

Ward: Church

App No.: 210854/FUL

Address: 56 Christchurch Road

Proposal: Change of use of ground floor from shop (Class E) to hot food takeaway (Class Sui Generis), and installation of extract duct to rear

Applicant: Coffee Corner

Deadline: 04 August 2021 - extended to 10 December 2021

### RECOMMENDATION

**GRANT** planning permission subject to conditions and informatives.

#### Conditions

1. Time limit
2. Approved plans
3. Materials
4. Amplified music hours permitted
5. Noise levels of plant/equipment restricted
6. Ventilation and extraction (to be approved)
7. Hours of opening
8. Hours of deliveries/waste collection
9. Litter strategy (to be approved)
10. Vehicle parking (to be approved)
11. Bicycle parking (to be approved)
12. Refuse and recycling, including pest/vermin control (to be approved)
13. Deliveries and servicing plan (to be approved)

#### Informatives

1. Terms
2. Building Control
3. Complaints about construction
4. Encroachment
5. Highways
6. Advertisements
7. Pre-commencement conditions
8. Positive and proactive

## 1. INTRODUCTION

- 1.1 56 Christchurch Road comprises a two storey detached building, located at the junction with Whitley Park Lane. The ground floor of the building is vacant and has been so for 15+ years. While advertised as REDserve heating boiler showroom, this use has never been operational. The ground floor was previously in use as a tool hire shop, which translates to a Class E use under the current Use Classes Order. Residential accommodation is located at the first floor, accessed via an external staircase and terrace. A yard, accessed via Whitley Park Lane, is located to the rear of the building.
- 1.2 The site is located within Christchurch Road Local Centre, with the building constituting the western end of the Key Frontage. A tree subject to TPO 18/07 is located to the west of the building. Redlands Conservation Area is

located approximately 25m to the northeast of the site. The site is located within an Air Quality Management Area. The surrounding area comprises a mix of residential and commercial uses.



Site Location Plan



Aerial view of site



Building frontage



Rear yard, accessed via Whitley Park Lane

## 2. PROPOSAL

- 2.1 The proposal is for the change of use of the ground floor from a shop (Class E) to a hot food takeaway (Class Sui Generis), and the installation of an extract duct to the rear elevation of the building. The type of cuisine has not been specified, nor hours of opening to the public, as the end user was not known at the time of submission. During the course of the application,



the agent confirmed that no changes were proposed to the existing yard access off Whitley Park Lane.

### 3. PLANNING HISTORY

901085/FUL - House mobile home for temporary accommodation and security - Refused 25/01/91

950118/CLP - Supply and fitting car tyres - Permitted 04/05/95

991689/FUL - Conversion of roof space into self-contained flat - Permitted 10/01/00

061153/FUL - Change of use of ground floor from hire shop (Class A1) to letting agency (Class A2) - Permitted 18/08/06

121048/FUL - Two storey side and rear extensions and provision of front dormers, to facilitate 3x2 bed and 1x1 bed flats - Withdrawn 16/04/12

121501/FUL - Change of use of ground floor from Class A1 to Class A2 - Withdrawn 29/11/12

130292/FUL - Two storey side and first floor rear extension, to facilitate 2x2 bed and 1x1 bed flats - Refused 05/04/13

181598/PRE - Demolition of existing building, erection of building comprising retail unit and 6 flats - Observations sent 08/01/19

201796/FUL - Change of use of ground floor from shop to hot food takeaway (Class Sui Generis), with alterations to access at rear - Refused 18/03/21

### 4. CONSULTATIONS

#### Statutory

4.1 None undertaken.

#### Non-statutory

#### Reading Borough Transport Development Control

4.2 Sought confirmation on proposed parking arrangements within rear yard. Advised that the proposed use would generate a comparable number of deliveries to a retail use. A Delivery and Servicing Plan would be necessary prior to occupation, to manage how vehicles access the development without creating safety concerns and congestion in the local area. No objections raised, subject to conditions.

#### Reading Borough Environmental Protection

4.3 Raised concerns with regard to the noise impact of the extract duct when operational and cooking odours, on proximate sensitive receptors. Concerns also raised regarding bin storage and rats. Conditions suggested to address these matters prior to the commencement of the use.

## Reading Borough Natural Environment

- 4.4 Noted the large, mature Horse Chestnut, subject to TPO 18/07, adjacent to the site, confirming that it would not be affected by the proposals. Advised that given the small scale of the proposals, no soft landscaping would be required. Raised no objections to the proposal.

