

COMMITTEE REPORT

BY THE DIRECTOR OF ENVIRONMENT AND NEIGHBOURHOOD SERVICES READING BOROUGH COUNCIL PLANNING APPLICATIONS COMMITTEE: 30 <sup>th</sup> May 2018	ITEM NO. 8
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Ward: Abbey

App No.: 180273

App Type: FUL

Address: 109b Oxford Road, Reading, RG1 7UD

Proposal: Amended Description: Change of use from sui generis (betting shop) to A3 restaurant with ancillary A5 takeaway and replacement shopfront (revised elevation details)

Applicant: Express Team Ltd

Date valid: Minor Application: 8 week target decision date: 9<sup>th</sup> April 2018

Extended decision date:

**RECOMMENDATIONS**

Grant full planning permission, subject to conditions and informatives:

Conditions to include:

- 1) Time limit
- 2) Plans to be approved
- 3) Details and Samples of all External Materials (including pavement treatment)
- 4) Extraction System details
- 5) Hours of Use: 11:30-23:00 Sun - Thurs and 11:30 - 23:30 Fri - Sat
- 6) Construction Hours - no noisy works outside hours of 08:00 - 18:00 Mon - Fri and 08:00 - 13:00 Saturdays. No work shall take place Sundays or Bank Holidays
- 7) Delivery Hours/Waste Collections: 08:00 - 20:00 Mon - Sat and 10:00 - 18:00 Sundays and Bank Holidays
- 8) Bin Storage and Litter Management Plan Details to be Submitted

Informatives to include:

- 1) Terms and Conditions
- 2) Building Regs
- 3) Damage to Highway
- 4) Works Affecting Highways
- 5) Separate advertisement consent required; No signage is approved as part of this application
- 6) Positive and Proactive

**1. INTRODUCTION/BACKGROUND**

- 1.1 The application relates to the ground floor of an end of terrace property located on the south side of Oxford Road, on the corner with Zinzan Street. The ground floor was occupied as a Sui Generis 'Ladbrokes' betting shop but it is currently vacant. The upper floors are in residential use.
- 1.2 This part of Oxford Road is characterized by retail/commercial activity at ground floor, with residential ancillary uses (to the ground floor use) on the upper floors. Within the vicinity of and backing on to the site are residential

properties which are predominantly Victorian terraces. Oxford Road is a busy shopping street and a major route into and out of Reading town centre for vehicles and pedestrians alike.

1.3 Although not listed, the application site is located within Russell Street / Castle Hill Conservation Area. The site is located within the defined Reading Central Area, but outside of the central core, primary shopping area and office core areas. In addition, the site is also within an air quality management area.

1.4 Although not specifically referenced within the Conservation Area Appraisal, the site is located within sub-area 4, which states:

Oxford Road contains a long terrace of listed buildings, dating to the early 19th century. The terrace is divided by a shorter group of mainly late 19th century development and many of the buildings in the whole group have modern shopfronts or have been converted into offices. Nos. 169/171 have late 19th century shopfronts, somewhat altered.

Negative features:

- Busy traffic
- Poor pedestrian links across the main road
- Poor quality shopfronts, some of them in listed buildings (e.g. nos. 155 and 157)
- Poorly maintained buildings, some of them listed (e.g. no. 139)
- Plastic windows in listed buildings (e.g. nos. 171 and 177)
- Loss of chimney stacks and chimney pots (e.g. nos. 155-157 Oxford Road)

1.5 The application was called in by Councillor Page due to concerns regarding the proposed use and the impact on heritage assets.

