

DELEGATED APPLICATION REPORT

Address: 232 Northumberland Avenue

Application No: 191026/FUL

Proposal: Change of use from A1 to A3/A5 and installation of range and ducting

Applicant: Mr Muhammet Alpar

Date received (valid from): 16/07/19

Target Decision date: 10/09/19

Case officer: Connie Davis

1. Site description and Surrounding Area

The application site is a currently vacant A1 retail unit on the western side of Northumberland Avenue. The unit is one of 7 units in a small parade which is defined in the Reading Borough Council Core Strategy (2008) as a 'Local Centre'. The 7 units are currently occupied by the following at ground floor level:

No. 242 - Choi Hung - Use Class A5

No. 236-240 - Simply Fresh - Use Class A1

No. 234 - Premier - Use Class A1

No. 232 - The application site - Currently vacant. Proposed A3/A5

No. 230 - Golden Dragon - Use Class A5

No. 228 - Turkish Mangal - Use Class A5

No. 226 - 224 - Betfred - Use Class Sui Generis

Residential dwellings are located on the first floor of all the commercial units as well as to the east and west of the units.

The application site is not listed, nor in a conservation area.

2. The Proposal

Full planning permission is sought for the change of use of the unit from A1 to A3/A5 unit. The restaurant/ take away would be a Fish and Chip shop under trading under the name 'Crispy Fish'.

In addition, ducting is proposed on the rear elevation with a fan engine inside of the premises.

3. Consultation

Internal Consultees

Environmental Health

The Reading Borough Council Environmental Health officer reviewed the application and concluded that the noise assessment submitted was not sufficient. Basic acoustic detail is missing and the calculations are not in line with BS4142 methodology.

The officer also stated that:

The applicant has assessed for a centrifugal fan. There is no mention the other plant required in the kitchen extraction (which may also impact the noise

emissions) to control grease and odour which should also be included when making the assessment. Fish and chips are a high risk food in terms of grease and odour and likely to require additional mitigation.

The background noise survey was carried out between 11:30am and 7pm. The assessment should include the hours that the kitchen extraction will operate and specifically the quieter hours of the day when background levels are lowest (late evening / night).

In addition an odour risk assessment was not submitted which is considered necessary as it is considered high risk.

The application is therefore recommended for refusal.

Transport

No objections.

Licensing

No objections.

External Consultation

A site notice was displayed from 18th July 2019 - 8th August 2019.

In addition, the following neighbouring retail units were formally consulted via letter on 16/07/19:

230 and 234 Northumberland Avenue
9, 10 and 11 Kingston Gardens

One observation was received which stated:

We have too much anti-social behaviour problems on Northumberland avenue already, will be more if these guys open a restaurant and sell alcohol!

Officer comment: *The selling and consuming of alcohol on the premises will require a separate license from the RBC Licensing department should planning permission be granted. All anti-social problems on Northumberland Avenue should be reported to the police.*

4. Plans and Documents Considered

Location Plan

F6 V.2 - Proposed Back View Plan

F2 V.2 - Proposed Layout Plan

F3 V.2 - Current Side View Plan

F5 V.2 - Current Back View Plan

F1 V.2 - Current Layout Plan

F4 V.2 - Proposed Side View Plan

Noise Assessment Report - Centrifugal Fan by GDS Group

Received 26th June 2019

F8 V.2 - Proposed Front View Plan
F7 V.2 - Current Front View Plan
Design and Access Statement

Received 16th July 2019

5. Relevant Planning History

181896 - Installation of range and ducting - Application Withdrawn

6. 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.

7. Discussion with applicant/ agent

The agent was advised by email that there is an in principle objection to the change of use of the unit from A1 to A3/A5

8. Relevant Planning 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 Local Development Framework '*Core Strategy*' 2008 (Altered 2015) and '*Sites and Detailed Policies Document*' 2012 (Altered 2015).

The '*National Planning Policy framework*' ('NPPF') 2012 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 Development Framework (LDF) (Core Strategy and Sites and Detailed Policies Document) 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). Accordingly, the 'NPPF' and the following development plan policies and supplementary planning guidance are relevant:

9. Relevant Policies

The application has been assessed against the following policies:

National

National Planning Policy Framework;
National Planning Policy Guidance;

RBC Local Development Framework

Core Strategy 2008 (Altered 2015)

- CS7 Design and the Public Realm
- CS26 Network and Hierarchy of Centres
- CS27 Maintaining the Retail Character of Centres
- CS34 Pollution and Water Resources

Sites and Detailed Policies Document 2012 (Altered 2015)

- DM4 Safeguarding Amenity
- DM12 Access, Traffic and Highway Related Matters
- DM13 Vitality and Viability of Smaller Centres

10. Appraisal

The main issues are considered to be:

- 1) Principle of change of use
- 2) Impact on the surrounding area
- 3) Environmental Health Considerations
- 4) Impact on parking/highways

APPRAISAL

1) Principle of the change of use

The application site is within the Local Centre of Northumberland Avenue as defined within Policy CS26 of the Core Strategy which states that “The vitality and viability of these centres should be maintained and enhanced. This will include widening the range of uses...”.

