

DELEGATED APPLICATION REPORT

Ward: Battle

App Ref: PL/26/0202 Full planning permission

Address: 555 OXFORD ROAD, READING, RG30 1HL

Proposal: Change of use of part of the ground floor from commercial use (Use Class E) to residential use (Use Class C3) with single storey side extension following demolition of existing side projection together with other alterations to create a 5 bedroom family dwelling.

Applicant: Mrs Feng Ci Chen

Received date: 13/02/2026

Target Decision date: 28/04/2026

Case Officer: Catrin Davies

1. SITE DESCRIPTION

The application site relates to a detached building located on the south side of Oxford Road. The application site has a commercial unit on the ground floor with a side projection used for storage with the upper floors in residential use occupied by the owners of the commercial use at the ground floor with access via the commercial service. It would appear that the ability to use the residential accommodation would be limited to the owners of the takeaway given the lack of separate access. The existing commercial unit is a take-away fish and chip shop (Sui Generis Use Class). The application site is within the Oxford Road West District Centre.

2. PROPOSAL AND SUPPORTING INFORMATION

The application seeks planning permission for a change of use of part of the ground floor from takeaway use (Sui Generis Use Class) to residential use (Use Class C3) with single storey side extension following demolition of existing side projection together with other alterations to create a 5 bedroom family dwelling combining with the upper floors.

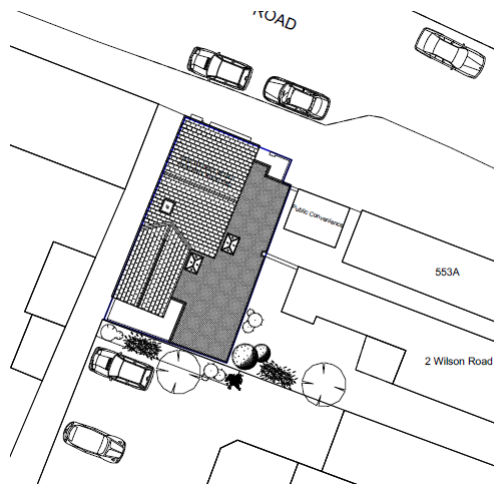


Figure 1: Block Plan



Figure 2: Elevations

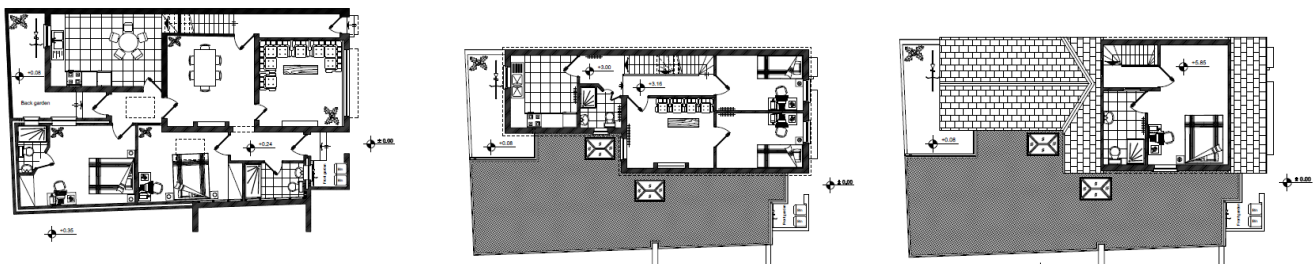


Figure 3: Floor plans

The existing commercial use is considered to be fish and chip take-away as such the use would fall within Sui Generis and not Use Class E. Officer requested for the description to be amended to reflect this but did not receive any confirmation. For the avoidance of doubt the proposal has no prior approval Class MA fall back position (nor would a fall back position exist in a purely hypothetical scenario (i.e. without a specific approval for that)). If there were not overwhelming reasons for refusal clarity would have been sought from the applicant.

Plans:

- 1- Location Plan received 3rd of March
- 99- Side elevation received 3rd of March
- 44- Proposed first floor received 3rd of March
- 22- Proposed block plan received 3rd of March
- 88- Proposed rear elevation received 3rd of March
- 55- Proposed second floor plan received 3rd of March
- 66- Proposed roof plan received 3rd of March
- 1010-Proposed side elevation received 3rd of March
- 33-Proposed ground floor received 3rd of March
- 77-Proposed front elevation received 3rd of March

Other documents:

- Air quality statement received 3rd March 2026
- Planning Statement received 3rd March 2026
- Ecology Statement received 3rd March 2026
- Transport Assessment received 3rd March 2026

Planning History:

PL/18/0193-Hot food takeaway (fish and chip shop). Certificate Granted on 27th March 2018.

