



CHARTER HOUSE
PLANNING

PLANNING STATEMENT



**PERFECT FRIED CHICKEN, 51 WOKINGHAM ROAD,
READING, RG6 1LH**

TABLE OF CONTENTS

Site Description	3
Planning History	3
2007 – Application to Vary a Condition (LPA REF:07/01318)	3
2010 – Application to Vary a Condition (LPA REF: 10/1947)	3
2011 – Application to Vary a Condition (LPA REF: 11/00654)	4
The Proposal.....	4
Planning Considerations	5
Principle of Development.....	5
Residential Amenity.....	6
Local Context	7
Conclusion	10

Appendix A – Letter from Mr A Ali of 51A Wokingham Road, Reading, RG6 1LH

Appendix B – Letter from Mr F Dexter and Mr D Evans of 3 Grange Avenue, Reading, RG6 1DJ

SITE DESCRIPTION

Perfect Fried Chicken is an established unit located on 51 Wokingham Road, on the corner of the junction with Grange Avenue. There has been a takeaway business operating at the premises for approximately 15 years, further to approved application 01/0274. The current business begun operations from the premises in April 2007.

Currently, the business operates with trading hours between 10:00 and 01:00, although there have been previous attempts to gain permission for an extended trading period.

PLANNING HISTORY

In previous years, there have been several applications relating to the use of the premises and its associated opening hours. The most relevant applications are detailed below.

2007 – APPLICATION TO VARY A CONDITION (LPA REF: 07/01318)

An application to alter the opening hours of both the internet café and associated takeaway unit was submitted to the Council in 2007. Originally, the application sought the relaxation of condition 4 of the 2001 application to allow opening hours to extend between 08:00-01:00 Monday to Saturday and 08:00-00:00 on Sundays.

Further to discussion with the Council's Officers, the description of the application was amended, to extend the opening hours until 01:00 Monday to Saturday and 00:00 on Sundays. This application was approved in August 2007.

2010 – APPLICATION TO VARY A CONDITION (LPA REF: 10/1947)

In 2010, an application to vary the condition restricting the opening hours of the premises was submitted to the Council. This application sought to extend the opening hours of the takeaway to 03:00 every day of the week.

Both the Environmental Protection Team and Transport Strategy Section held no objection to the application. However, the Case Officer considered that no change in circumstances since the 2007 application had occurred which would justify the extension of the conditions. Subsequently, the application was refused.

A similar application was submitted in 2011, for the extension of the hours within which the premises could prepare and sell food to 03:00 every day of the week. The only material difference between this and the previous application was the additional submission of details of several premises along Wokingham Road which opened until at least 03:00 all week.

In considering this application, it is important to note that the Environmental Protection Officer stated that the department would have concerns about the potential noise disturbance arising from the development, but for the fact that only one noise complaint had been registered after the premises' opening hours since 2007 and other late opening premises in the area appear to operate without causing disturbance to nearby residents.

The Council's Transport consultee also raised no objection to the proposal, as it would not impact traffic in peak AM or PM hours.

Despite these comments, the Case Officer stated that the revised opening times were considered to increase the potential disturbance to nearby residents. The Officer held that there had not been any changes in circumstance which would justify a relaxation in the restrictions on opening hours and therefore refused the application on the grounds of potential adverse impact on neighbouring properties.

It should be noted that since these applications were made, circumstances have changed. The implementation of both the NPPF and Reading Core Strategy in 2012 has altered the policy framework surrounding the decision, whilst the continued presence of late opening premises in the area should also be taken into account. It is therefore considered that there are circumstances which justify a relaxation of the current restrictions on opening hours and as such, a new application has been submitted.

THE PROPOSAL

The current application seeks to extend the operating hours of the takeaway business to 10:00 – 03:00 Sunday-Friday and 10:00 – 04:00 on Saturdays.

PLANNING CONSIDERATIONS

The following section of this Planning Statement identifies relevant considerations to be taken into account when determining the application.

PRINCIPLE OF DEVELOPMENT

Paragraph 14 of the National Planning Policy Framework details the '*presumption in favour of sustainable development*', which runs through the planning system in both plan-making and decision-taking. In the context of deciding an application, this means that proposals which accord with the adopted development plan should be approved without delay.

This presumption is reinforced by Reading's local policy SD1, which takes a step further, stating that in appropriate situations, *"the Council will work proactively with applicants jointly to find solutions which mean that proposals can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the area"*.

