

DELEGATED APPLICATION REPORT - Application No.: 181860/OUT

Address: Reading Link Retail Park, Rose Kiln Lane, Reading

Proposal: Outline planning application for a drive-thru coffee shop, with all matters reserved apart from access.

Case officer: Ethne Humphreys

Determination Date: Originally 20/02/2018; EOT agreed 15/03/2019

Site Description and Surrounding Area: The application site is located on the western side of Rose Kiln Lane, to the north east of the Reading Link Retail Park building. To the north of the site is the Holy Brook and beyond that, residential development. To the south west of the site is an area of open space and to the south and east is the Rose Kiln Lane. The retail park is south of Reading Town Centre.

There are protected trees to the north of the site, along the Holy Brook, which is also a Local Wildlife Site.

Most of the site is within Flood Zone 2, with a small amount in Flood Zone 3 as designated by the Environment Agency.

Proposal: Outline Planning permission is sought for a drive-thru coffee shop with all matters reserved apart from access.

The coffee shop would be 189sqm² and a new access is proposed from Rose Kiln Lane to serve the site. The proposals would incorporate internal and external seating areas.

Facilities for cycle parking are proposed, as are 2 disabled parking spaces and planting is proposed along the Rose Kiln Lane frontage and along the Holy Brook.

Plans Considered:

Drawing No: Location Plan RLRPRKL_PLN_001 Rev C

Drawing No: Proposed Site Plan RLRPRKL_pLN_003 Rev E

Drawing No: Proposed Block Plan RLRPRKL_PLN-002 Rev E

Received 25th October 2018

Relevant Planning History:

181169 Outline application for a drive-thru coffee shop of 186sqm and a new access at Reading Link Retail Park, Rose Kiln Lane. Withdrawn

No pre-application advice was sought prior to the submission of this application.

Consultation Responses:

Transport Strategy: OBJECT. Detailed comments in appraisal below.

Ecology: OBJECT. Detailed comments in appraisal below.

Tree Officer: No objection subject to further information required at reserved matters stage.

Environment Agency: No objection subject to condition and informative

Environmental Protection: No objection.

Berkshire Archaeology: No objection.

Properties at Admirals Court, Rose Kiln House and the Reading Link Retail Park itself were consulted by letter and site notices were put up.

1 letter of objection received concerned with:

- Potential for increase in vehicle/personnel noise

Equality Act 2010:

In determining this application the Council is required to have regard to its obligations under the Equality Act 2010. However, there is no indication or evidence (including from consultation on the application) that the protected groups identified by the Act have or will have different needs, experiences, issues and priorities in relation to this particular planning application. Therefore in terms of the key equalities protected characteristics it is considered there would be no significant adverse impacts as a result of the development.

Relevant Planning Policy and Guidance

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that proposals be determined in accordance with the development plan unless material considerations indicate otherwise. Material considerations include relevant policies in the National Planning Policy framework (NPPF) - among them the 'presumption in favour of sustainable development'. However the NPPF does not change the statutory status of the development plan as the starting point for decision making (NPPF paragraph 12).

In this regard, the NPPF states that due weight should be given to the adopted policies of the Local Development Framework (LDF) (Core Strategy and Sites and Detailed Policies Document) according to their degree of consistency with the NPPF (the closer the policies in the plan to the policies in the NPPF, the greater the weight that may be given).

Accordingly, the National Planning Policy Framework and the following development plan policies and supplementary planning guidance are relevant:

Reading Borough LDF Core Strategy (Adopted January 2008)

- CS1 Sustainable design and construction
- CS4 Accessibility and the intensity of development
- CS7 Design and the Public Realm
- CS9 Infrastructure, Services, Resources and Amenities
- CS24 Car/Cycle parking
- CS25 Scale and Location of Retail, Leisure and Culture Development
- CS26 Network and Hierarchy of Centres
- CS34 Pollution and water resources
- CS35 Flooding
- CS36 Biodiversity and Geology
- CS38 Trees, Hedges and Woodlands

Sites and Detailed Policies Document - (Adopted October 2012)

- DM1 Adaption to Climate Change
- DM4 Safeguarding Amenity
- DM12 Access, Traffic and Highway-Related Matters
- DM18 Tree Planting

Supplementary Planning Guidance/Documents

SPD - Sustainable Design and Construction (2013)

SPD - Parking Standards and Design SPD (2011)

Appraisal

Principle

The proposed use is a town centre use in an edge of town centre location. The NPPF specifies that retail development should be located in line with a sequential approach, and that it should have no detrimental impact on the vitality and viability of existing centres. This is reiterated by Core Strategy Policy CS25.

The applicant's supporting letter in respect of the above, seeks to justify why a sequential test is not required to assess the proposal, with no review of sequentially preferable locations submitted. The letter states that when commenting upon the 'Scale and Location of Retail, Leisure and Culture Development', Core Strategy Policy 25 indicates that a sequential approach should be considered when assessing major proposals outside the centre of Reading:

"Major retail and main town centre leisure and culture development will take place in, or as an extension to, the centre of Reading. Where a need for additional development has been identified, and no sites are available in or adjoining the centre of Reading, a sequential approach should be adopted to identifying alternative sites. All development will comply with the relevant tests for retail, leisure and culture development set out in government guidance".

