins an area of open grass beyond the railway line to the east and a recreation ground to the south. The site is set back from the main road, and the store and car park are generally well screened from public views by the backland position of the store and the vegetation along the main road. This proposal will not alter the physical appearance of the store or its car park in any way and the impact on the surrounding area is solely concerned with the additional impact from car park lighting for an extra eight and a half hours a day for a period of three weeks each year.

- 6.3 The lighting columns within the car park are relatively low and vary in height from 4 metres to 6 metres. The car park can already be lit until 22:30 every day throughout the year. Although the site is located on the edge of the built up area of the settlement, the area around the site, particularly along Reading Road and to the north is characterised by a typical urban development with associated street lamps and other lighting that marks the urban area of Henley. The lighting is viewed in context with the urban environment and does appear as an incongruous feature in an otherwise unlit and rural environment.
- 6.4 I do not consider that the visual impact from the additional lighting throughout the night for a 3 week period of the year would cause any significant harm to the character and appearance of the site or surrounding area.

#### The Impact on the Amenity of Neighbouring Occupiers

- 6.5 Much of the land surrounding the store is used for commercial or leisure purposes, and the lighting will not affect these surrounding land uses. However, there are also residential properties close to the site's northern boundary, most notably at 1-4 Mill Lane. The northern edge of the car park is located approximately 14 metres from the boundary with the closest residential property, 4 Mill Lane. This distance was set by a condition in respect of the original outline planning permission for the development, and will not change. The gap between the car park and 4 Mill Lane is filled with dense vegetation and the adjacent residential properties are not readily apparent when viewed from the car park.
- 6.6 The lighting columns closest to the northern boundary of the site are 4 metres high compared to the majority of the columns at 6 metres high. The lower height of the columns adjacent to the boundary with 4 Mill Lane would further reduce the opportunity for light pollution to the neighbouring residential properties. However, to ensure an acceptable impact on the neighbouring properties the lighting columns closest to the northern and eastern boundaries of the site should remain off between 22:30 and 07:00. This would also reduce the visual impact of the lighting when viewed from the surrounding land and would be beneficial in terms of energy consumption. It is extremely unlikely that the number of customers visiting the store between 22:30 and 07:00 will necessitate the full use of the car park and therefore, the switching off of some of the car park lighting should not compromise the safety of customers or staff.
- 6.7 The Environmental Health Officer has not raised any significant concerns in relation to noise disturbance or light pollution from the proposal. She considers it unlikely that the level of light generated is such that a statutory nuisance would be established if the site is used in accordance with the terms set out in this application.

#### 7.0 **RECOMMENDATION**

#### 7.1 **That planning permission be granted, subject to the following conditions:**

- 1. That the car park lighting shall not be switched on until 07.00 and shall be switched off at 22.30 or half an hour after the store closes for trade, whichever is the earlier. This condition will not apply between 14<sup>th</sup> December and 3<sup>rd</sup> January for external lighting to be first agreed in writing by the Local Planning Authority.**
- 2. No further external lighting shall be installed at the site unless details of the lighting have first been submitted to and approved in writing by the Local Planning Authority.**

**Author:** Mr T Wyatt  
**Contact no:** 01491 823154  
**Email:** [planning.east@southoxon.gov.uk](mailto:planning.east@southoxon.gov.uk)