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| CITY OF WESTMINSTER | | | |
| PLANNING APPLICATIONS SUB COMMITTEE | Date 5 December 2017 | Classification For General Release | |
| Report of Director of Planning | | Ward(s) involved Warwick | |
| Subject of Report | 99 Wilton Road, London, SW1V 1DT | | |
| Proposal | Use of part of the basement as a back-of-house facility in connection with the existing retail unit (Class A1), for the purpose of obtaining consent of the City Council in relation to condition (xi) of planning permission allowed on appeal 6 July 1998 (APP/X5990/A/97/285620). | | |
| Agent | Indigo Planning | | |
| On behalf of | Sainsbury's Supermarkets Ltd | | |
| Registered Number | 17/08473/FULL | Date amended/ completed | 08 October 2017 |
| Date Application Received | 21 September 2017 | | |
| Historic Building Grade | Unlisted | | |
| Conservation Area | N/A | | |

1. RECOMMENDATION

Grant conditional permission.

2. SUMMARY

Sainsbury's supermarket, 99 Wilton Road, is on a secondary frontage in the Warwick Way / Tachbrook Street District Centre. The supermarket's sales area is located at ground floor level; the basement level is used for customer car parking. The basement is accessed by a traveller from the ground floor sales area and a vehicular access from Gillingham Street.

The supermarket forms part of a development granted on appeal in July 1998 for 160 residential units, Class A1 retail store and 8 retail units for Class A1/A2 or A3 use together with associated car parking and service areas. The permission was granted subject to a condition which requires the supermarket to retain its basement level car parking for use by its customers, unless prior consent of the Council is obtained.

Permission is sought for the use of part of the basement car park as a back-of-house facility and associated plant room of 495sqm. The basement car park is ancillary to the retail unit and the proposals would result in a reduction in the number of car parking spaces from 146 to 108.

The proposals are in relation to the provision of an Argos concession within the supermarket at ground floor level, with the proposed back-of-house facility at basement level supporting it. No new planning units would be created and no external alterations are proposed. Had the condition requiring the basement level car park to be retained for customer car parking not been imposed, the conversion of this part of the basement to a back-of-house facility would not require permission.

The existing customer car park represents a significant over provision of car parking space for a retail use. Policy SS 11 of the Unitary Development Plan (UDP) relates to supermarkets and states that general customer car parking facilities will not be permitted. Policy TRANS 22 of the UDP relates to car parking for non-residential development and also states retail units should have no car parking space for customers. Modest provision for staff, visitors and those with disabilities are allowed by the policy.

The applicant has conducted a survey of the car park which demonstrates that it is under-used, with a peak occupancy of 33% (48 spaces used out of 146). Based on this survey, the proposals would lead to a peak occupancy of 44% meaning a majority of the car parking spaces would still be free even at peak times. The number of spaces for disabled customers would be maintained (7 spaces). In these circumstances, the proposals would not negatively impact on customers, the operation of the car park or increase on-street parking demand in the area. Therefore, the Highway Planning Manager raises no objection to the loss of these car parking spaces.

One objection has been received from a neighbouring resident on the grounds that the proposal would result in increased deliveries that could harm local residents and increase pollution.

In terms of deliveries, the supermarket has an existing on-site and off-street servicing area accessed from Gillingham Street and deliveries would continue to be taken here. Policy TRANS 20 of the UDP states that convenient access to all premises for servicing vehicles will be required, and this should be accommodated on-site and off-street. The applicant expects that there would be a modest increase in deliveries as a result of the proposal and states that these can be adequately accommodated by the existing servicing arrangement.

They expect one additional truck delivery every other day and a smaller van to make fast-track deliveries up to twice a day. The trucks will vary in size, but the applicant has confirmed that none would be greater in size than the existing trucks used to service the supermarket. The conditions attached to the 1998 permission will continue to apply which include restrictions on deliveries, and the applicant has confirmed that they will continue to comply with them.

The Highway Planning Manager is satisfied that the existing servicing area can adequately accommodate the additional vehicles. Given that the number of additional trucks would be low and that the existing arrangements can accommodate them, it is not considered that any disturbance, inconvenience and pollution experienced by adjoining occupiers as a result of the proposal would be significant.

For these reasons, the proposals are considered to accord with relevant policies within the Unitary Development Plan adopted in January 2007 and Westminster's City Plan adopted in November 2016.

