

Development Management Ref No	No weeks on day of committee	Parish	Ward	Listed by:
170360	13/13	Earley	Bulmershe and Whitegate	Major

Applicant	Standard Life Assurance Ltd.		
Location	Unit 21, Suttons Business Park, Earley	Postcode	RG6 1AZ
Proposal	Application to vary condition 28 of planning consent 161666 (15/9/2016) to allow changes to delivery hours		
Type	Full		
PS Category	4		
Officer	Graham Vaughan		

FOR CONSIDERATION BY	Planning Committee on 10 th May 2017
REPORT PREPARED BY	Head of Development Management and Regulatory Services

SUMMARY

The application site is within a major development location in the settlement of Earley and on Suttons Business Park. The park is well established and is designated a Core Employment Area in the development plan. The site comprises of unit 21 which was formerly used for offices with associated parking provision and landscaping. In September 2016, permission was granted to demolish unit 21 and erect two buildings; Specifically, an A1 supermarket and a drive-through A3/A5 coffee shop/cafe. The application was approved subject to a number of conditions controlling different impacts of the site.

The current proposal seeks to alter the delivery hours for the two commercial buildings by increasing the duration that deliveries could be made. Specifically, it is proposed to gain an additional half hour at either end of the day on Mondays through to Saturdays. No changes are proposed to the delivery times on Sundays, bank or public holidays. The reason for the alteration is to allow sufficient time in the mornings and evenings for deliveries to be made, shelves stocked and opening times adhered to. In particular it would mean fresh goods could be stocked in the morning before opening and dry goods stocked after closing ready for the next day. The impact on this change is twofold; firstly on the highway network and secondly on residential amenity. It is considered that as there is no change proposed to the physical built form of the building, no other aspects would be impacted.

With regards to the highway network, the proposed change in delivery times would result in a greater number of traffic movements occurring outside the peak hours and, on this basis, no objection is raised. With regards to residential amenities it is noted that there are residential properties located 25 metres away on Shepherds House Lane. There is potential for these properties to be impacted by noise from deliveries and the 'coming and goings' of delivery vehicles. Nonetheless, it should be noted that the deliveries would occur on the opposite side of the building i.e. it would provide a 'shield' and that the deliveries themselves occur from within the building i.e. the lorries reverse so that they are flush to the building and those inside can walk into the lorry. Furthermore, the surrounding business park, which includes industrial units, does not have restrictions on delivery hours and therefore could potentially occur at any time.

Against this however, no site specific noise assessment has been submitted to demonstrate the existing tonal quality of the surrounding area and whether the change in delivery times would detrimentally impact this. Nevertheless, the Environmental Health Officer has stated a temporary alteration to the delivery times would be an appropriate means of determining if any substantial harm would occur in planning terms. On this basis therefore, the application is recommended for approval on the provision that the changes to the hours occur for 12 months. This would mean a further application would be required to make the change permanent.

PLANNING STATUS

- Major development location
- Contaminated land consultation zone
- Core Employment Area
- Sand and gravel extraction
- Green Route

RECOMMENDATION

That the committee authorise the GRANT OF PLANNING PERMISSION subject to the following:

A. Conditions and informatives:

Condition 1 and 28 are varied to read as follows and informative 9 is added:

1. The development hereby permitted shall be begun before the expiration of three years from the date of permission 161666.

Reason: In pursuance of s.91 of the Town and Country Planning Act 1990 (as amended by s.51 of the Planning and Compulsory Purchase Act 2004).

28. Notwithstanding condition 11, no deliveries shall be taken in or dispatched from either building outside the following times:

For the following 12 months from the date of occupation of the development hereby approved:-

[06:30 – 23:00] Monday - Saturdays

[08:00 – 20:00] Sundays, Bank or Public Holidays

Thereafter, unless agreed in writing by the Local Planning Authority:-

[07:00 – 22:30] Monday - Saturdays

[08:00 – 20:00] Sundays, Bank or Public Holidays

Reason: To safeguard residential amenities. Relevant policy: Core Strategy policies CP1 and CP3 and Managing Development Delivery Local Plan policies CC06 and TB20.