Policy DM13 of the Sites and Detailed Policies Document provides further detail with regards to the balance of uses within specific centres. This requires that:

(i) Within the Key Frontages (identified on the Proposals Map), development involving a net loss of A1 retail to other ‘centre uses’ will only be permitted where:

- *There would be no more than 3 consecutive units which are not in A1 retail use; and*
- *The proportion of the total length of the Key Frontage within the centre that is in A1 retail use would exceed the relevant proportion...”* For Northumberland Avenue this is 50%.

(ii) Within district, major local and local centres, development will be permitted provided that:

- *There would be no more than 2 consecutive A5 takeaways, and no more than 30% of the length of the Key Frontage would be in takeaway use; and*
- *There would be no net loss of ‘centre uses’ for ‘non-centre uses’ at the ground floor (apart from entrances to upper floors) except in exceptional circumstances. On upper floors, other uses including residential (‘living over the shops’) will be acceptable.*

After surveying the parade of shops and the proposed change of use of the application site to A3/A5 use would result in 4 consecutive units (No. 232 (the application site), 230 (Golden Dragon - A5 use), 228 (Turkish Mangal - A5) and 226-224 (Betfred - Sui Generis)) being in non-A1 use and would therefore fail this part of the policy. Furthermore, the change of use would result in 3 consecutive A5 takeaways and more than 30% of the length of the key frontage would be in takeaway use and the proposal would therefore not comply with Policy DM13.

As such, the proposal does not seek to maintain the retail character of the centre, as Policy CS27 states should aim to be achieved. It specifically states that *“significant groupings of non-retail uses in one part of a centre will not be allowed”*.

Given the above, there is an in principle objection to the proposal, which is contrary to policy. No reference has been made to these policies within the submission or planning statement as an opportunity to justify the proposals in respect of the relevant policies. This was encouraged at the validation stage of the application.

Although acknowledged the proposal would be bringing a vacant unit back in to operation, it is considered that the loss of the A1 unit and replacement with the A3/ A5 use would be more substantially harmful to the long term vitality and viability of this centre.

2) Impact on the surrounding area

The proposed change of use will result in a proliferation of non-A1 units within the parade, therefore decreasing the variety of units for local residents.

The impact on local residents in terms of noise of the proposed ducting and odour has also not been able to be assessed. The ducting is proposed to be located on the rear elevation of the unit, which backs on to the rear gardens of properties in Kingston Gardens. In addition, residential units occupy the first floor of the commercial units.

The noise assessment submitted was not considered sufficient (as discussed earlier in the report and reiterated again below) and no details on odour mitigating measures have been provided. Therefore the impact the change of use will have on residents cannot be assessed and thus also forms a reason for refusal of the application.

3) Environmental Health Considerations

The submitted noise assessment does not conform to submit was not sufficient. Basic acoustic detail is missing and the calculations are not in line with BS4142 methodology. In addition, an odour risk assessment was not submitted which is considered necessary as Fish and Chips are a high risk in terms of grease and odour and likely to require additional mitigation.

Therefore the proposal has not demonstrated that it would comply with Policy CS34.

4) Impact on parking/highways

The proposal is considered acceptable from a highways perspective and therefore is not foreseen to conflict with Policy DM12.

Recommendation: **REFUSE** planning permission for the following reasons:

- 1) The proposed change of use to A3/A5 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 DM13 of the Sites and Detailed Policies Document 2012 (Altered 2015) and Policies CS26 and CS27 of the Core Strategy 2008 (Altered 2015).
- 2) 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 CS34 of the Reading Borough Local Development Framework Core Strategy 2008 (Altered 2015) and Policy DM4 of the Reading Borough Local Development Framework Sites and Detailed Policies Document 2012 (Altered 2015).

Informatives

1. The Council, in making its decision, has taken in to account the following plans and documents:

Location Plan

F6 V.2 - Proposed Back View Plan
F2 V.2 - Proposed Layout Plan
F3 V.2 - Current Side View Plan
F5 V.2 - Current Back View Plan
F1 V.2 - Current Layout Plan
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2. The local planning authority has worked positively and proactively with the applicant within the prescribed target timescale and therefore the decision to refuse planning permission has been taken. The agent was advised via email on 06/09/19 that if not withdrawn, the application would be refused. The case officer then contacted the applicant's agent and left a voice mail message on 09/09/19. A further email was sent on the same day requesting the agent inform the case officer how they wish for the application to proceed by the stated time. The agent

confirmed via email on 09/09/19 that they wished to proceed with a refusal, hence the issuing of this decision.

2. This planning application was submitted without the benefit of first seeking pre-application advice from the Local Planning Authority, which can often result in the avoidance of refusal of planning permission. Please see the following link to the Council's pre-application service here:

http://www.reading.gov.uk/media/1190/Pre-Application-Enquiry-Form/pdf/Pre-app_Nov_2016.pdf