One key thrust the NPPF details is the ability of the planning system to ensure town centres retain and enhance their vitality and viability. Paragraph 23 of the NPPF states, *inter alia*:

"Planning policies should be positive, promote competitive town centre environments and set out policies for the management and growth of centres over the plan period. In drawing up Local Plans, local planning authorities should:

- recognise town centres as the heart of their communities and pursue policies to support their viability and vitality; ...*
- promote competitive town centres that provide customer choice and a diverse retail offer and which reflect the individuality of town centres;"*

Reading's Core Strategy Policies CS25-CS27 outline the Council's approach to ensuring suitable town centre development occurs in the most appropriate locations. Policy CS25 aims to ensure that Reading's central area is the primary focus for retail, leisure and cultural development within the Borough, with a sequential approach taken to identifying alternative sites.

Policy CS26 specifically identifies a network of centres appropriate to accommodate town centre uses. Wokingham Road is identified as a Major Local Centre, below the Regional Centre of Reading and the District

Centres of the Borough in the hierarchy, but above the area's Local Centres. The policy states *"the vitality and viability of these centres should be maintained and enhanced"*.

Although the A5 take-away use at 51 Wokingham Road has long been established, it is important to note that the principle of further town centre use development accords with relevant national and local planning policy. The application site is located in an area where town centre development is encouraged in order to maintain and enhance the vitality and viability of the locality.

The proposed extension to the opening hours of the application premises is consistent with the aim of enhancing both the vitality and viability of Wokingham Road. The extended operating hours will increase the offer of Wokingham Road, providing a service to patrons within the locality who may have not previously considered using the retail offer of the area. The proposal also offers a local business the opportunity to increase the economic vitality of their operation and offer greater working hours to local staff members.

It is therefore considered that the principle of the extension of operating hours accords with both national and local policy.

RESIDENTIAL AMENITY

The key consideration in previous applications has been the impact the proposed extension of operating hours would have on the residential amenity of neighbouring residents.

One of the 12 overarching principles detailed within the NPPF at paragraph 17 is that planning should *"always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings"*.

This principle is reiterated by Reading's local Policy DM4, which states, inter alia:

"Development will not cause a significant detrimental impact to the living environment of existing or new residential properties, in terms of:

- *Privacy and overlooking;*
- *Access to sunlight and daylight;*
- *Visual dominance and overbearing effects of a development;*
- *Noise and disturbance;*
- *Artificial lighting;*
- *Vibration;*

- *Dust and fumes;*
- *Smell; or*
- *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). Proposals which would generate regular movements of HGVs on residential roads will not be acceptable..."

Therefore, the key consideration of this application is – ***will the proposed extension of opening hours cause a significant detrimental impact on the living environment of existing residential properties?***

LOCAL CONTEXT

Consideration of the context within the surrounding area to 51 Wokingham Road is key to determining the impact of the proposed extension of opening hours upon nearby residents.

51 Wokingham Road is a corner plot, located on a section of the road which acts as a Major Local Centre and has active retail frontages with a range of town centre uses on both the northern and southern sides. Along the road, the majority of properties have town centre appropriate ground floor uses, with residential properties above.

The premises is a corner plot, which (unlike the majority of terraced properties lining Wokingham Road) benefits from a 15-metre separation distance between the side elevation of the property and No.49 Wokingham Road, the closest north-westerly neighbour. To the rear of the property, the closest neighbour (No. 2 Grange Avenue) is over 20 metres away from the premises and it should be noted that most of the anticipated noise connected with later opening hours (mostly associated with loud customers) would not be experienced along Grange Avenue, as the opening to the unit is along the frontage of Wokingham Road. Directly opposite the property, Nos. 146 and 146a Wokingham Road maintain the use pattern of the area,

with a Subway store and Pakistani restaurant located on the respective ground floors, whilst flats are located above. These properties are located approximately 20 metres away from the entrance to the takeaway.

