

DELEGATED APPLICATION REPORT

Application No: 211289/FUL

Address: 734-736 Oxford Road, Reading, RG30 1EH

Proposal: Change of use from retail (Class E(a)) to hot food takeaway (Sui Generis use class)

Case Officer: David Brett

Applicant: Ms Ami Dave

Received on: 05/08/2021

Valid from: 10/02/2022

Target Date: 27/04/2022, extension of time on decision agreed with agent from 07/04/2022

Site Description and Surrounding Area

The proposal site is an end terraced building location on Oxford Road, next to The Pond House pub. As existing the ground floor unit is occupied by Amee's Kitchen, with residential flats to the first and second floors.

The proposal site is not within a Conservation Area or Listed.



Fig 1. Front of 734-736 Oxford Road. Photo taken by case officer on 01/04/2022

Proposal

This application seeks the following:

- Change of use of 734 to 736 Oxford Road to a hot food takeaway (Sui Generis Use Class).

The delay in validation for this application was due to the submission of an odour assessment, as per the validation requirements for this change of use application. An odour assessment was forthcoming on 10/02/2022, with the application being made valid on that date. It is also noted that the shopfront to 734-736 Oxford Road was changed on February 2022 to as it appears in figure 1 above. Figure 2 below shows 734-736 Oxford Road as it previously existed prior to the works as evidenced in Figure 1.



Fig 2. Front of 734-736 Oxford Road. Image retrieved from Google Street View on 21/04/2022, image captured in October 2020

Plans/Documents Considered

The following plans and documents have been supplied for this application:

- Block/Site Plan
- Site Location Plan
- ~~- Existing HB0621/01~~
- ~~- Proposed HB0621/01~~

Received on 05/08/2021

- ~~- Proposed Rear Elevation Extraction~~

Received on 18/08/2021

- Noise Impact Assessment - Technical Report - 37396-R1

Received on 03/11/2021

- Proposed Extract Ventilation System
- Proposed Kitchen Extract Ventilation System

Received on 10/02/2022

- Site Plan & Location Plan - ART/2022/CU734OR/SPLP

Received on 12/03/2022

- Existing Elevations - ART/2022/FLUE734OR/EE
- Proposed Elevations - ART/2022/FLUE734OR/PE
- Existing & Proposed Floor Layouts - ART/2022/FLUE734OR/ELPL

Received on 16/04/2022

Relevant Planning History

150026/OPA - Change of use of building from Class B1(a) (offices) to C3 (dwelling houses) to comprise 1 x 1 bed flat, 1 x 2 bed flat and 1 x studio flat. - Application Withdrawn on 27/02/2015

150626/FUL - Change of use of existing shop A1 Use to residential apartment C3 Use including alterations to the front and side elevations - Application Withdrawn on 03/06/2015

150641/OPA - Change of use of part ground floor and basement from Class B1(a) Offices to C3 (dwelling houses) to comprise 1 x 2 bed and 1 x 1 bed flats. Prior Notification under Class O, Part 3 of Schedule 2 of the Town and Country Planning (General Permitted Development)(England) Order 2015. - 03/06/2015

Internal Consultations

Reading Borough Council, Transport - Responses received on 09/03/2022 and 15/03/2022

- The proposed change of use from Class E to a hot food takeaway will have negligible impact in terms of Transport as the existing use does not have any associated parking and none is to be provided for the takeaway.
- Clarification is required as to how the unit will be serviced for receiving deliveries due to the strict parking restrictions on Oxford Road.
- Upon review of 'Site Plan & Location Plan - ART/2022/CU734OR/SPLP' received on 12/03/2022; there are no Transport objections to the application as no change is proposed to the existing arrangement. The plan provided demonstrates the existing servicing arrangements to the rear of 734-736 Oxford Road

Reading Borough Council, Environmental Protection - Response received on 14/02/2022.

- Concerns regarding noise arising from development, odour from kitchen extraction, delivery hours, opening hours and waste collection.

External Consultees

730 Oxford Road, Reading, RG30 1EH - No response received.

732 Oxford Road, Reading, RG30 1EH - No response received.

The Pond House Ph, 738 Oxford Road, Reading, RG30 1EH - No response received.

Flat 1, Sulham Place, Pangbourne Street, Reading, RG30 1FG - No response received.

Flat 2, Sulham Place, Pangbourne Street, Reading, RG30 1FG - No response received.

