

# Agenda Item 87.

<b>Development Management Ref No</b>	<b>No weeks on day of committee</b>	<b>Parish</b>	<b>Ward</b>	<b>Listed by:</b>
152661	14	Early	Maiden Erlegh	Cllr Miall

<b>Applicant</b>	Tesco Stores Ltd		
<b>Location</b>	The Maidenover, Silverdale Road, Earley	<b>Postcode</b>	RG6 7NG
<b>Proposal</b>	Full application for the proposed change of use from public house (Use Class A4) to retail (Use Class A1)		
<b>Type</b>	Other/Change of use		
<b>PS Category</b>	632		
<b>Officer</b>	Daniel Ray		

**FOR CONSIDERATION BY** Planning Committee on 6<sup>th</sup> January 2016  
**REPORT PREPARED BY** Head of Development Management and Regulatory Services

## SUMMARY

The application proposes the change of use of the former pub, the Maiden Over, to an A1 retail unit. The application is submitted on behalf of Tesco Stores Limited. Parking arrangements, a transport management plan and opening hours are all included within the submitted details.

The application has been listed by Councillor Miall due to concerns over delivery times and management, highway safety and opening hours.

The principle of development is considered acceptable; additionally the change of use can occur without the requirement of planning permission under Permitted Development rights. Planning permission has been granted for associated works including signage, lighting, introduction of plant equipment, an ATM and alterations to the front of the building.

In conclusion, subject to the use of appropriate conditions, approval for planning permission is recommended.

## PLANNING STATUS

- Major Development Location (Early)
- Local Centre (Silverdale Road)

## RECOMMENDATION

That the Planning Committee authorise the GRANT OF PLANNING PERMISSION subject to the following

A: Conditions and Informatives

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

*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).*

2. This permission is in respect of the submitted application plans and drawings numbered '132066-01A', '132066-10C', '132066-11D' and '132066-12C' received by the local planning authority on 29 September 2015 and 'Transport Statement' (including Delivery Management Plan) received by the local planning authority on 14 December 2015. 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. 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.*

4. Prior to the commencement of the development hereby permitted details of secure and covered bicycle storage/ parking facilities for the visitors to the development shall be 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.*

5. No 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 09:30-1400 and 1600-2100 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.*

6. The A1 retail unit hereby permitted shall not be open outside the following times: 06:00 to 23:00 Monday to Sunday including Bank Holidays.

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

7. All deliveries shall be carried out in strict accordance with the approved Delivery

Management Plan as outlined:

- Delivery vehicles will be limited to 8.4m in length, and will be fitted with tail lifts as standard.
- Deliveries will be undertaken via the internal constraints of the site. Deliveries will enter the site in forward gear, turning left into the access from Silverdale Road and drive into the service area. All turning, manoeuvring and loading/unloading will be undertaken from the car park area fronting the store. The egress will be from Sevenoaks Road, turning right onto Silverdale Road.
- The delivery vehicle access arrangement is illustrated in TPA drawing number 1508-51SP01A (a copy of which is appended to the Transport Statement (Appendix D)).
- No deliveries or serving (aside from newspapers and magazines from single axle vehicles on Sundays) shall be taken or dispatched from the site outside the following times: 0930-1400 and 1600-2100 Monday – Saturday and Bank Holidays.
- The store manager will be informed on a daily basis of delivery timing for the subsequent day, via email.
- All service vehicle engines will be switched off during the unloading/loading operation in order to ensure that vehicle noise is kept to a minimum. Tesco will ensure that for deliveries made using vehicles fitted with tail lifts that in addition to the service vehicle driver, two other (suitable trained) store employees will be present during unloading/loading operations. These members of staff will assist with the movements of goods from vehicle to store, ensuring that pedestrian safety is maintained at all times.
- Delivery roll cages will remain on the service vehicles until such time as they can be immediately unloaded onto the tail lift of service vehicles.
- Tesco will return their own packaging and general refuse to their depot utilising returning delivery vehicles.
- Delivery drivers are made aware that should they arrive at the site and not be able to access the site they are to continue past, find a suitable and legal place to stop and then contact the store manager, who will advise as to an appropriate time for the vehicle to return to the site.

