

Objection to Planning Application: 260463

Location: 95b Bean Oak Road, Wokingham

1.0 I am writing to formally object to retrospective application 260463. This operation constitutes a material change of use by way of 'fact and degree' under Section 55 of the Town and Country Planning Act 1990. The previous restaurant use (Class E), characterised by café style seating dining and incidental takeaway, has been superseded by a primary Sui Generis takeaway model.

1.1 This transformation is evidenced by physical and operational shifts that match established Planning Inspectorate precedents for defining a material change to Sui Generis use, including.

APP/P4225/C/19/3235965 - Use of deep fat fryers

APP/P4225/C/19/3235965 - New extraction system

APP/B0230/C /10/2141631 & 2141634, APP/B0230/X /10/ 2141925 - Signage style, menu display, opening hours

APP/W4325/X/12/2178560 - Refit to facilitate higher volume food production

APP/B0230/C /10/2141631 & 2141634, APP/B0230/X /10/ 2141925 - Kitchen on view

APP/P4225/C/19/323596 – Delivery service availability

APP/G3110/C/19/3239740 & APP/G3110/C/19/3239738 – Primary advertising of the business

1.2 Consequently, the 'fallback' position of the previous restaurant use is irrelevant. I therefore request the Council assesses this as a new planning unit, against Core Strategy Policy CP3 and MDD Policy TB17. Also the intensification of throughput, delivery movements and late-night noise directly contravenes the requirement to protect residential amenity and fails the 'High Standard of Amenity', 'Contributing to Noise and Air Pollution' and 'Promote Health and Well-Being' tests set out in the NPPF Chapters 12 & 15

1.3 This objection is based on the cumulative detrimental effects the proposal will have on the local community, specifically regarding public health, residential amenity, and the strategic economic objectives of the Borough. As outlined in the following comments, the proposal directly conflicts with the National Planning Policy Framework (NPPF) and the Wokingham Managing Development Delivery (MDD) Local Plan, particularly concerning is the loss of another use class E property, and the proven negative impacts on local traffic, air quality, and public safety. Furthermore, the failure to uphold previous management commitments raises serious concerns regarding the future impact of this development on the neighbourhood.

2.0 Public Health

2.1 The 'Existing and Proposed Plan' submitted with this application illustrates both a 'takeaway' and a 'takeaway servery'. These elements represent a significant shift in the nature of the original business. As established in Planning Inspectorate Appeal APP/P4225/C/19/3235965, the introduction of such equipment and facilities is recognised as a material change of use with multiple impacts on health in the area.

2.2 The health risks associated with hot food takeaways are a major public concern, with government policies and national reports directly addressing the issue. The National Planning Policy Framework (NPPF) empowers local authorities to foster healthier communities. Furthermore, evidence from Public Health England (PHE), specifically the report "Obesity and the environment: regulating the growth of fast-food takeaways", explicitly links the food served in such outlets to negative health outcomes. These establishments are of "particular concern" because they frequently serve food high in fat and salt, and low in fibre, fruit, and vegetables. The report directly connects this dietary profile to chronic diseases such as Type 2 diabetes and hypertension.

2.3 The proliferation of takeaways is known to adversely impact children's health. The site at 95b Bean Oak Road is located in close proximity to several areas where children regularly congregate. These include a neighbouring children's tuition centre (Use Class F1), a children's play area within 50 metres, recreation grounds within 200 metres, a secondary school boundary within 400 metres, and the boundaries of two primary schools within 500 metres.

2.4 The application to establish a fast food takeaway directly conflicts with government policy, which acknowledges the significant role the food environment plays in influencing children's dietary choices and long-term health. National Planning Policy Framework (NPPF) guidance (Paragraph 97) recognises this link, stating that local planning authorities should refuse applications for hot food takeaways and fast-food outlets within walking distance of schools and other locations where children and young people congregate, unless the site is within a designated town centre.

3.0 Loss of Services

3.1 The 'Existing and Proposed Plan' submitted with this application illustrates a 'takeaway servery' area. This configuration includes an open kitchen, which significantly shifts the primary focus of the business. In Planning Inspectorate Appeals APP/B0230/C/10/2141631 & 2141634 and APP/B0230/X/10/2141925, Inspector Stephen Brown MA(Cantab) DipArch RIBA noted that an open kitchen and illuminated valance are key factors in determining a material change of use. In this case it will change the makeup of amenities on the parade.

3.2 Under the Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020, restaurants, shops, offices, and clinics are now grouped within Class E. These changes were designed to reduce the need for time-consuming planning applications and maintain vibrant neighbourhoods, based on the principle that the services provided to the community remain fundamentally similar within this class.

3.3 The predominant sale of takeaway food would be detrimental to the local provision of day-to-day shopping facilities. Policy TB17 of the Wokingham Managing Development Delivery (MDD) Local Plan aims to retain and enhance day-to-day shopping facilities in local centres and neighbourhood parades. This objective is already under significant pressure; for example, the recent change of use at 58-64 Charwood Road to an educational facility has already reduced the retail offer. The loss of another Class E unit to a takeaway would further diminish the daytime utility and vitality of the parade, something so important to the older demographic of the area who are reliant on the parade for day-to-day retail need.

