

COMMITTEE REPORT

BY THE DIRECTOR OF ENVIRONMENT AND NEIGHBOURHOOD SERVICES

READING BOROUGH COUNCIL

ITEM NO. 8

PLANNING APPLICATIONS COMMITTEE: 18 July 2018

Ward: Abbey

App No.: 180800/FUL

Address: Broad Street Mall, Broad Street, Reading

Proposal: Erection of a temporary three-storey building (constructed using shipping containers and timber frames/cladding) to create a mixed-use Urban Market comprising Shop, Restaurant/Cafe, Bar and Hot Food Takeaway Uses (Class A1/A3/A4 Use), including shared circulation and external seating spaces; refuse store, cycle parking and associated works. (Amended description).

Applicant: Inception (Reading) Sarl C/O Moorgarth Group Ltd.

Date received: 22 May 2018

Minor Application 8 week target decision date: 31/7/2018

RECOMMENDATION:

REFUSE.

Reasons:

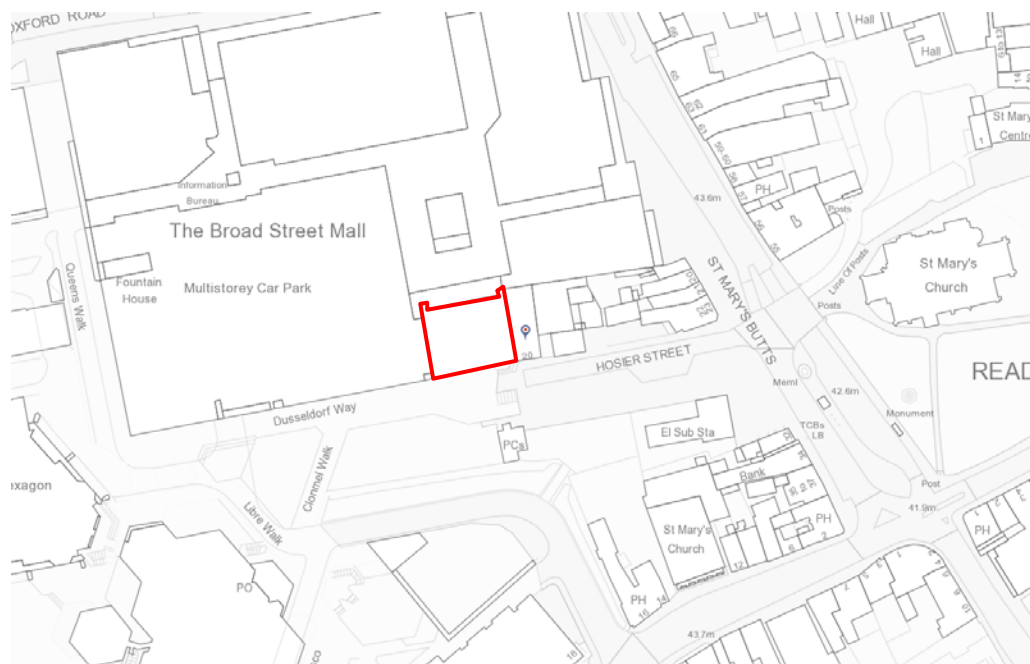
1. The application proposal includes significant provision and over-concentration of A4 (Drinking Establishments) uses, within an area which is acknowledged as a relatively poor area of public realm which is susceptible to acknowledged anti-social behaviour. The provision of a large area/floorspace of A4 bars, disconnected from the streets and other uses would perpetuate such concerns and fail to create safe and accessible environments where crime and disorder or fear of crime does not undermine quality of life or community cohesion as required by Policy CS7 (Design and the Public Realm) of the Reading Borough LDF Core Strategy (2008, altered 2015) and Policy RC8 (Drinking Establishments) of the Reading Borough LDF Reading Central Area Action Plan (2009).
2. The application proposes a development lacking in natural surveillance and retail frontages, a gated, enclosed, inward-looking area and restrictive access widths. As such the proposal fails to provide safe and convenient linkages to adjoining areas, it would increase rather than reduce the fear of crime, would not provide suitable public realm within the town centre, reduce openness of existing open space and would reduce permeability/legibility and wayfinding within the central Reading area. For these reasons, the application is contrary to policies CS7 (Design and the Public Realm) and CS28 (Loss of Open Space) of the Reading Borough Local Development Framework: Core Strategy (2008, altered 2015) and policies RC5 (Design in the Centre) and RC14 (Public Realm) of the Reading Borough LDF Reading Central Area Action Plan (2009).

