

Application Number

P/2013/0436

Site AddressJ Sainsbury Plc
Yalberton Road
Paignton
Devon
TQ4 7PE**Case Officer**

Matt Diamond

Ward

Blatchcombe

Description

Extension to store building comprising an extension infill to existing loading bay and erection of glazed lobby to store entrance; alterations to car park layout including installation of recycling area and erection of eight new trolley bay shelters; Installation of canopy in connection with groceries on-line operation; and placement of firework container in service yard.

Executive Summary/Key Outcomes

This application is for a number of relatively small separate developments at the Sainsbury's supermarket, Yalberton Road, Paignton. They include a new store entrance and alterations to the car park, as well as new plant and expanded groceries on-line (GOL) facilities to the rear of the existing building. The aim is to improve the function of the store for customers and employees.

The site is located within the greater horseshoe bat sustenance zone associated with the South Hams SAC at Berry Head.

The proposals are acceptable, although a number of trees have been removed from the car park without any new replacement planting proposed. Therefore, to enhance biodiversity in accordance with the National Planning Policy Framework (NPPF) and accord with Policy L9 of the Adopted Torbay Local Plan 1995-2011 (the 'Local Plan'), a condition is proposed requiring a landscaping plan and landscape and ecological management plan to mitigate for the lost trees; the landscaping plan has been requested by the Arboricultural Officer.

A further condition is required to approve details of proposed new lighting to the rear of the store to ensure it has no ecological impact on greater horseshoe bats.

Recommendation

Conditional approval

Statutory Determination Period

The application is a major application because the site area is greater than 1 hectare. The application was validated on 21.05.2013. The 13 week determination date is 21.08.2013.

Site Details

The site is the Sainsbury's supermarket off Yalberton Road on the edge of Paignton. The

site area is 2.79 hectares. The site is bounded by Yalberton Road to the north, Brixham Road to the east, residential properties and fields to the south and an electricity power station and fields to the west.

The site is unallocated and undesignated in the Local Plan.

Detailed Proposals

The proposals comprise the following:

- o Extension infill to existing loading bay to the rear of the store (118 sq m);
- o Erection of a glazed lobby located adjacent to the existing store entrance and positioned underneath the existing roof structure (43 sq m, 2.7m high), and additional glazing and means of escape door on east elevation;
- o Alterations to the car park layout including introduction of recycling area and erection of eight new covered trolley bay shelters;
- o Installation of a canopy in connection with the existing groceries on-line (GOL) operation located at the rear of the store (244 sq m, 3.5m high);
- o Erection of a cage adjacent to the service entrance on Yalberton Road to form a secure parking area for four GOL vans;
- o Placement of a freestanding metal firework container in the service yard to the rear of the store (2.5m wide x 6m long x 2.5m high); and
- o New gas coolers in plant area to the rear of the store and installation of metal palisade gates (3m high) to plant area.

The proposals are intended to improve the function of the store for employees and customers.

The extension infill to the loading bay would enclose the existing loading docks to the rear of the store and would be constructed in brick to match the existing.

The new glazed lobby is intended to improve the appearance of the entrance of the store to customers. The new glazing and door on the east elevation is intended to provide a more active frontage facing the car park and would allow more light into the store.

The alterations to the car park are intended to improve traffic flow and movement for pedestrians. They would result in the loss of 69 car parking spaces from 426 to 357, but the number of disabled spaces would be increased from 18 to 21. They would also result in the loss of 22 small trees in the car park.

The canopy would provide shelter for employees loading and unloading in connection with the GOL service and would incorporate lighting for loading and unloading in darkness. One of the existing redundant plant rooms would be demolished in order to accommodate it. The canopy would be polyester powder coated aluminium (grey).

The cage adjacent to the service entrance would provide secure parking for GOL vehicles and would result in the removal of one tree. Other trees would be retained along the boundary to screen the cage.

The fireworks container would store fireworks away from the main store adjacent to the western boundary. The container would be movable and only likely to be used for one month per year leading up to 5th November.

The new gas coolers would replace old coolers in the plant area to the rear of the store and new gates would be installed to secure the plant area.

Access to the store would remain unchanged. It is not possible to fence off the entire service yard due to a right of way across the site.

Summary Of Consultation Responses

Arboricultural Officer: A number of quality specimen trees of varied species and size are located variously throughout the car park areas, planted and established following the stores construction in 1996. The design and access statement indicates that 22 trees will be removed, which appear to have already been undertaken prior to consent being granted. The southern parking area now only contains 8 out of a previous 30 trees. This tree loss whilst only presently locally appreciable will have long term negative effects to the public visual amenities of the local and wider landscape given that the tree species were purposefully planted to integrate the modern site into the wider landscape. No supporting landscape plan has been submitted to address the significant loss of individual trees and the aggregated shading canopy cover previously offered. Multiple locations exist to the periphery of the site and at strategic locations within the linear beds for replacement tree planting without restricting the intended new car park layout. The use of cellular rooting systems should be made to ensure successful establishment where not planted with adequate soil volume.

Recommends a condition requiring a detailed landscaping plan prior to the commencement of the development.

Highways/Strategic Transportation: No objection in principle. Highways would request an SPD contribution towards improvements of the western corridor. Reversing in or out of the motor home bays might be difficult.

Community Safety: Stated the proposal is acceptable having looked at the information provided with regard to the plant equipment and no further comments.

South West Water: No objection or comment.

Engineering - Drainage: No objections, as there would be no increase in impermeable area.

Summary Of Representations

No public representations have been received.

Relevant Planning History

P/2000/0891 Erection Of Restaurant (Class A3) (As Revised By Plans Received 26/9/00): Approved 23.07.2002.