3. CONSULTATIONS

The following were consulted:

Transport Development Control

The building currently accommodates a ground-floor takeaway with residential accommodation above. The proposal will remove the commercial use and restore the building to full residential use.

On street parking is controlled and monitored via the operation of the Councils residential parking permit scheme and extensive parking restrictions in place including a red route that operates on Oxford Rd. Our records indicate that the property has been issued with a resident parking permit.

Bin storage has been illustrated located in a newly created area at the front of the property within thin the curtilage of the site which will allow for kerbside collection. The applicant should note that no bins are permitted to be stored on any part of the public highway.

There are no Transport objections to this application as the proposed change of use from takeaway (Class E) to a single five-bedroom dwelling (Class C3) will result in a reduction in trip generation and will not negatively impact the highway.

Given the location of the site, it is recommended that consideration be given to a scaled down version of a CMS that includes foot path closures, storage of materials etc.

Public Consultation:

A site notice was displayed at the application site and no letters of representations were received.



4. 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).

In this regard, the NPPF states that due weight should be given to the adopted policies of the Local Plan 2019 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).

Local Plan Partial Update

The current version of the Local Plan (adopted in November 2019) turned five years old on Tuesday 5th November 2024. The Local Plan was reviewed in March 2023 and around half of the policies in the plan are considered still up to date. However, the rest need to be considered for updating to reflect changing circumstances and national policy. A consultation version of the draft update of the Local Plan was published on 6th November 2024.

Although there is a five-year period for carrying out a review of a plan after it is adopted, nothing in the NPPF or elsewhere says that policies automatically become “out of date” when they are five years old. It is a matter of planning judgement rather than legal fact whether a plan or policies within it are out-of-date. This will depend on whether they have been overtaken by things that have happened since the plan was adopted, either on the ground or through changes in national policy, for example. Officer advice in respect of the Local Plan policies pertinent to these applications listed above is that they remain in accordance with national policy and that the objectives of those policies remains very similar in the draft updated Local Plan. Therefore, they can continue to be afforded weight in the determination of this planning application and are not considered to be ‘out of date’

The Local Plan Partial Update was submitted to the Secretary of State on 9th May 2025. Submission marks the beginning of a process of public examination led by an independent Inspector. Due to the stage of examination, the draft Local Plan can be afforded limited weight.

Relevant Policies:

National Policy

National Planning Policy Framework 2024

National Planning Practice Guidance

Reading Borough Local Plan (Nov 2019)

CC1 (Presumption in Favour of Sustainable Development)

CC2 (Sustainable Design and Construction)

CC3 (Adaptation to Climate Change)

CC5 (Waste Minimisation and Storage)

CC6 (Accessibility and the Intensity of Development)

CC7 (Design and the Public Realm)

CC8 (Safeguarding Amenity)

CC9 (Securing Infrastructure)

EN12 (Biodiversity and the Green Network)

EN14 (Trees, Hedges and Woodland)

EN15 (Air Quality)

EN16 (Pollution and Water Resources)

H1 (Provision of Housing)

H2 (Location, Accessibility, Density and Housing Mix)

H3 (Affordable Housing)

H5 (Standards for New Housing)

H10 (Private and Communal Outdoor Space)

H11 (Development of Private Residential Gardens)

TR3 (Access, Traffic and Highway-Related Matters)

TR5 (Car and Cycle Parking and Electric Vehicle Charging)

H1: (Provision Of Housing)

H8: (Residential Conversions)
H10: (Private and Communal Outdoor Space)
RL3: (Vitality and Viability of Smaller Centres)

Supplementary planning documents/guidance

Revised Parking Standards and Design (2011)
Sustainable Design and Construction (2019)
Affordable Housing Supplementary Planning Document (2021)
Planning Obligations Under Section 106 (2015)
Tree Strategy (March 2021)
Local Transport Strategy 2040 (2024)
Revised Parking Standards and Design (2011)
Residential Conversions (2023)

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.