Informatives:

- Positive and proactive requirement
- Pre-application advised before any further submissions

1. INTRODUCTION

- 1.1 The application site is an almost square area of approximately 600 square metres to the south of Broad Street Mall. To the north is the Mall's southern entrance, to the west is the 99p shop unit, to the east is the former EVA'S nightclub (also owned by the applicant and now closed) and to the south is the paved precinct area known as Dusseldorf Way, which then ramps/steps down to Hosier Street to the east.
- 1.2 Most of the site is concrete paved. The middle of the site includes a number of large metal grilles, which lie over the Mall's basement servicing area. To the edge of the site near Dusseldorf Way is a line of highway bollards. The area between these bollards and the south edge of the Mall is sometimes used by market traders. The area to the west of the site has been upgraded by the use of yellow paving.
- 1.3 The area is part of the West Side Major Opportunity Area, as identified in the Reading Central Area Action Plan (the RCAAP). The first stage in the redevelopment of this area has been taken by the removal of the Civic Centre and that site is now in use as a temporary public park.





2. PROPOSAL AND SUPPORTING INFORMATION

- 2.1 This application seeks temporary planning permission to use this area as an 'urban market' space and this is a much-revised version of that scheme which was recently reported to your meeting in January and gained planning permission. This proposal would again involve the siting of a collection of adapted shipping containers on the site and would be attached together with metal walkways to form a structure to provide retail units with stairs, terraces and sitting-out areas. However, the coverage, finishing materials, orientation and uses are different.
- 2.2 The use of the retail accommodation proposed is A1 shops, A3 cafés and restaurants and A4 drinking establishments. The applicant has since submission confirmed that the A5 (hot food takeaways) use has now been removed from the application. Officers suggested that the A4 (drinking establishments) use should be removed from the application, but the applicant has declined to do so. The applicant has confirmed that their vision is for a, 'vibrant mix of shops, cafés and restaurants with bar elements making up part of that mix'.
- 2.3 The southern elevation of the structure would have more of a warehouse look facing Dusseldorf Way/Hosier Street. The western side of the site would be kept open to allow continued access to the southern entrance to the Mall and the 99p shop opposite.
- 2.4 The concept is currently to be rebranded as 'The Yard', Reading South Court and the principal differences between this and the earlier urban market proposal approved under planning permission are:
- Inclusion of A4 (Drinking Establishments) Use as part of the mix of uses (previously A1 and A3 only);
 - Reorientation and extension of the layout; and
 - Adjustment of the design to provide a proposal with a more 'shack-like' appearance, including wooden pitched roofs and overall, more of an overt

street presence, but a much-reduced retail appearance, see the CGI images within this report.

2.5 Supporting information submitted with the application is as follows:

- Design and Access Statement
- CIL form
- Covering letter/planning statement
- External lighting scheme
- Security/cctv layout

2.6 No formal pre-application advice was submitted before submitting this application, although when the applicant advised that the application was being submitted, the informal advice of your officers was that the extended uses were likely to be of concern. This application is being reported to your meeting at the suggestion of officers, as the proposal is for the significant change to and medium-term temporary removal of an area of town centre public realm. Given the rather fluid nature of the floorspaces involved (containers, open spaces, etc.), the total coverage of the application may be considered to exceed 1,000 square metres, meaning this is also a Major application.

3. PLANNING HISTORY

3.1 Formerly known as The Butts Centre, the Mall opened in 1971. Over the years, there have been various minor updates and modifications to the Mall. The new owner (the applicant) has submitted a number of planning applications in the last year or so and for completeness, these are listed below:

Application ref.	Description	Status
171230/FUL	Erection of a temporary two and part three-storey building (constructed using shipping containers) to create a mixed-use urban market comprising Retail (Use Class A1) and Restaurants/Cafés (Use Class A3), including use of external spaces at roof level; Refuse store, cycle parking and associated works (amended description).	PERMISSION 17/1/18
171559/FUL	Queens Walk and Düsseldorf Way: Installation of new lighting to existing car park façade.	PERMISSION 30/11/17
180217/DEM	20 Hosier Street (former EVA'S nightclub): Application for prior notification of proposed demolition.	PENDING CONSIDERATION
180594/NMA	Non-material change application to planning permission 171230 (construction of a temporary urban market): revised layout through adjustment to, and reorientation of containers. Associated relocation of lift, stair, toilet, decking/seating, cycle parking and servicing/waste locations.	PENDING CONSIDERATION
180598/APP CON	Application for approval of details reserved by condition. (171230): construction method	PENDING CONSIDERATION

	statement	
180608/APPCON	Application for approval of details reserved by condition. (171230): Operational management strategy	PENDING CONSIDERATION
180637/APPCON	Application for approval of details reserved by condition (171230): materials, landscaping and lighting.	PENDING CONSIDERATION
180823/FUL and 180824/ADV	Former Argos Unit: a) Subdivision of three-storey retail unit (Class A1) and change of use to form: 1x retail unit (Class A1) at part basement / part ground floor; 2x flexible retail or restaurant units (Class A1/A3) at ground floor level; and 2x assembly & leisure units (Class D2) - 1 at part basement / part ground floor & 1 at part ground, part first floor level, together with shared access and means of escape; associated replacement shopfront works and associated external alterations on Oxford Road and Queens Walk frontages. b) Display of 4 canopy awnings with tenant names on Queens Walk.	PENDING CONSIDERATION, on this Agenda with officer recommendation to GRANT subject to s106 and GRANT advertisement consent.
180851/FUL	Units 37a and 55-56 Broad Street Mall [Oxford Road frontage]: Amalgamation of Units 37a & 55-56 to form a single Retail Unit (Class A1) arranged over Ground and Basement Floors. Installation of Shop fronts to Oxford Road Elevation and Return Mall Elevation.	PENDING CONSIDERATION

4. CONSULTATIONS

(i) Statutory:

None

(ii) Non-statutory:

RBC Transport Strategy has no objections, subject to the imposition of conditions on servicing, CMS, cycle parking, etc.

