

ITEM A

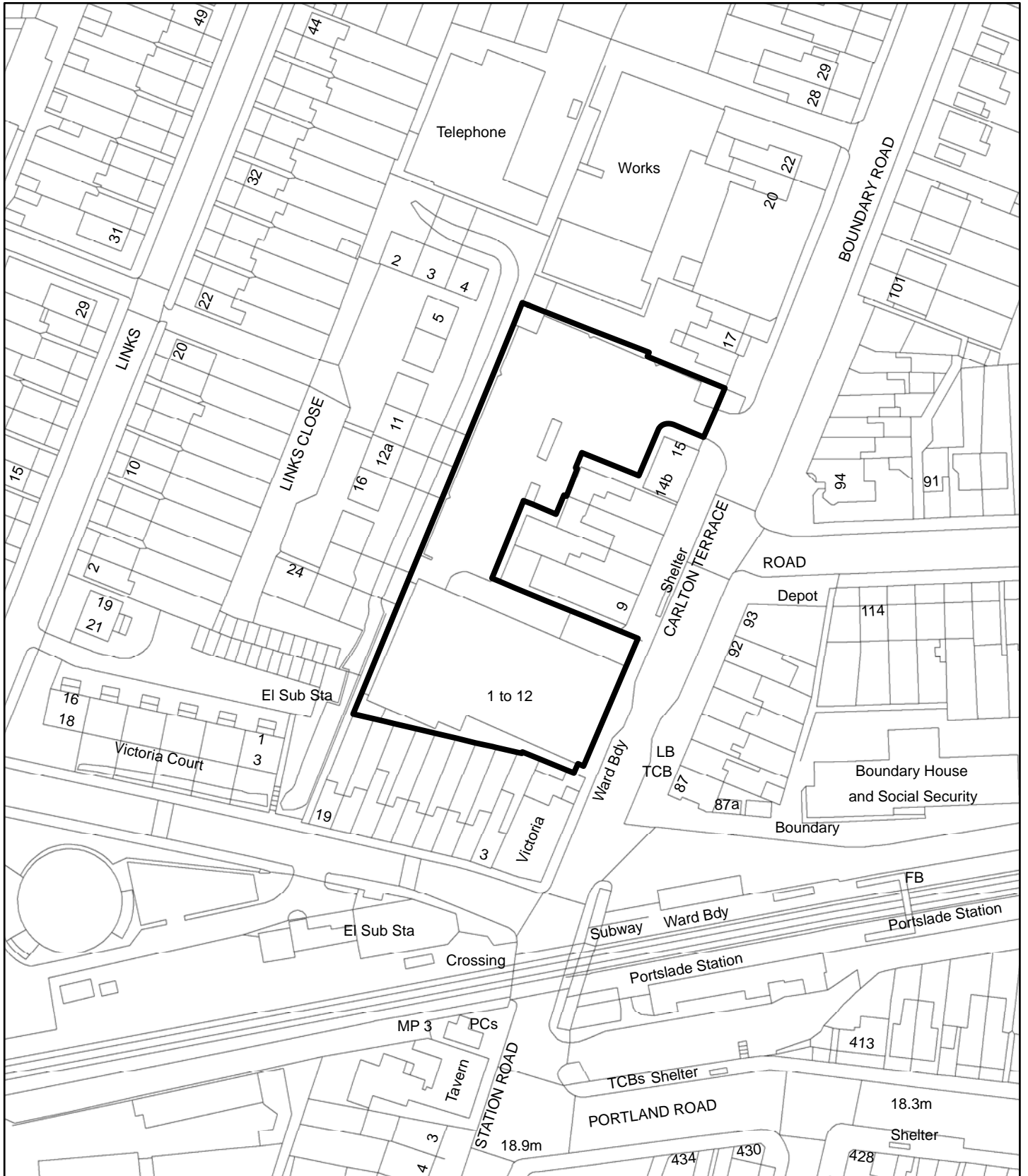
Aldi, 7 Carlton Terrace, Portslade

BH2013/04263

Removal or variation of condition

12 MARCH 2014

BH2013/04263 Aldi, 7 Carlton Terrace, Portslade



**Brighton & Hove
City Council**



Scale: 1:1,250

<u>No:</u>	BH2013/04263	<u>Ward:</u>	SOUTH PORTSLADE
<u>App Type:</u>	Removal or Variation of Condition		
<u>Address:</u>	Aldi Stores Ltd 7 Carlton Terrace Portslade		
<u>Proposal:</u>	Application for variation of condition 12 of application BH2011/02857 (Application for variation of conditions 11 & 12 of application BH2010/01684) (original permission BH2006/00834) to amend the hours of free parking at Portslade Shopping Centre from two hours to one and a half hours.		
<u>Officer:</u>	Steven Lewis, tel: 290480	<u>Valid Date:</u>	16 December 2013
<u>Con Area:</u>	N/A	<u>Expiry Date:</u>	17 March 2014
<u>Listed Building Grade:</u>	N/A		
<u>Agent:</u>	Planning Potential Ltd, Magdalen House, 148 Tooley Street, London		
<u>Applicant:</u>	Aldi Stores Limited, c/o Planning Potential Ltd, Magdalen House, 148 Tooley Street, London		