*Reason: To ensure highway safety is maintained at all times and to safeguard residential amenities. Relevant policy: Core Strategy policies CP1 and CP3 and Managing Development Delivery Local Plan policy CC06 and TB20.*

## **PLANNING HISTORY**

F/2014/1996 – Approval of proposed installation of ATM (16.10.2014)

A/2014/1994 – Approval of advertisement consent for the proposed installation of 3x non illuminated galvanised pole mounted signage 2x non illuminated fence mounted signage 1x internally illuminated fascia 2x non illuminated fascia 2x externally illuminated fascia 1x internally illuminated projecting sign and 1x externally illuminated hanging pub sign. (20.10.2014)

F/2014/1995 – Approval of proposed alterations to the front and side elevations plus the installation of a new shop front (16.10.2015)

F/2014/1993 – Approval of proposed installation of plant equipment (16.10.2014)

F/2014/2296 – Approval of proposed installation of 3no galvanised steel ram-raised bollards with yellow reflective bands each 1m in height to front elevation. (06.02.2015)

NMT/2014/2831 – Approval of application for non-material amendment to planning consent F/2014/1995 to allow for infilling of some windows and doors to the front and side elevations (02.01.2015)

A/2014/2822 – Proposed installation of 4no Dibond Signage Panels on front and both side elevations and 1no fascia sign on east elevation (17.02.2015)

F/2014/2826 – Proposed installation of canopy at rear of existing building (17.02.2015)

F/2014/2827 – Proposed installation of a 3m x 3.1m chiller unit at rear of property to be accessed internally (17.02.2015)

## SUMMARY INFORMATION

Site Area	0.17ha
Previous land use(s) and floorspace(s)	A4 – 365sqm
Proposed floorspace of each use(s)	A1 - 365sqm
Change in floorspace (+/-)	0
Number of jobs created/lost	10
Existing parking spaces	N/A there is a parking area associated with the A4 but it is not formally laid out
Proposed parking spaces	20 + 2 disability spaces + 2 cycle spaces

## CONSULTATION RESPONSES

### Local Member:

Cllrs Miall and Chopping have both raised concern regarding highways, road safety, delivery methods and opening times.

### Parish Council:

Earley Town Council 'expressed no opinion' at the time of consultation.

### Internal Consultations Wokingham Borough Council:

#### Environmental Health:

All comments relating to potential operational nuisance i.e. external lighting, chiller units, plant noise, deliveries & refuse collections have been covered off by conditions on previous approved applications (F/2014/2827, 2824 & 1993) relating to the development of this site, as well as assurances on application

paperwork.

In addition, expect to see Construction Working Hours applied as there are residents in close proximity who will be sensitive to noise disturbance.

Highways:

It is proposed to change use from an existing public house to A1 retail. There have been several previous applications relating to this which have all been granted consent.

#### *Traffic Impact*

The proposal will lead to additional vehicle movements in the peak hours compared to the previous use as a public house. However it is considered that the traffic impact can be safely accommodated on the existing highway network. A percentage of traffic will be passing traffic and therefore these vehicles will already be on the highway network. The site is also well located in respect of sustainable modes of travel.

#### *Sustainable travel*

The site is located within a residential area with good access to sustainable modes of travel. Pedestrian access has been provided and includes a marked pedestrian route through the car park. Some short-stay cycle parking has been indicated and this would be suitable for customers. Covered and secure cycle parking is also required for staff.

#### *Access*

It is propose to utilise two existing accesses into the site – the access off of Silverdale Road would become the entrance and the access onto Sevenoaks Road would be the exit. No objection to this subject to appropriate advisory signage being in place.

There is adequate space within the forecourt for turning associated with parking spaces. Delivery vehicles would be able to unload within the forecourt and vehicles could leave in forward gear through the exit due to one-way operation through the car park.

#### *Parking*

The submitted drawing indicates twenty one parking spaces. The level of parking has been reviewed against the Council's parking guidance and is considered acceptable. Two disabled spaces are proposed and these are acceptable.

## **REPRESENTATIONS**

26 representations were made by local residents including MERA (Maiden Erlegh Residents' Association). The comments, objections and concerns are summarised as follows:

### Highways

Deliveries:

- The number of deliveries is likely to create noise that will affect residents nearby
- Larger delivery vehicles (8.4m) will create problems along the narrow roads,

Sevenoaks Road, Radnor Road and Avalon Road are not suitable for larger vehicles.

