

Dave and Michelle Soper – 25 Nicholson Rd

Summary of position

1. We **oppose** the application being granted.
 - 1.1. Proposal significantly alters the residential character of the neighbourhood and effects are more than minor; they are significant.
 - 1.2. There are limited, if any, benefits to the proposal.
 - 1.3. There is no evidenced demand for a carpark of the proposed scale.
 - 1.4. On any assessment, the proposal is disproportionate. It is not of a scale appropriate to the area. Nor does it respect the character of the area. The application should be declined.
2. If it is considered that the proposal should be granted with further mitigations, it is submitted that:
 - 2.1. The proposal should only provide additional car parking to the extent that evidence demonstrates it is reasonably necessary for the operation of the current supermarket. This would be a significantly scaled back proposal, which would reflect a more proportionate approach.
 - 2.2. There should be no vehicle entry/exit on Nicholson Rd. There is no evidenced need for an entry/exit on Nicholson Rd. The absence of a vehicle accessway, together with scaled back parking would better mitigate the significant impacts on residential amenities (including visual, traffic and noise).

Introduction and context

3. We bought our home in 2011 with a young family. We would not have bought if there had been a supermarket entry/exit two doors up the road.
4. This is a residential neighbourhood in a residential zone. That is the context in which the application must be considered. These residents contribute to, and enjoy, the amenity value and character of the neighbourhood, and their submissions as to impacts on that character should be accorded appropriate weight.
5. The proposal will have impacts significantly beyond the existing footprint of the supermarket. It is not correct to suggest or imply that these impacts are in areas adjacent to the existing Centre Zone (particularly in as far as it relates to Nicholson Rd).
6. This is not a situation of residents' objecting to existing use, or even a different use within an existing footprint. It is the applicant who has proactively sought to expand the commercial operation and purchased additional properties to do so. The applicant carries the burden of establishing that this can be done appropriately.
7. A reasonable approach would include a proper consideration of alternative options, including options within the existing footprint. There is no evidence of any consideration of options by the applicant. Rather the applicant has sought to push this proposal through without wanting consultation or notification with the community.

8. The application must be considered in the context of the existing operation of the supermarket, with benefits and impacts considered in that context. The application should not be used to provide the applicant with any platform or altered baseline in anticipation of any future development. Any improvement or development required for the operation of future developments should properly be considered in the context of any such application.

We oppose the application

9. By any measure the proposal has significant impacts. It proposes:
 - 9.1. to triple the size of the existing supermarket carpark (38 to 100)
 - 9.2. replace residential properties and associated landscape with impermeable, hard asphalt surfaces and retaining walls
 - 9.3. introduce commercial accessways to residential streets
 - 9.4. introduce signage and lighting that is inconsistent with existing residential amenity values.
10. If the changes are made, they cannot easily be undone. They will significantly and irreversibly alter the character of the neighbourhood. The scale is unnecessary.
11. There is no evidence of demand for additional carparking:
 - 11.1. The applicant's expert evidence (through survey) does not demonstrate demand beyond the existing carpark capacity. Indeed, it shows that there is sufficient parking (both on-site and on-street). It concludes:¹

"Based on the surveys for that day, I conclude the existing parking provision is acceptable for customer demands, however, greater provision is required to 'internalise' the staff parking demands".
 - 11.2. The applicant has not provided any evidence as to the extent of staff parking demands.
 - 11.3. Khandallah's population growth is only 1.00% per annum.² Population growth does not justify enlarging the carpark capacity to 263% of current capacity.
 - 11.4. The applicant's evidence further acknowledges that the applicant does not actively monitor use of the carpark by those shopping elsewhere in the village and that the carpark is used by others shopping in the village.³ Active monitoring would reduce existing demand on the existing carpark.
12. Even allowing for some small periods of peak use, which might cause minor (but manageable) congestion, and for the 'internalising' of staff parking, it is doubtful that any benefits would outweigh the impacts from the proposal.
13. What can be said with certainty is that the current proposal is significantly disproportionate to any demonstrated needs or benefits, and the effects are more than minor.

There are Significant Adverse Impacts on Nicholson Rd

14. The Council's reports, and in particularly those by Ms Camilleri, properly note the adverse impacts of the proposal, and in particular those on Nicholson Rd. We respectfully endorse her evidence.

¹ Mr Nixon at [23]; see also Nixon, Figure 2

² Mr Boersen at [35]

³ Mr Boersen at [36]

15. The applicant's evidence similarly acknowledges an impact on the amenity values (*"This change will result in visual impacts which are often considered to be beneficial for amenity by some people, including by providing more openness to the sky and reduced shading from established vegetation or buildings"*).⁴
16. There is a difference of view as to the extent of those impacts. In our submission, the independent evidence of Council officers should be preferred.
17. Viewpoint 2 of Mr Wallace's evidence most starkly shows the visual impact of the proposal. Carparking, retaining walls and the supermarket itself are all clearly visible.
18. Limiting the proposed development to exclude an entry from/exit to Nicholson Rd, and more limited carparking on what is 33 Nicholson Rd, together with appropriate landscaping would more significantly mitigate the adverse effects on the amenity values and streetscape.
19. Given the applicant's own evidence on traffic impacts,⁵ this would have no adverse effects on the supposed benefits of the application. The left in/left out entrance now accepted by the Applicant further limits the already limited likely use of the Nicholson Rd accessway.
20. It is noted that the proposal now seeks NSAAT marking (yellow lines) be installed along Nicholson Rd to the west of the proposed entrance.
 - 20.1. Removing the Nicholson Rd entry/exit would remove the need for this.
 - 20.2. However, if the NSAAT marking is installed it will place further demand on street parking on Nicholson Rd. In this event, we request that the NSAAT marking extend to the short portion of road between the driveways of 25 and 29 Nicholson Rd. We have been advised by council officers that the gap between the driveways is too small for any carparking (as cars cannot legally be parked within 1m of a vehicle entrance).

Drainage

21. The existing stormwater system in Nicholson Rd is known to be inadequate and long overdue for replacement.
22. We have experienced flooding twice in the last 10 years as a result of the failure of the stormwater main under our property. On the most recent occasion it took more than 12 months for the Council/Wellington Water to remedy and reinstate the hole in our lawn.
23. The evidence of the Applicant is that the development will not increase stormwater runoff into the stormwater systems, despite a significant increase in catchment areas and impermeable surfaces (due to the installation of a holding tank).

⁴ Wallace at [62]

⁵ Mr Nixon at [44].

24. In the event of future failures of the stormwater system causing flooding we expect that the Applicant, the Council and/or Wellington Water (as appropriate) will immediately remedy, reinstate and make good any damage.