RBC Head of Valuation:

No response, but the previous response to application 171230/FUL was:

No reported concerns from operators or other interested parties, therefore the Council in its capacity as both adjacent Freeholder and owner of the Hosier Street Market sees this additional retail attraction as a benefit to the area in terms of footfall, diversification and destination retail. The Hosier Street market struggles to remain viable and this proposal should not conflict with the basis and operation of the existing market but will hopefully bring tangible benefits to the South Court/Hosier St area, creating a new active

frontage to the Mall rather than the current back-door aspect and may in turn bring benefits to both existing and potential Hosier Street market traders.

Assumes that a five year permission is being sought and does not consider that this will affect longer term development plans.

The Council (as landowner) will require a suitable CMS requiring the construction of the urban market not to interfere with the day-to-day operation of the market and equally that ongoing deliveries to future occupiers etc, are managed in way so as to minimise disruption to the existing traders.

The Executive Director of Reading UK CIC has not supplied a response but previously supported the application, as it would fulfil a number of aims of the economic development plan, namely:

- Raising Reading's profile as a place of growing opportunity*
- Growing opportunities to strengthen the local economy*
- Boost footfall and visitor numbers by creating quirky and innovative crowd pleasing events*

The Director believes that the proposal will make a positive contribution to the vibrancy of the town centre economy, a broadening of the retail offer and improve the retail environment ahead of comprehensive redevelopment of the area.

RBC Licensing objects to the inclusion of A4 (drinking establishment) uses within this current proposal, due to concerns for antisocial behaviour and conflicts with the Council's Cumulative Impact Policy (CIP). The concept of multiple sites [units] being alcohol-led which then become a destination venue where customers can drink without any substantial food offering is contrary to the Council's Licensing Policy and the goal of the Council to have a diverse offering in the town which is accessible to all. The town centre should be a welcoming place for all and we do not believe this is achieved through allowing wet-led, vertical drinking venues with limited food. Refusal is recommended. A fuller discussion is provided in the Appraisal below.

The Crime Prevention Design Advisor (Thames Valley Police) supports the concerns of the Council's Licensing Team. Her specific points are also provided in the Appraisal.

RBC Environmental Protection does not object to the application.

The RBC Leisure and Recreation Service does not object to the application.

The RBC Planning Natural Environment Team (tree officer) previously advised that a landscaping scheme is required, which should include large planters and an installation that is appropriate to this urban environment.

Berkshire Archaeology previously raised no objections to the earlier application.

Public consultation

Site notices were affixed around the site and in Hosier Street. No objections or comments have been received.

5. RELEVANT POLICY AND GUIDANCE

5.1 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'.

5.2 National Planning Policy Framework (NPPF) (March 2012)

The following NPPF chapters are relevant:

- 4. Promoting sustainable transport
- 7. Requiring good design

5.3 Reading Borough Local Development Framework: Core Strategy (January 2008) (as amended 2015)

- CS3 (Social Inclusion and Diversity)
- CS4 (Accessibility and the Intensity of Development)
- CS5 (Inclusive Access)
- CS7 (Design and the Public Realm)
- CS23 (Sustainable Travel and Travel Plans)
- CS24 (Car/Cycle Parking)
- CS25 (Scale and Location of Retail, Leisure and Culture Development)
- CS26 (Network and Hierarchy of Centres)
- CS28 (Loss of Open Space)
- CS29 (Provision of Open Space)
- CS33 (Protection and Enhancement of the Historic Environment)
- CS34 (Pollution and Water Resources)

5.4 Reading Borough Local Development Framework: Reading Central Area Action Plan (RCAAP) (2009)

- RC2 (West Side Major Opportunity Area): site is RC2d, Broad Street Mall and adjacent to RC2e, Hosier Street
- RC5 (Design in the Centre)
- RC6 (Definition of the Centre)
- RC7 (Leisure, Culture and Tourism in the Centre)
- RC8 (Drinking Establishments)
- RC11 (Small Shop Units)
- RC13 (Tall Buildings)
- RC14 (Public Realm)

5.5 Reading Borough Local Development Framework: Sites and Detailed Policies Document (2012) (as amended 2015)

- SD1 (Presumption in Favour of Sustainable Development)
- DM4 (Safeguarding Amenity)
- DM12 (Access, Traffic and Highway-Related Matters)
- DM18 (Tree Planting)

New Reading Borough Local plan: Broad Street Mall is CR12d. Hosier Street is CR12e.

