

DELEGATED APPLICATION REPORT

Ward: Battle

App Ref: PL/24/1264 Full planning permission

Address: 549 OXFORD ROAD, READING, RG30 1HJ

Proposal: Change of Use from Class E to Hot Food Takeaway (Sui Generis) Use and erection of retractable awning

Applicant: Mr Ubong Solomon

Received date: 26/09/2024

Target Decision date: 07/02/2025

Case Officer: Marcelina Rejwerska

1. SITE DESCRIPTION

The application site comprises part of the ground floor of a mid-terrace property on the south side of Oxford Road. The site is an identified key frontage within the Oxford Road West District Centre. The use of the unit is Class E, having previously been an accountant's office, which has been changed to a café. This change would have fallen under permitted development, being in the same use class E, however, there is no planning history to demonstrate the regularisation of this change of use to confirm this.



Site photo taken by officer on 09/10/2024.

The rear of the ground floor is a residential flat, which is accessed through the rear via an access from Wantage Road. Neither the flat, nor the upper floors of the building, are part of the proposal. The surrounding area is comprised of commercial and residential properties, with commercial properties mainly falling within typical town centre uses.

2. PROPOSAL AND SUPPORTING INFORMATION

Planning permission is sought for the change of use from Class E to Hot Food Takeaway (Sui Generis) as the café intends to intensify its use and provide a wider selection of hot food on the menu which will primarily be consumed off the premises. The proposal also includes erection of a retractable awning, and formalisation of the refuse storage area at the rear of the plot.



2.1. Information submitted:

Supporting Planning Statement, received 26 September 2024
P1-R1 Location Plan, received 20 December 2024
02R1 - Existing plans, received 6 November 2024
04R1 - Existing elevations, received 6 November 2024
03R1 - Proposed plans, received 6 November 2024
05R3 - Proposed elevations, received 31 January 2025
2024-9-22-ReLine (2) Proposed internal kitchen ventilation system, received 6 November 2024
Anti-Litter Policy, received 7 November 2024

3. RELEVANT PLANNING HISTORY

PL/23/1444 - Certificate of Lawful Development for residential use (C3) for the ground floor flat (No. 4) at 549 Oxford Road. Certificate granted.

PL/08/1108 - Change of use from retail units to 2 residential flats. Application refused.

PL/03/0457 - Change of Use from retail (A1) to an advice centre for the disabled (A2). Application permitted.

4. CONSULTATIONS

The following were consulted:

- Transport Development Control
 - The site fronts onto the A329 Oxford Road which is the main transport corridor between central Reading and the west. The A329 Oxford Road has parking restrictions preventing on-street parking and forms part of the Red Route 'no stopping' corridor.
 - Policy TR5 states that development should provide car parking and cycle parking that is appropriate to the accessibility of locations within the Borough to sustainable transport facilities, particularly public transport. There is currently no car parking provision associated with the site and no parking is to be provided as part of this change of use.
 - The site is located within a mixed-use parade of shops and takeaway units, with residential accommodation above. There are short stay pay & display parking spaces opposite the site with charges between the hours of 8am-8pm. Any demand for parking would need to be met by on-street pay & display parking spaces. Any overflow in parking would not affect flow of traffic on the classified road network given the parking regulations within the vicinity of the site.
 - If any part of the awning or canopy overhangs the highway, then a licence should be obtained from the highway authority.
 - In transport terms, it is considered that the proposed change of use would not have a material impact on the character of the traffic in the vicinity of the site. Therefore, there are no transport objections to this application.
- Waste Operations Consultations
 - It sounds like the café doesn't have any direct rear access from the ground floor. If that is all agreed then I am happy with the arrangement.
 - We would just ask that their bin be clearly labelled with the business name and address so it can clearly be identified as belonging to them, and also returned promptly to the rear storage area after it has been emptied.
 - We would ask that the bin continues to be emptied from directly at the front of their property on Oxford Road, as we do often get complaints regarding large numbers of bins accumulating around the part of Wantage Road where the alleyway joins.
- Environmental Protection Consultations
 - No comments received.