Flat 3, Sulham Place, Pangbourne Street, Reading, RG30 1FG - No response received.

Flat 4, Sulham Place, Pangbourne Street, Reading, RG30 1FG - No response received.

Flat 5, Sulham Place, Pangbourne Street, Reading, RG30 1FG - No response received.

Flat 6, Sulham Place, Pangbourne Street, Reading, RG30 1FG - No response received.

732A Oxford Road, Reading, RG30 1EH - No response received.

732B Oxford Road, Reading, RG30 1EH - No response received.

A site notice was displayed on Saturday 12th February 2022, expiring on Saturday 5th March 2022. No responses have been received.

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. The Development Plan for Reading relevant to the application site comprises the Reading Borough Local Plan (adopted November 2019).

The 'National Planning Policy Framework' ('NPPF') 2021 states clearly that its content is to be a material consideration in the determination of applications. The 'NPPF' states that due weight should be given to the adopted policies of the Local Plan 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).

Relevant Policies

The application has been assessed against the following policies:

National

National Planning Policy Framework 2021;
National Planning Policy Guidance 2014 onwards;

Reading Borough Local Plan (November 2019)

- CC5: Waste Minimisation and Storage
- CC7: Design and the Public Realm
- CC8: Safeguarding Amenity
- EN15: Air Quality
- EN16: Pollution and Water Resources
- EN17: Noise Generating Equipment

Other documents

Design Guide to Shopfront SPD (Adopted January 2022)
Revised Parking Standards and Design SPD (2011)

Appraisal

The main issues considered for these three separate applications are as follows:

- a) Principle of Development
- b) Design and Access
- c) Safeguarding Amenity
- d) Air Quality
- e) Other Matters

a) Principle of Development

The application site is not located within a smaller centre as defined in Policy RL3 of the Reading Borough Local Plan and is not part of a key frontage. The existing use of the ground floor at 734 to 736 Oxford Road is as a retail unit, for which a change of use is sought to a hot food takeaway, which is in the Sui Generis use class. There are no restrictions to the land that would restrict the change of use from a retail class to hot food takeaway.

Therefore, the principle of the development proposed is acceptable, provided that the policy requirements of the Reading Borough Local Plan are satisfied.

b) Design & Access

Policy CC7 of the Reading Borough Local Plan also requires developments to respond positively to their local context and create or reinforce local character and distinctiveness.

The proposed extraction system serving the proposed use as a hot food takeaway will be located to the rear of the premises and would not be viewable from the highway. Therefore, there is considered to be no meaningful change to the character and appearance of the proposal site or the surrounding area as a result of this application.

With regards to the alterations to the front of 734-736 Oxford Road, which the agent confirms took place in February 2022, after the submission of this planning application. The alterations to the shopfront are considered a minor variation in terms of the overall appearance of the shopfront to how it existed in Figure 1. The changes consist of the removal of the red brick stallriser, with the rest of the changes are considered like for like in terms of a modern shopfront. The overall appearance of the shopfront is retained with the central entrance and glazing. The appearance of the shopfront as a result of the works in February 2022 are considered in accordance with Policy OU5 of the Reading Borough Local Plan. The change of use to Sui Generis (hot food takeaway) will retain the appearance of a shopfront.

It is acknowledged that a graphic vinyl covering half of the glazing to the shopfront is present, along with new fascia signage. These elements will need to be considered under a separate application for Advertisement Consent.

Upon visiting the site, it was discovered that the ventilation extraction equipment had already been installed (see figure 3). The ventilation system has been demonstrated on existing and proposed plans and elevations. The equipment is not considered to harm the character and appearance of the building or the surrounding area as the equipment is located to the rear of the building and is obscured from the street scene.



Fig 3. Rear of 734-736 Oxford Road. Ventilation and extraction equipment outlined in red. Photo taken by case officer on 01/04/2022.

The proposed development is therefore considered in accordance with Policy CC7 of the Reading Borough Local Plan.

c) Safeguarding Amenity

This proposal has also been assessed against Reading Borough Local Plan policy CC8: Safeguarding Amenity, which states that proposals are acceptable where they will not cause a detrimental impact on the living environment of existing residential properties with regard to various factors, including:

- Noise and disturbance
- Smell

Concerns were raised by the Reading Borough Council Environmental Protection Officer regarding harmful levels of noise and odour arising from the development, in accordance with policies EN16 and EN17 of the Reading Borough Local Plan. These concerns were brought to the attention of the agent. Officers agree with the concerns raised by Environmental Protection, with particular regard to the living conditions of the flats above the proposed hot food takeaway. Therefore, the noise and odour implications as a result of the proposed development have been further considered by officers.