1 RECOMMENDATION

- 1.1 **GRANT** planning permission, subject to the Conditions and Informatives set out in section 11.

2 SITE LOCATION & DESCRIPTION

- 2.1 The application relates to the Aldi store located at Carlton Terrace in Portslade. The development consists of 2 buildings. A large detached building comprising a retail store on the ground floor and 12 residential units above and a smaller detached three storey building comprising a ground floor shop and 2 flats.
- 2.2 Specifically, the application relates to the car park serving the development which has a total of 74 spaces. At present the unallocated parking spaces allow a maximum of two hours free parking. Five spaces are reserved for the use of residents of the flats; two of the resident's allocation are disabled spaces.

3 RELEVANT HISTORY

- BH2013/02049** - Application for variation of condition 12 of BH2011/02857 for a reduction in the free parking allowance to read: The first one and a half hours of parking shall be free of charge for visitors of the Portslade Shopping Centre. – **Refused** 03/09/2013
- BH2013/02050** - Application for variation of condition 1 of BH2011/02857 to vary the hours of operation of the store to read: The store shall not be open for trading to the public except between the hours of 0800 and 2100 on Monday to Saturday and 1000 to 1600 on Sundays and Bank Holidays. Staff

may be within the premises between the hours of 0700 and 2200 hours on Mondays to Saturdays and 0930 and 1730 on Sundays and Bank Holidays. – **Refused** 27/09/2013

BH2011/02857 - Application for variation of conditions 11 & 12 of application BH2010/01684. Variation of condition 11 to provide 2 car parking spaces for residential use and variation of condition 12 to provide 2 hours of free car parking to all visitors of the Portslade shopping centre. – Split decision 07/12/2011. Condition 11 refused and Condition 12 approved.

BH2010/01684: Application for variation and removal of conditions to application BH2006/00834 to vary condition 5 to allow an extended delivery period at the store, vary wording of condition 4 to allow the premises to trade to the public between 8.00 and 20.00 hours and for ancillary activities to take place outside of these hours when the store is closed to the public, vary condition 16 to reduce free car parking to all visitors of the Portslade Shopping Centre from 3 hours to 1 hour, removal of condition 15 in order not to provide 5 resident parking spaces. Split Decision to allow Variation of Condition 4, Refuse variation of 5, 15 & 16 - 30/12/2010. Appeal to Vary Condition 5 *Allowed* - 07/06/2011.

BH2006/00834: Mixed use development comprising food retail unit & separate shop unit, 14 residential units with associated parking. (Revision of BH2004/00571/FP). Approved 31/05/2006.

BH2004/00571/FP: Mixed use development comprising food retail unit and separate shop unit with 5, 2-bedroom flats and 9, 1-bedroom flats at first floor level, associated parking and highway works (existing buildings to be demolished). Approved 20/05/2004.

4 THE APPLICATION

4.1 Planning permission is sought for the application for variation of condition 12 of BH2011/02857 for a reduction in the free parking allowance to read: The first one and a half hours of parking shall be free of charge for visitors of the Portslade Shopping Centre.

4.2 In effect the proposal would reduce the amount of free parking by an additional 30 minutes, when compared to that allowed in the previous application (BH2011/02857) where it was reduced from three to two hours.

5 PUBLICITY & CONSULTATIONS

External:

5.1 **Neighbours:**

Five (5) letters received from 4, 12, 13 Gladys Road & 2 x unaddressed objecting to the proposal on the following grounds:

- The surround area already suffers from parking difficulties and the proposal would increase displaced parking from the Shopping Centre.
- A residents parking zone may be supported in the area to stop displaced parking from shoppers and commuters
- The reduced time will not give shoppers ample time to combine trips to

visit the Portslade Shopping Area

- The proposal would only serve to increase parking revenue
- The company used to manage the car park do not seemingly do so in line with best practice and breach equality act
- The car park is not managed in-line with a management plan agreed with the council and attendants have been replaced with ANPR cameras which do not provide reasonable adjustment to the disabled, those with young children or blue badge users.