### Location Plan



Not to Scale

The application site as seen from Oxford Road:

**The application site as seen from Zinzan Street:**

**2. PROPOSAL AND SUPPORTING INFORMATION**

- 2.1 This is an application for full planning permission for the change of use of the site from sui generis use class (betting shop) to form an A3 restaurant use with ancillary A5 takeaway. A replacement shopfront is also proposed, with external changes to both the Oxford Road and Zinzan Street elevations. The shopfront is to be brought forward removing the recessed area and it is proposed to remove the bollards and stone cobbled area at the front of the site.
- 2.2 It is proposed to remove the existing tiling to expose and make good the brick work; anthracite grey windows RAL 7016 are proposed and it is also proposed to paint the areas of exposed timber silver grey RAL 7001. Timber panelling is proposed along the front elevation and return down the side, as is a timber plinth along the top edge of the signage board along the front and again along the return down the side. Timber columns are proposed, framing the signage.
- 2.3 The proposed opening hours of the premises would be 11:30-23:30 Monday to Sunday with all deliveries during opening hours.
- 2.4 An extraction unit/flue was originally proposed to the rear of the building, to the height of the rear dormer window; however this element has now been removed by the plans and replaced with an extract system based on low level discharge and air supply system.
- 2.5 The following plans and supporting documents have been assessed:  
Existing Site - Location Plan 2017-0176 1.0  
Existing Plan/Elevation 2017-0176 2.0  
Received 12<sup>th</sup> February 2018  
Proposed Plan/Elevation 2017-0176 3.0  
Received 24<sup>th</sup> April 2018

Design and Access Statement

Received 12<sup>th</sup> February 2018

Odour Control Equipment Specification

Received 18<sup>th</sup> April 2018

### 3. RELEVANT PLANNING HISTORY

None relevant.

### 4. CONSULTATIONS

#### (i) Statutory

4.1 None

#### (ii) Non-statutory

4.2 Highways: No objection.

Environmental Protection: No objection subject to conditions and informatives.

Heritage Officer: In view of the changes to the colour, flue, timber façade detail and tiles/render, there are no objections to the proposed scheme on heritage grounds.

The following comments received refer to the plans as originally submitted:

Reading Conservation Area Advisory Committee: Object; design not sufficiently in keeping with the charge for new developments/proposals within conservation area; fails to enhance the building and prominent visual corner; anti-social behaviour; concern designed and enhanced purely to attract customers; lack of design guidance; quality of design and access statement; smoke and odours from exhaust pipe; ruby red coloured windows inappropriate; need for advertisement consent

Baker Street Area Neighbourhood Association: Object; lack of desire to engage with the community; no community need for restaurant/takeaway; hours/anti-social behaviour; quality of heritage statement submitted; design not a positive enhancement to the Oxford Road and/or to the conservation area setting; odour from exhaust pipe; negative impact on the enjoyment of the church congregation activity after services

Reading Civic Society: Object; proposed treatment/design and harm to the conservation area; ruby red coloured windows inappropriate; need for proposed use;

#### (iii) Public/ local consultation and comments received

A site notice was displayed from 21/03/18, expiring on 12/04/18 and a press notice was published on 27/02/18. Consultation letters were sent to

17 nearby occupiers and further to revised plans re-consultation letters were sent 09/05/2018 ending 23/05/2018

- 4.3 2 neighbour letters of objection received, concerned with: litter; noise; anti-social behaviour; illegal parking; parking on the pavement;

**A petition was received objecting to the proposals, concerned with the following:**

Excessive provision of fast food /takeaway outlets in the immediate area  
Littering  
Anti-social behaviour  
Design and colour would have adverse effect on conservation area  
Lack of willingness to engage with the local Neighbourhood Community

## 5. LEGAL CONTEXT

- 5.1 Section 72 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the local planning authority in the exercise of its functions to pay special attention to the desirability of preserving or enhancing the character or appearance of a conservation area.
- 5.2 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'.

In this regard, the NPPF states that due weight should be given to the adopted policies of the Local Development Framework (LDF) (Core Strategy, Central Area Action Plan and Sites and Detailed Policies Document) 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 National Planning Policy Framework and the following development plan policies and supplementary planning guidance are relevant:

National Planning Policy Guidance  
National Planning Policy Framework (NPPF)

Reading Borough Local Development Framework Core Strategy (2008)  
CS7: Design and the Public Realm  
CS24: Car/Cycle Parking  
CS20: Implementation of The Reading Transport Strategy  
CS26: Network and Hierarchy of Centres  
CS27: Maintaining Retail Character of Centres  
CS33: Protection and Enhancement of the Historic Environment  
CS34: Pollution and Water Resources

