

PRIOR APPROVAL REPORT**Target Date:** 28/04/2020**Address:** 25 Church Road**Application No:** 192006/SRP**Applicant:** Ms Sam Smith and Mrs Susie Jackson**Case Officer:** James Schofield**Introduction:**

The application site contains an end of terrace property on the north side of Church Road and on the corner with St Anne's Road. This application relates to the ground floor use of the application property. Currently the application property is classed as A1 (grocers, off-license, newsagents, tobacconist). The site is within the St. Peters Conservation Area.

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.

A site notice has been displayed at the application site providing 21 days for representations to be received. No representations have been received.

Relevant policies and supplementary planning guidance:**Legal context**

Class C(a) allows development consisting of a change of use of a building and any land within its curtilage to Class A3 (restaurants and cafes) from a Class A1 (shop).

Before development can be carried out under **Class C(a)**, the developer must apply for a determination as to whether prior approval is required in respect of:

- i. noise impacts of the development
- ii. odour impacts of the development
- iii. impacts of storage and handling of waste in relation to the development
- iv. impacts of hours of opening of the development
- v. transport and highways impacts of the development
- vi. whether it is undesirable for the building to change to a use falling within Class A3 (restaurants and cafes) of the Schedule to the Use Classes Order because of the impact of the change of use -
 - On adequate provision of services of the sort that may be provided by a building provided by a building falling within Class A1 (shops) or, as the case may be, Class A2 (financial and professional services) of that Schedule, but only where there is a reasonable prospect of the building being used to provide such services
 - Where the building is located in a key shopping area, on the sustainability of that shopping area

In assessing these issues, officers must have regard to the NPPF as if the application were a planning application, and also have regard to the Local Development Framework (the NPPF states that due weight should be given to the adopted policies of the Local Development Framework 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)).

Reading Borough Local Plan (2019)

- CC7 Design and the Public Realm
- TR3 Traffic, Access and Highway Related Matters
- RL1 Network and Hierarchy of Centres
- RL3 Vitality and Viability of Smaller Centres
- EN16 Pollution and Water Resources
- EN18 Flooding and Drainage

Planning History

None relevant.

Response to publicity (representations received):

No representations were received from members of the public or adjacent properties.

Consultation responses:

Environmental Health:

No objections subject to conditions relating to noise and odour impact assessments related to the extraction system. However, this element of the application was removed by the applicant on the 21st of April 2020. As such, it was determined these concerns were no longer relevant to the application to change the use class of the site. However, these concerns will need to be addressed in a subsequent planning application should the applicant seek to install an extraction system or generate cooking related smells which would necessitate an extraction system.

Appraisal:

Development is not permitted by Class C in the following instances (officer comments follow in italics):

- (a) the cumulative floor space of the existing building changing use under Class C exceeds 150 square meters.
It does not
- (b) the development (together with any previous development under Class C) would result in more than 150 square meters of floor space in the building having changed use under Class C
Not applicable in this instance
- (c) the land or the site on which the building is located is or forms part of -
 - a site of specific scientific interest
 - a safety hazard area; or
 - a military explosives storage area*It does not*
- (d) the site is, or contains, a scheduled monument
It does not
- (e) the land or building is a listed building or is within the curtilage of a listed building

It is not

Development is also not permitted by Class C if it cannot be proved that the application site is in A1 (retail) use.

No information has been provided by the applicant to demonstrate that the application site is in A1 (retail) use. It has also been found that no Certificate of Lawfulness or planning permission has been issued stating that the legal use of the building falls within Class A1 (retail).

However, Google Map 'Street View' images demonstrate that the site was occupied by 'Amir Convenience Store' from at least March 2009 through July 2019.

It is considered that, given the above evidence, although not conclusive, on the balance of probability it is likely that the application property has been in A1 (retail) use.

There are conditions to Class C:

This assessment can only consider the noise, odour, storage and handling of waste, hours of opening and transport impacts of the development as well as the impact of the development on the provision of A1 uses in this area and its impact on the sustainability of that shopping area.

In these regards:

Noise and Odour:

Noise and Odour - Kitchen Extraction

The proposal is for a baguette takeaway, so kitchen extraction is unlikely to be necessary so odour and noise is not a concern. The applicant has confirmed that no extraction system will be required. Furthermore, the applicant has confirmed extraction does not form part of the application.

Bin storage - rats

There is a widespread problem in Reading with rats as the rats are being encouraged by poor waste storage which provides them with a food source. Where developments involve shared bin storage areas - flats and hotels - there is a greater risk of rats being able to access the waste due to holes being chewed in the base of the large wheelie bins or due to occupants or passers not putting waste inside bins, or bins being overfilled. It is therefore important for the bin store to be vermin proof to prevent rats accessing the waste.

Therefore the following condition is recommended:

Prior to first operation of the hereby permitted development, 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 A5 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.*

Hours of operation

The proposed hours of operation for this kind of business are unlikely to cause a nuisance to local residents.

Transport

RBC Transport Strategy stated that they had no transport objections to the proposal.

Provision of A1 and the sustainability of the shopping area

Policy RL3 (Vitality and Viability of Smaller Centres) of the Sites and Detailed Policies Document states that, for Caversham District Centre, the length of Key Frontage in A1 use should exceed 50% of the total length of Key Frontage in that area, if development involving a net loss of A1 retail is to be permitted. From the 69 shops within the key frontage, 42 of these would be in A1 use. This exceeds 50% and therefore the change of use is not contrary to this part of the policy.

Policy RL3 (Vitality and Viability of Smaller Centres) of the Sites and Detailed Policies Document states also that for development to be permitted there should be no more than 3 consecutive units which are not in A1 retail use. The change of use from Class A1 (retail) to Class A3 (restaurants and cafes) will not result in 3 consecutive units which are not in A1 retail use. An A1 retail use will remain at adjacent premises no. 38c (a kitchen furnishes shop).

It is therefore considered that it is not undesirable for the application site to change to a use falling within A3 (restaurants and cafes) due to the large amount of A1 units that would remain within the key frontage. As such, the proposal is not contrary to the above policies.

Conclusion

In conclusion, it is considered that Prior Approval for this application should be granted for the reasons set out above, with the suggested conditions attached. It is considered that the proposals would be in accordance with policy CS27 of the Reading Borough LDF Core Strategy, Adopted January 2008 (altered 2015) and DM13 of the Sites and Detailed Policies Document, 2012 (altered 2015).

Recommendation:

GRANT Prior Approval

Condition

1. The following information received by the Local Planning Authority has been assessed:

Location Plan
Block Plan
Prior Approval Application Form
Received 17th December 2019

REASON: For the avoidance of doubt and in the interests of proper planning.

2. Prior to first operation of the hereby permitted development, 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 A5 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.