Internal:

Transport:

- 5.2 The applicants have resubmitted the August 2011 surveys which supported application BH2013/02049 together with additional analysis of these surveys designed to address and overcome the problems reported in that application.
- 5.3 The additional work demonstrates satisfactorily that the surveys represent typical conditions although they were carried out in August, by reference to Automatic Number Plate Recognition information from April 2013, which indicates similar levels of occupancy and duration to those estimated from the 2011 work. It is also demonstrated that the car park operates close to capacity for much of the day and that implementation of the 2 hour limit on parking durations, which post-dated the 2011 surveys, has not resolved the capacity issue.
- 5.4 The new material clarifies that observed rather than estimated durations were used. It remains unclear that the survey work has demonstrated that suppressed demand for the car park exists. However this is considered likely to be the case given that Aldi have taken a commercial decision to pursue this application. To summarise, the additional work successfully demonstrates that the surveys used are appropriate evidence.
- 5.5 It remains the case that a small number of people who are using the Aldi car park for long visits to Portslade but not shopping in Aldi itself would be disadvantaged if this application is granted. The condition was required to ensure this wider community benefit given that the number of spaces agreed was above the SPG4 maximum and there is shortage of parking in the district centre.
- 5.6 The numbers involved are difficult to estimate but an opinion made by the Highway Authority based on the applicant's survey work suggests that at most 25 people per day would be affected. However, the valid point is made in the current submission that by reducing the permitted maximum duration of parking this application would cause an increase in the effective parking capacity of the Aldi car park and the Portslade district centre as a whole. This would reduce the problem which originally contributed to the need for the condition. The opinion derived as above suggests that the number of people making these extra trips may be in the order of 150, i.e. substantially more than those not shopping at Aldi whose shopping trips would be shortened.

- 5.7 Although the Council's policy as a whole implies that an increase in the use of sustainable modes would be a more appropriate response to the capacity issue at the Aldi car park, this application has to be judged in the light of the specific policy reasons for this condition. On balance it is considered in the light of the new submission that approval of this application will not cause substantial problems and this is now recommended.

Planning Policy:

- 5.8 Whilst it is regretful that the time to park in the car park is reduced, the overall aim of the original condition remains and still allows visitors to the District Centre to park here if they so wish, albeit for a shorter amount of time. Therefore it is considered that the application complies with policy SR5 of the Adopted Local Plan.
- 5.9 Comments are guided by those given by the Highway Authority who have assessed the additional information submitted since Aldi's last planning application.
- 5.10 The original condition was put into place to encourage linked shopping trips to other shops in the Boundary Road / Station Road District Centre to enhance its role as a District Centre.
- 5.11 Transport comments state that they are satisfied that the surveys submitted represent typical conditions and that are generally satisfied by the evidence submitted.
- 5.12 Whilst it is regretful that the time to park in the car park is reduced, the overall aim of the original condition remains and still allows visitors to the District Centre to park here if they so wish, albeit for a shorter amount of time. Therefore it is considered that the application complies with policy SR5 of the Adopted Local Plan.

6 MATERIAL CONSIDERATIONS

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."

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.

The National Planning Policy Framework (NPPF) is a material consideration.

Due weight should be given to relevant policies in the development plan according to their degree of consistency with the NPPF.

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.

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
TR2	Public Transport accessibility and parking
TR7	Safe development
TR18	Parking for people with a mobility related disability
TR19	Parking standards
QD27	Protection of Amenity
SR5	Town and district shopping centres

Supplementary Planning Guidance:

SPGBH4	Parking Standards
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Brighton & Hove City Plan Part One (submission document)

SS1	Presumption in Favour of Sustainable Development
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8 CONSIDERATIONS & ASSESSMENT

- 8.1 The main considerations in the determination of this application relate to the impact of the requested variations of conditions upon the vitality and viability of the Boundary Road/Station Road District Shopping Centre and the adequacy of the parking facilities for the residential occupiers of the development

Condition 12 Visitor Parking:

- 8.2 The current condition states:
“The first two hours of parking shall be free of charge for visitors of the Portslade shopping centre. Reason: To ensure parking provision is made

available to shoppers not using the main store as there is an identified shortage of shopper's parking spaces within Portslade District Shopping Centre, to comply with policy SR5 and TR17 of the Brighton & Hove Local Plan".

