

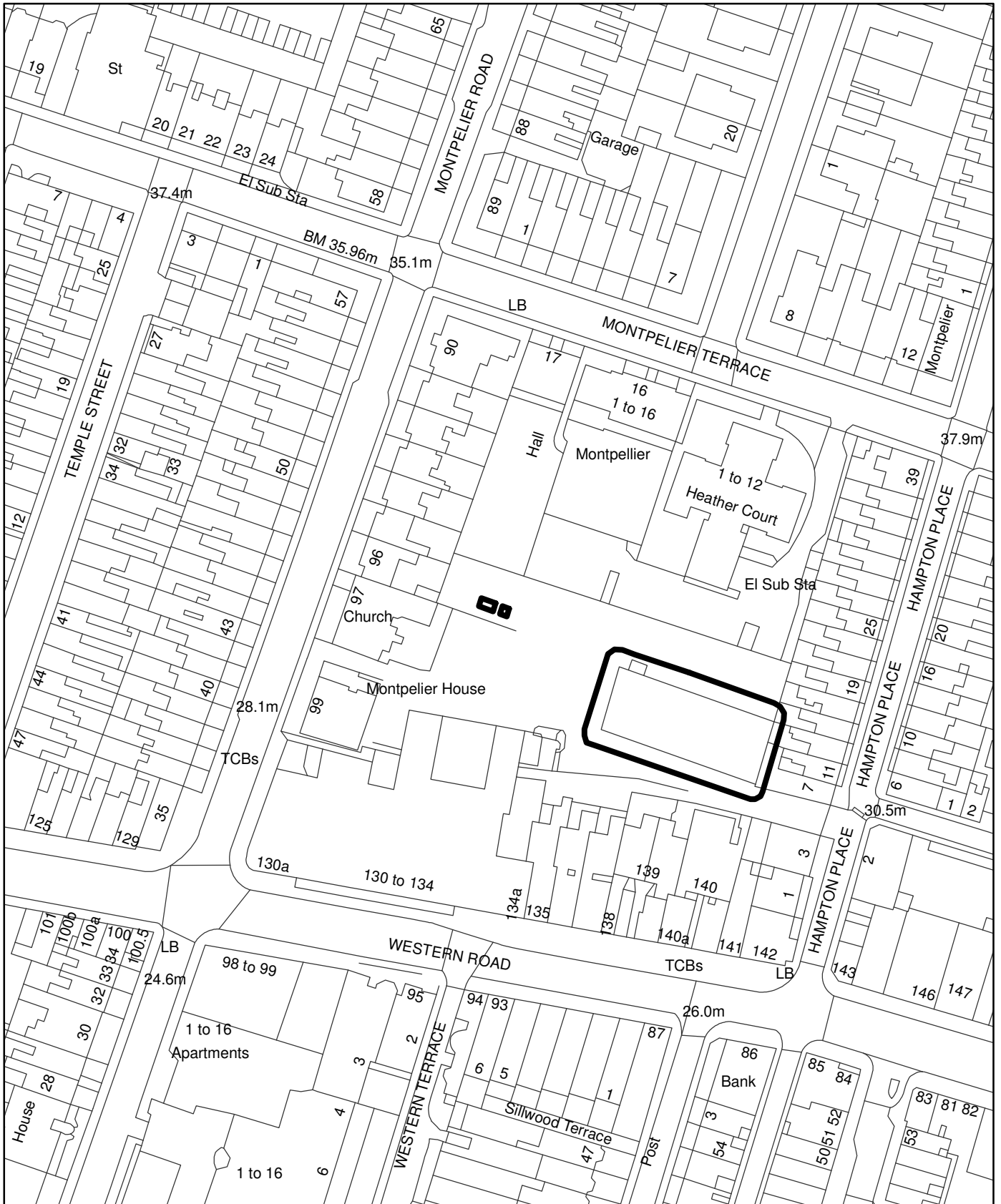
ITEM K

**Waitrose Ltd, 130-134a Western Road,
Brighton**

**BH2013/03146
Full planning**

11 DECEMBER 2013

BH2013/03146 Waitrose Ltd, 130-134a Western Road, Brighton



**Brighton & Hove
City Council**



Scale : 1:1,250

PLANNING COMMITTEE LIST- 11 DECEMBER 2013

<u>No:</u>	BH2013/03146	<u>Ward:</u>	REGENCY
<u>App Type:</u>	Full Planning		
<u>Address:</u>	Waitrose Ltd, 130-134a Western Road, Brighton.		
<u>Proposal:</u>	Removal of trolley bay and creation of 2no trolley shelters and creation of 2no cycle racks within rear car park.		
<u>Officer:</u>	Steven Lewis Tel 290480	<u>Valid Date:</u>	19/09/2013
<u>Con Area:</u>	Montpelier & Clifton Hill	<u>Expiry Date:</u>	14 November 2013
<u>Listed Building Grade:</u>	N/A		
<u>Agent:</u>	Bamber and Reddan Architects, Suncourt House, 18-26 Essex Road London		
<u>Applicant:</u>	Waitrose Ltd, Partnership House, Carlisle Place, London		

UPDATE

This application was deferred from Planning Committee on the 20 November to investigate a previous application and whether there is a Good Practice Statement that applies to the operational running of the site.

Application **BH2004/00265/FP** proposed a variation of condition 3 of planning permission BH1998/02056/FP to allow an increase in servicing times from between 07.00hrs and 21.30hrs Monday – Saturday, to between 07.00hrs and 22.30hrs Monday – Saturday and 10.00hrs and 16.00hrs on Sundays and Bank Holidays.

Condition 3 attached to the 2004 permission required the submission of a Statement of Good Practice which required the deliveries to be carried out in accordance with the agreed Good Practice Statement. The condition specifically required the statement to include measures to minimise noise and disruption arising from the delivery bay after 21.30hrs.

Condition 4 attached to the 2004 permission allowed the extended delivery times for 12 months. After the expiration of the temporary extended delivery hours, deliveries reverted back to the 1998 permission.

1 RECOMMENDATION

- 1.1 That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in section 11 and the policies and guidance in section 7 and resolves to **Minded to GRANT** planning permission subject to no adverse comment from the environmental Health team and the Conditions and Informatives set out in section 11.

2 SITE LOCATION & DESCRIPTION

- 2.1 The application relates to a Supermarket premises (A1 Retail) located on the north side of Western Road in Brighton. The unit corners Western Road and Montpelier Road.

