



**Planning Statement for
Change of use of ground floor retail shop to a mixed A3/A5
(Restaurant and hot food takeaway)**

At

**81 Whitley St
Reading**

**Prepared by PlanRight UK Ltd
March 2020 on behalf of
Dallas Chicken and Pizza Franchise**

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INTRODUCTION

The proposal is for a change of use of the existing vacant (A1) shop to a mixed Restaurant/hot food takeaway (A3/A5).

The site comprises a ground floor retail unit with residential above storage above at 81 Whitley Street. The site is located on the edge within the Whitley shopping area which is designated as a Major local Centre.

The proposal is to utilise the ground floor shop premises for a mixed A3/A5 use. Approximately 42 square metres of the shop floor is to be used as a customer service area including a seating area. Toilets are also available to the rear of the shop.

The application seeks a change of use only with no alterations to the existing shopfront. An external flue is proposed at the rear.

PLANNING POLICY

Section 38 (6) of the Planning and Compulsory Purchase Act 2004 requires planning applications to be determined in accordance with the Development Plan, unless other material considerations indicate otherwise. The approved Development Plan in relation to this site comprises the Reading Local Plan (2019).

The following policies are relevant:

RL3: VITALITY AND VIABILITY OF SMALLER CENTRES

CC8: SAFEGUARDING AMENITY

National Guidance sets out its agenda through the publication of the National Planning Policy Framework (2019) requiring, amongst other things, the achievement of sustainable development, building a strong competitive economy, and sustainable transport.

National Planning Policy Framework (NPPF) 2019

The NPPF advocates the presumption in favour of sustainable development and at paragraph 11 requires LPA's to approve sustainable development proposals that accord with the development plan without delay.

The NPPF does not contain any specific policy on particular uses (or mixes of uses) in town centres but requires local planning authorities to have planning policies that are positive and promote competitive town centre environments. Paragraph 19 of the NPPF states that the planning system should do everything it can to support sustainable economic growth.

Site & Surroundings

The site comprises a ground floor retail unit situated at the end of Whitley Street within the Whitley Local Centre. The unit is currently vacant with the previous use as a money lending shop.

Planning History

A previous application in March 2019 for the change of use to an A5 take-away was submitted but returned as it had not met the validation criteria.

Planning Assessment

The principle issues relating to the proposed development are the principle of development, the residential and visual impacts on the amenities of neighbouring occupiers and the parking/servicing requirements of the proposal.

Principle of development

The site relates to a vacant retail shop. The unit has been vacant for some time and bringing it back into use would benefit not only the vitality of the shopping area but would also improve the visual amenities. It is important to emphasise that the use proposed by the application is a mixed A3 use, i.e. one comprising elements of both restaurant use and hot foot takeaway use, with an area of seating for customers wishing to 'eat-in' and customer toilets provided. There are no other similar 'mixed-uses' within the local centre although the 3 existing restaurants do offer a take-away facility along with 6 'typical' hot food takeaways within the street.

Policy RL3 states that: *Within the Key Frontages (identified on the Proposals Map), development involving a net loss of A1 retail or A2 financial and professional to other 'centre uses' will only be permitted where:*

- *There would be no more than 3 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 below: Whitley Major local centre is 40%.*
- b) *Within district, major local and local centres, development will be permitted provided that:*
- *There would be no more than 2 consecutive takeaways and no more than 30% of the key frontage would be in 'takeaway' use and;*
 - *There would be no net loss of 'centre uses' to 'non-centre' uses at the ground floor except in exceptional circumstances. On upper floors, other uses including residential ('living over the shops') will be acceptable.*
- c) *Within and adjacent to district, major local and local centres, all new development should provide some 'centre uses' at the ground floor, unless it can be clearly demonstrated that this would not be possible or appropriate.*

- d) *Where the Key Frontages within a centre as identified on the Proposals Map are proposed to significantly change, or have already significantly changed, as a result of redevelopment, meaning that criteria a) and b)*

cannot be applied, proposals should ensure that a strong retail character is retained within the ground floor of the centre, and that ground floor concentrations of consecutive units not in A1 or A2 use, in particular A5 takeaways, are avoided.

The application is accompanied by a Retail Study undertaken in February 2020 which details the uses of each ground floor unit on Whitely Street.