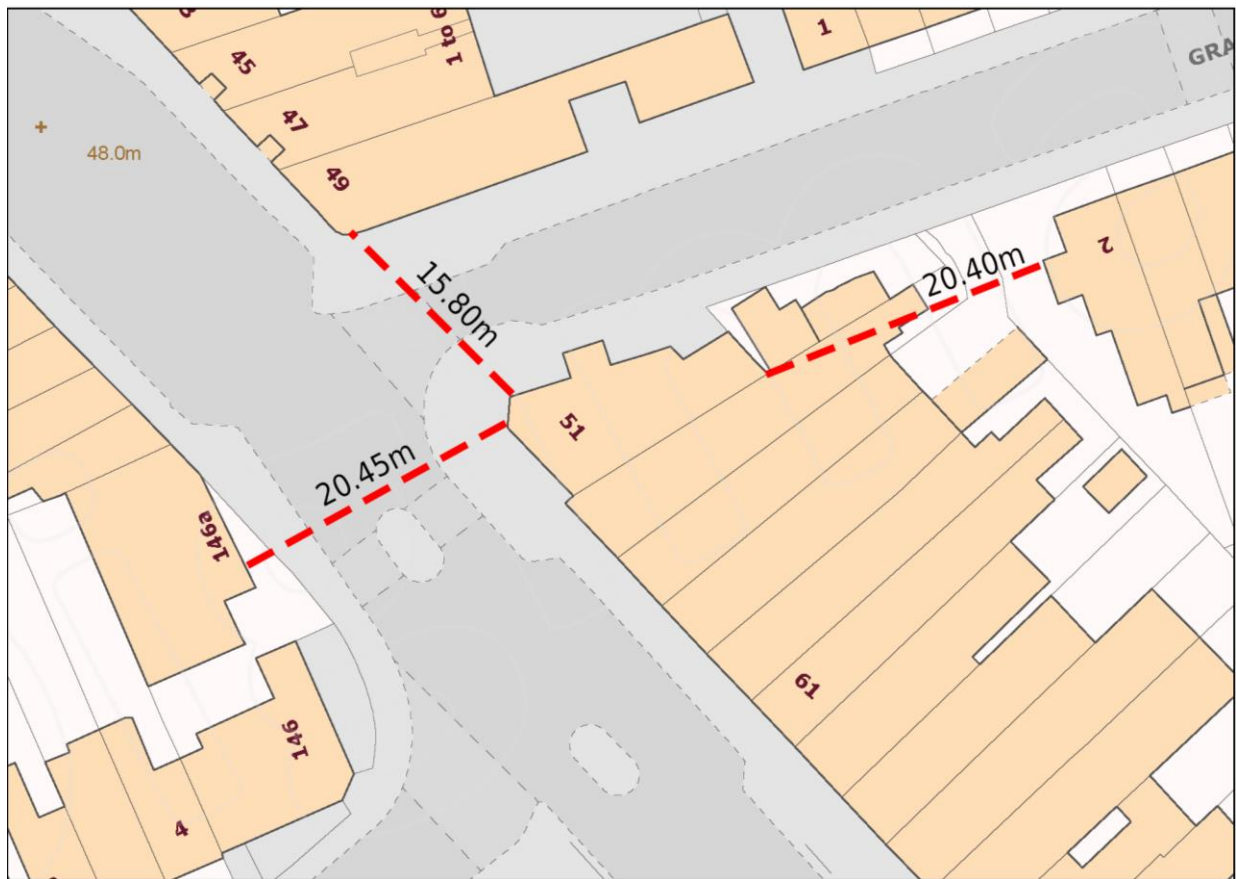


Figure 1 – Separation Distances to Nearby Properties

As has been noted in previous applications, the surrounding area to the application premises contains several comparable businesses which open until the early hours of the morning. Most notably, Chicken Base (No. 142 Wokingham Road) which opens 10:00 - 05:00, Istanbul Grill (No.77 Wokingham Road) which opens 15:00 – 03:00 and Domino's Pizza (No. 95 Wokingham Road) which opens between 11:00 – 05:00.

These surrounding premises appear to be operating without causing undue disturbance to surrounding properties, and no apparent enforcement action has been taken in recent years. Indeed, no planning applications relating to opening hours at these properties have been submitted to the Council since 2005.

Even though the lack of enforcement action against these breaches does not in itself justify allowing the current application, it does serve to demonstrate that existing circumstances are not causing harm to the amenity of local residents.

As stated previously, the Environmental Protection Officer for application 11/00654 stated that the concerns surrounding noise disturbance had been mitigated in her mind by local circumstances:

"I would have some concerns about potential for noise disturbance due to patrons being drawn to the vicinity of the premises late at night who may be intoxicated and loud, however there has only been one complaint due to noise and operating after their permitted hours and that was back in 2007. No complaints for noise have been received since and there are other premises nearby that operate to fairly late too without causing problems, so I am not sure we have sufficient grounds for recommending refusal on potential noise disturbance." (Extract from the Environmental Protection Consultee Response dated 25/05/11)

The consultee response specifically indicates that the potential noise disturbance did not amount to 'sufficient grounds' for recommending the application be refused on this basis. Therefore, the current application is considered appropriate and justifiable in policy terms.