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- 2.2 The building is a composite modern design; with a curved three storey section rounding the corner and two storey part extending eastwards down Western Road towards Central Brighton. The three storey section has a render and glazed modern interpretation of a classical design, with the two storey section modern with a canopy and projecting box windows which transforms further east back to classical to meet the period buildings of the adjacent form to eastwards.
- 2.3 More specifically the application relates to two areas located within the car park at the rear of the store. The areas affected would be 1 parking bay located on the upper level of the dual level car park and an area of land located in the north west corner of the car park, behind a flint wall beside a pair of trees and currently occupied by cycle racks and tarmac surface.

3 RELEVANT HISTORY

BH2013/02754 - Replacing existing signage currently installed on the building. New signage proposed to suit alterations to High Street elevation. Proposals intended to be as in keeping with existing signage as possible. – Under consideration

BH2013/03309 - Non Material Amendment to BH2013/02287 to retain existing concrete finish on façade – Approved 21/10/2013

BH2013/02259 - Replacement of 2no existing plant chiller units with 2no mechanical water cooled plant chiller units. – Approved 02/09/2013

BH2013/02287 - Alterations to shopfront, extension of existing canopy and associated works. – Approved 02/09/2013

BH2004/00265/FP - Variation of condition 3 of planning permission BH1998/02056/FP to allow an increase in servicing times from between 07.00hrs and 22.30hrs Monday-Friday, to between 07.00hrs and 21.00hrs Saturdays and 10.00 and 12.30 on Sundays and Bank Holidays (Re-submission of withdrawn application BH2003/02304/FP). – Approved 08/04/2004

BH2001/02916/FP - Replace existing aluminium windows with white uPVC units. – Approved 14/02/2002

3/93/0042/FP - Installation of automatic stand-by generator. – Approved 09/03/1993

80/1677 – Alterations to Western Road elevation and ground floor level – Approved 07/10/1980

79/2339 – Extension to food store – Approved 09/10/1980

4 THE APPLICATION

- 4.1 Planning permission is sought for the removal of a trolley bay and the creation of 2 no. trolley shelters and creation of 2 no cycle racks within rear car park.
- 4.2 The additional cycle racks are to be located to the east of the current cycle parking in the north west corner of the car park, the new trolley shelters would be sited adjacent to the cycle storage in the north west part of the car park and another upon within a central parking bay of the upper level of the dual level car park.