Reading Borough Local Development Framework Sites and Detailed Policies Document (2012)  
DM4: Safeguarding Amenity  
DM12: Access, Traffic and Highway-Related Matters

DM19: Air Quality  
DM23: Shopfronts and Cash Machines

Reading Central Area Action Plan (2009)

RC5: Design in the Centre  
RC6: Definition of the Centre

Supplementary Planning Guidance/ Documents:  
Revised Parking Standards and Design SPD (2011)

Russell Street/Castle Hill Conservation Area Appraisal

## 6. APPRAISAL

6.1 The main issues are considered to be:

- Principle of change of use
- Design considerations and impact on character of the conservation area
- Impact on neighbouring amenity
- Impact on parking/highways
- Other matters

## 7. Principle of change of use

7.1 Policy S26 seeks to maintain and enhance the vitality and viability of the town centre location, which can include widening the range of uses available.

7.2 Policy RC6 also seeks to promote retail development whilst supporting other town centre uses within the wider Central Core area.

7.3 Although the site is located within the boundary of the Reading Central Area Action Plan (the 'regional centre' within Policy SC26), it is situated outside of the primary shopping area, the central core, the office core, any active frontage or district/major-local/local centre. Given this context and also mindful of Policies CS27 and RC6 and the relatively small floor space involved in this instance, it is not considered that the loss of a Sui Generis Class use at this point would harm the vitality and viability of the centre; the vitality and viability of the regional centre would be maintained. Furthermore, there are no specific policies that seek to prevent the loss of sui generis uses such as a betting shop. The unit is currently vacant and non-retail uses, where an active street frontage can be maintained, can make a valuable contribution to local economy. In this instance, it is not considered that the proposals would detract from the regional centre, as Policy CS26 outlines should be the case. When these factors are combined, it is concluded that the loss of the existing betting shop (sui generis use class) raises no in-principle land use concerns and there would be no in-principle land use objection to its replacement with an A3 use with ancillary A5 takeaway within the area.

## 8. Design considerations and impact on character of the conservation area

8.1 The application represents an opportunity to improve the appearance of the building, the ground floor of which is not currently considered to positively contribute to the conservation area (with heritage assets limited to the

upper floor). By virtue of the building's location within the conservation area, this warrants a greater quality of design and the Council is required to pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area. Policy CS33 of the Core Strategy states that development within Conservation Areas will be expected to... "make a contribution to the area by respecting and enhancing its architectural and visual qualities, and achieving a high standard of design. The Council will therefore have regard to both the quality of the townscape and the quality and interest of the area, rather than solely that of the individual building.". Policy CS7 seeks that new development should be of high quality and maintain and enhance the character and appearance of the surrounding area. Policy DM23 seeks that shop fronts should respect the character of the building on which they are located and the wider street and Policy RC5 seeks to promote positive design in the Reading central area.

- 8.2 The plans as originally submitted raised concerns in this respect, and it was considered that the proposal fell short in meeting expected standards for design within a conservation area. With regards the external alterations, the building is in a visually prominent corner plot location within the Russell Street/Castle Hill Conservation Area and rather than enhance the building, the proposals were considered to detract, with its visually prominent side elevation design especially. As both elevations are highly visible, the same level of attention should be afforded to the proposal's side elevation as to its front elevation. The proposed ruby red glazed panels were not considered to offer any enhancement of the building; moreover, it was considered that the large modern ruby red glazed windows would detract from the building's existing heritage assets (grey and bricked first floor wall) rather than enhance this important side façade.
- 8.3 Further to the above, the flue proposed, due to its position, bulk and scale, would have been highly visible within this prominent location and was considered to result in an incongruous feature that would neither have preserved nor enhanced the character of the conservation area, to its detriment.
- 8.4 These concerns were relayed to the applicant and revised plans were submitted removing the flue feature and replacing it with a more discrete extraction system at a lower level. In this respect the proposed plans show the extract system acoustic louvre grill and air supply system acoustic louvre grill shown at ground floor level, not readily visible from the public domain and not considered to result in any adverse effect on the character or appearance of the conservation area.
- 8.5 Revised plans also showed the replacement of ruby red glazed panels with grey windows, the removal of the existing tiling to expose the brickwork and make good the brick (rather than the previously proposed white render) and that the areas of exposed timber would be painted a silver/grey. The shopfront has been framed in an acceptable manner (and with regard to the existing context) with timber columns and timber plinth along the top edge of the signage board, allowing it to appear more traditional in appearance. These features are considered to enhance this prominent building, with proposed silver/grey colours sympathetic to the upper floor. The proposal to bring the shopfront forward, thus removing the recess in this part of the building, is also welcomed and considered an enhancement, as is the