9. It is noted that condition 8 has been part discharged by application 162878 and conditions 4, 5, 6, 7 and 8 are currently being considered under application 170740.

All other conditions of planning permission 161666 apply to this planning permission and are listed for information:

1. See above.

2. This permission is in respect of the submitted application plans and drawings numbered '30746-PL-102D', '30746-PL-111A', '30746-PL-112A', '30746-PL-113', '30746-PL-114A', '30746-PL-115', '30746-PL-116A', '30746-PL-117C' and '30746-PL-118' received by the local planning authority on 20th June 2016. The development shall be carried out in accordance with the approved details unless otherwise agreed in writing by the local planning authority.
Reason: For the avoidance of doubt and to ensure that the development is carried out in accordance with the application form and associated details hereby approved.

3. The buildings hereby permitted shall be erected in accordance with the 'External Finishes' schedule as set out on plan number '30746-PL-115' and '30746-PL-116A' unless otherwise agreed in writing with the Local Planning Authority.
Reason: To ensure that the external appearance of the building is satisfactory.
Relevant policy: Core Strategy policies CP1 and CP3

4. No development (excluding demolition) shall commence until a programme of archaeological work (which may comprise more than one phase of work) in accordance with the submitted Project Specification (TVAS 16e46ev 29th April 2016) has been submitted to and approved in writing by the local planning authority. The development shall only take place in accordance with the detailed scheme approved pursuant to this condition.
Reason: The site is identified as being of archaeological potential. Investigation is required to allow preservation and recording of any archaeological features or artefacts before disturbance by the development. Relevant policy: National Planning Policy Framework Section 12 (Conserving and Enhancing the Historic Environment) and Managing Development Delivery Local Plan policy TB25

5. No development (excluding demolition) shall take place until a drainage strategy has been submitted to and approved in writing by the Local Planning Authority. The strategy shall include:
 - a) Details of the disposal of surface water to ensure that soakaways are not constructed into contaminated land;
 - b) Full details of BRE365 soakage test results to demonstrate whether infiltration is achievable (including groundwater levels for the development area);
 - c) If infiltration is achievable then the strategy should indicate the location of soakaways that have been adequately sized to cater for the 1 in 100 flood event with a suitable allowance for climate change;
 - d) If infiltration is not achievable and runoff has to be attenuated and discharged at a controlled rate into the surface water sewer to the north, an agreement from Thames Water acknowledging that their system has capacity to cope with the proposed 5l/s/ha flows shall be demonstrated.

The strategy shall be implemented in accordance with approved details and thereafter maintained as such.
Reason: To prevent increased flood risk from surface water run-off and protect the aquifers and river from potential migration of historic contamination. Relevant policy: NPPF Section 10 (Meeting the Challenge of Climate Change, Flooding and Coastal Change), Core Strategy policy CP1 and Managing Development Delivery Local Plan policies CC09 and CC10

6. No development (excluding demolition) shall commence until an Employment and Skills Plan has been submitted to and approved in writing by the local planning authority. The Employment and Skills Plan shall show how the development hereby

permitted provides opportunities for training, apprenticeship or other vocational initiatives to develop local employability skills and shall be implemented in accordance with the approved details.

Reason: To ensure training opportunities are available for local workers. Relevant policy: Managing Development Delivery Local Plan policy TB12

7. No development shall commence until a remediation strategy that includes the following components to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the local planning authority:
- a) A preliminary risk assessment which has identified;
 - i. All previous uses
 - ii. Potential contaminants associated with those uses
 - iii. A conceptual model of the site indicating sources, pathways and receptors
 - iv. Potentially unacceptable risks arising from contamination at the site.
 - b) A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
 - c) The results of the site investigation and the detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
 - d) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

The scheme shall be implemented in accordance with the approved details and thereafter maintained.

Reason: To protect the Aquifers and the river from potential migration of any historic contamination mobilised during development of this site. Relevant Policy: Core Strategy Policies CP1 and CP3

8. No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The Statement shall provide for:
- a) the parking of vehicles of site operatives and visitors,
 - b) loading and unloading of plant and materials,
 - c) storage of plant and materials used in constructing the development,
 - d) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate,
 - e) wheel washing facilities,
 - f) measures to control the emission of dust and dirt during construction,
 - g) a scheme for recycling/disposing of waste resulting from demolition and construction works.