3.4 The parade is currently an attractive, fully occupied destination. Although the convenience store closed recently, the inherent vibrancy of the location ensured the premises reopened quickly. In the recent planning application for 58-64 Charwood Road, a 'Marketing Report' confirmed high demand, noting that the agent received nine enquiries over a five-month period. This evidence demonstrates that the unit remains a viable Class E space, and a change of use is not necessary for commercial viability under Policy TB17. This position aligns with the refusal issued for planning application 15002 for a takeaway on a neighbour parade.

3.5 Takeaway uses typically operate with concentrated evening hours, which creates a 'dead frontage' throughout the daytime. Bean Oak Road parade relies on "linked trips", (people going to the hairdressers, then the café, then the shop) a takeaway business breaks the "link" and harms other businesses. This actively undermines the goal of maintaining vibrant day-to-day shopping facilities. This issue is intrinsically linked to takeaway's and is already evident when comparing the current actual hours of operation against those of the previous café.

4.0 Odour Nuisance

4.1 The Court of Appeal case involving Gladman Developments Ltd v Swale Borough Council (specifically Gladman Developments Ltd v SSCLG & Swale BC [2019] EWCA Civ 1543) reaffirmed that the impact of a development on local air quality is a material planning consideration. Even if a development provides significant benefits, those benefits can be legally outweighed by the harm caused. The key expert in this case was Professor Stephen Peckham, a specialist in health services research and public health. His evidence was pivotal in proving that even when pollution levels are technically within "legal limits," small increases from new developments can still be a legitimate material planning consideration because of their cumulative impact on human health. In this case the increase in throughput for a takeaway focus would have an impact on air quality.

4.2 Policies CP1 and CP2 of the Wokingham Borough Core Strategy Development Plan Document stipulate that development must 'minimise the emission of pollutants into the wider environment'. Odour nuisance is inherently harmful; it significantly reduces quality of life and acts as a major source of stress, anxiety, and sleep disruption. In the absence of a comprehensive Odour Impact Assessment prepared by a qualified consultant, the applicant has failed to demonstrate that the proposal will not result in a significant loss of residential amenity

5.0 Personal Health & Statutory Duty

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5.3 It is professionally recognised that fumes and odour nuisances are significantly higher in takeaway operations than in standard cafés or shops. However, Application 260463 contains no details regarding how this increased volume of fumes will be extracted. The original extraction system was designed for a different use class with a lower volume and less intensive usage.

5.4 While the current system may have been adequate for previous uses, its high-throughput application reveals critical limitations, including restricted access for maintenance and an exit point located near residential windows and below the roof ridge, no amount of filtration can mitigate the nuisance and the physical back-pressure issues caused by an incorrectly sited terminal. This contradicts the management plan in Application 232136, which committed to a 'vertical flue terminating above the building'. A similar to Application 191887 in the borough was refused for failing 'to demonstrate adequate ventilation and extraction measures to protect the residential amenities of neighbouring properties.

6.0 Noise Disturbance

6.1 Since operating as a takeaway, the premises has caused a notable increase in noise disturbance. Formal complaints have been submitted to Wokingham Borough Council regarding loud music, large gatherings, car engines revving, and shouting by staff members.

6.2 This pattern of disturbance is consistent with hot food takeaway businesses, which are widely acknowledged to attract a higher volume of customers and produce a greater degree of noise and disruption than other retail uses. This issue is specifically recognised in government policy; Public Health England (PHE) guidance 'Health matters: obesity and the food environment', it recommends that local planning authorities control the development of takeaways to mitigate night-time noise, a harm that directly impacts residential amenity.

6.3 As with the grounds for refusal in Planning Application 161708, this application fails to demonstrate that the development will have an acceptable impact on the amenity of neighbouring residents. Furthermore, in Planning Appeal APP/P4225/W/20/3258888, Inspector Mr W Johnson BA(Hons) DipTP DipUDR MRTPI noted that noise associated with a hot food takeaway was a key factor in the refusal of planning permission.

7.0 Traffic

7.1 The site has experienced a notable increase in short-term parking, a trend consistent with takeaway use as recognised by Wokingham Borough Council's Parking Standards and Public Health England (PHE) guidance (Health matters: obesity and the food environment). This has led to frequent instances of inconsiderate and indiscriminate parking, for which photographic and video evidence has been submitted to both Wokingham Borough Council and Thames Valley Police. Based on these documented safety concerns, I believe this application should be refused, consistent with the decision in Planning Application 191887.

7.2 In addition to general parking issues, several dangerous incidents involving vehicles visiting the takeaway have occurred. These include vehicles blocking visibility at junctions, parking fully across footpaths, and mopeds driving on the pavement. Of particular concern was an incident involving a Heavy Goods Vehicle (HGV) that mounted and drove along the footpath to reach the takeaway reported to TVP last month.