- There is no suitable space where additional vehicles arriving at the same time can park
- Engines should be turned off whilst waiting.
- Deliveries made between 8am and 9am and 2.30pm and 3.45pm will coincide with school opening and closing times, this would be unacceptable.
- Morning deliveries should be prohibited, peak hour deliveries avoided and noise levels controlled, any conditions used should be enforced.
- The site is not suitable for delivery vehicles nor so close to two schools.
- Delivery times should be restricted as should the number of deliveries.
- The deliveries would cause serious safety problems especially for small children.

#### Traffic:

- Once open, the supermarket will lead to a radically different number of vehicles and traffic movement, the worry being this will lead to more congestion, especially at peak times.
- Re-opening the access on to Silverdale Road would cause traffic delay and congestion in both directions. This will be even worse at school times.
- It is likely the car park will be full and drivers shall wait for spaces at the entrance to the car park, and drivers shall attempt to park at the Parade, which is usually full. Restrictions should be placed on the length of time vehicles are allowed to park.
- A S106 agreement should be required to fund any necessary works that need to be done (including the improvement/redesign of the Silverdale Road junction, and to provide compensation benefits for the local community.
- The peak times in the area are not as stated. Residents state that peak times are between 8am and 9am and 2.30pm and 3.45pm although traffic remains heavy until 6pm. The volume of traffic is heavily influenced by the opening and closing time of nearby schools, there is no reference to this in the traffic report.
- Parking in the Silverdale Road/Sevenoaks Road and Radnor Road areas is a particular problem, the Council need to review current arrangements. More presence by parking wardens is required.
- The congestion could lead to fatal consequences.

#### Other Highways comments:

- The increased traffic, size of lorries and number of deliveries will lead to accidents, especially so close to two schools.
- There will be no free flow of movement through The Parade and area.
- Existing poor parking and individuals, often on the pavement, makes walking to school hazardous and this will make it worse, especially for primary aged children.
- The traffic report did not consider the traffic flow during periods where there a lot children and parents on the street.
- There is no school crossing patrol on Silverdale Road where children and parents cross, large lorries will exacerbate the situation.
- Tesco should be asked to fund turning the zebra crossing into a traffic light crossing for everyone's safety.
- Crossing the entrance to the car park will be a problem.

- Coaches are unable to negotiate Sevenoaks Road, nor any other side roads due to residential cars even outside school hours. The side roads are not big enough for delivery trucks, nor is the car park big enough for one to turn round in once a couple of cars are parked in it.
- The application must be rejected unless proper measures to ameliorate the increased hazard level are guaranteed, e.g. a ban on deliveries and physical closure of the Tesco car park at the peak times.
- Children wear dark uniforms, this is a safety issue.
- There are over 2000 students at the nearby school, the proposed Tesco would be a hazard to their safety.
- Children used to use the car park when it was a pub as a shortcut, they will do again but this will become a safety concern, it wasn't when it was a pub because the pub wasn't open or generating traffic at peak school times. There will be an increased risk of accident or injury.
- Is it completely necessary to add more car parking spaces?
- The 19C bus service always gets stuck in traffic, the worst being at the top of Silverdale Road.
- The prospect of lorries of up 8.4m in length added to traffic that is at a complete halt, drivers trying to get past each other by often going up on the verge fills (me) with dread.
- Many of the teachers and 6<sup>th</sup> formers resort to parking around the schools, as do parents when picking up and dropping off children.
- There is not enough double lines on Sevenoaks Road, many people ignore them anyway.
- There is considerable risk to cyclist, mothers with baby buggies and other pedestrians, especially at peak times.

#### Impact on nearby shops

- There is concern that that the Tesco shop will lead to The Parade closing down which will lead to a creeping decay in the area. McColls and the Post Office already offer a number of services that the Tesco is likely to provide. These shops will close down.
- If Tesco plan to sell pharmaceutical products, this will affect the viability of Boots the Chemist, this will be a major detriment to local residents, especially the elderly and vulnerable.
- There is an expectation that takeaway food will be sold from the premises, this would affect the services offered by Herbies and Yan Yan's. There would also be a reduction in business for the Waterfall restaurant, where takeaway meals are also provided. This will affect their viability and lead to closures.
- The proposed opening and closing times of the Tesco store would be longer than other shops in the area and consideration should be given to ensuring that Tesco's trading hours are the same as those shops in The Parade.
- There is no need for another supermarket, there is a multipurpose store within 100m of the site already.
- There is a McColls and two Co-op stores within a mile in two directions, the store will not carry a particularly enhanced range compared to McColls and Boots Chemist so there will not be any benefit to it being placed there.
- There is enough loss of residential in the area without further loss due to noise.