The approved Statement shall be adhered to throughout the construction period.

Reason: In the interests of highway safety & convenience and neighbour amenities. Relevant policy: Core Strategy policies CP3 & CP6.

9. No building shall be occupied until details of secure and covered bicycle storage/parking facilities for the occupants of [and visitors to] the development has been submitted to and approved in writing by the local planning authority. The cycle storage/ parking shall be implemented in accordance with such details as may be approved before occupation of the development hereby permitted, and shall be

permanently retained in the approved form for the parking of bicycles and used for no other purpose.

Reason: In order to ensure that secure weather-proof bicycle parking facilities are provided so as to encourage the use of sustainable modes of travel. Relevant policy: NPPF Section 4 (Sustainable Transport) and Core Strategy policies CP1, CP3 & CP6 and Managing Development Delivery Local Plan policy CC07.

10. Within six months of the occupation of either building, the operator shall prepare a Travel Plan for its specific building/use to be submitted to and approved in writing by the local planning authority. The travel plan shall include a programme of implementation and proposals to promote alternative forms of transport to and from the site, other than by the private car and provide for periodic review. The travel plan shall be fully implemented, maintained and reviewed as so-approved.

Reason: To encourage the use of all travel modes. Relevant policy: NPPF Section 4 (Sustainable Transport) and Core Strategy policy CP6.

11. Within six months of the occupation of either building, the operator shall prepare a Delivery Management Plan for its specific building/use to be submitted to and approved in writing by the Local Planning Authority. The scheme shall include information of the delivery times, frequency and vehicles and any mitigation methods to reduce the level of noise on residential properties to the satisfaction of the Local Planning Authority. The scheme shall be implemented in accordance with the approved details and thereafter maintained.

Reason: To protect the residential amenity of dwellings near the site. Relevant policy: Core Strategy CP1 and CP3

12. No occupation of any part of the permitted development shall take place until a verification report demonstrating completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a "long-term monitoring and maintenance plan") for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan. The long-term monitoring and maintenance plan shall be implemented as approved.

Reason: To protect the Aquifers and the river from potential migration of any historic contamination mobilised during development of this site. Relevant Policy: Core Strategy Policy CP1 and CP3

13. If contamination is found at any time during site clearance, groundwork and construction the discovery shall be reported as soon as possible to the Local Planning Authority. A full contamination risk assessment shall be carried out and if found to be necessary, a 'Remediation Method Statement' shall be submitted to the Local Planning Authority for written approval. Works shall be carried out in accordance with the approved 'Remediation Method Statement' and a final Validation Report shall be submitted to the Local Planning Authority before the site (or relevant phase of the development site) is occupied.

Reason: to ensure that any contamination of the site is identified at the outset to allow remediation to protect existing/proposed occupants of property on the site and/or adjacent land. Relevant policy: NPPF Section 11 (Conserving and Enhancing the Natural Environment) and Core Strategy policies CP1 & CP3.

14. a) The development hereby permitted shall not be carried out unless in accordance with the submitted tree protection works (the approved scheme) as shown on plan numbers 'DLA-1713-L02 Rev 2' and 'DLA-1713-L03 Rev 2'. The tree protection measures approved shall be implemented in complete accordance with the Approved Scheme for the duration of the development (including, unless otherwise provided by the Approved Scheme) demolition, all site preparation work, tree felling, tree pruning, demolition works, soil moving, temporary access construction and or widening or any other operation involving use of motorised vehicles or construction machinery.
- b) No development (including any tree felling, tree pruning, demolition works, soil moving, temporary access construction and or widening or any other operation involving use of motorised vehicles or construction machinery) shall commence until the local planning authority has been provided (by way of a written notice) with a period of no less than 7 working days to inspect the implementation of the measures identified in the Approved Scheme on-site.
- c) No excavations for services, storage of materials or machinery, parking of vehicles, deposit or excavation of soil or rubble, lighting of fires or disposal of liquids shall take place within an area designated as being fenced off or otherwise protected in the Approved Scheme.
- d) The fencing or other works which are part of the Approved Scheme shall not be moved or removed, temporarily or otherwise, until all works including external works have been completed and all equipment, machinery and surplus materials removed from the site, unless the prior approval of the local planning authority has first been sought and obtained.