- 8.3 The Local Planning Authority supports the aims of promoting sustainable economic growth and the vitality and viability of Town and District centres as required by local policies and national guidance. To this aim, more parking was permitted at the store than the maximum local standard to allow joint trips to both the store and other stores and businesses in the District Shopping Centre. Furthermore, there was also an accepted shortage of parking elsewhere in the District Centre and these additional spaces went some way to resolving this issue.
- 8.4 The proposal seeks to amend the condition to reduce the length of visitor parking from two hours to one and a half hours. This follows approval in December 2011 for the reduction in hours from three to two hours. This reduction in an hour was allowed on the basis that the reduction in hours would not harm the viability and vitality of the District Centre, would increase capacity while striking an acceptable balance and supporting the function of the District Shopping Centre. It is noted that ticketing machines have been installed within the car park, with a requirement to display a ticket in vehicles to allow the two hours of free parking. Furthermore, the signs have been amended to reflect the current parking regime and supplemented with a large banner displaying the current hours of parking. Accordingly the new parking regime as approved in December 2011 has commenced.
- 8.5 An application to reduce the length of visitor parking from 2hrs to 1hr 30mins was refused under reference BH2013/02049 on the basis that the survey information provided failed to demonstrate that the reduction of parking hours would not hinder visitors wishing to access the wider district centre and support the wider viability and vitality of the Boundary Road/Station Road shopping centre.
- 8.6 The applicants have resubmitted the August 2011 surveys which supported application BH2013/02049 together with additional analysis of these surveys designed to address and overcome the problems reported in that application.
- 8.7 The additional work demonstrates that the surveys represent typical conditions, although the original survey was conducted in August, and reference to Automatic Number Plate Recognition information was from April 2013. The new information indicates similar levels of occupancy and duration to those estimated from the 2011 work and it is also demonstrated that the car park operates close to capacity for much of the day and that implementation of the 2 hour limit on parking durations has not resolved the capacity issue.
- 8.8 The new material clarifies that observed rather than estimated durations were used, whilst it remains unclear that the survey work has demonstrated that

suppressed demand for the car park exists, this is considered likely to be the case given that applicant has taken a commercial decision to pursue the changes. As such the Highway Authority advise that the additional information and survey work successfully demonstrates that the surveys have used appropriate evidence.

- 8.9 It would remain that a small number of people, estimated by officers at approximately 25 people; who are using the Aldi car park for long visits to Portslade but not shopping in Aldi itself, could be disadvantaged if reduction in parking hours is granted.
- 8.10 The condition was required to ensure this wider community benefit given that the number of spaces agreed was above the adopted parking standard maximum and there is shortage of parking in the district centre. However, by reducing the permitted maximum duration of parking this application would cause an increase in the effective parking capacity of the Aldi car park and the District Centre as a whole. Such a benefit could reduce the problem which originally contributed to the need for the condition. The Highway Authority estimate that the number of people making these extra trips may be in the order of 150, and therefore substantially more than those not shopping at Aldi whose shopping trips would be shortened.
- 8.11 Whilst it is regrettable that the time to park in the car park is reduced, the overall aim of the original condition remains and still allows visitors to the District Centre to park here if they so wish, albeit for a shorter amount of time. However, as a consequence it could provide capacity for a significant increase in the number of people being able to use the car park for combined but shorter trips to the District Centre. Therefore it is considered that the application complies with policy SR5 of the Adopted Local Plan.

Other issues:

- 8.12 Comments from members of the public have been afforded weight as a material consideration where appropriate.
- 8.13 Some issues raised including comments on practices of the management company and those issues not related to the car park cannot be afforded weight as a material consideration in this case.

9 CONCLUSION

- 9.1 The variation of condition 12 of BH2011/02857, to shorten the period of free parking from two hours to one hour 30 minutes would not unduly harm the viability and vitality of the Boundary Road/Station Road District Shopping Centre. The changes would provide some additional parking capacity for the store and the new parking arrangements would continue to support the function of the District Shopping Centre by providing parking that can be used in combined shopping trips.