7.3 Such incidents place pedestrians in direct danger, compromise safety for other road users, and erode the character of the area. This issue is well-documented; many planning authorities across England highlight in their Supplementary Planning Documents (SPDs) the specific link between takeaways and an increase in hazardous vehicle activity. Furthermore, in Planning Appeal APP/H1840/W/20/3257612, Inspector Bhupinder Thandi BA (Hons) MA MRTPI cited inconsiderate and indiscriminate vehicle movements as a primary reason for refusal in a case to convert a café to a takeaway.

7.4 The proposal creates an unacceptable impact on highway safety, it fails to account for the specific operational requirements of a modern takeaway, which differs fundamentally from the previous Class E use in its reliance on third-party delivery platforms (e.g., Deliveroo, Just Eat, Uber Eats). These operations generate a high volume of "ultra-short-stay" vehicle movements. The current site layout and parking provision do not include dedicated courier bays, which inevitably leads to delivery drivers idling engines and parking in hazardous locations, such as mounting the footway or obstructing the visibility splays of the Bean Oak Road junction, to minimise "collection-to-door" times. This represents a significant intensification of use that compromises pedestrian safety and contradicts Policy CP6 of the Core Strategy, which requires development to mitigate any adverse effects on the local transport network.

8.0 Litter

8.1 The high volume of sales generated by a takeaway, combined with the nature of off-site consumption, has led to a marked increase in litter in and around the premises. Litter significantly degrades the local area; it reduces public safety, harms wildlife, and fosters further anti-social behaviour. Furthermore, it acts as a breeding ground for pests, poses a risk of injury through broken glass, and creates a substantial financial burden on the local authority for cleanup and maintenance.

8.2 The management plan for Planning Application 232136 explicitly stated: 'Staff litter pick the area every morning prior to opening and will increase this to an additional litter pick prior to closing each evening.' However, the volume of complaints and photographic evidence submitted to the Wokingham Street Cleaning Team demonstrates that these commitments have not been upheld.

8.3 Additionally, the management plan for Application 232136 stated: 'A litter bin is provided for customer use within the shop.' In reality, no such bin has been provided for several months.

8.4 Recent guidance on promoting healthy and safe communities highlights that Section 215 of the Town and Country Planning Act 1990 empowers Local Planning Authorities to require owners or occupiers to

tidy a site if its condition adversely affects the amenity of the neighbourhood. Further relevant powers are available to local authorities under the Anti-social Behaviour, Crime and Policing Act 2014 and the Licensing Act 2003. Given the absence of a robust management statement in the current application, and the clear failure to meet existing commitments under the current limited takeaway use, this application should be refused.

9.0 Inequalities

9.1 The availability of hot food takeaways is a recognised contributor to health inequalities. This is particularly relevant to the site at 95b Bean Oak Road, which is located just 130 metres from Wokingham 013C, identified as the area with the highest levels of deprivation in the borough (excluding adult care settings). The Wokingham Borough Tackling Poverty Strategy 2022–26 emphasises the need to reduce health inequalities and support communities at greater risk of poor health outcomes. The proliferation of nutritionally poor, high-fat, high-sugar, and high-salt takeaway food in such close proximity to a vulnerable community will exacerbate existing health disparities. This directly undermines the strategy's aim to promote healthy living and tackle the root causes of poverty.

9.2 This position is supported by the National Planning Policy Framework (NPPF), which specifically aims to drive healthier outcomes and emphasises the importance of creating healthy, inclusive, and safe communities through the planning system. Furthermore, in Planning Appeal APP/W4515/C/18/3215378, Inspector Paul Freer BA (Hons) LL.M PhD MRTPI noted that public health objectives and their alignment with local plans were key factors in the refusal of planning permission for a takeaway.

10.0 Town Centre Detraction

10.1 The development of this site as a takeaway undermines the economic prosperity of Wokingham Town Centre. Located only 0.5 miles from the town centre boundary, this change of use conflicts with the objectives of the Wokingham Borough Town Centre Strategic Framework 2025–2035. As a takeaway, the premises will inevitably draw people away from the central hub, where the Council is actively encouraging a sustainable "18-hour economy". The proliferation of such businesses in higher residential areas not only detracts from public health but also fragments the local economy. This fragmentation makes it increasingly difficult to achieve the Council's strategic vision of a concentrated, lively, and commercially viable town centre. The application has not carried out any sequential test to satisfy why this cannot be accommodated within the nearby Wokingham Town Centre and therefore I believe the application should be refused.

11.0 Takeaway Proliferation

11.1 The proliferation of takeaways is known to create a commercial imbalance and undermine the vitality of other retail offerings. The continued development of hot food takeaway units represents a direct contradiction of Wokingham Borough Council's core planning objectives, which are rooted in a strategic vision for community-wide prosperity. With five hot food takeaways already operating within a 0.5-mile radius, the area is demonstrably saturated. The Wokingham Managing Development Delivery (MDD) Local Plan outlines a commitment to holistic development, a principle that requires a diverse and balanced provision of services to create sustainable, well-rounded communities. The addition of another takeaway in this area would further skew the local service balance, at the expense of the diverse retail mix necessary for a resilient neighbourhood.

12.0 Conclusion

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