### Noise and disturbance

- The proposed shop will cause noise and disturbance from deliveries, traffic generation and in general.
- The proposed development shall lead to air pollution and traffic noise.
- There are enough teenagers gathering outside nearby properties because of the fast food shops and are making noise into the night, this will be even worse with the opening hours extended to 11pm.
- There is no need for deliveries before 6am
- The opening times are excessive and shall lead to disturbance, annoyance and inconvenience to those living in the immediate vicinity.
- Opening times should be limited from 10am to 4pm on Sundays.
- Opening times should be limited on bank holidays
- This is a quiet area largely dominated by families so we have a wonderful school community. The noise, fumes and congestion will seriously impact on our lives.
- There will be an increase of people to the site.
- Will also encourage more children from both schools to buy rubbish food and litter the area, and hang around, more noise.

### General comments

- Concern with the lack of advertisement/site notice
- The consultation map did not include 4 shops directly affected by the application nor does it include many houses along Sevenoaks Road.
- Councillors are encouraged to visit the site during term time between 8am and 9am.
- This is a very bad plan
- There is no need for a Tesco, there is a need for a public house.
- There is a Facebook page campaign against the change of use.
- The site should revert to a proper community use.
- Tesco have already shown a lack of consideration to the local community. Since taking over the site in August 2014 the site has been left a complete mess with the car park having been dug up and piles of rubble left around. Broken glass around the perimeter of the boundary and weeds growing rampant. After extreme petitioning they did tidy it up slightly but as mentioned this does not show any awareness for community spirit.
- Inaccuracies with the details contained within the application, the application states there is currently no parking, there were around 15 spaces previously. There was first floor residential accommodation and therefore there will be the loss of residential use on the site.
- This represents the loss of an important amenity and community focus in the area. The fact that WBC have allowed this building to stand empty for such a long time is a disgrace.
- The Maiden Over was not always busy in recent years, but this was due to the landlords, the food was poor and many beers off the menu. Was tatty and lacked atmosphere – what is needed is a good community pub which is updated with good food and social events the community can take part in.
- The building was in good condition when it was taken over, but was then left half demolished and the debris left in the car park. This was 15 months ago. Tesco's and Enterprise Inn's have both failed to take responsibility for this. This eye sore must be dealt with... would hate to think this was only being done to stop people

commenting.

### **APPLICANT'S POINTS**

The applicant was invited to make a brief summary of key points they wished to make:

'The building falls on previously developed land and will physically regenerate and re-use an existing building in a current poor state in a designated retail centre. In terms of economic regeneration, the store will provide job opportunities and Tesco will seek to employ staff from the local area wherever possible. There is thus no principle objection to the loss of the public house and additional retail in this location. Having liaised closely with the Council during the statutory pre-determination period, we have taken the opportunity as part of the consultation period to remedy some of the concerns from local residents towards delivery and servicing and highways impact. Tesco Stores Limited have therefore agreed to restrict deliveries to outside of peak times (i.e. none to be dispatched from the site outside the following times: 0930-1400 and 1600-2100 Monday-Saturday and Bank Holidays) whilst none will occur on Sunday. Beyond this the size of delivery vehicles will be limited to no larger than 8.4m in length and entrance and egress will be completely one way on site to prevent any issues of manoeuvring to and from the site. This we feel addresses any public concerns towards safety and elicits a positive scheme compliant with relevant and current statutory provisions of the development plan.'

### **PLANNING POLICY**

#### National Policy

NPPF National Planning Policy Framework

#### Adopted Core Strategy DPD 2010

CP1 Sustainable Development

CP3 General Principles for Development

CP9 Scale and Location of Development Proposals

#### Adopted Managing Development Delivery Local Plan 2014

CC01 Presumption in Favour of Sustainable Development

CC02 Development Limits

CC04 Sustainable Design and Construction

TB17 Local centres and neighbourhood and village shops

TB20 Service Arrangements and Deliveries for Employment and Retail Use

#### Supplementary Planning Documents

Borough Design Guide SPD

### **PLANNING ISSUES**

#### **1. Description of Development**

1.1 The application proposes the change of use of the site from A4 (pub) to A1 (retail). The Maiden Over public house is sited on the corner of Sevenoaks Road and Silverdale Road and has been vacant for some time. The site is currently fenced off from access. The pub itself is boarded up and the condition of the site is in decline.

1.2 The change of use application includes parking details, opening hours and a Transport Statement with a Delivery Management Plan has been submitted.

