
APPLICATION NO.	P10/W0696
APPLICATION TYPE	FULL
REGISTERED	18.05.2010
PARISH	WHEATLEY
WARD MEMBER(S)	Andrew Hodgson Janet Carr
APPLICANT	The Midcounties Co-operative
SITE	Co-op Station Road Wheatley
PROPOSAL	Variation of Condition 4 (opening hours) of planning permission P04/W1203 to allow extended hours of trading to the public from 7am to 10pm.
AMENDMENTS	
GRID REFERENCE	459528/205621
OFFICER	Mrs K Gould (W)

1.0 **INTRODUCTION**

- 1.1 The application has been referred to the Planning Committee because the recommendation conflicts with the views of the Parish Council.
- 1.2 The site lies within the built up limits of Wheatley in an area which is predominantly residential. The Railway Public House lies to the west of the site on the opposite side of Station Road. An extract from the Ordnance Survey is **attached**.
- 1.3 Planning permission was granted for the conversion of the former petrol filling station to a retail unit under planning ref P04/W1203. This planning permission had a number of conditions attached to the permission including condition 4 which stated that “The premises shall only open for service to the public between the hours of 8am and 9pm on any day.” The reason for this condition was to ensure that the development was not unneighbourly. The Co-op occupies a single storey flat roofed building which has parking at the front of the premises.

2.0 **PROPOSAL**

- 2.1 This planning application seeks full planning permission to vary condition 4 to allow trading to the public from 7am to 10pm. This represents an extra hour of trading at the beginning of the day and at the end of the day, 7 days a week.

3.0 **CONSULTATIONS & REPRESENTATIONS**

- 3.1 Wheatley Parish Council – Object - extra noise and traffic nuisance to near by residents.

Health & Housing – No objection to the proposed change to opening hours as long as all other conditions remain in place.

Neighbour Object (3) – Not necessary, existing hours are adequate, customers park in front of properties in Farm Close Road, too much litter associated with existing hours of opening, insufficient number of bins, longer hours will result in more litter, increase in noise, disturbance and traffic volumes. Existing acoustic screen to the rear of the store is inadequate, Londis and Asda already exist in Wheatley. Increase sales in alcohol will threaten closure of pub across the road. Londis already opens from 7am until 10pm and Asda opens until 10pm so there is no need for this application and will compete with these stores.

4.0 RELEVANT PLANNING HISTORY

- 4.1 P09/W0360/A - One externally illuminated fascia with moulded and flat acrylic letter and two non illuminated folded aluminium panel advertisement – Approved
P05/W0316/A – Two signs, one fascia, one box shape – Approved
P04/W1203 – Demolition of canopy, extension and conversion of petrol filling station into food retail unit. Forecourt layout and plant area – Approved

5.0 POLICY & GUIDANCE

- 5.1 South Oxfordshire Local Plan policies.

G2 Protection and enhancement of the environment
EP2 Noise and Vibrations

6.0 PLANNING CONSIDERATIONS

- 6.1 Given that the Co-op exists and opens every day from 8am until 9 pm, the only consideration in the determination of this planning application is whether the additional opening hours from 7am until 10 pm daily would harm the residential amenity of local residents by additional noise and disturbance associated with these revised hours of opening.
- 6.2 Attached to the 2004 planning permission were 14 conditions in total. Condition 4 has been referred to above. Two other conditions are particularly relevant to this current proposal. Condition 5 prevents delivery vehicles between the hours of 7pm and 7am on Monday to Saturday and no time on Sundays except newspaper deliveries. Condition 6 prevents delivery cages being manoeuvred outside the building any time between 7pm and 7am.
- 6.3 These 2 conditions remain attached to the original planning permission and do not alter as a result of this proposal. Therefore, the general noise and disturbance associated with this use from delivery vehicles and the moving of delivery cages already begins at 7am. Your officers are of the opinion that by opening the doors to customers an hour earlier than at present will not result in any material noise and disturbance to neighbours particularly when deliveries and other movements within the site have commenced at this time.
- 6.4 With regards to opening an additional hour later in the evenings. The site is directly opposite a public house which opens beyond 10pm and has noise and disturbance associated with this use. The opening to customers for an extra hour until 10 pm will not, in your officer's opinion, adversely affect the residential amenity of the neighbours in this location.
- 6.5 The Council's Environmental Protection team have raised no objection to this proposal. Any noise related complaint received by the Council would be investigated by this team under the relevant noise legislation.

6.6 Local people have referred to the potential for the other conditions referred to above being relaxed. A full planning application would be required to vary any of these conditions and they would be assessed on their planning merits. Competition between the Co-op and other existing retail premises in Wheatley has also been raised as a concern by local people. Such an issue does not fall within the remit of the planning legislation and is not a material planning consideration in the determination of this application.

7.0 **CONCLUSION**

7.1 The increase in opening hours would not result in materially greater levels of noise and disturbance to neighbours given that other conditions attached to the original planning permission P04/W1203 allow activities such as deliveries to the site to commence at 7am. At the other end of the day, the site lies opposite a public house which opens beyond 9pm and generates an existing level of noise and disturbance. Opening to customers until 10pm will not materially increase this level of noise and disturbance and would not adversely affect the residential amenity of neighbours.

8.0 **RECOMMENDATION**

8.1 **That planning permission is granted subject to the following condition:**

- 1. That the premises shall be open for service to the public between the hours of 7am and 10 pm of any day.**

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