Regarding the noise concerns; a noise assessment has been provided in relation to the proposed plant to the rear of the premises. The noise assessment report provided concludes that the proposed plant will not exceed -10dB. The plant will not exceed background noise so adverse impact on the local noise climate are unlikely. Therefore, there are no objections to any noise arising from the proposed plant and a condition is recommended to ensure that the proposed plan remains at least 10dB below the pre-existing background sound level. This is to safeguard the amenities of the adjoining

premises and the area generally, in accordance with Policy CC8 and EN17 of the Reading Borough Local Plan 2019.

There are also concerns regarding noise arising from business at the premises, such as the delivery of goods, collection of trade waste, and opening hours. Therefore, conditions have been recommended to restrict the times in which these activities can take place in order to protect the living conditions of nearby residents in accordance with Policies CC7 and CC8 of the Reading Borough Local Plan.

Very limited information has been provided by the applicant with regards to odour assessment and control. Odour arising from the development is a very serious concern in this instance due to the proposed use as a hot food takeaway and the implications that this may have on the living conditions of nearby residents, with particular concern to the flats above 734-736 Oxford Road. Details of the proposed ventilation system have been provided, but a full assessment of potential odour with reference made to the EMAQ guidance on the Control of Odour and Noise from Commercial Kitchen Exhaust Systems (Sept 2018) or the (withdrawn) DEFRA version (Jan 2005) has not been carried out. Therefore, the impact of the proposed plant on the living conditions of neighbouring residents cannot be definitively assessed at this time.

The agent has confirmed that the extraction and ventilation installed is as per the information submitted on 10/02/2022. The agent has stated that the equipment is not yet operational as there is no cooker inside the premises. It is considered that odour concerns can be suitably overcome, however, an odour assessment needs to be carried out to demonstrate that the extraction system would not result in odours that would harm the living conditions of nearby residents. In particular to the flats on the first and second floors.

A pre-commencement condition will be attached to any approval of this application requiring an odour assessment to be carried out in line with the requirements as discussed above. This assessment will need to be submitted to and approved by the Local Planning Authority prior to the first use of 734-736 Oxford Road as a hot food takeaway. The wording and the implications of the pre-commencement condition have been made clear to the agent, and the pre-commencement condition for an odour assessment has been agreed.

It is also considered necessary to secure details of the litter strategy proposed for the use of the premises as Sui Generis (hot food takeaway). This is to safeguard the amenities of the adjoining premises and the area generally, in accordance with Policy CC7 and EN16 of the Reading Borough Local Plan 2019.

The proposal was further considered against the criteria specified within Policy CC8 of the Reading Borough Local Plan. It is considered that subject to the requirements of the above discussed conditions being met; the proposed development would not harm the amenity of the surrounding area in accordance with Policy CC8 of the Reading Borough Local Plan.

d) Air Quality

This proposal has been considered against Reading Borough Local Plan policy EN15, as the proposal site is within an Air Quality Management Area (AQMA). As demonstrated in the policy, this proposal does not meet the requirements for an Air Quality Assessment (AQA) and is considered not enough of a detrimental impact air quality to warrant such an assessment due to the size and scale of the proposal.

e) Pre-Commencement Conditions

All pre-commencement conditions were agreed with the agent in accordance with Section 100ZA (5) of The Town and Country Planning Act 1990.

Conclusion

The development has been assessed and the works are considered to be in accordance with the above relevant policies and planning permission and Listed Building consent can be granted.

Recommendation

GRANT

Conditions

TL1: Time Limit (Standard)

The development hereby permitted shall begin no later than three years from the date of this planning permission.

REASON: In pursuance of Section 91 of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004) in order to prevent an accumulation of unimplemented planning permissions.

AP1: Approved Plans

The development hereby permitted shall ONLY be carried out in accordance with the following approved plans:

- Block/Site Plan
- Site Location Plan

Received on 05/08/2021

- Noise Impact Assessment - Technical Report - 37396-R1

Received on 03/11/2021

- Proposed Extract Ventilation System
- Proposed Kitchen Extract Ventilation System

Received on 10/02/2022

- Site Plan & Location Plan - ART/2022/CU734OR/SPLP

Received on 12/03/2022

- Proposed Elevations - ART/2022/FLUE734OR/PE
- Existing & Proposed Floor Layouts - ART/2022/FLUE734OR/ELPL

Received on 16/04/2022

REASON: For the avoidance of doubt and to ensure that the development is carried out and adhered to in accordance with the application form and associated details hereby approved.