5.6 Supplementary Planning Documents

Draft Hosier Street Area Development Framework (2018) (approved for public consultation/involvement, 2 July 2018)

Other relevant Council documents:

Drugs and Alcohol Strategy (2018) (A report on the response to this consultation will be made at the Council's Health and Wellbeing Board on 13 July 2018)
Licensing Policy Statement (2013)

6. APPRAISAL

6.1 The main issues raised by this planning application are:

- (i) Compatibility with planning policy and regeneration aspirations
- (ii) Uses, disturbance and anti-social behaviour
- (iii) Design and public realm

(i) **Compatibility with planning policy and regeneration aspirations**

6.2 This part of the town centre was planned on a pedestrian precinct system in the late 60s/early 70s of a design popular at the time, but it has since dated badly. In the longer term, the area is proposed for redevelopment and the relevant proposal sites are set out in the RCAAP. The application site is part of the West Side Major Opportunity Area (MOA), site RC2d, Broad Street Mall where, *'...redevelopment will be for continued retail and leisure provision, maintaining frontages along Oxford Street and St. Mary's Butts, with uses including residential and offices on upper floors'*. The new Local Plan proposes a continuation of this general approach. Since the submission of the original urban market proposal, the Council has also been working to produce a new masterplan for the area, to include the Police Headquarters, Law Courts, former Civic Offices site, Hosier Street/Dusseldorf Way and Broad Street Mall. This is the draft Development Framework and this was approved at the Council's Strategic Environment Planning and Transport (SEPT) Committee on 2 July 2018 for consultation. This document proposes a general development framework to guide the long-term redevelopment of the area as a mixed-use area, which will provide significant residential uses and repair the existing poor public realm.

6.3 Like the earlier planning permission, this application is for a temporary installation to enliven this space and it would sit beside the entrance to the Mall from the South. As opposed to other temporary spaces in the town (the park on the former Civic Centre site or the event space/Biscuit Tin café at Station Hill), the applicant has identified the opportunity of using this area for a commercial retail uses-led proposal, as an urban realm extension to the Mall, which is at present rather inward-looking.

6.4 In considering coverage of this open area, officers have been mindful of the original and current purpose of the space. In the approved plans for the then Butts Centre, this area was shown as an open public realm area which connected to the

landscaping in what is now Hosier Street and Dusseldorf Way and this open area framed the southern entrance of the shopping centre. At the moment, this is a rather unloved area, enclosed on three sides and maintained relatively poorly with broken paving slabs. The site is used by market traders once a week but otherwise, little use is made of the space. Notwithstanding this, the loss of this area of public open space conflicts with adopted policies CS28 and potentially RC14. Therefore, any development must not harm the permanent open space function of this area and provide an improved public space. However, it should also be noted that the draft Hosier Street Development Framework accepts that this space may eventually be largely removed in a redevelopment proposal which may see the frontage to Hosier Street brought forward in order to provide a more continuous retail frontage and remove this current 'dead space'.

- 6.5 On balance, subject to other matters which are discussed in this Appraisal below, officers consider that in principle, a temporary use covering this space with a 'meantime use' would be appropriate. Such an installation could allow the opportunity of compatible uses, create vibrancy and animation to the area, upgrade the remaining urban realm and generally help to signal that redevelopment of the Mall/Hosier Street area is 'on the way'. However, there are concerns with the way this temporary space concept appears to have developed and changed. The sections below discuss the proposed uses in more detail and the detailed design.

(ii) Uses, disturbance and anti-social behaviour

Uses proposed

- 6.6 Members may recall that there was a level of uncertainty with the previous application regarding uses and purpose of that scheme which led to a member deferral and latterly an agreement from the applicant to accept A1 and A3 uses only. Conditions of that planning permission specify that the second floor level is to be A3 uses only and that no bars - either as free-standing units or ancillary bars to A3 uses - were permitted by the permission. The applicant is in the process of applying to discharge the relevant conditions of that permission.
- 6.7 However, uncertainty remains with this current application. The proposal now appears largely silent on A1 retail, there appear to be lots of bar/counter and food/drink preparation areas and lots of standing areas.
- 6.8 The DAS for this application is quite different to that supplied for permission 171230. That DAS had multiple images of shopfronts, clothes-shops, hairdressers' and eateries. The front of the current DAS appears to show an entertainment venue, there are no retail images. There are currently no A4 uses in Hosier Street, Dusseldorf Way, or for that matter, Queen's Walk. In Queens Walk, there are two 'food-led' cafés which also provide alcohol: the Bierhaus and Vibes. The strapline for the current application's DAS is, 'Spirit of the City, Destination Experience, Social Hub, Community'. The retail aspect of the concept now appears far from clear, either diluted or even absent altogether.