In respect of the above, the applicant has commented that as the proposal is only 189sqm, it is not subject to such requirements - as it is not defined as 'major development'. The applicant has also commented that the proposal would be notably below the suggested requirement set out in the emerging Local Plan for sequential test being required. The submission concludes that the application can, and should be, assessed within the requirement for a sequential test. This is incorrect. Whilst there is a threshold as to when an Impact Assessment is required (discussed further below) there is no threshold for the sequential test.

Whilst National Planning Guidance makes it clear that it expects developers and local planning authorities to demonstrate flexibility in searching for sites, it is considered that the

submission is not of sufficient quality as it does not even identify any sites, let alone discuss/give any justification for discounting sites and therefore does not adequately demonstrate that there are no sequentially preferable sites in the Town Centre or edge-of-centre sites. No flexibility has therefore been demonstrated in terms of the format and scale of the development, in line with the NPPF. If a robust assessment of all town centre or edge of centre sites demonstrated that no site was suitable, available or viable, then it is accepted that the next logical step would be to locate on an existing out of town retail park. As a sequential test has not been submitted, demonstrating that there are no sequentially preferable sites that are available, suitable and viable for the proposed development and therefore the proposal is contrary to Policy CS35 and the NPPF in this respect.

Retail Impact

The Council has adopted a threshold of 1,000 sqm in policy DM14 of the Sites and Detailed Policies Document for assessment of retail impact. The proposal a) relates to development of less than 1000 sqm, and therefore does not require an assessment of impact. There is therefore no policy objection to the proposed development in terms of impact.

Impact on Parking/Highways

Trip Generation

The applicant has not undertaken their own assessment of the TRICS database, but they have obtained a trip rate analysis for the same use from another site agreed within Reading Borough. This information has been reviewed and is considered acceptable.

The proposal will therefore generate an increase in trips as is illustrated in the below table taken from the TS.

Land Use	Trip Rate (100m ²)			Trips (190m ²)		
	Arrivals	Departures	Two-Way	Arrivals	Departures	Two-Way
Weekday AM Peak (08:00 – 09:00)	7.535	6.427	13.962	14	12	27
Weekday PM Peak (08:00 – 09:00)	8.947	8.947	17.894	17	17	34
Saturday Peak (13:00 – 14:00)	16.611	16.111	32.722	32	31	62

Table 5.1 – Worton Grange Drive-Thru Approved Trip Rates

As has been the case when assessing other drive through facilities within Reading it is accepted that the proposed use would attract a mixture of the following:

- New Trips - These trips are new to the network and would not take place without the proposed development being in place;
- Transferred Trips - Trips diverted from a similar destination, generally nearby, some of these trips will already be present on the local highway network however other will not;
- Pass-by Trips - These trips represent traffic that is already passing the site, these trips simply divert in and re-join the network afterwards;
- Diverted Trips - These trips represent traffic passing nearby that diverts into the site, this traffic is already present on the network but the route it takes will vary; and,
- Linked Trips - These trips represent traffic that already enters the site for some other purpose and simply includes a trip to the new development as part of this. These trips have no impact on the study network.

In relation to this it has been accepted that the proposal will generate different trip types as identified in the following ratios:

- New Trips - 20%
- Pass-by Trips - 40%
- Linked Trips - 40%

Based on the above, the below table taken from the TS sets out the proposed increase in new trips to the site based on the development proposals.

Land Use	New Trips (20%)		
	Arrivals	Departures	Two-Way
Weekday AM Peak (08:00 – 09:00)	3	2	5
Weekday PM Peak (08:00 – 09:00)	3	3	7
Saturday Peak (13:00 – 14:00)	6	6	12

Table 5.2 – Proposed New Primary Trips

Based on the linked and diverted trips it is considered that the increased trip generation is not a material increase on the surrounding Highway Network.

Access

The site is currently accessed from the A33 / Rose Kiln Lane signalised junction with the development proposing a new dedicated secondary access to the site which will also serve the wider retail units.

The site and the submitted plans have been reviewed and it is acknowledged that the site currently accommodates several pedestrian access points along Rose Kiln Lane. However, none of the proposed plans have incorporated any pedestrian access. The TS has stipulated how accessible the site is in terms of walking and cycling and therefore any pedestrian and cyclist access to the site should be retained in order to help promote alternative modes of travel.

Technical Note 01 has stated that *‘as detailed within the TS, the existing pedestrian access from Rose Kiln Lane are to be retained’* however, the proposed changes to the car park layout would appear to alter how access to the site would be gained by pedestrians and therefore the pedestrian access points should be illustrated on a revised drawing.

Pedestrian access is also currently provided to the rear of the car park over the Holy Brook through to Admirals Court, currently this access leads directly into the car park but as part of the proposals a dedicated footpath is proposed between the Holy Brook bridge and the footway on Rose Kiln Lane. This would be an improvement over the current situation in terms of providing a dedicated route; however, the width of the route is 1.2m which is below the requirement set out in DfT document Inclusive Mobility. This states the following at Paragraph 3.1.

A clear width of 2000mm allows two wheelchairs to pass one another comfortably. This should be regarded as the minimum under normal circumstances. Where this is not possible because of physical constraints 1500mm could be regarded as the minimum acceptable under most circumstances, giving sufficient space for a wheelchair user and a walker to pass one another. The absolute minimum, where there is an obstacle, should be 1000mm clear space. The maximum length of restricted width should be 6 metres (see also Section 8.3). If there are local restrictions or obstacles causing this sort of reduction in width they should be grouped in a logical and regular pattern to assist visually impaired people.