## **2. Background**

2.1 Planning Applications have been brought to committee and decisions have been made on the understanding that under the current A4 use class, permitted development rights would allow for the change of use of the former public house to A1 retail without the need for planning permission. Whilst it remains the case that it is normally Permitted Development to change from a pub to a shop there is now a provision that (introduced only in April 2015), before this happens, there must be a written request submitted to the Council to find out if the building has been nominated as a community asset. Development can then not start for 56 days, during which time the building could be nominated (delaying the process) and ultimately, if added to the list as a community asset, it would then no longer be Permitted Development. Once this has been undertaken, the development would need to have been completed within 12 months of this process. If not, the entire process would need to be repeated.

2.2 Notwithstanding the above, the Maiden Over has previously not been included on the community asset list following its nomination. Despite this, the processes outlined above would have to be undertaken by the developer; this application for change of use circumvents this and development can take place with a greater degree of flexibility for the applicants without the need to go through the processes outlined above. By submitting a planning application, a degree of control is afforded to the local authority as the opportunity to control elements of the development through the use of appropriate conditions.

2.3 As noted, a number of applications have previously been determined and approved in relation to signage and lighting, as such this application seeks permission for the change of use of the land and building to a shop (Use Class A1), as well as the opening hours associated with the retail unit, parking provision and the Delivery Management Plan that is incorporated in to the Transport Statement. Previously approved applications have considered and approved the material changes to the appearance of the building – including advertisements and lighting.

## **3. Principle of Development**

3.1 The National Planning Policy Framework has an underlying presumption in favour of sustainable development which is carried through to the local Development Plan. The Managing Development Delivery Local Plan Policy CC01 states that planning applications that accord with the policies in the Development Plan for Wokingham Borough will be approved without delay, unless material considerations indicate otherwise. This is especially pertinent as the development can be completed under permitted development.

3.2 The site is located within a major development location and within a settlement boundary and as such the development should be acceptable providing that it complies with the principles stated in the Core Strategy. Policy CP3 of the Core Strategy states that development must be appropriate in terms of its scale of activity, mass, layout, built form, height, materials and character to the area in which

it is located and must be of high quality design without detriment to the amenities of adjoining land uses and occupiers.

- 3.3 Policy TB17 of the Managing Development Delivery Plan states that proposals that retain and enhance the provision of day to day shopping facilities in Local Centres (Silverdale Road being a Local Centre and this site being part of the Local Centre), will be supported.
- 3.4 Whilst some of the provision that the Tesco is likely to provide is already present within the Local Centre (e.g. McColls, Boots, etc.) the Tesco is likely to enhance the offer available. Whilst residents have raised concern that the Tesco may lead to the loss of nearby retail units, the Local Authority cannot refuse planning permission on the basis of competition.
- 3.5 Whilst the loss of the public house is not favoured by some local residents, the proposed A1 use is an acceptable use within the Local Centre, the pub has closed and there is no prospect of it reopening. The applicants can undertake the change of use without the need of planning permission, as detailed above. As such the principle of development is considered acceptable.

#### **4. Character of the Area**

- 4.1 The site as existing is detrimental to the character of the area. The site is run down and boarded up and the public house has closed. Ancillary residential accommodation associated with the pub has also ceased. The design, signage and lighting have already been approved and can be introduced at any point by the applicants. As such, the proposed change of use would ensure that a vacant site is brought back in to life. This will have a positive impact on the character of the area rather than the abandoned and declining site that is present. The appearance of the building has already been approved and considered to not adversely affect the character of the area. In addition, the alterations to facilitate the change from a public house to a retail use are not so significant and are appropriate given the mix character and appearance of the area and which includes retail and similar uses.

#### **5. Highways**

- 5.1 The Highways Authority have raised no concern regarding highway safety. The level of parking provision is considered acceptable and the one way system through the site appropriate. A revised swept path analysis has been submitted as part of the Transport Statement which demonstrates that an 8.4m rigid vehicle can enter and exit the site in a safe manner.
- 5.2 Concern has been raised by the potential timing of that deliveries would be undertaken and the potential danger and nuisance this may cause. A revised Deliveries Management Plan has been submitted (Transport Statement Appendix D), a key amendment outlines:
- No deliveries or servicing shall be taken or dispatched from the site outside the following times: 09:30-1400 and 1600-2100 Monday-Saturday and Bank Holidays;
  - No deliveries on Sunday aside for newspapers and magazines and from single axle vehicles