Reason: To secure the protection throughout the time that the development is being carried out of trees shrubs or hedges growing within or adjacent to the site which are of amenity value to the area, and to allow for verification by the local planning authority that the necessary measures are in place before development and other works commence Relevant policy: Core Strategy policy CP3 and Managing Development Delivery Local Plan policies CC03 and TB21

15. The development hereby approved shall be carried out in accordance with the landscaping details as agreed in the 'Landscaping Planting Palette, Davies Landscape Architects, May 2016, DLA/1713/RPT/01', 'Tree Survey, Davies Landscape Architects, June 2016', 'Davies Landscape Architects Covering letter dated 22nd July 2016', 'DLA-1713-L 01 Rev 2', 'DLA-1713-L 04 Rev 3' and 'DLA-1713-L 05 Rev 2' received by the Local Planning Authority on 20th June 2016 and the revised plans on 22nd July 2016. All hard and soft landscape works shall be carried out in accordance with the approved details prior to the occupation of any part of the development or in accordance with a timetable approved in writing by the local planning authority. Any trees or plants which, within a period of five years after planting, are removed, die or become seriously damaged or defective, shall be replaced in the next planting season with others of species, size and number as originally approved and permanently retained.

Reason: In the interests of visual amenity. Relevant policy: Core Strategy policy CP3 and Managing Development Delivery Local Plan policies CC03 and TB21

16. The development hereby approved shall be carried out in accordance with the

details as agreed in 'Energy Statement – Dunwoody May 2016' received by the Local Planning Authority on 20th June 2016.

Reason: To ensure developments contribute to sustainable development. Relevant policy: NPPF Section 10 (Meeting the Challenge of Climate Change, Flooding and Coastal Change), Core Strategy policy CP1, Managing Development Delivery Local Plan policy CC05 & the Sustainable Design and Construction Supplementary Planning Document.

17. The development hereby approved shall be carried out in accordance with the details as agreed in 'External Lighting Design Report Dunwoody May 2016' and 'External Lighting Layout 20788/E/1002 P2' received by the Local Planning Authority on 20th June 2016.

Reason: In the interests of highway safety & convenience and neighbour amenities. Relevant policy: Core Strategy policies CP3 & CP6.

18. No part of any building(s) hereby permitted shall be occupied or used until the vehicle parking and turning space has been provided in accordance with the approved plans. The vehicle parking and turning space shall be retained and maintained in accordance with the approved details and the parking space shall remain available for the parking of vehicles at all times and the turning space shall not be used for any other purpose other than vehicle turning.

Reason: To provide adequate off-street vehicle parking and turning space and to allow vehicles to enter and leave the site in a forward gear in the interests of road safety and convenience and providing a functional, accessible and safe development and in the interests of amenity. Relevant policy: Core Strategy policies CP3 & CP6 and Managing Development Delivery Local Plan policy CC07.

19. Piling or any other foundation designs using penetrative methods shall not be permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater.

Reason: To protect the Aquifers and the river from potential migration of any historic contamination mobilised through the use of deep penetrative foundations. Relevant Policy: Core Strategy policy CP1 and CP3

20. No construction work relating to the development hereby approved, including works of demolition or preparation prior to building operations, shall take place other than between the hours of 08:00 and 18:00 Monday to Friday and 08:00 to 13:00 Saturdays and at no time on Sundays or Bank or National Holidays.

Reason: To protect the occupiers of neighbouring properties from noise and disturbance outside the permitted hours during the construction period. Relevant policy: Core Strategy policies CP1 and CP3 and Managing Development Delivery Local Plan policy CC06.

21. No trees, shrubs or hedges within the site which are shown as being retained on the approved plans shall be felled, uprooted wilfully damaged or destroyed, cut back in any way or removed without previous written consent of the local planning authority; any trees, shrubs or hedges removed without consent or dying or being severely damaged or becoming seriously diseased within 5 years from the completion of the development hereby permitted shall be replaced with trees, shrubs or hedge plants of similar size and species unless the local planning authority gives written consent to any variation.