Nearby and adjacent properties on Oxford Road and Wantage Road were consulted via letter. A site notice was also displayed on site. No letters of representation have been received.

A second round of consultation took place between 23 December and 13 January as the application form and site boundary line had been amended to include the rear of the site where the bin store is located, which is outside the applicant's ownership. No letters of representation were received.

5. LEGAL AND PLANNING POLICY CONTEXT

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. Material considerations include relevant policies in the National Planning Policy framework (NPPF) - among them the 'presumption in favour of sustainable development'. However, the NPPF does not change the statutory status of the development plan as the starting point for decision making (NPPF paragraph 12).

National Policy and Guidance

National Planning Policy Framework

National Planning Practice Guidance

Reading Borough Local Plan (2019)

CC1: PRESUMPTION IN FAVOUR OF SUSTAINABLE DEVELOPMENT

CC5: WASTE MINIMISATION AND STORAGE

CC7: DESIGN AND THE PUBLIC REALM

CC8: SAFEGUARDING AMENITY

EN16: POLLUTION AND WATER RESOURCES

EN17: NOISE GENERATING EQUIPMENT

TR5: CAR AND CYCLE PARKING AND ELECTRIC VEHICLE CHARGING

RL3: VITALITY AND VIABILITY OF SMALLER CENTRES

SPD

Revised Parking Standards and Design (2011)

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.

6. APPRAISAL

6.1. Land use matters

Policy RL3 states *“Within district, major local and local centres, development will be permitted provided that: i) 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.”*

The application site is located in between a vape shop (Class E) and a vacant Class E unit. There is, therefore, no concern in relation to clustering of takeaways. The latest survey of the uses within the Oxford Road West District Centre was carried out in June 2023, which shows that 10% of the district centre is in takeaway use. The proposed development will not exceed the 30% limit as set out in policy RL3 and is, therefore, considered acceptable.

6.2. Design and character

Policy CC7 requires all development to be of high-quality design and maintain and enhance the character and appearance of the surrounding area.

The only external alterations comprise the formalisation of the refuse storage area at the rear of the site and the erection of an awning at the front elevation. Formalisation of the bin store is considered essential for the proper storage of refuse and the proposed storage shed is considered acceptable in design. The proposed awning is similarly considered acceptable in terms of its appearance, layout and dimensions.

There are therefore no further comments to be made, and the proposal is considered in line with policy CC7.

6.3. Residential amenity and pollution

Policy CC8 seeks to ensure that new development does not cause a detrimental impact on the living environment of existing residential properties or unacceptable living conditions for new residential properties.

There are no identified risks to nearby sensitive receptors. The proposed kitchen extract system is to be fully internal with no external flue, and as such does not constitute development. The proposed use is likely to increase the number of comings and goings from the premises, however, this is not expected to be harmful to the nearby residents as the proposed opening times remain unchanged, with the premises closing at 9pm. A condition is recommended to restrict the opening hours to prevent sustained noise risk associated with the use of the site in the late hours of the night.

Overall, the proposal is considered acceptable in terms of residential amenity and pollution.

6.4. Transport matters

Policy TR5 requires all new development to provide appropriate levels of car parking, cycle parking depending on the location within the borough. Policy CC5 is also relevant and requires demonstration of good design to waste storage, reuse, and recycling.

There is currently no parking provision for either staff or customers and none is proposed. This is considered acceptable. The premises have an existing contract with a private refuse collection service, and this has been reviewed by the RBC Waste Operations team and is considered acceptable. The applicant has also submitted an anti-litter policy to be adopted by the premises, which is considered acceptable. The proposal is, therefore, considered in accordance with Policies TR5 and CC5.

7. CONCLUSION

The proposal has been assessed in line with national and locally adopted planning policies and is considered to accord with those policies, following revisions made by the applicant at the request of the case officer.

8. RECOMMENDATION

GRANT PERMISSION

Recommended Conditions:

1. Time Limit (Standard)
2. Approved Plans
3. Materials as specified
4. Refuse store and collection as specified
5. Litter strategy as specified
6. Hours of opening restricted