5. APPRAISAL

Land Use Considerations

Policy CC1 (Presumption in favour of Sustainable Development) requires a positive approach to development proposals that reflect the presumption in favour of sustainable development, which lies at the heart of the National Planning Policy (NPPF). To achieve sustainable development a proposal needs to meet economic, social and environmental objectives.

Principle of development

The application site is located within the Oxford Road West District Centre.

Policy RL3 states “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.”.***

The proposal would result in the loss of a take-away at ground floor level which is considered to be a ‘centre uses’ as such the principle of the loss of the take-away is not acceptable. The applicant has not demonstrated any ‘exceptional circumstances’ existing as such there is a principle objection to change of use and will form a refusal reason.

Residential Amenity

Policy CC8 of the Reading Borough Local Plan requires that “Development will not cause a detrimental impact on the living environment of existing residential properties or unacceptable living conditions for new residential properties, in terms of:

- Privacy and overlooking;
- Access to sunlight and daylight;
- Visual dominance and overbearing effects of a development;
- Harm to outlook ...”

Additionally, policy EN16 states that “development will only be permitted where it would not be damaging to the environment and sensitive receptors through land, noise or light pollution.”

Policy H10 states that “Dwellings will be provided with functional private or communal open space, including green space wherever possible, that allows for suitable sitting-out areas, children’s play areas, home food production, green waste composting, refuse storage, general outdoor storage and drying space. Houses will be provided with private outdoor space.....The design of outdoor areas will respect the size and character of other similar spaces in the vicinity”. The supporting text (H10) states that dwellings should be provided with the same amount of outdoor space as the internal floor area.

Amenity of future occupiers

The proposal results in the creation of a 5-bedroom dwelling, the applicant has confirmed this is not intended to be a HMO. The dwelling meets space standards (as per policy H5) however not all habitable bedrooms would be served by a window with the two bedrooms on the ground floor reliant on a roof light for natural light. Given the roof light would be surrounded by built form, it has not been demonstrated that these windows would receive adequate light. In addition to this these bedrooms would have very poor outlook. Furthermore, the bedroom within the roof space only has one side window for both light and outlook given the modest size of the window in comparison to the room size it has not been demonstrated this room would have adequate light. The floor plans aren’t clear as to the room designation, but it is considered there is a dining room on the ground floor which would not be served by any window as such would not have adequate light and in addition to this the ground floor commercial window on the front elevation would be maintained given the size of this window and the room adjacent to the public highway it is considered to impact privacy of the future occupiers.

The proposed garden is considered to be extremely limited and not adequate for a five bedroom property, the useable space within the garden is considered to be reduced due this being surrounded by built form with no quality amenity space provided. Policy H10 states that that dwellings should be provided with the same amount of outdoor space as the internal floor area, this proposal would result in an outdoor amenity space which is significantly less than the floor area.

The proposal is therefore considered to result in a poor environment for future occupants and would not comply with policies CC8 and H8 of the Reading Borough Local Plan 2019 and the Residential Conversions SPD 2023.

It is acknowledged that the attic room is existing and should of this been the only room considered to have poor amenity then it would not result in a refusal reason.

Amenity of neighbouring properties

The proposal would result in a single storey side extension on the eastern elevation this would have a similar footprint as the existing side projection. The side extension is a single storey and is mitigated through boundary screening. The first floor and roof plan are currently in residential use as such there would be no change for the existing. Due to these reasons the proposal is not considered to unduly harm the amenities of neighbours.

Design and Character

Policy CC7 (Design and the Public Realm) aims to preserve or enhance the character of the area in which a development is in terms of layout, landscape, density, scale, height, massing, architectural detail and materials.

The NPPF (Para 131) sets out that good design is a key aspect of sustainable development. The National Design Guide identifies 10 key components for good design and of particular note is the characteristic of 'Context' and it states that "well-designed new development responds positively to the features of the site itself and the surrounding context beyond the site boundary. It should enhance positive qualities and improve negative ones." Additionally, there is specific reference to 'views inwards and outwards'.

The proposed side extension has a similar footprint and scale as the existing side projection. The side extension is modest in terms of its width with a flat roof as is considered subservient to the host dwelling. The proposed changes are considered modest in nature. However, the existing property is considered to be of poor design, following potentially unauthorised extensions over time (due to lack of planning history)



The existing building is considered to be of poor design and the proposal does not enhance the appearance of the building, it is considered any development at the site should seek the opportunity to enhance the character and appearance of the building. Despite the appearance of the building considered to be poor given the modest nature of the proposal, the proposal would not be any more harmful to the street scene than the existing as such would not result in a refusal reason.