Reason: To secure the protection throughout the time that development is being carried out, of trees, shrubs and hedges growing within the site which are of amenity value to the area. Relevant policy: Core Strategy policy CP3 and Managing Development Delivery Local Plan policies CC03 and TB21

22. The new buildings shall achieve BREEAM level 'Very Good' in accordance with the requirements of BREEAM [or such national measure of sustainability for non-residential design that replaces that scheme].

Reason: To ensure developments contribute to sustainable development. Relevant policy: NPPF Section 10 (Meeting the Challenge of Climate Change, Flooding and Coastal Change), Core Strategy policy CP1 and Managing Development Delivery Local Plan policy CC04

23. The visibility splays at the junction of Suttons Park Avenue and the entrance road to the site shall be cleared of any obstruction exceeding 0.6 metres in height and maintained clear of any obstruction exceeding 0.6 metres in height at all times.

Reason: In the interests of highway safety and convenience. Relevant policy: Core Strategy policies CP3 & CP6

24. Notwithstanding the provisions of the Town and Country Planning, (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification), the discount food store hereby approved shall only have a maximum of twenty five percent (25%) of the total floor space used for the sale of the following goods:

- a) Clothing and footwear, fashion accessories including handbags and luggage, watches and jewellery;
- b) Pharmaceutical and personal care products (including perfumes, toiletries, spectacles and contact lenses;
- c) Books, music records and CDs, DVDs and other recorded media; and
- d) Toys

Reason: In the interest of preserving the vitality and viability of neighbouring retail centres in accordance with the NPPF and Policy CP13 of the Core strategy.

25. Notwithstanding the provisions of Part 7, Class A of Schedule 2 to the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification), no enlargement by way of extension, installation of a mezzanine floor or other alteration to any building the subject of this permission shall be carried out without express planning permission first being obtained.

Reason: In the interest of preserving the vitality and viability of neighbouring retail centres in accordance with the NPPF and Policy CP13 of the Core strategy.

26. Notwithstanding the provisions of the Town and Country Planning, (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification), no additional windows or similar openings shall be constructed in the north east elevation of the retail unit hereby permitted except for any which may be shown on the approved drawing(s).

Reason: To safeguard the residential amenities of neighbouring properties.

Relevant policy: Core Strategy policy CP3

27. Notwithstanding the provisions of the Town and Country Planning, (General Permitted Development) (England) Order 2015 (or any Order revoking and re-

enacting that Order with or without modification), no additional equipment shall be constructed or installed in the north east elevation of the retail unit hereby permitted except for any which may be shown on the approved drawing(s).

Reason: To safeguard the residential amenities of neighbouring properties.

Relevant policy: Core Strategy policy CP3

28. See above.

29. No customer shall be permitted to be on the premises of the A1 use hereby permitted outside the following times:

[08:00 – 22:00] Mondays – Saturdays,

[10:00 – 17:00] Sundays and public holidays.

Reason: To safeguard residential amenities. Relevant policy: Core Strategy policies CP1 and CP3 and Managing Development Delivery Local Plan policies CC06.

30. No customer shall be permitted to be on the premises of the A3/A5 use hereby permitted outside the following times:

[05:30 – 22:00] Mondays – Saturday,

[08:00 – 20:00] Sundays and public holidays.

Reason: To safeguard residential amenities. Relevant policy: Core Strategy policies CP1 and CP3 and Managing Development Delivery Local Plan policies CC06.

