

DELEGATED OFFICER REPORT



WOKINGHAM
BOROUGH COUNCIL

Application Number:	242056
Site Address:	4 The Parade, Earley, Wokingham, RG6 7NZ
Expiry Date:	1 November 2024
Site Visit Date:	17 May 2024 (240997)
Proposal: Application to vary condition 5 of planning consent 99/68959/F. For the proposed single storey rear extension to the restaurant and alterations to front elevation. Condition 5 refers to the open hours for the supply or consumption of food and drink.	

PLANNING CONSTRAINTS/STATUS

Scale and Location of Development Proposals
District Town and Local Centres
Landscape Character Assessment Area

PLANNING POLICY

National Policy	National Planning Policy Framework (NPPF) National Planning Policy Guidance (NPPG)
Core Strategy (CS)	CP1 – Sustainable Development CP2 – Inclusive Communities CP3 – General Principles for Development CP4 – Infrastructure Requirements CP9 – Scale and Location of Development Proposals CP13 – Town Centres and Shopping
MDD Local Plan (MDD)	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 TB15 – Major Town, and Small Town/District Centre development TB17 – Local Centres and Neighbourhood and Village Shops TB21 – Landscape Character TB22 – Sites of Urban Landscape Value
Joint Minerals and Waste Plan	DM1 - Sustainable Development DM2 - Climate Change – Mitigation and Adaptation DM8 - Restoration of Minerals and Waste Developments DM9 - Protecting Health, Safety and Amenity

(JMWP)	
Other	Borough Design Guide Supplementary Planning Document CIL Guidance + 123 List

PLANNING HISTORY		
Application No.	Description	Decision & Date
980742 98/67666/f	Proposed Change Of Use From A1 Shop To A3 Food And Drink And Single Storey Extension	Approve 25/08/1998
990616 99/68959/F	Proposed Single Storey Rear Extension To Restaurant And Alterations To Front Elevation (Amendments To approval 98/67666/f)	Approved 05/05/1999
990924	Proposed Erection Of Externally Illuminated Shop Sign	Approved 16/04/1999
102145	Application for advertisement consent for the erection of externally illuminated fascia sign	Approved 15/04/2010
173536	Full planning application for the proposed change of use of part residential accommodation over shop to Suis Generis taxi booking office.	Refused 01/02/18
240997	(Retrospective) Full application for the change of use of land to café seating area and the provision of hardstanding.	Approved 16/07/24

CONSULTATION RESPONSES
Internal
WBC Highways: No objection
WBC Environmental Health: No objection
External
None consulted

REPRESENTATIONS	
Parish/Town Council	ETC raises objection to this application and recommends that WBC refuses the application for the following reasons: 1. It is considered that the earlier opening time will impact the amenity of the residential properties above, contrary to Policy CP3, particularly when the assessment of application 240997 considered that the current opening hours were adequate. 2. It is considered that the earlier opening time of 7am on Sundays and Bank Holidays will be disturbing to

	local residents, contrary to Policy CP3, and it is considered that an early opening time on those days is unnecessary. Officer response: The EH officer states “an 08:00 opening time would be unlikely to generate complaints and is in line with other businesses in the area, EH would not object to this change of hours, I would just ask for an undertaking from the business to minimise any noise before 08:00 either through agreement or condition”.
Ward Member(s)	No comments received
Neighbours	No comments received

APPRAISAL

Site Description: The surrounding area is a mix of commercial and education uses with Maiden Erlegh School and Aldryngton Primary School to the north and northeast of the application site, and then predominantly residential further east, west and to the south.

Principle of Development: 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.

The site is located within settlement limits 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.

Context: The reason for this application as stated on the application form is *“There is quite some demand for a coffee shop and serving of breakfast first thing in the mornings for professionals passing on their way to work, and as the current trading has reduced in recent times the applicants are looking to diversify and take advantage of the early morning trade potential in order to recover some profitability from their restaurant.*

The applicants have asked if the restaurant could open earlier than the limitation that was placed by Condition 5, and open from 7am rather than 9am, but keep the evening times as they are at present”.

For clarity, Condition 5 of 99/68959/F states that:

“The premises shall not be open for the supply or consumption of food and drink before 0900 hours or after 2300 hours Monday to Saturday and before 0900 hours or

after 2230 hours on Sundays and Bank Holidays or other Public Holiday”.

The applicants seek to alter Condition 5 of consent 99/68959/F to read as follows
“The premises shall not be open for the supply or consumption of food and drink before 0700 hours or after 2300 hours Monday to Saturday and before 0700 hours or after 2230 hours on Sundays and Bank Holidays or other Public Holidays”.

Character of the Area: The proposed change would not harm the character of the area.

Neighbouring Amenity: The proposed change would pose no harm to neighbouring amenities with respect to overlooking, loss of light, and overbearing. Noise and disturbance impacts are considered the Environmental Section of this report.

With respect to potential noise disturbance, the café proposes to open 1 hour earlier from 9am to 8am.

Highway Access and Parking Provision: There was no Highway reason for Condition 5 and Highways has no objection to the proposed variation of opening hours.

Environmental Health: The council’s Environmental Health Officer requested further information regarding how noise would be managed and suggested that an opening time of 8:00am would be less impactful. The agent has agreed to the amended open time of 8am. Whilst there would be some additional noise and disturbance in the mornings, the unit is within a commercial parade serving the local community and such activity at 8am is not out of keeping with the use of the parade. An 8am opening would not be considered “nighttime” or hours where disturbing sleep would be of greater concern.

Conclusion: As the variation to condition 5 of planning consent 99/68959/F would not impact significantly impact the character of the area or neighbouring amenities and does not considerably impact the nature of the previous application, the application is recommended for approval.

Community Infrastructure Levy (CIL): When planning permission is granted for a development that is CIL liable, the Council will issue a liability notice as soon as practicable after the day on which the planning permission first permits development. Completing the assumption of liability notice is a statutory requirement to be completed for all CIL liable applications.

The Public Sector Equality Duty (Equality Act 2010): In determining this application the Council is required to have due regard to its obligations under the Equality Act 2010. The key equalities protected characteristics include age, disability, gender, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief. There is no indication or evidence (including from consultation on the application) that persons with protected characteristics as identified by the Act have or will have different needs, experiences, issues and priorities in relation to this particular planning application and there would be no significant adverse impacts as a result of the development.

RECOMMENDATION	
Conditions agreed:	Yes
Recommendation:	Approve
Date:	29 October 2024
Earliest date for decision:	7 September 2024

Recommendation agreed by: (Authorised Officer)	<i>MC</i>
Date:	29.10.2024