10 EQUALITIES

10.1 None identified.

11 CONDITIONS / INFORMATIVES

1. The store shall not be open for trading to the public except between the hours of 08.00 and 20.00 hours on Monday to Saturday, and 10.00 to 16.00 on Sundays and Bank holidays. Staff may be within the premises between the hours of 07.00 and 21.30 hours on Monday to Saturday, and 09.30 to 17.30 on Sundays and Bank Holidays.
Reason: To allow satisfactory operation of the store and to protect the residential amenities of the occupiers of the flats above the store and to comply with policy QD27 of the Brighton & Hove Local Plan.
2. The compactor machine shall only be operated during the actual store trading hours to the public and at no other times.
Reason: To protect the residential amenities of the occupiers of the flats above the store and to comply with policy QD27 of the Brighton & Hove Local Plan.
3. No HGV movements nor any loading or unloading of vehicles associated with the retail uses hereby permitted shall take place between the hours of 20.30 and 07.30 Monday to Saturday. Deliveries on Sundays/Bank Holidays shall be limited to one main delivery and a milk delivery only between the hours of 09.30 and 17.30, with no deliveries outside these hours.
Reason: To allow satisfactory operation of the store and to protect the residential amenities of the occupiers of the flats above the store and to comply with policy QD27 of the Brighton & Hove Local Plan.
4. The approved and implemented refuse and recycling facilities shall be retained for use at all times.
Reason: To ensure the provision of satisfactory facilities for the storage of refuse and recycling and to comply with policies SU2 and QD27 of the Brighton & Hove Local Plan.
5. The existing wall along the western boundary of the site shall be increased in height to a minimum of 2.4m within 3 months of the date of this approval. The wall shall be maintained as such to the satisfaction of the Local Planning Authority.
Reason: To effectively screen the development from adjacent residential properties and to reduce the effect of noise and disturbance from the development in the interests of amenity and to comply with policies QD27 and SU10 of the Brighton & Hove Local Plan.
6. The windows on the ground floor of the east elevation of the main store fronting Carlton Terrace shall be clear glazed only, and shall be kept free of internal or external advertisements unless otherwise agreed in writing by the Local Planning Authority.
Reason: To ensure these is an interesting and attractive frontage at street level, to comply with policy QD10 of the Brighton & Hove Local Plan.
7. Any planting from the approved and implemented landscaping scheme

which dies, becomes seriously damaged or diseased within a period of 5 years from being set out, shall be replaced in the next planning season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: To enhance the appearance of the development in the interests of the visual amenities of the area and to comply with policy QD15 of the Brighton & Hove Local Plan.

8. The approved and implemented cycle parking facilities shall be retained for such use at all times.

Reason: To ensure that satisfactory facilities for the parking of cycles are provided to encourage travel by means other than the private car and to comply with policy TR14 of the Brighton & Hove Local Plan.

9. The approved Travel Plan shall be implemented to the satisfaction of the Local Planning Authority at all times.

Reason: To promote sustainable travel choices for employees of the main store to reduce reliance on the private car, to comply with policies TR1, TR2 and TR14 of the Brighton & Hove Local Plan.

10. The first floor kitchen and living/dining room windows on the southern elevation serving Flat 1 above the main store, and the first floor glazing to the entrance to the flats on the southern elevation, shall not be glazed otherwise than with obscure glass and either fixed shut or top hung and thereafter permanently retained as such.

Reason: To safeguard the privacy of the occupiers of adjacent properties in Victoria Road, to comply with policy QD27 of the Brighton & Hove Local Plan.

11. The 5 resident parking bays indicated on the approved plans in association with application BH2006/01684 shall not be used other than for occupiers of the residential units. The residents' car parking spaces shall be clearly signed/labelled as such, and details of signage shall be submitted to and approved in writing to the Local Planning Authority within one month of the date of this permission, unless otherwise agreed in writing. The agreed scheme shall be implemented to the satisfaction of the Local Planning Authority and thereafter retained.

Reason: To ensure adequate car parking provision to serve residential occupiers of the development, to comply with policies QD1, TR1, TR4, TR18 and TR19 of the Brighton & Hove Local Plan.

12. The first one hour and 30 minutes of parking shall be free of charge for visitors of the Boundary Road/Station Road District Shopping Centre.

Reason: To ensure parking provision is made available to shoppers not using the main store as there is an identified shortage of shopper's parking spaces within the Portslade District Shopping Centre, in the interests of enhancing the vitality and viability of the Centre, to comply with policies SR6 and TR2 of the Brighton & Hove Local Plan.

13. The access gates shall be locked outside of opening hours of the main store except for purposes of loading/unloading and access by residents of the flats.

Reason: In the interests of visual amenity and to ensure adequate security for the site, to comply with policy QD7 of the Brighton & Hove

Local Plan.

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 Brighton & Hove Local 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 variation of condition 12 of BH2011/02857, to shorten the period of free parking from two hours to one hour 30 minutes would not unduly harm the viability and vitality of the Boundary Road/Station Road District Shopping Centre. The changes would provide some additional parking capacity for the store and the new parking arrangements would continue to support the function of the District Shopping Centre by providing parking that can be used in combined shopping trips.