As such, it is recommended that planning permission is granted subject to the conditions set out in the draft decision letters.

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4. PHOTOGRAPHS



View from Wilton Road

5. CONSULTATIONS

WESTMINSTER SOCIETY:
No objection.

HIGHWAY PLANNING MANAGER:
No objection.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 172
Total No. of replies: 1 (objection)

One neighbouring resident objects for the following reason:

- Significant increase in loading trucks and increased pollution.

PRESS ADVERTISEMENT / SITE NOTICE: Yes

6. RELEVANT HISTORY

On 6 July 1998 permission was granted on appeal for the erection of 160 residential units plus Class A1 retail store and 8 retail units for Class A1/A2 or A3 use together with associated car parking and service areas. (Appeal ref: APP/X5990/A/97/285620 and application ref: 97/04365/FULL).

7. BACKGROUND PAPERS

1. Application form
2. Response from Westminster Society, dated 5 October 2017
3. Memo from Highway Planning Manager, dated 23 November 2017
4. Letter from occupier of 28 Guildhouse Street, dated 3 October 2017
5. Appeal decision dated 6 July 1998

(Please note: All the application drawings and other relevant documents and Background Papers are available to view on the Council's website)

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: SEBASTIAN KNOX BY EMAIL AT sknox@westminster.gov.uk

DRAFT DECISION LETTER

Address: 99 Wilton Road, London, SW1V 1DT

Proposal: Use of part of the basement as a back-of-house facility in connection with the existing retail unit (Class A1), for the purpose of obtaining consent of the City Council in relation to condition (xi) of planning permission allowed on appeal 6 July 1998 (APP/X5990/A/97/285620).

Reference: 17/08473/FULL

Plan Nos: CHQ.17.12171-PL02; CHQ.17.12171-PL13; CHQ.17.12171-PL15; CHQ.17.12171-PL17; Cover Letter; Flood Risk Assessment; Parking Assessment; Parking Survey; Supplementary Transport Information; Delivery Information.

Case Officer: Joshua Howitt

Direct Tel. No. 020 7641 2069

Recommended Condition(s) and Reason(s)

- 1 The development hereby permitted shall be carried out in accordance with the drawings and other documents listed on this decision letter, and any drawings approved subsequently by the City Council as the local planning authority pursuant to any conditions on this decision letter.

Reason:

For the avoidance of doubt and in the interests of proper planning.

- 2 Except for piling, excavation and demolition work, you must carry out any building work which can be heard at the boundary of the site only:

- o between 08.00 and 18.00 Monday to Friday;
- o between 08.00 and 13.00 on Saturdays;
- o not at all on Sundays, bank holidays and public holidays.

You must carry out piling, excavation and demolition work:

- o between 08.00 and 18.00 Monday to Friday; and
- o not at all on Saturdays, Sundays, bank holidays and public holidays.

Noisy work must not take place outside these hours unless otherwise permitted through a Control of Pollution Act 1974 section 61 prior consent in special circumstances, for example, to meet police traffic restrictions, in an emergency or in the interests of public safety (see CAB).

Reason:

To protect the environment of neighbouring occupiers. This is as set out in S29 and S32 of Westminster's City Plan (November 2016) and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R11AC)

Informative(s):

- 1 In dealing with this application the City Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies in Westminster's City Plan (November 2016), Unitary Development Plan, Supplementary Planning documents, planning briefs and other informal written guidance, as well as offering a full pre application advice service, in order to ensure that applicant has been given every opportunity to submit an application which is likely to be considered favourably. In addition, where appropriate, further guidance was offered to the applicant at the validation stage.
- 2 This permission does not allow any work which would change the outside appearance of the property. (I18AA)
- 3 This permission allows you to use part of the basement level as a back-of-house facility in connection with the existing retail unit (Class A1). You must otherwise keep to the terms and conditions of the original permission dated 6 July 1998 (APP/X5990/A/97/285620) and any other subsequent permissions we have approved. Your attention is drawn to conditions v, xii and xiii which relate to the hours of use of the customer car park and deliveries.

Please note: the full text for informatives can be found in the Council's Conditions, Reasons & Policies handbook, copies of which can be found in the Committee Room whilst the meeting is in progress, and on the Council's website.