## Public

- 4.5 A site notice was displayed. Consultation letters were sent to neighbouring properties and those who had made representations to previous planning applications at 56 Christchurch Road. Twelve representations were received, raising matters summarised as follows:
- Too many fast food takeaways already in the area
  - The parade lacks diversity of uses, particularly retail
  - Proposal would exacerbate existing litter issues
  - Noise and disturbance caused by customers
  - Noise and disturbance caused by the use, including the cumulative impact of extraction equipment
  - Harmful cooking odours would be produced
  - Disturbance to residential amenities of neighbouring properties from delivery and servicing vehicles
  - A lack of parking associated with the site, for staff, customers and delivery/servicing vehicles
  - The proposed use would result in more traffic accidents involving delivery drivers
  - The site is visually unattractive and the proposals do not seek to improve this

## **5. RELEVANT PLANNING POLICY AND GUIDANCE**

- 5.1 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) which also states at Paragraph 11 “Plans and decisions should apply a presumption in favour of sustainable development”.
- 5.2 The following national and local planning policy and guidance is relevant to this application:

### National Planning Policy Framework (2021)

#### Reading Borough Local Plan (2019)

Policy CC1 - Presumption in Favour of Sustainable Development

Policy CC7 - Design and the Public Realm

Policy CC8 - Safeguarding Amenity

Policy EN1 - Protection and Enhancement of the Historic Environment

Policy EN14 - Trees, Hedges and Woodland

Policy EN15 - Air Quality

Policy EN17 - Noise Generating Equipment

Policy TR3 - Access, Traffic and Highway-Related Matters

Policy TR5 - Car and Cycle Parking and Electric Vehicle Charging

Policy RL1 - Network and Hierarchy of Centres

Policy RL3 - Vitality and Viability of Smaller Centres

Policy OU5 - Shop Fronts and Cash Machines

Revised Parking Standards and Design SPD (2011)

**6. APPRAISAL**

Principle of development

- 6.1 The proposal seeks to bring a long-term vacant unit in Christchurch Road Local Centre back into active use. Policy RL1 requires that the vitality and viability of centres be maintained and enhanced. Bringing a vacant unit back into active use is an optimal way of aiding the vitality of a centre. 56 Christchurch Road has a particularly shabby appearance and makes little contribution to the attractiveness of the Local Centre. It is acknowledged that from time to time empty units within centres are inevitable, particularly in the current economic climate. A period of vacancy might be an indicator of a lack of demand for a particular type of service or use, but in this case the unit has been vacant for a significant period in excess of 15 years. It is considered that the lawful occupation and use of the unit is of greater benefit to the viability and vitality of the Local Centre than a vacant one. Subject to other policy considerations outlined below, the principle of the development is acceptable.

Use as a hot food takeaway

- 6.2 The application site constitutes the western end of the Key Frontage (purple line) of Christchurch Road Local Centre (outlined in black).



Christchurch Road Local Centre and Key Frontage

- 6.3 Policy RL3 seeks to resist the loss of retail uses, and restrict the provision of hot takeaway uses, within Key Frontages. The Policy refers to Part A use classes, as they were at the time of the Local Plan adoption in November 2019. The Town and Country Planning (Use Classes) (Amendment) (England) Regulations came into force on 1<sup>st</sup> September 2020. Amongst other changes, the former Part A use classes (including A1 retail and A5 takeaways) were revoked and a new Class E (Commercial, Business and Service) was introduced. Class E covers the former use classes of A1 (retail), A2 (financial and professional services), A3 (restaurants and cafes) and parts of D1 (non-residential institutions) and D2 (assembly and leisure). Hot food takeaways now fall within a Sui Generis use class. Accordingly, the proposals are for a change of use from Class E to Sui Generis.
- 6.4 The use classes amendments have implications for the application of Policy RL3. The Policy states that within Key Frontages development involving a new loss of A1 retail or A2 financial and professional to other 'centre uses' will only be permitted where:
- There would be no more than three consecutive units which are not in A1 or A2 retail use; and
  - The proportion of the total length of the Key Frontage within the centre that is in A1 or A2 use would exceed the relevant proportion (Christchurch Road Local Centre = 60%)
- 6.5 As a result of the use classes amendments, this part of Policy RL3 is now redundant and carries nil weight. The unit subject of this application could change use to a wide variety of non-retail uses without requiring planning permission.
- 6.6 Other parts of Policy RL3 do still apply, including the requirement for 'centre uses' at the ground floor, restricting the number of consecutive takeaways and the total proportion of the Key Frontage in takeaway use. A takeaway constitutes a 'centre use', which satisfies the first part of the Policy. 60 Christchurch Road is in use as a restaurant (a Class E use), and therefore there would not be more than two consecutive takeaway uses, which satisfies the second part of the Policy. As a result of the proposals, three out of thirteen units in the Key Frontage would be in takeaway use. This equates to 23% of the Key Frontage, less than the 30% limit, which satisfies the third part of the Policy. On this basis, the proposed change of use is in accordance with the active parts of Policy RL3.