- 4.3 The proposed cycle racks would comprise of an additional 2 no stainless steel hoops of approximately 1m wide and 0.6m high. The proposed trolley shelters would have a curvature roof, be faced with Perspex material over a steel frame measuring approximately 2m wide, 4.25m long and up to 2.4m high

5 PUBLICITY & CONSULTATIONS

External

- 5.1 **Neighbours: Six (6)** letters of representation have been received from **94, 95 Montpelier Road, 15, Montpelier Hall, Montpelier Terrace, F7 31 Regency Square, 11 Victoria Street** objecting the application for the following reasons:

- The development would adversely impact upon the setting of listed buildings which surround the site
- The shelters would add to the visual clutter
- The trolley bays could be designed to reduce their visual impact
- The trolley shelters would interfere and harm views of the Conservation Area
- The trolley bay will be visible from views from windows of residential properties adjacent to the site
- The trolley bays should remain uncovered; there are other ways of ensuring that trolleys can be kept or made dry for customer use
- The use of structures such a trolleys bays could generate noise and attract rough sleepers
- Despite complaints to the store for a number of years, the operation of the car park presently produces noise and disturbance, from both the daily operation of the customers and the delivery regime of the store
- The structures could affect the roots of nearby historic trees.
- The site is adjacent to a public highway
- The area and access form the car park is a hot spot of crime and disorder and the proposal would exacerbate this
- If in the event of approval, a conditions should be considered to closing off and gating the car park, limit lighting, use of low intensity lighting and accessed door is fitted with a silent closing fitting should be imposed to improve the operation of the car park and reduce impact to neighbours.

- 5.2 **CAG: Comment**
No objection on Conservation Grounds

Internal

- 5.3 **Environmental Health:**
Comments awaited.

Heritage: Comment

- 5.4 This site is partly within and partly adjacent to the Montpelier and Clifton Hill Conservation Area. It is used as a supermarket car park which neither sustains nor enhances the significance of the Conservation Area, however this use has been established for many years.
- 5.5 Due to their clear fabric coverings it is not considered that the proposed shelters, or the racks will have any significant further impact on the Montpelier and Clifton Hill Conservation Area and there is no objection.

Arboriculture: Comment

- 5.6 Various trees within the car parking area of Waitrose are covered by Tree Preservation Order (No 2) 1967, however, they should remain unaffected by the proposed development.
- 5.7 There are no trees in the vicinity of the proposed new trolley park on the upper level.
- 5.8 The proposed ground level trolley park is between two fine Elms. They will both need to be pruned (light epicormic growth) to facilitate the development. The Arboricultural Section would have no objection to this.
- 5.9 The surface of the car park should remain as existing, this means any roots from the trees under the surface will remain safe and intact. If new surfacing is proposed, it should be the subject of an Arboricultural Method Statement.
- 5.10 Overall, the Arboricultural Section has no objection to the proposals in this application.

6 MATERIAL CONSIDERATIONS

- 6.1 Section 38 (6) of the Planning and Compulsory Purchase Act 2004 states that "If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise."
- 6.2 The development plan is:
- Brighton & Hove Local Plan 2005 (saved policies post 2007);
 - East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan (Adopted February 2013);
 - East Sussex and Brighton & Hove Minerals Local Plan (November 1999); Saved policies 3,4,32 and 36 – all outside of Brighton & Hove;
 - East Sussex and Brighton & Hove Waste Local Plan (February 2006); Saved Policies WLP 7 and WLP8 only – site allocations at Sackville Coalyard and Hangleton Bottom and Hollingdean Depot.
- 6.3 The National Planning Policy Framework (NPPF) was published on 27 March 2012 and is a material consideration which applies with immediate effect.
- 6.4 Due weight should be given to relevant policies in the development plan according to their degree of consistency with the NPPF.
- 6.5 The Brighton & Hove City Plan Part One (submission document) is an emerging development plan. The NPPF advises that weight may be given to relevant policies in emerging plans according to their stage of preparation, the extent to which there are unresolved objections to relevant policies and the degree of consistency of the relevant policies to the policies in the NPPF.