The applicant has accepted that Inclusive Mobility specifies 1.5m as a minimum width acceptable under most circumstances; however, contends that a 1.2m footway presents an

improvement over the current situation. It has been stated that the current footway provided to the rear of the Armco barrier on Rose Kiln Lane is inaccessible due to poor maintenance, as a result, users must cross the car park and contend with possible vehicle encounters. It has also been stated that the footway over the Holybrook into Admirals Court is unmade, only 1.2 metres wide, and is not provided with any drop crossings leading into Admirals Court. Admirals Court is private and outside the red line and therefore improvements cannot be undertaken as a result of this application to make it suitable for wheelchair access. The applicant contends that given the proposed footway is a significant improvement over the existing situation the proposed footway is policy compliant. This is agreed with given the existing situation in terms of the maintenance but also because it shortens the route to the Public Highway and also that the final section would only appear to be 1m in width in any case.

The proposed vehicular access is located on Rose Kiln Lane which is classified as the A33 and will not only accommodate the number of primary trips assessed above but a proportion of reassigned trips from the existing access, therefore it should be designed in accordance with the Councils Geometric Design Guide for Accesses onto Classified roads and Commercial Accesses on to Adopted Roads. This states the following at point 2.2:

On classified roads the requirement to keep traffic flowing at reasonable average speeds take precedence over the need of access. The council will resist any new access on to a classified road if alternative access is available on to a non-classified road or if it is possible for the development to share another existing access on the classified road network. Where a direct access is unavoidable the proposed junction will be assessed with particular care to ensure good design standards are achieved, especially with the respect to layout and visibility, adequacy of junction spacing and the effect of increase movements. If any of these factors are in doubt it is likely that Borough Council will object to the proposed access arrangements.

Given the above, and in particular the point that the proposed access will generate substantial turning movements any proposal for a new access onto the classified road network must be fully justified and identify that the access would prove to be an improvement to the working of the surrounding network.

The width of the access is to be 6.5m with 2.5m radii on either side of the junction. These dimensions do not comply with the Councils Geometric Design Guide, which requests minimum junction radii of 15m.

The applicant has stated that the junction has been designed in accordance with Manual for Streets 2 however this does state at paragraph 9.4.12 that *‘Designers are sometimes reluctant to use tight corner radii on the grounds that vehicles slowing to turn into the minor arm may cause shunt collisions on the major road. This may be the case where speeds are high, but in urban areas the overall emphasis of MfS is that speeds should be reduced to appropriate levels of 30mph or below through design and the use of tight corner radii is consistent with this approach.’*

The applicant has subsequently stressed that the access has been designed in accordance with Manual for Streets taking account of the observed vehicle speeds and volume of vehicles and designed with a view of not reducing vehicle speeds but rather to suit the prevailing conditions on the adjacent highway network.

It is appreciated that the speed surveys identify the 85%ile speed to be below 40mph but vehicles can legally travel at higher speeds (40mph) and the speed survey now submitted identifies that vehicles through the course of the day and at times when the proposed use would be operational would travel at higher speeds. Paragraph 9.4.12 of MfS2 (as referenced above) is clear that speeds should be reduced to 30mph and below and designing junctions with reduced radii will aid this reduction in speed.

In addition to the above paragraph 9.4.10 states:

As noted in Sections 6.3 and 6.4 of MfS1, tight corner radii help pedestrians and cyclists to travel across and through junctions by reducing the speed of turning vehicles. Advice contained in TD 42/95, that minimum corner radii should be 6m in urban areas, should therefore not be taken as representing best practice when the needs of vulnerable road users are to be prioritised.

This advice is only stating that it should not be taken as best practice to have a radii of 6m however this does not stipulate that it is unacceptable and as stated above tracking diagrams would identify what radii would be suitable and this may still be below the 6m specified within TD 42/95.

Alternatively, this maybe addressed by way of widening the minor arm carriageway.

Reference is made to Section of 8.6 of MfS2 which states that lane widths should be determined based on the following local considerations:

- ***The volume and composition of vehicular traffic***
- ***Pedestrian and cyclists needs***
- ***The demarcation, if any, between carriageway and footway(e.g. kerb, street furniture or trees and planting)***
- ***Whether parking is to take place in the carriageway and if so, its distribution, arrangement, the turnover of spaces and the likely level of parking enforcement (if any)***
- ***The design speed***
- ***The curvature of the street (bends require greater width to accommodate the swept path of larger vehicles) and***
- ***Any intention to include one-way streets, or short stretches of single lane working in two-way streets.***

The tracking diagrams submitted identify that two-way movements between delivery vehicles and cars cannot be accommodated which as per the points highlighted above would be contrary to the requirements of MfS2.