Informatives

1. The applicant is reminded that this approval is granted subject to conditions which must be complied with prior to the development starting on site. Commencement of the development without complying with the pre-commencement requirements may be outside the terms of this permission and liable to enforcement action. The information required should be formally submitted to the Council for consideration with the relevant fee. Once the details have been approved in writing the development should be carried out only in accordance with those details. If this is not clear please contact the case officer to discuss.
2. Thames Water recommends the installation of a fat trap on all catering establishments. Also, and in line with best practice, the collection of waste oil by a contractor particularly to recycle for the production of bio diesel.
3. Thames Water will aim to provide customers with a minimum pressure of 10m head (approx.. 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames Waters pipes. The developer should take account of this minimum pressure in the design of the proposed development.
4. All sewage or trade effluent should be discharged to the foul sewer if available subject to the approval of Thames Water Utilities or its sewerage agent
5. The requisite Travel plan would need to comply with the latest national and local guidance:
 - a) NPPF Section 4 (Sustainable Transport)
 - b) The Essential Guide to Travel Planning (DfT, March 2008)
 - c) Delivering Travel Plans Through the Planning Process (DfT, April 2009)
 - d) A Guide on Travel Plans for Developers (DfT)
 - e) Making Residential Travel Plans Work (DfT, June 2007) All accessible at:
<http://www.dft.gov.uk/pgr/sustainable/travelplans/>

f) <https://www.gov.uk/government/policies/improving-local-transport>

Also: WBC Transport Plan 3 and Active Travel Plan 2011 – 2026, WBC Workplace Travel Plan Guidance and Residential Travel Plan Guidance. Documents, covering workplace travel plans and residential travel plans provide local guidance and are available on the Borough's website.

6. The submission of the Travel Plan should include the travel surveys undertaken within the first six months of occupation.
7. With respect to conditions 10 and 11, these shall not be fully discharged until both operators have submitted the respective details.
8. The Environment Agency has reviewed the Ramboll Environment Phase 1 Environmental Review for Plots A & B Sutton Business Park dated 8th April 2016; the Soil Consultants Interim Ground Investigation Report for Plot B Suttons Business Park dated 30 May 2016 and the Ramboll Environment Phase I and II Environmental Site Assessment for Plot B Sutton Business Park dated 9th June 2016 and is satisfied that part 1 of condition 7 has been fulfilled.

PLANNING HISTORY	
05560	Light industrial unit and offices refused on 1 st February 1977
06210	Light industrial unit and offices conditionally approved on 14 th April 1977
06375	Light industrial unit and offices conditionally approved on 12 th May 1977
07621	Alterations to approved layout for light industrial unit conditionally approved on 19 th January 1978
08559	Construction of a generator pit conditionally approved on 8 th June 1988
14088	Extension of factory and offices refused on 25 th September 1980
15797	Extension of factory and offices conditionally approved on 30 th July 1981
23266	Erection of two portakabins to house electronic test gear and units and the processing thereof conditionally approved on 4 th April 1985
40527	Application under section 73 for the removal of conditions 19 and 20 on consent no. 06375 conditionally approved on 4 th March 1993
40553	Application under section 73 for the removal of condition 17 of consent no. 15797 conditionally approved on 5 th March 1993
42508	Two Hoardings conditionally approved on 6 th June 1994
F/2004/2636	Installation of 2 chiller units to side of building conditionally approved on 2 nd November 2004
A/2006/6890	Erection of externally illuminated adverts conditionally approved on 29 th March 2006
A/2012/0429	Advertisement consent for the erection of various illuminated and non-illuminated signs to include 1no freestanding site directory sign and 11free standing directional signs conditionally approved on 15 th May 2012
161066 (land adjacent to the	Full application for the demolition of existing Class B1 office buildings (Units 68 and 69) and the erection of three Class B2/B8 industrial units with ancillary office space and car parking/ landscaping, refurbishment of existing Class B8 storage and distribution building (Unit

application site)	27-28) and reconfiguration of car parking area; the erection of a new Class B2/B8 industrial unit with ancillary office space together with new car parking and landscaping; erection of a new security hut conditionally approved on 29 th June 2016
161666	Full application for demolition of existing industrial unit (Unit 21) and the erection of a retail supermarket (use class A1) and a drive- through coffee shop/cafe (mixed use class A3/A5) with associated car parking and landscaping conditionally approved on 15 th September 2016

SUMMARY INFORMATION

Site Area	0.93 hectares
Previous units	1 (B1a - office)
Proposed units	2 (A1 – retail, A3/A5 – restaurant/takeaway)
Existing parking spaces	35
Proposed parking spaces	129
Existing footprint	3,430m ²
Proposed footprint	A1 use - 1822 m ² , A3/A5 use - 201 m ² . Total - 2023 m ²

CONSULTATION RESPONSES

WBC Environmental Health	No objection subject to condition requiring temporary change in delivery hours
WBC Highways	No objection

REPRESENTATIONS

Earley Town Council: No objection

Woodley Town Council: No comments received

Local Members: Listing request from Councillor Swaddle if the application is recommended for approval on the grounds that the changes to the delivery hours would involve deliveries taking place during anti-social hours and cause noise at a time when general ambient noise level is lower than during working hours.

