

Planning Services
Unit 55
Waterham Business Park
Waterham
ME13 9EJ

Your Ref: 221769

Our Ref:

RE: Planning Application at 39 Berkeley Avenue, Reading RG1 6JS

Dear Madam,

I am writing on behalf of local residents to OBJECT to the application named above. This objection is based on several reasons which the residents feel should be grounds to refuse the application.

Previous applications

39 Berkely Avenue has previously had the following relevant applications:

24th September 1993 – 930877 - A1 to takeaway restaurant - Refused

7th September 1994 – 940618 - A1 to takeaway restaurant – Refused

1st February 2000 – 990023 – A1 to mixed use takeaway and off licence – Withdrawn

Use Class F2

The property has a **Use Class of F2** according to the application. Use Class F2 was introduced by the government within the Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020.

Within the Explanatory Memorandum issued alongside the regulations it states:

‘These Regulations also create new ‘Learning and non-residential institutions’ (F1) and ‘Local community’ (F2) use classes to ensure that those uses which are important to local communities can be protected through the planning system. Changes of use within each of these classes do not require planning permission. However, other material changes of use do require planning permission ensuring that such changes of use can be fully considered by the local planning authority and residents.

The class also recognises the importance of small, local shops in meeting the day to day shopping needs of local communities, particularly in rural communities, large residential estates and outside main shopping areas generally. Therefore, alongside community social facilities, the F2 class includes what would be considered shops servicing the essential needs of local communities. This is defined as a shop mostly for the sale of a range of essential dry goods and food to visiting member of the public where there is no commercial class retail unit within 1000 metres and the shop area is no larger than 280m². This provides some protection for such shops while placing those shops found on high streets and town centres in the new ‘commercial’ class.’

As a result, by converting the property to a Sui Generis Hot Food takeaway the local community risks the loss of what should be a protected shop. Once the property is in the use of a Hot Food takeaway the owner might be able to take advantage of Class M rights from Part 3 of the General Permitted Development Order 2015 to convert the property to residential after a two-year period. Subject to the Government introducing the two-year rolling date stamp as proposed in a consultation from 2023.

This would then deprive the local community from any form of shop at this address.

Should the application be accepted, we would also request that a condition is added to prevent future conversion to residential to protect the local shop.

Viability Report

It is my opinion based upon the change of use from **Use Class F2** to **Sui Generis** that a viability report and a marketing report should be required by the local authority to support such a material change of use. This would demonstrate that a shop or other suitable use is not required in this area.

Staff Parking

The local authority parking standards requires at least 2 parking spaces for this shop based up the size. Upon investigation it is my belief that this shop only has 1 parking space at best. The other space to the front is part of the dwelling above the shop, 39B Berkeley Avenue.

Further to this, I would question as to whether any parking actually exists. The spaces within the curtilage are not the required 4.8m in depth.

It is obvious both from the supplied photos and those from Google Street View, that vehicles overhang the public footway causing an obstruction to pedestrians.

The application form says that no existing parking exists, and none will be created.

Waste Disposal

There does not appear to be any consideration for the location of commercial waste bins. These would normally be stored to the front of the property for emptying. This would further impact the ability to provide any parking. The photos within the application appear to show a side access, yet this is not within the demise of the shop and appears to belong to and be within the curtilage of 37 Berkeley Avenue.

Vermin

The local area has a big problem with rats. With any takeaway there is a large added risk of food and other waste not being disposed correctly in the local vicinity. This will give a new food source to the rat population. There does not appear to be any space for suitable refuse facilities to counter this.

Noise Disturbance

This area is predominately residential as a result there will be a disturbance seven days a week until late at night from customers, collections, deliveries, waste collections etc.

Consideration must be made to the local residents who will be affected by the creation of a hot food takeaway, which is a Sui Generis Use Class as it is not a business that would fit within the usual business or services locally.

Customer Parking

The unit lacks any customer parking. By their very nature, customers tend to go out to collect a take-away for consumption back at home. Or they may use one of the various apps to get someone to collect on their behalf.

The unit is towards the top of a hill on the outside of a curve in the road. As a result, visibility is poor for vehicles approaching from the East.

The road has double yellow lines outside and a cycle lane. Any customers or delivery drivers who might be tempted to stop close to the unit will cause disruption and blockage to both traffic and cyclists not to mention pedestrians. Any cyclists will be pushed into the path of vehicles.

Also see the comment below on seating.

No transport statement has been provided to address traffic that will be generated by the proposal.

Crossing Point / Pedestrians

The road outside the unit has a crossing point installed. This has an island in the middle of the road. Any vehicles that might temporarily stop outside the unit will block the view of approaching drivers to anyone attempting to cross the road. This will put pedestrians at a greater risk of injury.

These pedestrians are already impacted by parked vehicles overhanging onto the footway.

External Signage

No application has been made for any illuminated or other signage that might promote the business. This might be part of a subsequent application. This is unusual not to have signage.

Fire escape from the flat above

The property has a flat above, 39B Berkeley Avenue and is therefore mixed-use. The only access to this is via the door marked 39B to the left of the front elevation.

With a hot food takeaway, the risk of fire is greatly increased.

With bins and vehicles tightly parked to the front there is an added risk of any residents or visitors to the flat above being unable to easily escape.

Consideration should be given to the safety of both current and future residents of the flat above.

Fire escape from the shop

From the photos within the Planning Statement and the floor plans there does appear to be a rear access that might be suitable for an emergency exit. However, this route appears to take people onto the property at 37 Berkeley Avenue. Whilst this area might be open currently, there is no guarantee that a future resident of 37 doesn't erect a fence restricting this emergency access.

Consideration should be given to a means of escape to the shop and the people within it.

Use of the takeaway

The application simply describes the unit as a takeaway – the actual product to be sold has not been disclosed in the planning statement, however the Environment Health Officer talks about Fish & Chips. The odour report also talks of fish & chips, therefore it has been assumed that this is the product to be sold within this letter of objection.

Residents are concerned that the actual use is being hidden.

Seating

The proposed floor plan clearly shows a seating area.

This would have big impacts upon the parking requirements for the unit.

The planning statement is silent on both the use of the commercial unit and the seating area.

External Lighting

As the hot food takeaway is going to be open during the hours of darkness, it is natural to assume that some form of external lighting will be required. Whether that is via signage or other lights.

The shop is between two streetlights so they will not benefit the customers.

Waiting customers

It is normal for a queue to build up with takeaways, especially fish and chip takeaways during busy periods. With the space outside needing to be shared between the parking space for the flat above, the refuse and recycling bins for the flat above, the one parking space for the shop (at least two required) and commercial bins there leaves no space for waiting customers.

In fact, the space out the front is not large enough for the items required to run a commercial property, before arriving and departing customers are considered.

Conclusion

Having been engaged by local residents and having read through the application, we find many reasons for objections. A takeaway has already been refused at this property twice before with a further withdrawn application.

The Use Class F2 shop is too small for the required use, it is also in the wrong location and lacks sufficient external space for vehicles and other requirements to run a hot food takeaway. This is before the loss of an F2 retail unit is considered which the government is very keen to protect and would expect local authorities to protect as well.

As a result of these many issues, we urge the REFUSAL of the application.

Kind Regards,

Peter Johns
Planning Services