The assessment undertaken is also consistent with the NPPF which states the following:

108. In assessing sites that may be allocated for development in plans, or specific applications for development, it should be ensured that:

- a) appropriate opportunities to promote sustainable transport modes can be - or have been - taken up, given the type of development and its location;*
- b) safe and suitable access to the site can be achieved for all users; and*
- c) any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.*

110. Within this context, applications for development should:

- a) give priority first to pedestrian and cycle movements, both within the scheme and with neighbouring areas; and second - so far as possible - to facilitating access to high quality public transport, with layouts that maximise the catchment area for bus or other public transport services, and appropriate facilities that encourage public transport use;*
- b) address the needs of people with disabilities and reduced mobility in relation to all modes of transport;*
- c) create places that are safe, secure and attractive - which minimise the scope for conflicts between pedestrians, cyclists and vehicles, avoid unnecessary street clutter, and respond to local character and design standards;*
- d) allow for the efficient delivery of goods, and access by service and emergency vehicles; and*
- e) be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations.*

The application is for a drive-thru facility and therefore this could generate the need for an articulated vehicle. For information Costa Coffee have their own fleet of delivery vehicles and these are a minimum of 8.45m in length, larger than that currently utilized within the tracking diagrams. Details of the Costa Delivery Vehicles can be found below at the end of this response. This vehicle would generate a greater turning circle and therefore a tracking diagram illustrating a vehicle of that specified below should therefore be provided as a minimum requirement.

An updated tracking diagram has been submitted for an 8.15m long 18t vehicle, which identifies that the vehicle would accommodate over half the width of the carriageway for a distance in excess of 20m into the site. This could result in service / delivery vehicles coming into conflict with vehicles egressing the site or require them to wait within the Rose Kiln Lane A33 carriageway until the exit lane is clear. This would be detrimental to Highway safety and cannot be supported.

In addition the updated tracking diagrams for a slightly larger vehicle than that previously tracked at 8.15m in length has been stated as being commonly used by Sainsburys amongst others. The proposed use however is not a retail unit but a drive through coffee shop and the specifications previously provided clearly identify the size of vehicle that is likely to serve the site and therefore the tracking that has been provided cannot be agreed.

Given this, an increased junction radii should be provided and as stressed as part of the previous planning application this could be assessed against tracking diagrams and hence a 15m junction radii as specified within the Councils Geometric Design Guide may not be required.

It is appreciated that the appeal decision for the Tesco Express site, Oxford Road Reading, referenced within the TS, includes an Inspectors decision stating that the size of the service vehicle can be dealt with by way of a planning condition but in this case the occupier of the unit is unknown and in terms of the Tesco express application the possibility of the planning condition was suggested by the occupier of the unit and a 12m articulated could serve the store and as a result gave it greater weight.

It is stressed that Paragraph 55 of the National Planning Policy Framework states “Planning conditions should only be imposed where they are:

- 1.necessary;
- 2.relevant to planning and;
- 3.to the development to be permitted;
- 4.enforceable;
- 5.precise and;
- 6.reasonable in all other respects.”

In relation to these tests the Governments advice is as follows:

Enforceable - Would it be practicably possible to enforce the condition?

- Unenforceable conditions include those for which it would, in practice, be impossible to detect a contravention or remedy any breach of the condition, or those concerned with matters over which the applicant has no control.

Reasonable in all other respects - Is the condition reasonable?

- Conditions which place unjustifiable and disproportionate burdens on an applicant will fail the test of reasonableness.
- Unreasonable conditions cannot be used to make development that is unacceptable in planning terms acceptable.

The Governments advice on the Use of planning conditions updated 15 June 2018 also states that:

Any proposed condition that fails to meet any of the 6 tests should not be used. This applies even if the applicant suggests it or agrees on its terms or it is suggested by the members of a planning committee or a third party.

Based on the above it is not considered that conditioning the size of vehicle that can serve the development to meet the tests specified within the NPPF and as such the access should be designed to accommodate the appropriate vehicle size that would serve the development site.

Given that a potential occupier of the unit utilizes a minimum size vehicle of 8.45m this is what size vehicle should be utilized to undertake the tracking.

With regards refuse collection it has been stated that this will be via a private contract and subject to the same restriction in terms of vehicles size as deliveries. However, this would not be appropriate as specified above therefore additional tracking diagrams would be required for a refuse vehicle as this would generate a greater turning circle than that currently provided. It should be noted that the Councils refuse vehicle dimension is 8.75m x 2.25m.

It has been stated that deliveries would be scheduled so that only staff would be on site but given the nature of drive-thru facilities and the increased opening hours the access should be able to accommodate the unimpeded access of a delivery vehicle. Furthermore, as the planning application has given no details as to opening hours given that a future occupier is unknown and as such it cannot be confirmed when delivery times would be appropriate.

What would also need to be taken into account is that the other units within the retail park open early and close late and therefore will generate an increased likelihood of conflict occurring.

The applicant has stated that *'as outlined previously, the prospect of a delivery encountering small numbers of vehicles outside of peak times will result in the need for a degree of 'give and take'. This is not a severe impact, the fundamental requirement within the PPG'.*

However, the latest National Planning Policy Framework only refers to severe impact with reference to road capacity only and not highway safety, see below:

The wording of the paragraph dealing with highways impacts has been altered to make clear that the 'severe' test relates to road capacity rather than highway safety. Further advice on this test will be set out in revisions to national planning guidance.

Therefore any proposed give and take at the junction would result in reversing back into the site or out onto the A33 Rose Kiln Lane carriageway causing conflict with pedestrians, cyclists and vehicles.

What is noted within the TS is paragraph 4.15 which identifies that larger vehicles than that specified by the applicant may still occur and a procedure put forward to address this, see comment below:

4.15 A Delivery and Management Plan will be prepared and become operational before occupation of the unit, which can be covered by a condition, ensuring the plan is in place and enforced. The plan will detail times of various deliveries to the unit and the size of vehicles to be used ensuring vehicles no greater than 7.5 tonnes gain access from Rose Kiln Lane. The plan will ensure that in the unlikely event of a larger vehicle undertaking deliveries these are undertaken outside peak hours of operation of the retail park and use the existing deliver area.