Highways Consideration

The proposal is a car free development with no off-street parking proposed. The proposal therefore does not accord with the Parking SPD. On street parking is controlled and monitored via the operation of the Councils residential parking permit scheme and extensive parking restrictions in place including a red route that operates on Oxford Rd. Our records indicate that the property has been issued with a resident parking permit.

RBC Highways have been consulted and raised no objection as the proposed change of use from takeaway (Class E) to a single five-bedroom dwelling (Class C3) will result in a reduction in trip generation and will not negatively impact the highway.

Trees/Ecology

In accordance with Policy EN12, all development would be expected to not result in a net loss of biodiversity. Any net gain should be provided wherever possible.

Policy EN14 seeks to protect trees, groups of trees, hedges and woodland from damage or removal, extend the borough vegetation cover and that development should make provision for tree planting.

The proposed plans make no provision for tree planting or biodiversity gains. Given this is a change of use and the existing is on existing hardstanding as such it is not considered to result in a net loss or subject to mandatory BNG. While not a reason for refusal within itself the lack of adequate soft landscaping and biodiversity is a negative of the scheme.

Sustainability Considerations

In accordance with Policies CC2 and H5 of the Reading Local Plan (2019) all development would be required to demonstrate how it is proposing to be constructed to address climate change. In this instance, the proposal is sought to be built to acceptable standards. As such, should the recommendation had been to approve, a condition would have been attached to secure post construction certification that an appropriate standard had been met in line with the appropriate acceptable standard.

Waste Considerations

The proposal includes bin storage allocated within the application site as shown on the floor plans, it is considered this is adequate.

CIL

The proposal results in a change of use of ~92m² of floor area from non-residential to residential to be combined with the upper floors. As the change of use is less than 100 sqm, and does not create an additional dwelling it is therefore not CIL liable.

Planning Balance

The NPPF is a material consideration in planning decisions. Planning policies and decisions must also reflect relevant international obligations and statutory requirements.

Paragraph 11 of the NPPF deals with the presumption in favour of sustainable development, setting out that, for decision taking this means:

d) Where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

- i. The application of policies in this Framework that protect areas or assets of particular importance provides a strong reason for refusing the development proposed; or*
- ii. Any adverse impact of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well designed places and providing affordable homes, individually or in combination.*

Footnote 8 of the NPPF provides further clarification on decision-taking for applications involving the provision of housing and assessing when policies which are most important for determining the application are out-of-date. Footnote 8 states that this includes situations where the local planning authority cannot demonstrate a five-year supply of deliverable housing sites (with the appropriate buffer), or where the Housing Delivery Test indicates that the delivery of housing was substantially below (less than 75% of) the housing requirement over the previous three years.

In relation to five-year supply of deliverable housing sites the Council accepts that we are currently not in a position to demonstrate a five year housing land supply (plus the appropriate buffer) as such the 'tilted balance' is engaged.

When the tilted balance is engaged, it is necessary to conduct a planning balance in determining applications and the balance is whether the harms 'significantly and demonstrably' outweigh the benefits of granting permission when assessed against the policies in the NPPF.

In assessing the benefits of the proposal in general, weight is afforded to the proposal providing an extended home with an existing settlement. The development would also deliver both short and long term economic benefits in terms of construction and local spends. However, the loss of the ground floor centre uses would be harmful to the vitality and viability of the centre and it is considered that future occupiers would have a poor living environment and poor amenity this result in significantly and demonstrably reasons which outweigh the benefits when assessed against the policies in the Framework taken as a whole.

6. CONCLUSION

On the basis of the above and in light of any other material planning applications, the proposal is considered not to be in accordance with the development plan. Accordingly, recommendation is made to refuse planning permission.

7. RECOMMENDATION

The planning permission is refused for the following reasons:

1. The proposal by way of the loss of a centre use at ground floor within a district centre which would be harmful to the vitality and viability of the centre and contrary to policy RL3 of the Reading Local Plan and paragraphs 90, 128 of the NPPF 2024.
2. The proposed development fails to demonstrate all habitable rooms would receive adequate natural light and outlook and the proposal fails to provide adequate outdoor amenity for a five-bedroom dwelling creating unacceptable living condition, contrary to Policies CC8 and H10 of the Reading Borough Local Plan 2019.