- 5.3 Deliveries shall enter the site from the direction of Betchworth Avenue, turning from Silverdale Road in to the site and egress on to Sevenoaks Road, turning right back onto Silverdale Road in the direction of Betchworth Avenue. Delivery vehicles shall not approach the site from the south.
- 5.4 By approaching and leaving the site to the west along Silverdale Road the narrower and traffic affected aspect of Silverdale Road shall be avoided. As a result the overall impact on the inconvenience additional transport movements from delivery vehicles shall be kept to a minimum.
- 5.5 The strict delivery hours shall ensure that school peak hours are avoided by larger vehicles and the impact of noise from the delivery vehicles shall be kept to more sociable hours and the potential dangers associated with deliveries during school drop off/pick up times removed.
- 5.6 Movements through the site by vehicles from visitors and deliveries would be one way, entering the site from Silverdale Road and exiting on to Sevenoaks Road. This would help with traffic flow and highway safety as vehicles would not be opposing each other, and pedestrians walking through and by the site would be aware of the single direction that traffic would be moving.
- 5.7 Overall, the proposed Delivery Management Plan, one way system and the level of parking are considered acceptable and would mitigate any potential harmful impact in line with Policy TB20 of the Delivering Development Management Plan as:
- a. There is no harmful impact on the amenity of adjoining land uses in terms of noise, fumes and disturbance
  - b. There is no significant impact on highway safety
  - c. There is no significant adverse visual impact
  - d. There is no significant adverse environmental impact.

## **6. Opening Hours**

- 6.1 The application proposes opening hours between 0600 and 2300 seven days a week including bank holidays. There has been a great deal of concern raised over the opening hours of the proposed store from residents.
- 6.2 The residential amenity of neighbouring occupiers from lighting was considered under previous applications and no objections were raised by Environmental Health, appropriate conditions were included with the relevant applications.
- 6.3 The opening hours is likely to increase the level of traffic in and around the site early in the day and late in the evening beyond what is currently experienced. However this shall be limited to smaller vehicles and not include larger delivery vehicles due to the restriction on delivery times as detailed in the Delivery Management Plan (see para 5.2 above).
- 6.4 The opening hours, whilst long, would not cause detriment to neighbouring residential properties to a level that would warrant refusal. The applicants have lessened the impact on neighbouring properties by way of limiting delivery times and the size and type of vehicle that would approach the site (8.7m in length). Lighting has previously been approved and it is considered that the scheme shall

not have an undue impact on the neighbouring residential properties.

6.5 Should the site be converted through permitted development, there would be no limitations on the opening hours. Similarly, the Delivery Management Plan would be lost. This application is an opportunity to control the impact of development to an acceptable and reasonable degree.

## **7. Impact on neighbour residential amenity**

7.1 As discussed throughout this report, residential amenity is a primary factor in the determination of this application. It has been outlined that external appearance of the shop and lighting have already been determined and as such are not considered as part of this application.

7.2 The main issue is the level of traffic attracted to the site, specifically early in the morning and late at night. It is likely that there shall be an increase in vehicle movements, however these shall be limited to shop users rather than large delivery vehicles, as a result disturbance shall be kept to a minimum. This is a far better scenario than if the applicants decided to undertake the development under Permitted Development and no control over delivery times and vehicles could have been secured.

## **CONCLUSION**

Overall, the applicant has addressed many of the issues that have been raised by residents and interested groups. It is acknowledged that there is likely to be an impact on nearby residents due to the introduction of this shop, however the impacts, such as vehicle size, type, route and times of delivery, have been reduced and minimised through a positive Delivery Management Plan.

This application has introduced an opportunity to control the development through conditions to ensure that the impact resulting from the introduction of an A1 unit is reduced as much as possible. Should development be progressed through permitted development, this opportunity would be lost, opening times would not be limited, construction hours uncontrolled and the delivery management plan non enforceable.

Residents are of course concerned that there may be a loss of other local shops, however competition is not a material planning consideration. The proposal is in accordance with adopted policy and on balance no material harm that would warrant refusal would take place to neighbouring residential amenity and highway safety shall be retained. Adequate parking, in accordance with WBC's parking guidance, is to be provided.

## **CONTACT DETAILS**

<b>Service</b>	<b>Telephone</b>	<b>Email</b>
Development Management and Regulatory Services	0118 974 6428 / 6429	development.control@wokingham.gov.uk

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