However, following a further site visit it has been noted that no through route exists to the rear of the existing retail units, where servicing currently takes place and this would not be possible given the location of the Southern Gas Network (SGN) utility equipment. As such this area cannot be relied upon to accommodate deliveries and if larger vehicles are expected they should be accommodated at the proposed site entrance.

The Technical Note responds to this by stating that a clear width of approximately five metres exists between the edge of the utilities enclosure and the existing building and that while this is currently blocked by fencing a gate could be installed along with hatching to restrict parking immediately adjacent to the gate. It continues to state that this arrangement would allow, in the unlikely event that a large articulated vehicle undertook a delivery to be unloaded remotely with staff then ferrying the goods to the proposed development.

However, this proposed gate and hatching is not part of this application and it is unlikely that a driver would be aware of this secondary access and would attempt to use the proposed access. This point also confirms that the applicant would not be able to control what size vehicle would serve the proposed facility.

As part of this application tracking diagrams have been provided ensuring that two cars can pass one another and this is deemed acceptable.

The location of the access is situated where a crash barrier is currently found, this identifies that there is a change in the levels between the footway and the internal site. The applicant has confirmed that the gradient would equate to 1:26 which complies with the Councils standards and as such is deemed acceptable.

The applicant has undertaken a traffic count and speed survey of Rose Kiln Lane to identify the required visibility splay and given the location and classification of Rose Kiln Lane as the A33 this approach is acceptable.

The full surveys submitted as part of the previous submission identified that Rose Kiln Lane accommodates an average total of 15,417 vehicles a day with 6,430 travelling southbound and 8,987 travelling northbound.

The survey information submitted as part of this application seeks to utilize survey data for the hours of 10am and 12pm and 2pm and 4pm in line with DMRB document TA 22/81 Vehicle Speed Measurement on All Purpose Roads. This approach in principle is deemed acceptable however TA 22/81 also states the following when referring to the set up speed survey equipment:

Do not set up the equipment at or near:-

- *a junction*
- *traffic lights (including pelicans)*
- *roadworks*
- *pedestrian crossings*
- *parked or stationary vehicles*
- *considerable frontage access*

- *features where traffic has to slow down, eg, a sharp bend, where the road narrows, a steep gradient, etc.*

The survey was undertaken 150m (approx.) from the signalised junction several visits have been undertaken to the site during the surveyed time as specified above. This has established that the queue from the signalized junction extends back passed the proposed access and through where the survey was undertaken. The applicant has stated that the times of my visits were at a time when adjacent road works have been ongoing further along the A33 which would have skewed any observations. Although some visits have corresponded with these roadworks queues during the surveyed times have been observed when the roadworks have not been in place including when the previous planning application was assessed.

The queues highlighted were not experienced at every cycle of the signalised junction but every other or every third cycle, these queues would therefore have a negative impact on the free flow of traffic along the A33 Rose Kiln Lane.

Appendix 4 and Paragraph 3.2 of DMRB document TA 22/81 Vehicle Speed Measurement on All Purpose Roads states the following on free flow conditions:

Appendix 4

5 Do not take readings during:-

- *morning and evening peaks if these cause congestion*
- *local events, eg market days, local holidays, fetes, race meetings, etc.*
- *bank holidays*
- *weekends*
- *bad weather*
- *high heavy goods vehicle flows*

This procedure should enable an accurate assessment to be made of the speed of vehicles along the road in "free flow" conditions.

Paragraph 3.2

There is no generally accepted definition of this term. However, it may be stated that in free flow conditions headways and lateral displacements are usually so large as to ensure that drivers are in no way prevented, by the close proximity of other vehicles, from driving at the speed of their own choice. These conditions cannot be measured precisely and so it

must be a subjective judgement as to whether or not traffic is in a free flow condition. For the purposes of this document it is considered more helpful to suggest times and circumstances when free flow conditions are most unlikely to occur -

- *Well defined directional morning and evening peaks*
- *Times of high heavy vehicle flow*
- *Directional weekend peaks*
- *Local events (market days,sports events, etc.)*
- *Roadworks*
- *Bad weather*

Additionally, sections of the road under consideration where the layout is likely to restrict speeds to a level markedly below that at other points should be avoided. However, if most of the length consists of such features it is neither desirable nor possible to avoid them.

The applicant has responded to this by stating that ‘*With regards the requirements of TA 22/81 the guidance is written as a guide for the measurement of speeds when setting speed limits. While the majority of the guidance contained therein stands as good practice, it is entirely appropriate, as detailed within the DMRB for junction design, to conduct speed surveys in locations where speeds are restricted by geometry etc for the purposed of ascertaining visibility splays.*’

The quote referenced within DMRB has not been found but the queues experienced would restrict the speed to a level markedly below that at other points of the day when the proposed development and the adjacent units would be operational, as is identified within the submitted speed survey data. As a result we would accept speed survey data for between the hours of 5.30am and 10pm minus the peak hours, and this would be compliant with TA 22/81 which also states the following at Appendix 4:

- 1 Take readings where possible in late spring or early autumn.
- 2 Take readings at different times of the day and on different days of the week. A minimum of two sets is required, for instance, during the morning on one day and during the afternoon on another day.

3 A set of readings must include a minimum of 200 vehicles. However, the longer the period measured the more accurate will be the results. Always take as many measurements as is practical.

