

TOWN AND COUNTRY PLANNING ACT 1990

The Town and Country Planning (Development Management Procedure) (England) Order 2015

To: K Designs
Mr Kashif Bashir
1 Henry Road
Slough
SL1 2QN

Application No: 210170
Application type: Class C(a) - Change of use from A1 shops or A2 financial & professional, betting office, pay day loan shop or casino to A3 restaurants and cafes & Class C(b) building or other operations for the provision of facilities for—
(i) ventilation and extraction (including the provision of an external flue), and
(ii) the storage of rubbish, reasonably necessary to use the building for a use falling within Class A3 (restaurants and cafes) of that Schedule

**APPLICATION FOR PRIOR APPROVAL
UNDER CLASS C, PART 3 OF SCHEDULE 2 TO THE TOWN AND COUNTRY
PLANNING (GENERAL PERMITTED DEVELOPMENT) (ENGLAND) ORDER 2015**

Applicant: Mr G Haylat

READING BOROUGH COUNCIL as Local Planning Authority give notice that the prior approval of the Local Planning Authority is **REFUSED** for the following development.

Proposal: Notification of Prior Approval for a Change Of Use from Retail, betting office or pay day loan shop or casino (Class A1 (shops) or Class A2 (financial and professional services)) to restaurant or cafe (Class A3). Prior Notification under Class C, Part 3 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015.

At: 232 Northumberland Avenue Reading RG2 7QA

For the attached reasons

PLEASE READ THE NOTES ISSUED WITH THIS DECISION NOTICE

Date: 30 March 2021



Head of Planning, Development
& Regulatory Services

Application At: 232 Northumberland Avenue Reading RG2 7QA

Application No: 210170

Application type: Class C(a) - Change of use from A1 shops or A2 financial & professional, betting office, pay day loan shop or casino to A3 restaurants and cafes & Class C(b) building or other operations for the provision of facilities for—

(i) ventilation and extraction (including the provision of an external flue), and
(ii) the storage of rubbish, reasonably necessary to use the building for a use falling within Class A3 (restaurants and cafes) of that Schedule

REASONS FOR REFUSAL

1. The categories of development requiring prior approval appear in different parts of Schedule 2 of the Town and Country Planning (General Permitted Development)(England) Order 2015, or amended by the Town and Country Planning (General Permitted Development)(England)(Amendment) Order and again amended in September 2020. This allows the change of use under Class C of a retail shop (was A1 but now Class E) to a Restaurant (was Class A3 but now also Class E) but it does not allow the change of use to a mix of A3 and A5 (with A5 uses now being Sui generis uses). Therefore, it is the Council's opinion that the proposed mixed use of this retail unit does not fall within what can be accepted as permitted development under Class C and therefore must be refused.

2. Furthermore, Class C confirms that “where the development proposed is development under Class C(a) together with development under Class C(b), development is permitted subject to the condition that before beginning the development, the developer must apply to the local planning authority for a determination as to whether the prior approval of the authority will be required as to—

(a) noise impacts of the development, **We are not satisfied with the noise assessment provided.**

(b) odour impacts of the development, **We are not satisfied with the details provided**

(c) impacts of storage and handling of waste in relation to the development, **no objection**

(d) impacts of the hours of opening of the development, **We are not satisfied with the late openings in combination with the existing take-away businesses in the area**

(e) transport and highways impacts of the development, **No objection as parking facilities are there**

(f) whether it is undesirable for the building to change to a use falling within Class A3 because of the impact of the change of use—

Date: 30 March 2021



Head of Planning, Development
& Regulatory Services

(i) on adequate provision of services of the sort that may be provided by a building falling within Class A1 or, as the case may be, Class A2, but only where there is a reasonable prospect of the building being used to provide such services, or

(ii) where the building is located in a key shopping area, on the sustainability of that shopping area, and **THIS OBJECTION APPLIES - THIS IS AN IDENTIFIED LOCAL CENTRE WHERE RESTRICTIONS APPLY TO PROTECT RETAIL USES.**

(g) the siting, design or external appearance of the facilities to be provided under Class C(b), and the provisions of paragraph W of this Part apply in relation to that application. **The external flue will detract from the appearance of the site and would harm residential amenity.**

3. The proposed loss of retail use to a mixed use of restaurant and take-away would result in a proliferation of non- A1 units within the Northumberland Avenue Local Centre. As a result the proposal would be contrary to Policy RL1: Network and Hierarchy of Centres and RL3: Vitality and Viability of Smaller Centres of the Reading Borough Local Plan 2019 and the proposed design and siting of the external flue would lead to the loss of amenity for local residents in terms of appearance contrary to Policy CC7: Design and the Public Realm.

4. The applicant has failed to suitably demonstrate that the proposed A3/ A5 unit, owing to its proximity to residential dwellings, would not cause a significant detrimental impact to the living environment of neighbouring properties in terms of noise disturbance and smells contrary to Policy CC8: Safeguarding Amenity of the Reading Borough Local Plan 2019.

INFORMATIVES

1. Notwithstanding that the Council considers that the change of use being sought by this prior approval application falls outside what Class C can be used for the Council has applied the criteria for Class C for completeness and has found that the proposal fails against a significant number of these. Further reasons for refusal are then attached to make clear the policy basis for resisting the proposed development.

2. The application has been assessed against the information and plans submitted

F6 V.2 - Proposed Back View Plan

F8 V.2 - Proposed Front View Plan

F4 V.2 - Proposed Side View Plan

Noise Assessment Report - Centrifugal Fan by GDS Group

Date: 30 March 2021



Head of Planning, Development
& Regulatory Services