Neighbours: 3 letters of objection received with regards to the following:

- Unnecessary and will wake people (see paragraphs 6 – 9)
- Control measures not applied to the coffee shop (officer note: this requires a different level of deliveries which are not considered to result in a harmful impact)
- Opening hours could be made later (officer note: the planning merits of the proposal being applied for has to be considered)
- Noise from vehicle reversing warning systems, lorry ramps being deployed and steel goods trolleys will be heard by residents in Shepherds House Lane (see paragraphs 6 – 9)

APPLICANTS POINTS

- Allows for deliveries to be made prior to opening and after closing times
- Multiple control measures in place to prevent proliferation of noise
- Business park operates without restriction to delivery hours

PLANNING POLICY

National Policy	NPPF	National Planning Policy Framework
Adopted Core Strategy DPD 2010	CP1	Sustainable Development

	CP3	General Principles for Development
	CP6	Managing Travel Demand
	CP7	Biodiversity
	CP9	Scale and Location of Development Proposals
	CP13	Town Centres and Shopping
	CP15	Employment Development
Adopted Managing Development Delivery Local Plan 2014	CC01	Presumption in Favour of Sustainable Development
	CC02	Development Limits
	CC03	Green Infrastructure, Trees and Landscaping
	CC04	Sustainable Design and Construction
	CC05	Renewable energy and decentralised energy networks
	CC06	Noise
	CC07	Parking
	CC09	Development and Flood Risk
	CC10	Sustainable Drainage
	TB11	Core Employment Areas
	TB12	Employment Skills Plan
	TB15	Major Town and Small Town/ District Centre development
	TB16	Development for Town Centre Uses
	TB20	Service Arrangements and Deliveries for Employment and Retail Use
	TB21	Landscape Character
Supplementary Planning Documents (SPD)	BDG	Borough Design Guide – Section 7

PLANNING ISSUES

Description of Development:

1. Planning application 161666 was approved in 2016 for the redevelopment of the site to provide an A1 use building for retail and an A3/A5 use building for a restaurant and drive-through. The permission was granted subject to a number of conditions, one of which related to delivery times for both buildings:

Notwithstanding condition 11, no deliveries shall be taken in or dispatched from either building outside the following times:

[07:00 – 22:30] Monday - Saturdays

[08:00 – 20:00] Sundays, Bank or Public Holidays

Reason: To safeguard residential amenities. Relevant policy: Core Strategy policies CP1 and CP3 and Managing Development Delivery Local Plan policies CC06 and TB20.

2. The application proposes that the delivery times are amended on Mondays to

Saturdays to allow for an additional half hour in the morning and evening and therefore be allowed between 06:30 – 23:00. No changes to the Sunday, bank or public holiday times are proposed. Supporting information has been submitted outlining the requirements for the extended hours; namely the need to supply and stock produce before opening in the morning and after closing in the evening.

3. Details regarding typical delivery impacts are also provided. On average, one articulated lorry will make a delivery per day but this may sometimes be two. However, two different deliveries would not take place at the same time. Deliveries are made in contact with the store manager and therefore actual times and any delays caused through traffic would be communicated to the store manager. The actual deliveries can be undertaken by the vehicle driver completely independent of the store such that the delivery is not dependent on the store being open. Delivery cages would not be used as the lorry locks on to the service dock and the rear of the lorry is sealed onto the dock before doors are opened internal to the building. All loading and unloading is done internally via the movement of pallets on manually controlled electronic pallet jacks. Once docked engines would be switched off and, if the delivery is outside store opening hours, refrigeration units would also be switched off. Whilst the vehicles used would typically be equipped with audible warning systems, these are not used outside store opening hours. With regards to the A3/A5 use building, deliveries in such large quantities are not required and typical unloading/loading practices would take place.