4 The preferred times for taking readings are 10.00 - 12.00 and 14.00 - 16.00 hours.

Providing data within the above perimeters will provide a more accurate set of speed survey results given the additional data and will be appropriate for the time the facility will be in operation and therefore generating vehicular movement at the proposed access.

As such updated data should be provided in relation to the speed surveys and updated visibility splays for the junction.

The proposed new access would not solely be for the proposed drive-thru but would be accessible as a secondary access to the wider site. The presence of the access onto the A33 Rose Kiln Lane in this location would become an attractive option for those visitors especially travelling from the west as they would no longer need to travel through the A33 / Rose Kiln Lane signalized junction which as stated within the TS can result in queues.

As a result the applicant has undertaken an assessment of the junction during the peak hours however an inter peak assessment is also required for a weekend (13:00 - 14:00) when flows on the Highway are in excess of those during the PM Peak and the likely demand of the retail park is also likely to be higher.

The applicant has stated that there is no justification for this statement especially as the ATC surveys show the weekday PM peak to have an average two way flow of 1103 vehicles and peak period on a Saturday to be between 12.00 and 13.00 to have a two way flow of 1122 vehicles, a difference of 19 vehicles. However, although the base flows are similar to those of the PM Peak period but the demand at the weekend for the retail park would significantly increase above that calculated for the weekday peak periods.

The applicant has stated that *'Given the large degree of excess capacity demonstrated in the modelling it is considered unlikely that the access will be subject to capacity constraints even under any realistic modelling conditions. It should be noted that right turners into the access will already be passing the access and at peak times will likely already be part of a queue. Those seeking to exit have greater flexibility in terms of route choice and will likely*

redistribute back towards the existing access if delay becomes excessive. As a result, there will not be any material, yet alone severe impact on the local highway network.'

However, no information has been presented that identifies what impact the applicant would expect to occur on a Saturday it has just been assumed that given the junction is within the weekday capacity that the junction would still be within capacity for a weekend. As a result an assessment would be required of the junction for the weekend inter peak.

To determine the existing flows to and from the car park during the Peak Periods a manual count of vehicle movements was undertaken between 8am and 9am and 5pm and 6pm on Tuesday 2nd October 2018 and is agreed. The survey detailed the proportion of traffic which exited onto Rose Kiln Lane and that which exited on to the A33. This showed that 36% of am trips and 39% of pm trips were via Rose Kiln Lane. The assessment for these periods is acceptable.

It has been stated that these figures are similar to distribution figures using census data, as detailed within Appendix M of the TS, which indicated 33% of vehicle trips would be via Rose Kiln Lane. However, this census data only refers to places of work so would only be attributed to staff of the units and not customers so is not relevant in this case.

The junction assessment undertaken also makes no reference to the queues that would extend back from the Rose Kiln Lane / A33 signalised junction. It has previously been requested that this be included within the assessment undertaken.

The applicant has responded by stating that the fact that capacity is restricted, and queuing occurs will be reflected in the form of lower surveyed through flows. It should be noted that Junctions 9 models the two Rose Kiln Lane traffic streams as 'priority streams' for which queuing is not predicted as part of the model, this is the case for all simple priority junctions.

However Manual for Streets 2 states at paragraph 9.2.2 that *'The need for and provision of junctions on new highways, and additional junctions on existing routes, should be assessed in the round, considering a wide range of factors such as the need for access at particular locations, the impact on the size of development blocks, the potential for interaction between adjacent junctions and the consequent effect on user delay and road safety.'*

As such it is essential that any queues from the adjacent signalized junction are included within the assessment of this proposed junction so as to comply with the requirements of the above point within Manual for Streets 2.

Given the above, the junction assessments currently undertaken to date are unable to be agreed.

It should be noted that the Councils Geometric Design Guide also states the following at point 2.4:

For new developments, which will generate an Annual Average Daily Traffic Flow (AADT) of 500 vehicles or under a simple priority junction will be required. For developments generating an AADT of over 500 vehicles the junction will have to be designed so that right turning traffic does not impinge on the flow of traffic on the classified road, which may necessitate the construction of a right turn lane.

In terms of right turn lanes MfS2 states the following at paragraphs 9.4.7 and 9.4.8:

*9.4.7 TD 42/9554 recommends that consideration should be given to providing a right turning lane at priority junctions where the side road flow exceeds 500 vehicles per day, but this advice relates to trunk roads, where there is an emphasis on providing an unimpeded route for through traffic. It is a relatively low flow, and **junctions without right turn lanes will often be able to cater for higher levels of turning traffic without resulting in significant congestion.***

9.4.8 Right turning lanes make it more difficult for pedestrians to cross major roads and lead to higher traffic speeds and authorities should therefore consider carefully all of the effects before deciding to provide them. Removing unnecessary right turn lanes can also be considered, and will bring substantial benefits to nonmotorised users.

The applicant has stated that a right lane is not required given that the junction assessment identifies that the junction would be well within capacity, this would be accepted subject to the additional junction assessments detailed above.

