HOMZ

DESIGN | PLAN | BUILD

# Design, Access and Planning Statement

## Proposed Variation of Condition to allow opening of existing restaurant between the hours of 1pm – 9pm

Above Image: Google Street View August 2021

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| Site Location: | Food Avenue Limited,168c Whitley Wood Road Reading RG2 8LQ |
| Date: | 09/04/2024 |
| Planning Authority: | Reading Borough Council |

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## Introduction

Homz (**The agent**) has been instructed by Zubair Qureshi **(The applicant)** to prepare and submit a Section 73 Variation of Condition planning application to Reading Borough Council (**the Planning Authority**) to allow the opening of existing restaurant between the hours of 1pm – 9pm (**The proposal**) at 168c Whitley Wood Road Reading RG2 8LQ (**the Site Location**). In support of this application, the following Design and Access Statement is submitted to demonstrate the need for the extension of hours at this existing site and evaluate its accordance with national and local policies.

## Site Description

The application site is an L-shaped two storey building to the north of Whitley Wood Road, 60m west of the junction with Northumberland Avenue. The site is located within Whitley Wood Local Centre and forms part of an identified Key Frontage. The parade includes the Co-op supermarket directly to the east of the site.

The building is two stories with residential uses on the first floor, however, the application in question relates to the ground floor of the building only, commercial premises. The site was vacant from approximately 2017-2019 and received planning approval for café with ancillary takeaway in April 2019 (see Planning History below).

The current use is as a café (Class A3) with an ancillary takeaway (Class A5) function. The forward part of the premises comprises a seating area with the servery, kitchen, storage areas and bins to the front and rear. Forward of the building is located an area of hardstanding, used informally for vehicle parking. The surrounding area is comprised of a mix of commercial and residential uses.

## Planning History

930144/OUT – Redevelopment to provide three storey building including a shop and four flats above – Refused 08/04/1993

960478/FUL – Change of use from Class A1 to restaurant with ancillary takeaway function (Class A3) – Refused 30/05/96 – Appeal ref: APP/QO315/A/96/270762 – Allowed 02/01/1997

020261/FUL – Alteration to shopfront to provide new external door entrance to 168b Whitley Wood Road – Permitted 04/03/2003

040828/FUL – Automatic entrance doors and fire escape – Permitted 29/06/2004

171045/FUL - Shop front alterations and various external alterations – Permitted 23/08/2017

171225/ ADV - Display of one internally illuminated fascia sign and one internally illuminated hanging sign to shop front and one non-illuminated panel sign at rear – Permitted 14/09/2017

181107/FUL - Change of use of ground floor from post office (Class A1) to cafe (Class A3) with ancillary take-away (Class A5) function – Permitted 01/04/2019

201257 - 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. – Application Withdrawn 15/09/2020

201288 - Certificate of Lawfulness for proposed conversion from post office retail to café – Application Returned 30/04/2022

201401 - Discharge of conditions 3 (odour assessment), 4 (noise assessment), 5 (deliveries and servicing) and 8 (litter management) of planning permission 181107/FUL – Split Decision 04/05/2022

**Proposed Development**

The proposed development is to vary the wording of the original Condition 6 of the approved application 181107/FUL, to allow the premises to operate from 1pm – 9pm.

Condition 6 of the approved application 181107/FUL states:

*"6. The premises shall not be used by members of the public outside the hours of 7am to 3pm on Mondays to Saturdays and 7am to 2pm on Sundays or Bank Holidays.*

*Reason: in order to protect local residents from unreasonable disturbance arising from the use in accordance with Policy DM4 and Policy CS34."*

The proposed development seeks to vary this condition by means of a Section 73 application to state:

*"6. The premises shall not be used by members of the public outside the hours of 1pm – 9pm on Mondays to Saturdays and 7am to 3pm on Sundays or Bank Holidays.*

*Reason: in order to protect local residents from unreasonable disturbance arising from the use in accordance with Policy DM4 and Policy CS34."*

**Relevant Planning Policy Considerations**

The following local and national planning policy and guidance is relevant to this application:

National Planning Policy Framework (December 2023)

Sites and Detailed Policies Document (2012) Policy DM4 – Safeguarding Amenity

**Material Considerations**

Policy DM4 of the Sites and Detailed Policies Document seeks to ensure that new development will not cause a significant detrimental impact to the living environment of existing or new residential properties in terms of noise, disturbance and smells. There are residential dwellings in close proximity to the application site and the existing use of the premises.

The current opening hours of 7am to 3pm are insufficient for the applicant, as the nature of the restaurant business tends to operate most effectively within the evening hours serving evening meals. The current hours of 7am to 3pm are too early and more suited to cafes that would serve breakfast. The current hours of 7am to 3pm are 8 hours of the day and the proposed change to 1pm to 9pm would be to 8 hours of the day. This proposed change would result in no change to the period of time in which the premises will be open, which will remain at 8 hours of the day.

It is noted that the delegated report for the original application, Transport Development Control stated:

"For the opening times of the facility, the closing time is scheduled to be either 3pm or 2pm on a Sunday. It is envisaged that this would have a limited functionality for a takeaway service and it is expected that the opening times would extend beyond that specified within the application form."

The Planning Authority acknowledged in the original application that it is likely that the opening and closing times would extend beyond that specified within the application form. Although the premises is closed to members of the public after 3pm, as the condition currently states, this does not mean that the kitchen and its takeaway service needs to be closed as existing.

Further, it was concluded by the Planning Authority that "The introduction of an A3 use to the local centre is considered to diversity its appeal". Allowing the hours of the use to extend to the evening would improve the appeal of the locality and would attract more residents to the shopping parade, enhancing its vitality. The change would effectively reduce any morning noise and disturbance.

Odour impact and delivery and servicing has already been assessed by the Council as being acceptable, and noise and litter impacts are to be managed through separate conditions.

Condition 7 of the original planning permission will remain which restricts amplified sound or music played at the premises outside 7am until 3pm on Mondays to Saturdays and 7am until 2pm on Sundays. There would be no significant detrimental impact to existing residential properties with regards to noise and disturbance as a result of the extension of opening hours.

It is of note that the neighbouring Co-operative food store is currently open 7am – 10pm and therefore the local shopping parade experiences comings-and-goings well into the evening hours from residents as existing.

Considering the above, the proposed change to the wording of the condition would maintain its reason, which is to protect local residents from unreasonable disturbance arising from the use in accordance with Policy DM4 of the Sites and Detailed Policies Document.

**Conclusion**

This report has highlighted that the proposal, subject to this application to vary the original condition, is in accordance with the Council's planning policies and national planning policy.

For the above reasons the development is sustainable development and is also in accordance with national policy and guidance. Therefore, in the absence of any other material considerations to justify otherwise, it is respectfully requested that development be considered as acceptable in principle.

Should the Planning Authority request any further information in order to process this request to vary the original condition, please contact **Homz** (hello@homz.uk) directly as the acting agent and we will be more than happy to deliver any additional information as and when required.