M1: Materials (To Match)

The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used on the existing building.

REASON: In the interests of visual amenity and ensuring the new development responds positively to the local context and character in accordance with Policy CC7 of the Reading Borough Local Plan 2019.

Opening Hours

The premises shall not be used by members of the public outside the hours of 11:00am to 11:00pm on Mondays to Fridays, 11:00am to 11:00pm on Saturdays, and 11:00am to 11:00pm on Sundays or Bank Holidays.

REASON: In order to protect local residents from unreasonable disturbance arising from the use in accordance with Policy CC7 and CC8 of the Reading Borough Local Plan 2019.

Hours Of Deliveries/Waste Collection

Hours for deliveries and/or waste collection are restricted to 8 am to 8 pm.

REASON: In order to protect local residents from unreasonable disturbance arising from the use in accordance with Policy CC7 and CC8 of the Reading Borough Local Plan 2019.

Litter Strategy

Prior to the first occupation of any Sui Generis (hot food takeaway) use hereby permitted, details of a litter strategy shall be submitted to and approved in writing by the Local Planning Authority. The approved measures within the strategy shall be implemented prior to the first occupation of the Class Sui Generis (hot food takeaway) use and be permanently retained and maintained thereafter.

REASON: To safeguard the amenities of the adjoining premises and the area generally, in accordance with Policy CC7 and EN16 of the Reading Borough Local Plan 2019.

Odour Assessment Prior to First Use

The approved use hereby permitted shall not commence until an odour assessment has been carried out and a detailed odour management plan to include scaled plans, odour control specifications and a maintenance plan has been submitted to and approved in writing by the Local Planning Authority. Reference shall be made to the EMAQ guidance on the Control of Odour and Noise from Commercial Kitchen Exhaust Systems (Sept 2018) or the (withdrawn) DEFRA version (Jan 2005) when assessing potential odours and selecting appropriate odour control methods. When assessing potential odours, the assessment shall consider the full range of cooking types that may be conducted under the permitted use. Thereafter, the development shall not be carried out other than in accordance with the approved scheme unless otherwise agreed in writing by the Local Planning Authority.

REASON: These details are required due to insufficient information being contained within this submission and to safeguard the amenity of adjoining properties and to protect the general environment in accordance with Policy CC8 of the Reading Borough Local Plan 2019.

Noise Levels Of Plant/Equipment Restricted

The specific sound level of the plant/equipment hereby approved, (LAeq,TR) (with reference to BS:4142) as measured at a point 1 metre external to the nearest noise-sensitive facade shall be at least 10dB below the pre-existing background sound level, LA90,T when all plant/equipment (or any part of it) is in operation. The rating level, LAr,Tr (specific sound level plus any adjustment for the characteristic features of the

sound) as measured at a point 1 metre external to the nearest noise-sensitive façade (habitable window of a dwelling) shall not exceed the pre-existing background sound level, LA90,T when all plant/equipment (or any part of it) is in operation.

REASON: To safeguard the amenities of the adjoining premises and the area generally, in accordance with Policy CC8 and EN17 of the Reading Borough Local Plan 2019.

Informatives

IF1: Positive and Proactive Working - approval

The Local Planning Authority has worked positively and proactively with the applicant to resolve relevant matters to allow permission to be granted within the agreed timescale for the decision to be issued.

IF5: Terms

Your attention is drawn to the terms and conditions of this permission. Any development which is carried out but which differs materially from the approved plans and details, or does not comply with any condition(s) or planning obligation(s) attached to the permission may result in the Council taking action to remedy the breach of planning control. If you are in any doubt please contact the Council.

IF6: Building Control

Your attention is drawn to the possible requirement for submission of a Building Regulations application for the proposed development. Please contact Building Control on 0118 937 2449 for advice.

IF7: Complaints about construction

Complaints are commonly received about noise and dust caused by construction and demolition works, particularly working outside reasonable hours and smoke from bonfires associated with the burning of waste on site. The developer is reminded that construction and demolition associated with the approved development will be subject to environmental health law.