Given the above the creation of the proposed access does not comply with Paragraphs 109 and 110 of the National Planning Policy Framework dated July 2018 which states the following:

109. Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

110. Within this context, applications for development should:

- a) give priority first to pedestrian and cycle movements, both within the scheme and with neighbouring areas; and second - so far as possible - to facilitating access to high quality public transport, with layouts that maximise the catchment area for bus or other public transport services, and appropriate facilities that encourage public transport use;**
- b) address the needs of people with disabilities and reduced mobility in relation to all modes of transport;**
- c) create places that are safe, secure and attractive - which minimise the scope for conflicts between pedestrians, cyclists and vehicles, avoid unnecessary street clutter, and respond to local character and design standards;**
- d) allow for the efficient delivery of goods, and access by service and emergency vehicles; and**
- e) be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations.**

Parking

The proposal includes the redesign of the car park and the provision of additional car parking, from 308 spaces to 317 spaces.

The councils standards requires a provision of 25 parking spaces for a restaurant / café use however as has been stated and agreed above a proportion of use will be linked to the remaining retail park (40% as agreed) and therefore will not require the full quota of additional car parking. The proposed provision of 9 spaces has therefore been deemed acceptable. However, previous applications for the site have identified a current over provision of parking, There would not therefore be any issue with the parking provision remaining the same.

The proposal increases the number of accessible bays but it is noted that one of the bays in the central aisle located to the south of the site does not have a 1.2m aisle width. A revised drawing should be submitted to provide the aisle width for this parking space.

The Councils emerging Local Plan requires a provision of 10% electric charging points, based on this a single charging point would be required. Two electric charging points, in accordance with the emerging Local Plan standards will be provided and these are to be located adjacent to the flank wall of the retail unit to the west of the site. This is deemed acceptable and is illustrated on drawing RLRPRKL_PLN_003 Rev E.

Servicing

No dedicated delivery bay has been illustrated and it has been stated that delivery vehicles can utilize any unused parking bays due the deliveries being scheduled out of hours. Given that there will be times where the majority of the site will be unused this is acceptable to occur in principle, this would however be the subject of a servicing management plan to identify how this will be managed. This management plan will require details on the timings of deliveries and these would need to be scheduled so they are outside the busy periods of the retail park.

As mentioned above the opening hours of the proposed use would be extensive and as a result the location of the bin store has been located further from the junction with Rose Kiln Lane. This location is acceptable but a management plan would be required detailing where the refuse vehicle would be located while the collection is undertaken.

Until sufficient information is provided to address the above, there are highways/transport objections to the proposals.

Design Considerations and Impact on the Character of the Area

Core Strategy Policy CS7 requires that all development must be of high design quality that maintains and enhances the character and appearance of the area in which it is located.

Whilst appearance is a reserved matter, with no indication of the design provided, it is considered that the proposed scale of the building as indicated would not be out of place within the context of the existing retail park.

The proposed appearance, including the detailing and materials to be used together with the landscaping of the site are reserved matters for consideration under a separate Reserved Matters application. It is considered, however, that a building with suitable form, architecture and detailing could be provided within the scale constraints proposed in the current application without undue harm to the character of the retail park or wider area.

Impact on Neighbouring Properties and Future Occupiers

Provided the proposal is acceptable in other planning terms, the detailed assessment of the impact on neighbours and future occupiers from the proposed dwellings would be subject to a Reserved Matters application.

Policy DM4 (Safeguarding Amenity) of the Sites and Detailed Policies Document (2012, 2015) seeks to protect the amenity of existing and future occupiers and Policy CS34 (Pollution and Water Resources) of the Core Strategy (2008, 2015) seeks to protect and mitigate development from pollution.

An indicative layout has been provided. Given the distance to neighbouring properties, with the intervening Rose Kiln Lane and Holy Brook, the proposals are not considered to result in any loss of light, privacy or overbearing impact to any neighbouring property.

Concern has been raised regarding the potential noise. It is considered that the proposed unit would be sufficiently distant from any residential or noise sensitive commercial uses to avoid significant harm arising from any noise or odours from kitchen extract or other air handling plant. Whilst the application does not currently propose any specific kitchen extraction measures, details of such could be covered by a suitably worded condition. Hours of use are also not proposed; however, could also be covered by condition. Furthermore, the Environmental Protection Team have raised no concerns with the proposals.

With regard to the above, it is considered that the proposal would not have a significantly harmful impact on the residential amenities of neighbouring properties and Policy CS34 and Policy DM4 are satisfied.

Impact on Natural Environment

Whilst landscaping is reserved, the scale of the development proposed has a bearing on trees protected by TPOs and the future soft landscaping opportunities for the site.

The proposed building would be within the RPA of T13, a weeping willow. Although hand digging is suggested, it is possible given the nature of the species that roots will be in this area and any root severance would be potentially harmful to the tree. The declining health and condition of this tree is noted and, therefore, it would be unreasonable to object to the application on these grounds. However, by introducing a drive thru under the weeping canopy of the tree, the canopy pruning or pollarding cycle would need to be more frequent and the occupancy under the canopy greater. Any damage to the tree or further pollarding would further deplete the vitality of the tree and speed up the progress of the decay in the trunk. It might not be appropriate therefore to keep the tree (T13) should the application be approved and consideration should be given to removal and replacement of all three weeping willow T13-15. If the trees are to remain, the applicant is advised that a more frequent level of inspection is required given the increased occupancy of the area and condition of the trees.

The applicant is advised that the trees to the north of the site (including those within G2 and T13-15) are subject to TPO Ref: 2/05. These are located outside the red line of development and, therefore, no works could be approved to these trees under the current application. The applicant is advised that a separate Tree Preservation application would need to be submitted, with replacement planting to be specified in support of the application.