Concerns for anti-social behaviour

- 6.9 As can be seen from the consultation responses, the prospect of one or more A4 drinking establishments and/or a rooftop music venue attracts strong objections from RBC Licensing and the Police, principally due to this part of the town centre

being a localised hot-spot for anti-social behaviour. This current application has now been adjusted to remove A5 (hot food takeaway) uses, but has not removed the A4 uses. No mention is made of live music, but the supporting material appears to rely on live music events forming part of the concept.

- 6.10 Officers have also considered the possibility of careful inclusion of ancillary bars within selected A3 units and RBC Licensing has indicated that they are potentially receptive to this suggestion. This could be, say, one bar per floor, which would seem to follow the applicant's stated aim of having bars as part of an essential ingredient in the overall retail offer. However, the applicant is not accepting of this. The applicant's concession is for the second floor only to contain A4 bars. In fact, according to the applicant's architect's website, this appears to be the intention of the concept in any event, describing it thus:

market area. The concept takes in a
redundant basement repurposing it for
community and cultural uses, At ground
floor there is street food hall. Above there
are to be local creative services and at top
level, connecting into the upper level of the
shopping centre, a terrace bar. The

- 6.11 The applicant has offered that the A4 uses could be restricted and contained on the upper floor only, away from the other uses and the applicant, 'regards the inclusion of a minority element of Class A4 uses as critical to the viability of the proposal' [emphasis added]. No evidence as to this viability has been presented to officers. The section below discusses the impact such a level and location of A4 use may have.
- 6.12 The applicant's assertion in their planning statement is that, 'the principle of public houses or bars within town centres is inherently acceptable in planning policy terms'. This is unfortunately an oversimplification and there are many examples in Central Reading public houses and bars are extremely unwelcome in terms of neighbour amenity and ASB. Policy RC8 welcomes a range of evening and night-time uses but notes that such uses should not lead to amenity issues. Policy CS7 requires that development should create safe and accessible environments where crime and disorder or fear of crime does not undermine quality of life or community cohesion. Policy DM4 seeks to maintain neighbour amenity. Policy RC9 wishes to see compatibility for central area land uses.
- 6.13 As with the previous application, deciding which floorspace is attributable to which use is not easy with a proposal made up of containers whose use 'spills out' onto somewhat communal walkway areas. Officers understand the offer made above is therefore essentially that the whole of the top floor area is given over to bars. Whichever way the calculation is made, this is a significant area. The floorspace is not regular, but the total area is somewhere between 350-400 square metres; capable of accommodating a sizeable bar or bars, particularly as there are large clear areas, 'standing tables' etc.

- 6.14 The applicant considers that the removal of the adjacent nightclub is a significant material consideration to their argument that A4 uses could be acceptable here. RBC Licensing has asked that it be noted that following years of disturbance, the EVA'S licence was finally revoked in September 2017. EVA'S was licenced for a total of 500 people, but that amount included their outside areas as well, so Licensing estimate some 350 could have been accommodated in the nightclub building. However, Licensing remark that the ASB issues with the nightclub were exacerbated by a number of factors, including the generally poor streetlighting in Hosier Street, market stall poles being used as weapons and other matters. Licensing advised that the applicant - who by that point owned the Freehold of the nightclub - seemed unwilling or unable to intervene and left these issues for the Council and the Police to take the lead. Licensing is therefore concerned for this applicant's proposal to open up further drinking venues. Whilst this observation would not normally be a planning matter of itself, it is pertinent to the discussion below.
- 6.15 RBC Licensing have reminded your officers that their duties include *preventing* crime from happening in the first place; rather than have to react to problems later. The applicant has submitted an application to discharge the relevant planning condition of planning permission 171230 (ref. 180608/APPCON), which is the operational management plan. This aims to demonstrate that security and control of the premises would be suitable. RBC Licensing has reviewed this document and consider that its intentions are vague and the plan is unsupportable at this time. Some key points made are:
- The onus appears to be on the Council to promote the Licensing objectives, whereas the operator should be working to actively comply;
 - Staff conduct appears to indicate that the responsibility rests with the licensee. Licensing read this as the applicant having no control over the licence holder to remove their staff;
 - Regarding opening hours, it states that 'last orders' should be made at 2130 hours, which indicates to Licensing that this would be bars and 'drinking up time' (whereas permission 171230 approved no A4 uses and no ancillary bars);
 - There is a confusion about the purpose of the market on page 7 as it seems that consumption of alcohol is prevented at the venue, meaning that taking away alcohol might not be. They are also concerned that it sounds like takeaways would be operating too. Neither was approved via permission 171230;
 - Page 8 of the document states that policies for ASB have been agreed with the Licensing Authority. RBC Licensing advise that there has been no such contact. These policies also do not indicate how enforcement of issues (drunkenness, drugs, weapons, etc.) would be controlled. Licensing comment that security for licensed venues is not the same as for a shopping centre and simply extending shopping centre security patrols out into this area is not going to be acceptable.
- 6.16 The observations above leave RBC Licensing with no comfort that the permitted scheme will be operated satisfactorily. Whilst it is noted that the Licensing objectives and the planning objectives of the Council are different, this is a clear case of where our concerns significantly overlap. Licensing is keen to ensure that we do not replace one problem with another and asks the LPA to note that the Secretary of State's Guidance to the Licensing Act (April 2018) which states that

the Council as a whole should have an integrated approach to dealing with licensing applications. Officers feel that the same is true in regard to the planning consideration for this application.