- 6.6 All material considerations and any policy conflicts are identified in the “Considerations and Assessment” section of the report.

7 RELEVANT POLICIES & GUIDANCE

The National Planning Policy Framework (NPPF)

Brighton & Hove Local Plan:

TR1	Development and the demand for travel
TR7	Safe development
TR14	Cycle access and parking
TR19	Parking standards
SU2	Efficiency of development in the use of energy, water and materials
SU10	Noise nuisance
SU13	Minimisation and re-use of construction industry waste
QD1	Design – quality of development and design statements
QD2	Design – key principles for neighbourhoods
QD3	Design – efficient and effective use of sites
QD4	Design – strategic impact
QD14	Extensions and alterations
QD15	Landscape design
QD16	Trees and hedgerows
QD27	Protection of Amenity
HE3	Development affecting the setting of Listed Buildings
HE6	Development within of affecting the setting of conservation areas

Supplementary Planning Guidance:

SPGBH4 Parking Standards

Supplementary Planning Documents:

SPD03 Construction & Demolition Waste
SPD06 Trees & Development Sites

Brighton & Hove City Plan Part One (submission document)

SS1 Presumption in favour of sustainable development

8 CONSIDERATIONS & ASSESSMENT

- 8.1 Matters relating to impact upon views from properties are not material planning considerations. The main considerations in the determination of this application relate to the impact of the changes upon the amenities of adjacent residential occupiers, the design of the alterations and their impact upon the appearance of the site, the visual amenity of the area and that of the Conservation Area and setting of nearby listed building.

Design and visual impact:

Cycle parking

- 8.2 The additional cycle racks by reason of their number, siting, size, height, materials and their context would not have an unduly harmful impact upon the

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impact character and appearance of the area, the Montpelier and Clifton Hill Conservation Areas or the setting of nearby Listed Buildings.

- 8.3 The development seeks to add an additional 2 cycle racks to the existing 4 racks. The designs of the racks are similar to and would be sited adjacent to the existing hoops. The racks are sited north of the flint wall within the north west part of the car park and largely concealed from view due to their height and siting.
- 8.4 The racks would be witnessed in the context of the existing and the current operation and appearance of the car park and would not have any significant further impact on the Montpelier and Clifton Hill Conservation Area or nearby Listed Buildings.

Trolley Shelters

- 8.5 One of the proposed trolley shelters would be sited adjacent to the cycle storage in the north west part of the car park and another upon within a central parking bay of the upper level of the dual level car park.
- 8.6 The shelters by reason of their materials, siting, and their context would not have an unduly harmful impact upon the impact character and appearance of the area, the Montpelier and Clifton Hill Conservation Areas or the setting of nearby Listed Buildings.
- 8.7 The site is partly within and partly adjacent to the Montpelier and Clifton Hill Conservation Area. The site is used as a supermarket car park, which neither sustains nor enhances the significance of the Conservation Area. However this use has been established for many years.
- 8.8 Due to their clear fabric coverings, it is not considered that the proposed shelters would have any significant further impact on the Montpelier and Clifton Hill Conservation Area.
- 8.9 Comments with regards to the colour of the shelters are noted, but it is not considered that the shelters or their colouring would have a significant impact given the siting and context of the car park.

Amenity:

- 8.10 The proposed cycle rack and trolley shelters by reason of their siting, intended use and the current operation of the retail store and car park would be unlikely to have an unduly harmful impact upon the amenities of adjacent residents.
- 8.11 The physical impact of the structures by reason of their size, scale and siting are sufficiently distanced from neighbouring buildings as to not have a significantly harmful impact upon light, daylight, privacy or outlook of the occupiers of nearby residential properties.
- 8.12 The new structures would not affect the time or access of the car park and would have minimal material impact upon its current operation.

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8.13 The reports of noise and disturbance, light conditions, hours of opening and operation received from neighbouring residents are noted and have been forwarded to the Environmental Health team prior to consultation. The granting of planning permission in this case would not supersede the right of the Council to examine the site for potential investigation under other primary legislation, in this case the Environmental Protection Act 1990 (as amended). Notwithstanding, it is not expected that such new structures would further materially impact upon the amenity of neighbours. Subject to no adverse comment from the Environmental Health team there are no objections on amenity ground relating to noise and disturbance.

