Waitrose Foodstore, 1322-1338 Stratford Road, Hall Green, Birmingham, B28 9EF

Variation of Condition No. 7 attached to approval 2000/04535/PA to permanently extend the permitted trading hours from 0800 - 2100 Monday to Saturday and 1000 - 1800 on Sundays, to 0700 - 2200 Mondays to Saturdays, 1000 - 1800 hours on Sundays and 0900 - 2100 on Bank Holidays

Applicant: Waitrose Ltd

Agent: Firstplan

Location Plan

Recommendation

Approve Subject To Conditions

1. Proposal

1.1. Planning permission is sought for the variation of condition 7 attached to planning approval 2000/04535/PA to permanently extend the temporary permitted trading hours of 0700 hours to 2200 hours Monday to Saturdays, 1000 hours to 1800 hours on Sundays and 0900 hours and 2100 hours on Bank Holidays.

1.2. Condition 7 of 2000/04535/PA states:

‘The said premises shall not be open to customers at any time other than between 0800 hours and 2100 hours daily on Monday to Saturday and between 1000 hours and 1800 hours on Sunday. Reason: In order to safeguard the amenities of occupiers of dwellings in the vicinity.’

1.3. Temporary planning permission for a period of one year was granted by your Committee in November last year, for the same hours as now proposed.

1.4. The application is reported to Planning Committee at the request of Councillor Jenkins.

2. Site & Surroundings
2.1. The application site is located on the corner of Stratford Road and Ingestre Road. The frontage of the store is located on Stratford Road with ancillary entrance from the associated car park accessed off Ingestre Road. The area is mixed in character with Ingestre Road consisting of residential dwelling houses and commercial properties to the all sides on Stratford Road. The application site lies within Hall Green Neighbourhood Centre.

Site Location Map
Street view

3. Planning History


3.2. 8 September 2003. 2003/04116/PA. One year temporary planning permission granted for the Variation of condition on 2000/04535/PA to alter the hours of deliveries to 0900 hours to 1800 hours on Sundays.

3.3. 14 October 2004. 2004/05245/PA. Planning permission granted for the variation of condition C8 attached to planning permission granted on the 19th April 2001 (under planning application 2000/04535/PA), to allow delivery between 0900 hours and 1800 hours on Sundays, without compliance with condition C1 attached to the planning permission granted on 5th September 2003.

3.4. 14 November 2013. 2013/07292/PA. One year temporary planning permission granted for the variation of condition no. C7 attached to previous application 2000/04535/PA to allow for longer trading hours 07:00 - 22:00 Monday to Saturdays, within statutory regulations on Sundays and 09:00 - 21:00 on Bank Holidays.

4. Consultation/PP Responses

4.1. Local Residents/Businesses and Ward Councillors notified. Site and press notice posted. One letter of support from a local resident in Sherwood Road, Hall Green on the basis that the trading hours are limiting especially for working people. Welcomes longer trading hours giving customers more flexibility and making this store more accessible at reasonable times bringing Waitrose trading hours in line with their competitors.

4.2. West Midlands Police – No objection.

4.3. Transportation – No objection.

4.4. Regulatory Services – No objection.

5. Policy Context

5.1. Birmingham UDP, Draft Birmingham Development Plan, NPPF, NPPG, Shopping and Local Centres SPD.

6. Planning Considerations
6.1. Planning permission was granted in 2001 for the retail development with a trading hours condition that stated:

The said premises shall not be open to customers at any time other than between 0800 hours and 2100 hours daily on Monday to Saturday and between 1000 hours and 1800 hours on Sunday. Reason: In order to safeguard the amenities of occupiers of dwellings in the vicinity.’

This was subsequently varied last year to allow the store to open from 0700 hours on Mondays to Saturdays, within statutory regulations on Sundays and 0900-2100 hours on Bank Holidays for a temporary period of one year in order to assess its impact.

6.2. Consent is now sought for the permanent extension of the hours as the temporary one year consent expires in November 2014.

6.3. The main consideration in the consideration of permanently extending the store opening hours is the impact on residential amenity. Paragraph 3.8 of the UDP states that the City's environmental strategy is based on the need to protect and enhance what is good in the City's environment and to improve what is less good. Paragraph 3.10 of the UDP states that proposals which would have an adverse effect on the quality of the built environment will not normally be allowed.

6.4. The nearest residential properties are located to the south east and east of the site on Ingestre Road, with the closest properties being approximately 20m away located at no. 20 and no. 5. On the previous temporary permission, concerns were raised by local residents regarding the proximity of residential properties to the store and the impact this would have on amenity. However, these concerns have not been raised with regard to the permanent extension of the hours now proposed.

6.5. I note that the premises are located within a Neighbourhood Centre where higher ambient noise levels exist and that Regulatory Services have not raised an objection to the permanent extension of the opening hours. On this basis, I consider that the permanent extension of opening hours is acceptable and in accordance with policy.

7. Conclusion

7.1. The premises have been operating with the extended opening hours since November last year when a temporary consent was granted by your Committee. As no objections have been received in relation to the permanent extension of opening hours, I consider that the hours have not had an adverse impact on adjacent residential amenity. On this basis, I consider the proposal acceptable.

8. Recommendation

8.1. That planning permission is granted subject to the conditions listed below.

1 Requires the scheme to be in accordance with the listed approved plans

2 Limits the hours of use to 0700-2200 hours on Mondays to Saturdays; 1000-1800 hours on Sundays and 0900-2100 hours on Bank Holidays

3 Limits delivery time of goods to or from the site outside the hours of 0700-2000 on Mondays to Saturdays and 0900-1800 hours on Sundays.
4 No more than two deliveries on Sundays.
5 Removes PD rights for telecom equipment
6 Car Parking and Vehicle Circulation for those uses only
7 Cycle provision to be maintained in accordance with approved details
8 No Vehicle Refrigeration Units to be operated within the application site

Case Officer: Pam Brennan
View of Store frontage from corner of Ingestre Road

View of rear of store, loading bay and car park from Ingestre Road