- 6.17 The applicant also points out that the issues in terms of antisocial behaviour in this area occur in the early hours and they would be content to abide by the hours of use condition attached to planning permission 171230 (10pm closing). There are related queries from officers regarding hours. The first is what sort of place this becomes after 5/6pm when the retail outlets are likely to close and the A4 bars are still open. Officers' fear is that this will become a 'happy hour' fuelling drinking destination and from there patrons would move on to continue drinking in other parts of the town centre. The CGI image shows arrows directing patrons to the terrace bar area.
- 6.18 Live music again appears to be a key ingredient to the mix/concept. The previous application advised that, '...The A4/live venue parts of the proposal would - in the opinion of those who have to manage these problem areas at night-time - only serve to consolidate issues of vertical drinking establishments, rowdy behaviour, smoking, throwing glasses and in this case, dropping of drinks or cigarette debris through the metal mesh floors'. The report went on to state, '...whilst these behavioural issues are to a certain extent not a planning matter per se, they could exacerbate the present issues of public disturbance in this area and the development must not aggravate these. Adopted Policy CS7 requires that development should create safe and accessible environments where crime and disorder or fear of crime does not undermine quality of life or community cohesion'. In granting that permission, a condition for an events strategy was attached and such could also be considered in the current application, were members to wish to grant permission. Whilst the omission of the A5 takeaway uses may reduce the potential litter problem and would seem to be attractive to RBC Licensing, planning officers can see the merit in takeaway food as part of the concept and providing this is carefully managed (litter strategies, enforcement, etc.) this would seem to fit. Takeaways could still take place as part of A3 café/restaurants, however, as an ancillary function, which is commonplace.
- 6.19 The Police Crime Prevention Design Advisor had concerns for the original application (171230) in terms of A4 uses. From a Police perspective, the crime risk associated with the nightclub remains a fundamental concern; the 'A4' activity has stopped because the nightclub has closed, however the physical environment still remains the same. It lacks surveillance, active frontage, ownership and positive activity.
- 6.20 In summary, officers are not content that the proposal will fulfil Policy CS7's requirement for development to create safe and accessible environments where crime and disorder or fear of crime does not undermine quality of life or community cohesion. Rather, the mix of uses will not be conducive to maintaining a safe town centre. This would form a reason for refusal of the application.

(iii) Design and public realm

Revised design concept

- 6.21 This planning application was originally submitted as a resubmission of the earlier permission, implying that the proposal was of the same character or description,

but at the application validation stage, officers did not accept that this was accurate. As a consequence, the description of development was amended and an application fee was received. The applicant advises that the design and appearance of the urban market has evolved since its original inception, but remains predominantly constructed of shipping containers with metal walkways, although this time the structure would include sections of timber-framing and cladding to create the 'shacks' and link back to the Mall. The DAS describes the top floor as reminiscent of fisherman's huts or beach huts. The metal walkways of the previous scheme are to be replaced by timber scaffold board-type decking. Overall, this is a slightly softer design approach than the more industrial concept previously and is not objectionable of itself. The design does not reflect that of the Mall, but this is considered to be of little concern and the temporary theme would still be apparent. However, there are significant design details which cause concern.

- 6.22 The retail frontage from Hosier Street would be far less welcoming. The layouts are not presenting shops to the street, there are three small windows onto Hosier Street under a verandah, the units face inwards and the units seem to be set up for food and beverage counters, not retail.



Design | Visuals



CGI images, permission 171230, taken from the Design and Access Statement (DAS)



CGI image of the current planning application

- 6.23 As the image above shows, although this is presented as a much more pleasant structure visually, retail shopfronts are not evident, with the openness of the glazing in the containers previously (top image) would be masked by the cladding, to give the appearance of a warehouse. That concept would not be objectionable of itself, but the openings to access the retail units, from Hosier Street, are unclear/absent. Of course, signage would help, but there are no clear shopfronts

to sign. If people are not drawn into the central space via the two openings off Hosier Street, then the situation is no better if people wish to access the remaining south entrance to the Mall. Not only is the access to the South entrance to the Mall restricted, but the majority of the western frontage of the proposal at ground floor is inactive, featuring the long, blank sides of two containers: the southerly one would hold the stairs, the northern one is blank, with an opening inwards to the event space. Although there is a clear space in the centre for access, this would not feel inviting. This is a clear regression from permission 171230, which had a much wider opening on this elevation and a large shopfront. The proposal itself is also much wider than the previous permission. Permission 171230 covered about 2/3 of the width of South Court, allowing a clear vista through to the Mall's Southern entrance; the current proposal covers over 4/5 of the width, leaving only a 3.8 metre wide gap, which it is now proposed to be gated at closing times. This would not give the impression of providing an open space to the public, but shutting off and providing an enclosed, private space. This raises conflict with Policy CS28. This is also not providing the stepping stone to the continuous retail frontage envisaged in the emerging draft development framework.