proposal to remove the existing bollards and stone cobble at the front of the site, which is currently a negative feature.

- 8.6 Given the above, the proposals are not considered to cause harm to the character and appearance of the Russell Street/Castle Hill Conservation Area. Moreover, given the existing context, the overall design approach is considered suitable both in itself and also within the context of the wider area. In this respect, the proposals are considered to improve the character and appearance of the building, positively enhancing the character and appearance of the conservation area. It is nevertheless still considered appropriate and necessary to secure full details of all facing materials via a pre-commencement condition. This is owing to the finished visual appearance of the development being considered to be of key importance. When considered within the context of the existing building, the proposal is considered to represent a visual improvement to the site and wider area. The Council's Heritage Officer has raised no objection to the proposals.
- 8.7 Officers are content that the design approach is an appropriate response to both the building and the prevailing context at this point, with the exact details of the proposed materials being secured via condition to ensure the finished quality is appropriate. As such, this element of the proposals is considered to comply with Policies CS7, CS33 and RC5.
- 8.8 An informative will be attached to the decision notice stating that this proposal is without prejudice to any future application for advertisement consent.
- 9. Impact on neighbouring amenity (including environmental protection matters)**
- 9.1 Policy DM4 seeks that new development should not cause a significant detrimental impact to the living environment of surrounding occupiers and Policy CS34 seeks that new development is not damaging to the environment by way of pollution and the new development should not be subject to high levels of pollution unless adequate mitigation is provided.
- The proposal does not seek to enlarge the property such that no undue loss of light or overbearing impact would occur. No additional windows are proposed and as such there would be no loss of privacy.
- 9.2 The main issue in terms of residential amenity is noise and odours from the extraction equipment associated with the proposed use. It is not uncommon for restaurants and hot food takeaways to be located close to residential accommodation and for fumes and smells to be dealt with by means of extraction equipment. It is noted that in this regard, there is considerable local opposition to the proposal.
- 9.3 The proposed use would include a commercial kitchen which would result in the emission of cooking odours. As such, an appropriate ventilation/extraction system is required to ensure that the use would not adversely harm the living conditions of the occupants of neighbouring residents.

- 9.4 The proposals, based on the original plans were submitted with a noise and odour assessment. The Environmental Protection team commented that this had been carried out in accordance with BS4142:2014 and the methodology has been correctly applied. The Environmental Team raised no objection subject to conditions and informatives. Further to the revised extraction system proposed (as a result of design and heritage concerns) a more discrete system is proposed and an associated noise and odour report submitted. The Environmental Team confirmed, that, subject to conditions as stated previously, this would be acceptable from an Environmental Protection perspective, that they were satisfied that the noise levels generated by the proposed extraction equipment would meet the required criteria for noise and that abatement measures proposed would prevent any undue harm to the amenity of surrounding occupiers by way of odour.
- 9.5 It is considered that, if properly installed and maintained (matters than can be controlled by conditions) cooking fumes and odours could be limited to an acceptable level, with a suitable and effective extraction system achieved at the site. Subject to successful approval of details under this condition, it is not considered that the proposals would result in any adverse harm to the amenity of the surrounding occupiers in accordance with Policies DM4 and CS34.
- 9.6 The proposed hours of use of the premises are 11:30 - 23:30 Monday - Sunday. Given the residential units within the vicinity the following hours are recommended: 11:30-23:00 Sunday - Thursday and 11:30 - 23:30 Friday-Saturday. This is not considered unreasonable given the operating hours of other nearby establishments and this can be secured by way of a suitably worded condition.
- 9.7 The use of the premises incorporating hot food takeaway might generate additional usage over and above the current use, especially in the evening hours, however, it is not considered that this would be so significant as to be detrimental to neighbouring residential properties especially in view of the existing hot food takeaway businesses nearby in this parade of shops together with the noise generated by the traffic on this busy road.
- 9.8 Informatives are also recommended with regard to delivery/waste collection hours.
- 9.9 In terms of crime and safety, the existing shopfront includes a recessed area which provides opportunities for potential crime/fear of crime, and an area for anti-social behaviour, such as rough sleeping for example. The proposal seeks to remove this recessed shopfront, and instead the shopfront will be flush with the façade of the remainder of the terrace. This is welcomed within the context of policy DM4.
- 9.10 It is recognised that litter can be a problem and it is recommended that a condition is attached to any decision requiring details of bin storage to be submitted by way of a pre-commencement condition, and a litter management plan to be submitted to ensure that any litter generated by the premises does not cause a nuisance. Such a plan should incorporate details of regular litter picking around the site.