#### Design and impact on the character of the surrounding area

- 6.7 The proposal includes the installation of an extract duct to the rear elevation of the building. The proposed duct is visually unobtrusive, with only limited visibility from public areas. The installation of the duct is necessary for the functioning of the proposed use and would not significantly detract from the buildings appearance or the character of the surrounding area. As noted above, due to the long-term vacancy of the unit, the site has a somewhat shabby appearance. While no other external alterations are proposed as part of this application, the active use and occupation of the unit will make a more positive contribution to the appearance of the Local Centre than the vacant unit currently does. Officers find no conflict with Policy CC7 on this basis. The applicant is reminded that alterations to the existing shop front, or the installation of signage, may require further planning permission and advertisement

consent respectively.

- 6.8 The proposed use has the potential to generate levels of litter above that of a retail use, which if not properly managed could be harmful to the visual amenities of the area. Two bins for the use of customers have been proposed to the front of the building which is deemed to be acceptable. A condition is applied requiring details of ongoing litter management to be agreed prior to the commencement of the use.

#### Impact on neighbouring residential amenity

- 6.9 The proposed use has the potential to negatively impact upon the residential amenities neighbouring properties. Indeed, many of the representations received to the application raised issues relating to noise and disturbance, smells and the effects of traffic movements. Each of these matters must be sufficiently mitigated to ensure that no significant harm is caused. The closest residential properties are those to upper floors on the Christchurch Road Key Frontage, and along Whitley Park Lane.
- 6.10 The proposed extract duct will be noise generating when operational. In order to determine the noise impact of the duct, the agent supplied a Noise Assessment by Paragon Acoustic Consultants, dated 02/09/21. Policy EN17 states that plant noise level should be at least 10dBa below the existing background level as measured at the nearest noise sensitive receptor. The Noise Assessment was undertaken in accordance with the up to date relevant British Standard and concludes that the required noise environment would be met. Subject to a condition restricting the noise to Policy EN17 levels, the proposed installation of an extract duct would not cause significant harm to neighbouring residential amenities.
- 6.11 The proposed use as a takeaway would generate cooking odours, with the potential to cause harm to neighbouring residential amenities. The details contained within the submission confirm that proposed end user, and therefore cuisine, is not yet known. It is reasonable to apply a condition requiring details of ventilation and extraction to be submitted for approval once the end user is known, prior to the commencement of the use. These details will include an odour management plan, odour control specifications and a maintenance plan, in accordance with up to date DEFRA guidance.
- 6.12 The site forms part of an established Local Centre, containing a number of noise generating uses both during the daytime and into the evening. A level of noise is to be expected from these 'centre uses'. In assessing the suitability of the proposals, it is a question of whether the proposed use would cause a significant degree of harm to proximate residential properties. To limit noise and disturbance arising from the proposed use on neighbouring residential amenities, conditions are applied restricting hours of opening and the playing of amplified music (no later than 11pm), and restricting hours for deliveries/waste collection (between 8am-6pm). Subject to these conditions, harm to neighbouring residential amenities would be sufficiently mitigated, with the proposals in accordance with Policy CC8.

#### Transport

- 6.13 The site includes a small yard to the rear, accessed via Whitley Park Lane. The yard is currently used for parking in an informal manner. As per the



Parking Standards and Design SPD, both the existing and proposed uses would generate a requirement for the same level of vehicle and bicycle parking. The development proposals afford the opportunity for a formalisation of parking arrangements within the rear yard. Conditions are applied requiring details of vehicle and bicycle parking to be agreed prior to the commencement of the use. A further condition is applied requiring details of refuse and recycling, including measures to prevent pests and vermin accessing the storage, to be agreed prior to the commencement of the use.