Of the 32 ground floor units that are located within the local centre these are broken down as follows:

A1/A2 - 20 units (includes Corals Betting shop which although technically a *sui-generis* use but as no planning permission has been found then it is assumed that it is trading within A1 use)

A3 – 3 units

A5 – 6 units

Others – 3 units (Dental surgery and 2 x residential units)

The proposal complies with RL3 for the following reasons;

The proposed use would not create a consecutive run of 3 takeaways.

The proposed use would not result in there being less than 40% of units being within A1/A2 use

The proposed use would not result in there being more than 30% of A5 units within the local centre

The proposed use is a 'centre' use as included on the list at 4.6.16 of the Local Plan (2019)

The principle of development is considered acceptable.

Residential impact

One of the key concerns of planning is to ensure that new development does not reduce the quality of the environment for others, particularly where it would affect residential properties.

The following policy is considered relevant.

CC8: SAFEGUARDING AMENITY

Development will not cause a detrimental impact on the living environment of existing residential properties or unacceptable living conditions for new residential properties, in terms of:

Noise and disturbance

Artificial lighting;

Vibration;
Dust and fumes;
Smell;
Crime and Safety

As well as immediate impacts, other aspects to which this policy applies will include matters such as hours of operation of businesses, and effects of traffic movements, particularly of heavy goods vehicles (HGVs).

The accompanying text states that: Planning conditions can also be used to deal with matters such as the installation of extraction systems, hours of operation, or preventing a development from changing its character.

The following parts of the Policy are considered relevant when considering the proposed change of use.

Noise & Disturbance

There are residential flats above this unit, the tanning shop and the Indian restaurant. The majority of the shops along Whitley Road also have residential accommodation above. Highgrove St to the rear is mainly residential.

The business is proposed to open between 11 AM-1AM every day.

Due to the unit being within a major local centre, and on a bus route, there would already be some noise and disturbance to local residents, and it is not considered that the proposed business opening hours would cause significant loss of amenity. The applicant is willing to accept a Condition on hours of opening.

Odour/Smell

Restaurants and Take-aways by their very nature transmit food smell/odour into the atmosphere. However, this can be restricted by the use of extraction systems that are fit for purpose. The proposal would be fitted out with new systems and the proposal includes an extract duct adjacent to the servicing /delivery access (as shown on drawing no 365/05). This would be located where there are currently 3 air conditioning units on the easts side of the projecting gable on the south elevation. Although this would be visible within the street scene when viewing the property from the east, its proposed position is away from habitable rooms serving the first floor flat and as it terminates above eaves height would disperse odour/smells at a higher level than the first-floor windows. In this regard, the location of the extract chimney is acceptable. Further technical information on the extraction system accompanies the application.

Parking & Servicing

The unit is situated on a corner. There is no parking immediately to the front of the shop as the entire area fronting the unit is enclosed with bollards. Typically, the proposed use would have up to 2 deliveries a week in a small van.

There are two parking spaces associated with the lease on the unit accessed via Highgrove St and these would be available for deliveries and/or staff parking. There are also loading bays along Whitely St and these can also be used if required. There is side/rear access to the shop and all deliveries will be brought in through this entrance.

Refuse

All waste is to be collected through a private company.

Conclusion

The relevant policies within the Local Plan seek to provide the continued viability of the area and the residential and visual amenities of neighbouring occupiers and users. The proposed use is an appropriate use of a vacant retail unit which is both sustainable and accessible.

Restaurants and take-aways form part of the vitality of a town centre and the proposal seeks to provide both a dining in as well as a takeaway service for customers. The unit is a vacant shop which is an eye sore to the area. The proposed use would improve not only the vitality of this area but would also improve visual amenity. The proposal will uplift the character and appearance of the premises within the immediate vicinity and also alleviate fears of crime and safety that potentially could come about with the empty unit being broken into or used for criminal activity.

The only external alteration is for an extraction flue, which, although visible when viewing the premises from the south and east is located in a position where it is least likely to have any undue impact on the first floor occupiers of the flat above in relation to potential smell/odour from cooking.

The proposed opening hours are typical of such a use and unlikely to have a significant impact on local residential amenity.

The accompanying retail study shows the number of A1/A2/A3/A5 and other uses within the immediate area and the proposal accords with the Council's retail policy RL3.

The proposed use will not only contribute to the vitality and viability of the area it will not cause harm to residential amenity through noise and disturbance, smell/odour or intensification of traffic/parking in accordance with Policy CC8.

Both Policy CC1 and the NPPF encourage sustainable development and there are no other material considerations which outweigh current policy. Therefore, under the provisions of the Planning and Compensation Act 2004 this application should be approved.