The takeaway unit at 51 Wokingham Road contains a large seating area (capacity of 24), which has a much greater capability to accommodate patrons. This differentiates the property from many of the establishments in the surrounding area, which open until the early hours of the morning but do not offer much (if any) seating. Therefore, the extension of opening hours of the application premises would likely not create the same level of activity outside of the unit as may be expected from an establishment with little-to-no seating capacity. Noise created inside the unit is significantly less likely to cause noise disturbance throughout the area than patrons outside the store may do. Indeed, the Environmental Protection consultee for application 11/00654 was predominantly concerned with intoxicated patrons *"drawn to the vicinity of the premises late at night"*.

The local context of 51 Wokingham Road is therefore considered to play a role in mitigating potential noise disturbance caused by the proposed extension of opening hours for the take-away unit. These factors help to ensure that any extension to opening hours will not cause a significant detrimental impact upon the amenity of existing residential properties.

Unlike previous applications, there has been a material change of circumstance since 2007, with the adoption of new national and local planning policy, which places an emphasis on vitality and viability of local centres. Further to this, the proposed extension of opening hours does not represent development which will have a significant detrimental impact upon the amenity of neighbouring properties and only serves to improve the vitality and viability of the existing business.

LOCAL REPRESENTATIONS

It should also be noted that a letter from a direct neighbour to the business has been submitted alongside the application (Appendix A). In his letter, Mr Asif Ali of 51A Wokingham Road (located above the premises) states that in the period he has resided above 51 Wokingham Road he has never been subject to disturbance from the ground floor business.

This letter carries particular weight as the author is the closest neighbour to the property and is therefore the resident most vulnerable to noise or disturbance caused as a result of the occupation of the business during late opening hours.

A letter (Appendix B) has also been received from the residents of No. 3 Grange Avenue, which is located circa 25 metres away from the rear of the application premises, on the northern side of the road.

This letter echoes the comments made by Mr Ali, stating that the occupants *"have never experienced any disturbance be it sound, light or anything else from PFC"* and *"don't feel that an extension to their hours would affect us as residents in any way"*.

CONCLUSION

The proposal seeks the extension of the opening hours of Perfect Fried Chicken (No. 51 Wokingham Road) to 10:00 - 03:00 Sunday-Friday and 10:00 - 04:00 on Saturdays. The principle of town centre use development in this location is acceptable in principle and is in accordance with both national and local planning policy. Likewise, the planning considerations of the application demonstrate that the proposed extension would not cause a significant detrimental impact to local residents, and therefore the proposed extension accords with Reading's Policy DM4.

In summary, the proposal:

- ✓ Complies with Local and National planning policies;
- ✓ Will not cause harm to the amenity of neighbours to the premises.

For these reasons, we commend the proposals to you.



Mr Asif Ali
51A Wokingham Road
Reading
Berkshire
RG6 1LH

07454 219922

To Whom It May Concern

Dear Sir/Madam,

As a resident directly above Perfect Fried Chicken, I write this letter to clarify our position in the matter of the planning application to be made by the occupiers of the property downstairs.

We have been living above the takeaway for almost 2 years now and have never found ourselves being disturbed or put off by any noise and disturbances directly related to the trade downstairs. The owners are very respectful and mindful of our occupation upstairs and always ensure we are not affected in any way. This has further been enforced since we had our first child a few months ago.

We find that Mr Asghar, along with his staff regularly make sure the passageway and boundary of the shop is free from rubbish and clutter along with managing their customers and local residents well. We have a good rapport with them and also feel that we would not be affected in any way if there was to be an extension in hours for operating.

If you require further information please do not hesitate to contact us.

Yours Faithfully,

Asif Ali

B

Residents of
3 Grange avenue
Reading
Berkshire
RG6 1DJ

To Whom It May Concern,

As residents of Grange Avenue I write to clear up our position according to the planning application the Perfect Fried Chicken (PFC) is making.

As the tenants of 3 Grange Avenue for almost a year now we have never experienced any disturbance be it sound, light or anything else from PFC. Being in such close proximity to the shop you might expect some noise disturbance however this is not what we have experienced. The management of the shop has always been very open and friendly and actively seek to maintain a calm clean environment around their shop at all times.

We have always had a good relationship with the management and staff of PFC and don't feel that an extension to their hours would affect us as residents in any way.

Many Regards

Finnbar Dexter and Daniel Evans