

## **DELEGATED APPLICATION REPORT**

Ward: Whitley

App Ref: PL/25/0185 Full planning permission

Address: 168A WHITLEY WOOD ROAD, READING, RG2 8LQ

Proposal: Retrospective change of use from restaurant/café (Class E(b)) to hot food take-away (Sui Generis).

Applicant: Mr Zubair Qureshi

Received date: 5 February 2025

Target Decision date: 1 May 2026 (agreed extension of time)

**Case Officer: Anthony Scholes**

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### **1. SITE DESCRIPTION**

The application site is a two-storey 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 site was approved for use as a café with ancillary takeaway in 2019, with the café use ceasing after 2021, and the current use commencing.

### **2. PROPOSAL AND SUPPORTING INFORMATION**

The application seeks retrospective change of use from restaurant/café (Class E(b)) to hot food take-away (Sui Generis). No other changes are sought.

The following plans and documents were submitted with the application:

- Location Plan
  - Floor plan – 168 C -1-100 @ A4
  - Location Plan – 168C Location Plan 1-500 @ A4
- As received by the Local Planning Authority on 25 February 2025
- The 'Syntegra Consulting', Plant Noise assessment Ref 24-13309, dated May 2024
  - The 'ACP', noise impact consideration letter, dated 7 March 2025
- As received by the Local Planning Authority on 10 March 2025
- The 'ACP', Odour Impact Assessment, dated March 2025
- As received by the Local Planning Authority on 9 April 2025

### **3. 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

#### 4. CONSULTATIONS

The following were consulted:

- Environmental Protection Consultations – No objection subject to confirmation of works being undertaken as outlined within acoustic/odour assessment.
- Licensing – No response.
- Transport Development Control – No objection.

#### 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).

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).

Accordingly, the latest NPPF and the following development plan policies and supplementary planning guidance are relevant:

##### National

National planning policy framework (2024)

National planning policy guidance

##### Reading Borough Local Plan (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

EN13: MAJOR LANDSCAPE FEATURES AND AREAS OF OUTSTANDING NATURAL BEAUTY

EN15: AIR QUALITY

EN16: POLLUTION AND WATER RESOURCES

EN17: NOISE GENERATING EQUIPMENT

TR1: ACHIEVING THE TRANSPORT STRATEGY

TR3: ACCESS, TRAFFIC AND HIGHWAY-RELATED MATTERS

TR4: CYCLE ROUTES AND FACILITIES  
TR5: CAR AND CYCLE PARKING AND ELECTRIC VEHICLE CHARGING  
RL1: NETWORK AND HIERARCHY OF CENTRES  
RL3: VITALITY AND VIABILITY OF SMALLER CENTRES

Supplementary Planning Documents and other guidance

Revised parking standards and design SPD (2011)

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’.

## 6. APPRAISAL

### *Principle of development*

The application site was most recently in use as a café (class E). The application site is located within a local centre (Whitley Wood), within an area of active frontages within centres. The centre is reasonably small, with only ~90m of active frontages. Policy RL3 of the Local Plan (2019) seeks to ensure the vitality and viability of centres across Reading. Included within that is the need to avoid a concentration of takeaway uses within centres. This should be by way of no more than 2 consecutive takeaway uses, and no more than 30% of the length of the key frontage being in takeaway use, as well as restricting non-centre uses. In this instance, the proposal would be the only takeaway use within the centre at present. This would result in 7.5m of frontage being in Sui Generis Takeaway use (~9%).

The proposal is also considered in the context of the NPPF (2024). Paragraph 97 states:

*“Local planning authorities should refuse applications for hot food takeaways and fast food outlets:*  
*a) within walking distance of schools and other places where children and young people congregate, unless the location is within a designated town centre; or*  
*b) in locations where there is evidence that a concentration of such uses is having an adverse impact on local health, pollution or anti-social-behaviour.”*

It is acknowledged that the proposal is within ~430m of the nearest entrance to Geoffrey Field School. The site, being within an existing centre, is anticipated as having takeaway uses. Whilst it is possible to resist such takeaway uses in accordance with paragraph 97 above, it would otherwise comply with Local Plan requirements, and therefore is acceptable in this limited instance the local centre status, and aim of achieving a viability of the local centre. Resisting purely based on the above could lead to further

vacancies within the centre. As such, it is considered that a takeaway use, on balance would be acceptable in this location.

#### *Amenity*

The proposal has sought retrospective permission for the change from a café to a takeaway. The previous café permission included conditions relating to cooking extraction and noise. The details of these conditions were not discharged, and therefore no ventilation and extraction details were previously approved. The applicant has provide an acoustic assessment and odour assessment to address policies CC8, EN15, and EN16 of the Local Plan (2019). The assessments required further works to the system, of a minor nature. These works were undertaken ahead of a decision being made and confirmed by the applicant. RBC's environmental protection colleagues confirmed that noise and odour impacts would be sufficiently mitigated by the installed equipment. A condition will secure the continued use of the system as per the details provided.

#### *Design*

No internal or external works are proposed as part of this proposal. The red line is also limited to the area of the building alone, therefore no works around the site are reasonably able to be applied (i.e. landscaping).

#### *External vent*

It is noted that the unauthorised change of use also included the construction of a external kitchen ventilation and extraction vent to the west of the site. The extraction vent is located overhanging the adjoining sites driveway, and as such may not be within the red line plan. This was not included, nor could it be included in the current application. As such, should be relocated within the application site, and an application for its replacement be made within 3 months to avoid enforcement action.

#### *Other matters*

#### *Transport*

The proposal does not include parking. The site is within a controlled parking area, and transport colleagues have confirmed no objection. The proposal is unlikely to result in significant impacts to the transport network and is therefore acceptable.

#### *Litter management*

A condition will be attached to secure a litter management strategy. A condition will also ensure waste is collected from the rear service yard and not stored at the front of the site.

#### *Sustainability*

Works have already been completed, and no works are proposed. There is therefore no opportunity to apply BREEAM standards in this instance.

#### *Lighting*

No external lighting is proposed. A condition is recommended to restrict any installation without planning permission for such works.

### 7. CONCLUSION

The proposal has been assessed against national and locally adopted policies and is considered in accordance with those policies.

### 8. RECOMMENDATION

GRANT.