- 6.24 In this instance, the fact that the design is enclosing this large vertical-drinking area is not assisting. The image above seem to suggest attracting passers-by up to the bar level. This is considered to be a significant regression from the earlier scheme (and the NMA application) which specifically sought to provide an active retail frontage through large glazed openings. The DAS concept now seems to have morphed into a more inward-looking urban lifestyle destination-venue and this raises concerns, as previously, for the contribution that this meantime-use will actually have in enlivening Hosier Street and whether this is truly providing a retail meantime use which seeks to provide a frontage as a prelude to the eventual regeneration. For the retail aspect of the concept to work, it would appear to be now relying on the curiosity of the public rather than overt shop window displays, or as with many of the container park concepts, a completely open wall facing the street. The applicant's DAS indicates that this inner space would 'provide a central organising space for gathering, meeting and to assist the tenants through the provision of seating and events - this is the heart of the scheme'. The purpose of this central space is also advised to be in order to open the space to the basement of the Mall. No purpose is stated for this, although this part of the Mall is probably a combination of storage and circulation areas and part of the former Target underground pub. The architect's website says that 'The concept takes in a redundant basement repurposing it for community and cultural uses'. This aspect of the proposal is therefore unclear.
- 6.25 The applicant maintains that they have gone to considerable lengths and expense to improve the Mall and the outward-facing environment, through investment, land acquisition and securing the closure of the nightclub. Many of these statements are true, but this temporary scheme does not appear to be offering a benefit to Hosier Street and this raises continued concerns for the connectivity, permeability and attractiveness to increasing footfall in this area ahead of the regeneration. The connections into the Mall and inward-looking design suggest a turning away from the street and not the connectivity of public spaces, footfall, surveillance and outward-looking vitality to the street that the applicant's other proposals (such as the opening up of the side of the former Argos unit onto Queen's Walk) will achieve. No objection is raised in terms of design and impacts on Heritage Assets, however.

- 6.26 In summary, in design terms, this revised proposal has provided an overall improved design concept (the warehousing/shack design), but the design has regressed in terms of surveillance, permeability, activating the street frontage, providing a suitable public realm and compatibility with wayfinding and the existing character/context. Officers feel that these concerns are so significant as to warrant a second reason for refusal of the application.

Other issues

Transport and servicing

- 6.27 In the previous application, servicing was to have been undertaken from Hosier Street, this application proposes using the Mall basement for servicing. RBC Transport Strategy has no objection to this revised arrangement.

Application type

- 6.28 The discussion above mentions that this may even technically be a Major planning application. Officers have not had an opportunity to consider the implications of this fully, but this matter and any associated issues arising will also be covered in an update report.

Landscaping, street furniture

- 6.29 Matters of street furniture, landscaping, etc. could be controlled by condition were members to support the application, but it should be noted that the restricted width towards the Mall's southern entrance provides a more limited opportunity for these aspects.

Residential amenity

- 6.30 The location is such that noise disturbance to residential is possible, but overall, unlikely, providing that suitable conditions were attached. Conditions regarding noise and odour, etc. could be applied.

Ground conditions

- 6.31 Whilst there are unlikely to be archaeological concerns, any associated below-ground connection works may be of significance and the Update Report will advise of any further issues.

Accessibility

- 6.32 All levels of the development would be accessible via a lift and gentle ramps at ground floor level. With a condition to secure retention of the lift, Policy CS5 is complied with.

Equality Act

- 6.33 In determining this application, the Committee is required to have regard to its obligations under the Equality Act 2010. The key equalities protected characteristics include age, disability, gender, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sexual orientation. There is no indication or evidence (including from consultation on the

application) that the protected groups have or will have different needs, experiences, issues and priorities in relation to the particular planning application. In terms of the key equalities protected characteristics it is considered there would be no significant adverse impacts as a result of the development.