Principle of Development:

4. The principle of development was considered to be acceptable through application 161666. The proposed changes relate to delivery times and do not change the location of the proposal or the use being applied for. As such, the site is still within development limits and for an A1 and A3/A5 use and therefore is still acceptable in principle.

Character of the Area:

5. The impact on the character of the area was considered acceptable through application 161666. The proposal does not result in any additional built form and therefore no further impact would occur on the character of the area. Although it is noted the proposal could result in increased activity on the site at an earlier and later time that envisaged, given the fact it is within a business park and for a commercial use, no harm is considered to arise.

Residential Amenities:

6. The previous application 161666 considered the impact on residential amenity was acceptable, subject to conditions. The condition subject to this application protected residential amenity with regards to the potential disruption and noise that would occur as a result of deliveries. However, condition 11 does require further details to be submitted with respect to deliveries, through a delivery management plan and this would allow greater control. The opening hours of the buildings are also controlled by condition.
7. The closest properties that could potentially be impacted would be along Shepherds House Lane as a result of the A1 use building. It should be noted that these are 25 metres away from the building and exist adjacent to a railway bridge and the business park which is well established. Additionally, the delivery point of the A1 building is on the opposite side from residential properties and the A3/A5 use

building is even further away. Regard has to be had however to policy TB20 of the MDD Local Plan which requires proposals to demonstrate that they will not detrimentally impact the area in terms of service arrangements and deliveries.

8. The submitted information does demonstrate that delivery practices for the A1 building are designed to minimise noise and disturbance. In particular, the fact that the transfer of goods would happen internally and the lorry sealed to the delivery dock would greatly lower the potential for noise. However, any activity outside of the delivery point would potentially cause disturbances and in particular this could be through people talking or shouting, through the closing of doors or leaving an engine running. Again it is noted that such elements are proposed to be controlled and reverse warning systems not in use outside store opening hours. Furthermore, details regarding deliveries are proposed to be controlled through condition 11 which will give greater control over any impact on residential amenity. It is noted that the deliveries to the A3/A5 use building would be different to the A1 building. However, it is located further away from residential properties, closer to the main road and would involve a much smaller scale of delivery products than the A1 building. As such, the main impact is considered to be through the A1 use building.
9. Notwithstanding the above, it is acknowledged that a site specific noise assessment has not been carried out. This would establish the tonal quality of the area and assess how deliveries would impact on this tonal quality. In the absence of this information, the Environmental Health Officer has proposed that a temporary permission be granted in order to assess the true impact of deliveries on residential amenity. This would be on the basis of 12 months at the proposed hours and thereafter either a permanent permission would need to be sought, or, the delivery hours would revert to those established by planning permission 161666. It is considered this achieves a suitable balance between protecting residential amenity and supporting local business and the economy. As such, subject to appropriate wording of the condition to achieve a temporary change for 12 months, the Environmental Health Officer does not object to the application.

Access and Movement:

10. The impact on highways was considered acceptable through application 161666. The proposal would result in vehicle movements at a time earlier and later than previously envisaged. Nonetheless, deliveries to both buildings are expected and the changes to the times would make it more likely that deliveries would occur outside of the peak hours. Additionally, this would help avoid conflict between deliveries and users of the buildings which would result in a potential highway benefit. On this basis, the Highways Officer has not objected to the proposal.

Other Issues:

11. The previous application 161666 considered a range of other issues associated with the development of the site including the impact on flooding and drainage, landscape and trees, environmental health issues, ecology, sustainable design and construction, the Community Infrastructure Levy, archaeology and employment skills. None of these are considered to be impacted by the change to the delivery hours particularly as there is no change to the built form of the scheme. Therefore no objection is raised with regards to these elements which are controlled by conditions also attached to this consent.

CONCLUSION

The alteration to delivery hours has the potential to create noise and disturbance which would impact on nearby residential properties. However, this needs to be balanced against the operating requirements of a business within an established business park. The option of providing temporary permission for the alteration to delivery hours is considered to achieve a suitable balance between these two conflicting elements as it allows for the impact to be assessed without a permanent change in place. As such, the application is considered to accord with planning policy and is recommended for conditional approval.

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