- 6.14 As per the consultation response from Transport Development Control, the proposed use would generate a comparable number of deliveries as a retail use. In addition to a condition requiring the formalisation of parking, a further condition is applied requiring details of a Delivery and Servicing Plan to be agreed prior to the commencement of the use. The Plan would include details of how vehicles shall access the site without creating safety concerns and congestion to users of the transport network, and to limit the impact of such vehicles on the residential amenities of surrounding residential properties.

#### Equalities Impact

- 6.15 In determining this application the Council is required to have regard to its obligations under the Equality Act 2010. There is no indication or evidence (including from consultation on the application) that the protected groups as identified in the Act have or will have different needs, experiences, issues and priorities in relation to the 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.

## **7. CONCLUSION**

- 7.1 The principle of the change of use of the retail unit to a hot food takeaway has been assessed and found to be acceptable. Subject to conditions, no significant harm would be caused. The proposals are recommended for approval on this basis.

Case Officer: Tom Hughes



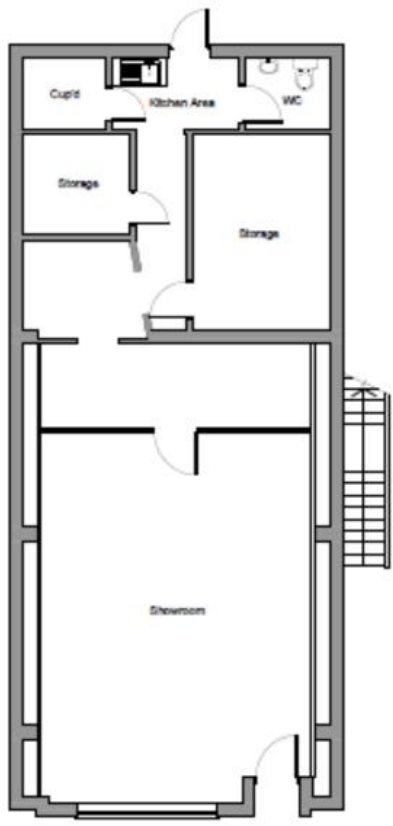
BLOCK PLAN  
(SCALE 1:200)



SITE LOCATION PLAN  
(SCALE 1:1250)

PLEASE NOTE THAT THE CURRENT COLMAP AVAILABLE FOR THE LOCATION FROM WHICH WE OBTAINED OUR FIGURES, PLEASE CONSULT THE PLANNING DEPARTMENT FOR THE AREA FOR MORE RECENTLY SAVED TOPOGRAPHY.

Site Location and Proposed Site Plan



GROUND FLOOR EXISTING

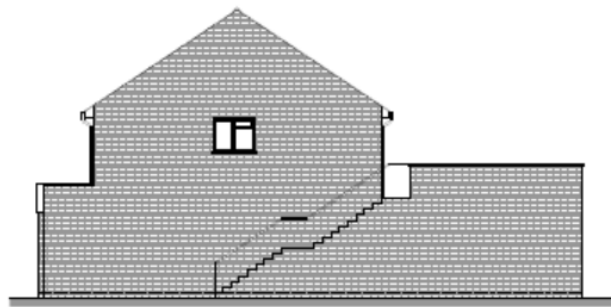


GROUND FLOOR PROPOSED

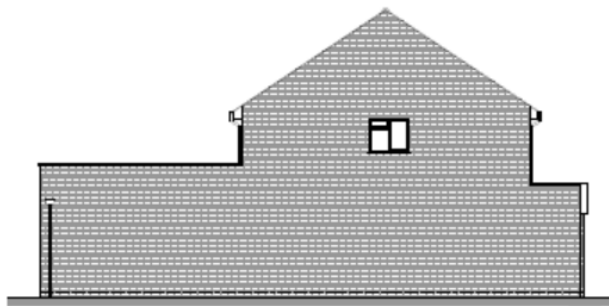
Existing and Proposed Ground Floor Plans



FRONT ELEVATION (N) EXISTING & PROPOSED  
(N.D. 04/2018)



SIDE ELEVATION (N) EXISTING & PROPOSED  
(N.D. 04/2018)



SIDE ELEVATION (S) EXISTING & PROPOSED  
(N.D. 04/2018)



REAR ELEVATION PROPOSED

## Proposed Elevations