7. CONCLUSION

- 7.1 This application for a temporary new urban realm concept was not submitted with the benefit of pre-application advice, which has led to the identification of various aspects of amenity harm and conflicts with adopted planning policy. The intention in the planning statement (letter) is that the original permission as to be modified by the Non-Material Change application will be sufficient for the applicant to commence work on the temporary urban market. However, given the applicant's statements that A4 uses are central to the business model of the urban market, officers are not currently convinced that a start may actually be made on the extant permission. Notwithstanding, officers will process these outstanding applications.
- 7.2 The previous proposal was very keen to promote the importance of independent traders and small shops; this proposal is far less clear on this aspect. Officers were previously generally supportive of the A1 and A3 uses, but were mindful of the tendency of A3s to attempt to change into bars later on, so approved a 10pm closing time. Officers were also cautious about the ability of the previous proposal to attract footfall. If anything, the positive aspects of the previous scheme have all been eroded and this is considered to be a concept which in commercial terms may be increasingly viable, but in planning terms is becoming clearly unsupportable. A summary of the previous scheme was, 'In summary, whilst there are clear benefits to these temporary 'pop up' parks and event spaces, they do not automatically solve all urban problems and many struggle to enliven the spaces they set out to improve. The aspiration here appears to be relatively modest: to provide additional animation to this area, although this urban market may only appear 'connected' to the town centre on market days, by producing a continuity of retail units to St. Mary's Butts. But the intention is considered to be worthwhile and overall, supportable in terms of adopted policies RC5, RC6, RC7 and CS7'.
- 7.3 Officers are far less convinced that the present proposal is actually intended to extend the retail destination and is instead positioning itself as a separate event and destination venue. Officers understand the need of retail operators to diversify in these challenging retail times, but this is not considered to be a suitable location for such a venue.
- 7.4 RBC Licensing and the Police are extremely concerned for the revised concept and also information submitted to date in order to satisfy the operational management and security matters. Licensing is concerned that this is not a coherent approach from the applicant and responsible management of the likely problems is not demonstrated.

7.5 Overall, whilst officers do not wish to prevent a suitable temporary public use of the site, the current application features significant and regressive uses (large-scale A4) and a range of poor design aspects and is unsupportable by your officers.

Case Officer: Richard Eatough

Plans considered:

0162 A300 Rev. P2 Proposed Elevations

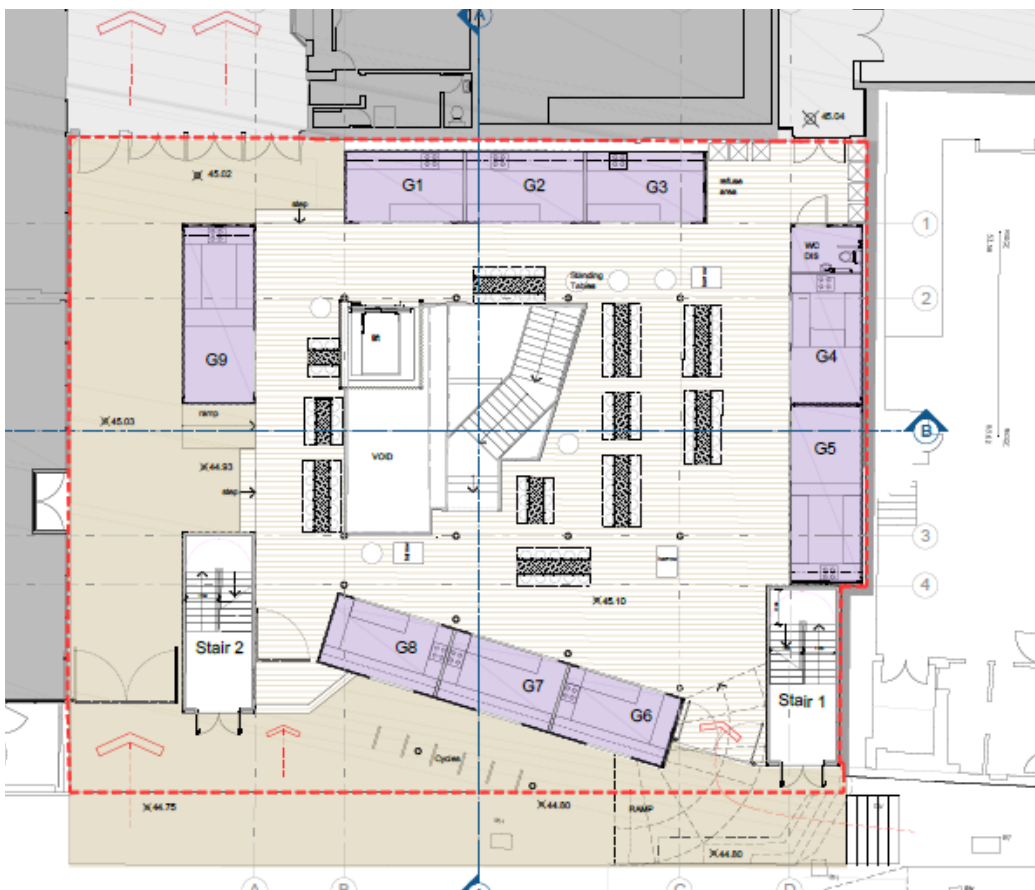
0162 A100 Rev. P3 Proposed Ground Floor & Site Plan

0162 A101 Rev. P3 Proposed First Floor Plan

0162 A102 Rev. P3 Proposed Second Floor Plan

0162 A104 Rev. P1 Proposed Roof Plan

All plans were received by the Local Planning Authority on 16 May 2018.



Ground floor/site layout plan



Second floor plan