In overall terms, and with the above conditions secured, the proposals are considered to comply with policies DM4 and CS34.

## **10. Impact on parking/highways**

- 10.1 This site is situated on A329 Oxford Road which is a main transport corridor in and out of Reading and is a busy public transport route between central Reading and the west. It sits within a conservation area and is located in Zone 2, Primary Core Area, of the Revised Parking Standards and Design SPD. This zone directly surrounds the Central Core Area and extends to walking distances of 2 kilometres from the centre of Reading.
- 10.2 Oxford Road and the surrounding road network all have extensive parking restrictions preventing on-street parking. A residents' permit parking scheme operates in the area thereby restricting and monitoring unauthorized parking.
- 10.4 In accordance with the Council's adopted Parking Standards and Design SPD, the proposed A3 use would generate a parking demand of 1 space per 5sqm whereas the proposed A5 use would generate a parking demand of 1 space per 40sqm. However, there is no off-street parking associated with the site; therefore, the parking demand generated by the proposal would be accommodated within the short stay parking bays on Oxford Road and nearby public car parks as it does currently.
- 10.5 Oxford Road has many commercial/retail/food outlets and the proposed change of use is unlikely to have a significant impact on the trips and parking demand generated by the proposed A3/A5 use; therefore there are no transport objections to the proposed change of use.

## **11. Other Matters Raised in Representation**

- 11.1 All material considerations have been discussed in the above report.
- 11.2 Lack of willingness to engage with the local Neighbourhood Community - whilst it might be best practice for applicants to discuss proposals with their neighbours/community, there is no mechanism to allow the Council to make them do so.
- 11.3 Whilst concerns raised regarding the effect of overcrowding, noise and disturbance and crime are noted, there is no substantive evidence that the proposal would result in any significant harm in respect of these matters, in isolation or with regards to the existing use of the site. Indeed, it is considered that a use with controlled operational hours would contribute to any perceived anti-social behaviour issues.
- 11.4 Excessive provision of fast food outlets - it is not the function of the planning system to safeguard existing businesses from competition.

## **12. CONCLUSION**

Classification: UNCLASSIFIED

Having regard to the material considerations and all matters raised, the Local Planning Authority considers that the balance of considerations therefore weigh in favour of granting planning permission, subject to conditions and informatives.

Drawing Nos

Existing Site - Location Plan 2017-0176 1.0

Received 12<sup>th</sup> February 2018

Proposed Plan/Elevation 2017-0176 3.0

Received 24<sup>th</sup> April 2018

Design and Access Statement

Received 12<sup>th</sup> February 2018

Odour Control Equipment Specification

Received 18<sup>th</sup> April 2018

**Case Officer: Ethne Humphreys**

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Location Plan

Classification: UNCLASSIFIED

Classification: UNCLASSIFIED

Proposed Plan and Elevations

Classification: UNCLASSIFIED