P/2007/2110 Extensions At Front And Side; Internal Extension To Warehouse Area At First Floor Level; Extension Of Car Park & Revised Layout And Vehicular Access Arrangements: Approved 20.03.2008.

P/2008/1020 Formation of new kiosk; plant room: Approved 14.10.2008.

P/2012/1222 External alterations to petrol filling station including replacement of canopy; replacement car wash enclosure; replacement pumps; and replacement of underground tanks: Approved 07.01.2013.

Key Issues/Material Considerations

The key issues are:

1. Principle of the Developments
2. Design
3. Loss of Parking
4. Loss of Trees
5. Impact on Biodiversity

1. Principle of the Developments

The principle of the developments is acceptable, as the use is pre-existing and the application seeks to carry out improvements to the existing store.

2. Design

The designs of the built elements of the proposal are acceptable, as they would fit in with the design of the existing store. The new glazing on the east elevation would be an improvement by creating a more active frontage to the car park and allowing more natural daylight into the store.

3. Loss of Parking

The alterations to the car park would result in the loss of 69 spaces from 426 (a total which includes 18 disabled spaces and 19 parent and child spaces), to 357 (a total which includes 21 disabled spaces and 14 parent and child spaces). The application documents refer to a car parking accumulation survey carried out in May 2011 that showed that a maximum of 251 spaces were in use during the Friday am and Saturday pm peak times. This evidence has been considered and officers are of the view that the proposed loss of spaces would not be detrimental.

4. Loss of Trees

According to the Design and Access Statement, the alterations to the car park would result in the loss of 22 trees in the car park, although examination of the proposed site plan shows that in actual fact 25 trees would be lost. The alterations have already commenced and the trees have now been removed. The Arboricultural Officer has commented that this harms visual amenity both locally and in the wider landscape and no replacement tree planting is proposed. Therefore, a condition requiring a detailed landscaping plan is recommended.

The agent acting for the applicant has responded by stating no replacement planting is proposed and the trees were removed to allow for better and safer access around the car park. Furthermore, they were considered to contribute little to the amenity of the site or the wider area and a number of trees are retained, as is the dense vegetation along the south and east boundaries.

In considering this issue, it should be remembered that the loss of the trees also has an impact on biodiversity, which is more relevant for this application because the site is located within the greater horseshoe bat sustenance zone associated with the South

Hams SAC at Berry Head. Furthermore, the loss of the trees does not follow national guidance in the National Planning Policy Framework (NPPF), which aims to conserve or enhance biodiversity when determining planning applications. It is also against Local Plan Policies L9, L10 and BE2.

Therefore, a condition requiring a detailed landscaping plan is considered appropriate, together with a Landscape and Ecological Management Plan in order to manage the remaining vegetation on the site, and the proposed new landscape, for the benefit of wildlife and to ensure that no other trees are lost in the future through poor management. The landscaping plan should propose suitable soft landscape for the site and does not necessarily have to provide a like-for-like replacement of the trees that have been lost. This could focus on enhancing the landscape around the edge of the site. This approach accords with Local Plan Policy L9.

5. Impact on Biodiversity

As discussed above, the site is located within the greater horseshoe bat sustenance zone associated with the South Hams SAC at Berry Head. Natural England guidance states that development proposals within sustenance zones must not result in the following ecological impacts and if they do appropriate mitigation needs to be incorporated to prevent unacceptable damage:

1. Removal of linear features used for navigation
2. Illumination
3. Physical injury by wind turbines
4. Change in habitat structure and composition

The proposed canopy to the rear of the store incorporates lighting for loading and unloading deliveries for internet shopping when it is dark. This lighting could have an impact on greater horseshoe bats. Therefore, a condition is needed requiring details of this lighting to ensure that it is 'bat friendly'. This should be checked by a suitably qualified ecologist. New planting along the west of the site would help screen light spill from the new canopy.

S106/CIL -

Whilst Highways have recommended a sustainable transport contribution towards improvements along the western corridor, this is considered unreasonable as it is unlikely that vehicle movements to and from the store would differ significantly from present levels. It is also pertinent that the number of parking spaces would be reduced.

Conclusions

The proposed development at the store is acceptable, subject to suitable landscaping and biodiversity conditions, and would improve the way the store operates for the benefit of customers and employees.

Condition(s)/Reason(s)

01. Within 3 months of the approval of the application a Landscaping Plan and a Landscape and Ecological Management Plan (LEMP) must be submitted to the Local Planning Authority for approval in writing. The LEMP shall include: long term design objectives, ecological objectives, management responsibilities and maintenance schedules for all landscape areas. The Landscaping Plan shall be

implemented as approved and the Landscape and Ecological Management Plan shall be complied with as approved from the date of its approval until the existing use ceases operating on the site.

Reason: In the interests of the amenities of the area and to mitigate for the loss of trees on the site, and in order to comply with saved Policies L9, L10 and BE2 of the Adopted Torbay Local Plan 1995-2011, and section 11 of the NPPF.

02. The canopy to the rear of the building hereby approved shall not be constructed until details of the canopy lighting have been submitted to and approved in writing by the Local Planning Authority. The proposed lighting shall demonstrate that it will not have a detrimental ecological impact on greater horseshoe bats and shall be implemented as approved.

Reason: To ensure the lighting shall not impact upon the existing and likely greater horseshoe bat habitat, and in order to comply with saved Policy NCS and NC5 of the Adopted Torbay Local Plan 1995-2011, and section 11 of the NPPF.

Relevant Policies

- L9 - Planting and retention of trees
- L10 - Major development and landscaping
- NC5 - Protected species
- EP5 - Light pollution
- BES - Built environment strategy
- BE2 - Landscaping and design