Arboriculture:

8.14 The Arboriculturalist advises that there are various trees within the car parking area of Waitrose that are covered by Tree Preservation Order (No 2) 1967, but that they should remain unaffected by the proposed development.

8.15 There are no trees in the vicinity of the proposed new trolley park on the upper level and therefore this aspect of the development is acceptable.

8.16 The proposed ground level trolley park is between two fine Elms. They will both need to be pruned (light epicormic growth) to facilitate the development. The Arboricultural Section would have no objection to this.

8.17 The surface of the car park should remain as existing meaning that any roots from the trees under the surface will remain safe and intact. If new surfacing is proposed, it should be the subject of an Arboricultural Method Statement and can be secured by planning condition.

Transport:

8.18 The development would result in the loss of a single car parking space and would create an additional 4 cycle parking spaces.

8.19 The development is considered to have a negligible impact upon parking provision in the context of the site and its use and would not materially affect the highway.

Other issues:

8.20 Comments with regards to requests for conditions being placed to modify the operation of the store are noted. However, requests are not considered relevant to the development to be permitted, necessary or reasonable in all other respects. The new shelter and cycle racks would be unlikely to materially impact upon the operation of the car park or store. Furthermore, the likely additional impact as identified earlier in this report is negligible. Therefore, it is not considered that closing off and gating the car park, the limit lighting, changing to low intensity lighting and fitting the access door is fitted with a silent closing fitting are not relevant to the trolley store or cycle racks. Therefore imposing these changes via planning conditions would not be considered reasonable or necessary in this instance.

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8.22 There is no evidence to suggest that the new structures would exacerbate crime and disorder. The new shelters would provide limited cover to potential rough sleepers given the open lower level and sides. Furthermore, the structures would not materially affect the other aspects or use of the car in the regard of public safety.

9 CONCLUSION

9.1 The development by reason of its siting, design, materials and nature of its use would be unlikely to have an unduly harmful impact upon the amenity of adjacent residential occupiers. The additional visual impact is not considered to cause material harm to the character and appearance of the site, Conservation Area or affect the setting of nearby listed buildings.

10 EQUALITIES

10.1 The proposal would not affect access into and around the store.

11 PLANNING OBLIGATION / CONDITIONS / INFORMATIVES

11.1 Regulatory Conditions:

- 1) The development hereby permitted shall be commenced before the expiration of three years from the date of this permission. **Reason:** To ensure that the Local Planning Authority retains the right to review unimplemented permissions.
- 2) The development hereby permitted shall be carried out in accordance with the approved drawings listed below. **Reason:** For the avoidance of doubt and in the interests of proper planning.

Plan Type	Reference	Version	Date Received
Site Location Map	13-024-AZ-(P)-003	-	19/09/2013
Site Block Plan	13-024-AZ-(P)-004	-	13/09/2013
Proposed Trolley Store	13-024-AG-(P)-100	-	13/09/2013
Proposed Car Park Layout	13-024-AZ-(P)-001	-	13/09/2013
Existing Car Park Layout	13-024-YZ-(P)-001	-	13/09/2013
Covered Trolley Point	NTP-2000	A	13/09/2013

11.2 Pre-Commencement Conditions:

- 3) Prior to the commencement of development on site an arboricultural method statement setting out any necessary tree works to facilitate the development including pruning works and/or root projection shall be

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submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in strict accordance with the approved method statement. **Reason:** To protect the trees which are to be retained on the site in the interest of the visual amenities of the area and to comply with policies QD1 and QD16 of the Brighton & Hove Local Plan.

11.3 Informatives:

1. In accordance with the National Planning Policy Framework and Policy SS1 of the Brighton & Hove City Plan Part One (submission document) the approach to making a decision on this planning application has been to apply the presumption in favour of sustainable development. The Local Planning Authority seeks to approve planning applications which are for sustainable development where possible.

2. This decision to grant Planning Permission has been taken:
 - (i) having regard to the policies and proposals in the National Planning Policy Framework and the Development Plan, including Supplementary Planning Guidance and Supplementary Planning Documents:
(Please see section 7 of the report for the full list); and
 - (ii) for the following reasons:-
The development by reason of its siting, design, materials and nature of its use would be unlikely to have an unduly harmful impact upon the amenity of adjacent residential occupiers. The additional visual impact is not considered to cause material harm to the character and appearance of the site, Conservation Area or affect the setting of nearby listed buildings.