Further to the above, it is noted that with in recent months a number of mature trees have been removed along the Reading Link Retail Park, which is disappointing. The application proposed a further four trees to be removed within the site to facilitate the proposal; given these are poor specimen trees, there is no objection to their removal.

The front of the development site is over 60m wide directly fronting on to Rose Kiln Lane and the A33. The proposal indicates four fastigate trees along the frontage, showing fairly mature canopy spreads of 5m, planted at 16-18m spacing. In this respect, four slender trees over a wide frontage are not expected to make any substantial visual impact to the site. The need for fastigate trees in this location is questioned, and it is recommended that a linear group of more densely planted larger specimen trees along the front of the site, such as a continuation of the London Plane which are growing on the far side of the A33, would be more appropriate. Should the application have otherwise been recommended for approval, this could have been secured by way of a suitably worded condition.

Policy DM18, and CS38.

Impact on Ecology

The site comprises hardstanding, a number of trees and a fence along the north boundary of the site (as per Google StreetView), adjacent to the Holy Brook. The proposals will result in the loss of TPO trees, which may have features suitable for use by roosting bats, and in a break of the vegetation adjacent to the river (although this will be partially mitigated by replacement planting). It may also result in an increase in light spillage and overshadowing of the brook, which is also a “priority habitat” (as defined by the NPPF). It could therefore also affect roosting (within the trees), commuting and foraging bats. As such, and in the absence of further information from the applicant, it has not been demonstrated that the scheme is in accordance with the following planning policies:

Para 170 of the NPPF which states that:

“Planning policies and decisions should contribute to and enhance the natural and local environment by: [...] minimising impacts on and providing net gains for biodiversity”

Para 174 of the NPPF which states that:

“To protect and enhance biodiversity and geodiversity, plans should: [...] promote the conservation, restoration and enhancement of priority habitats, ecological networks and the protection and recovery of priority species”

Para 180 of the NPPF which states that:

“Planning policies and decisions should [...] limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation.”

[In Reading the relevant local planning policies are CS36 and CS38 in the Core Strategy and EN12 in the emerging local plan.]

Paragraph 99 of the government Circular 06/05: Biodiversity and Geological Conservation - Statutory Obligations and Their Impact Within The Planning System (this document has not been revoked by the National Planning Policy Framework) states that:

“It is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before the planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision.”

It is therefore recommended that the proposals are refused on the grounds that insufficient information has been provided to determine the effects of the proposals on bats, priority habitats and the adjacent Holy Brook Local Wildlife Site. It has therefore not been demonstrated that the proposals do not conflict with paragraphs 170, 174 and 180 of the NPPF, CS36 and CS38 in the Core Strategy and EN12 of the emerging local plan. Furthermore insufficient information has been provided to determine the extent to which bats, a protected species, will be affected by the proposals which is contrary to Paragraph 99 of the government Circular 06/05.

Impact on Archaeology

The applicant has submitted with their application an archaeological desk-based assessment (Archaeological Solutions, June 2018). The assessment considers the archaeological potential of the application area and the likely impacts of the proposed development upon it.

While the assessment concludes that the application area has some archaeological potential, it notes known and potential impacts on below ground deposits within the site, in particular the construction of the current retail park. It is also noted that there has been previous archaeological investigation within the site (Wessex Archaeology, 1988), albeit on a modest scale, that did not identify any buried remains. The assessment concludes that the site has undergone significant previous ground disturbance.

On this basis, Berkshire Archaeology is content that no further archaeological investigation is therefore merited in relation to this proposal, should the scheme be permitted. No objection.

Impact on Flooding

The site is located within Flood Zone 2, with a small part of the site located within Flood Zone 3, although not the proposed building itself. As such, in practice, the site is considered not to be within Flood Zone 3. Nevertheless, a Flood Risk Assessment is required and has been submitted with the application.

Prior to the FRA being assessed, the scheme is required to satisfy the sequential test, which in summary seeks to steer new development to areas with the lowest probability of flooding (flood zone 1). If the applicant is able to demonstrate that it is not possible to locate development in areas with a lower probability of flooding then the sequential test is considered to be passed. The applicant has submitted a detailed sequential test assessment, which is based on an appropriate geographical area of the entire Reading borough, with the existing site allocations used as an appropriate basis for identifying sites.

The NPPG set out that the area within which the sequential test is applied will vary depending upon the type of development proposed. The NPPG also stipulates that a pragmatic approach to the sequential test should be taken when considering the availability of alternative sites taking on board impracticalities of certain locations. 15 sites have been individually assessed and justifiably discounted on the basis of not being reasonably available or not comparable with the application site (e.g. site area too big). In short, it is considered that the various reasons for ultimately discounting these sites are justified and therefore officers consider that the sequential test has been passed. It is not considered that the exception test is required to be applied in this instance, taking into account the information provided by the applicant and the flood risk vulnerability and flood zone compatibility table within the NPPG.

In terms of the FRA itself, the EA are satisfied with the FRA submitted. This is subject to a condition requiring the provision of a 10m wide buffer zone alongside the Holy Brook. This could be secured by way of a suitably worded condition. As such, in terms of flood risk the proposals are considered to comply with the relevant national and local policies and guidance.

CIL

CIL would apply to the proposal, subject to the usual reliefs or exemptions set out in the CIL Regulations. It is not possible to calculate the CIL charge until full floorspace details are provided at Reserved Matters stage.

Conclusion

RECOMMENDATION: REFUSE