

**COMMITTEE REPORT**

**BY THE EXECUTIVE DIRECTOR FOR ECONOMIC GROWTH AND NEIGHBOURHOOD SERVICES  
READING BOROUGH COUNCIL  
PLANNING APPLICATIONS COMMITTEE: 31<sup>st</sup> March 2021**

**Ward:** Abbey

**App No.:** 200142

**App Type:** FUL

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

**Proposal:** Change of use from sui generis (betting shop) to A3 restaurant with ancillary A5 takeaway and replacement shopfront (Part retrospective)

**Applicant:** Express Team Ltd

**Deadline:** Extended to 9<sup>th</sup> April 2021

**RECOMMENDATIONS**

**Grant full planning permission, subject to conditions and informatives:**

**Conditions to include:**

- 1) Approved plans implemented and unauthorised removed within 5 months
- 2) Details and Samples of all External Materials (including pavement treatment) submitted within 1 month
- 3) Extraction System details submitted within 1 month
- 4) Hours of Use: 11:30-23:00 Sun - Thurs and 11:30 - 23:30 Fri - Sat
- 5) 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
- 6) Delivery Hours/Waste Collections: 08:00 - 20:00 Mon - Sat and 10:00 - 18:00 Sundays and Bank Holidays
- 7) Bin Storage and Litter Management Plan Details - as per details

**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**

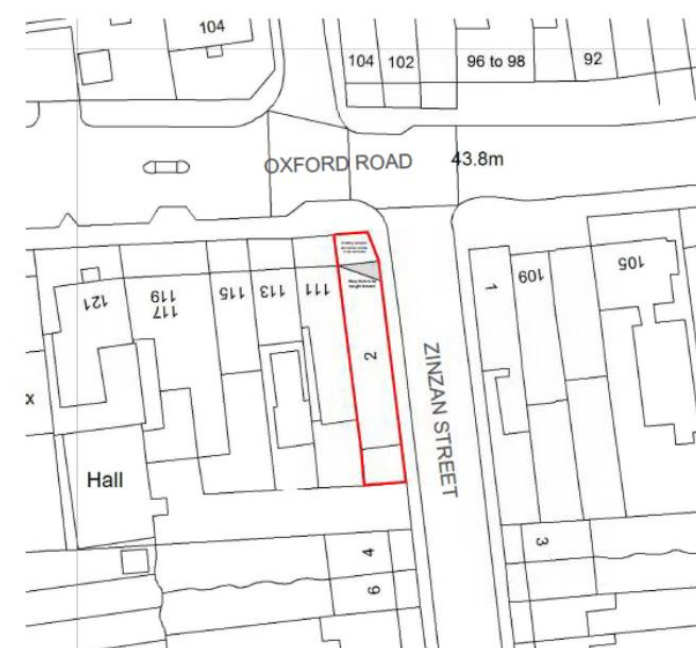
- 1.1 The application relates to the ground floor of an end of terrace property located on the south side of Oxford Road, on the corner with Zinzan Street. Until 2018, the ground floor was occupied by a vacant betting shop 'Ladbrokes' as a Sui Generis use. The upper floors are in residential use.
- 1.2 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

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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 Castle Hill/Russell Street/Oxford Road 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 The application was called in by Councillor Page and Councillor Rowland due to concerns regarding the impact on heritage assets and odour/noise disturbance.

### Location Plan



Not to Scale

The application site as seen from Oxford Road:

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## 2. PROPOSAL AND SUPPORTING INFORMATION

- 2.1 Application 180273 granted planning permission for “Change of use from sui generis (betting shop) to A3 restaurant with ancillary takeaway and replacement shopfront”. This was approved subject to pre-commencement conditions intended to control the materials used in the new façade and the construction and control of kitchen extraction/ventilation equipment. No such details were submitted and, furthermore, works commenced on site

which were not undertaken in accordance with the approved plans. Given that the change of use and associated development occurred without the discharge of conditions, the works are unauthorised.

2.2 In response and given the level of concern raised over the works that had taken place, Enforcement action was taken which looked to serve an Enforcement Notice. In response, this applicant has submitted this application for retrospective planning permission to regularise the works on site.

2.3 The following plans and supporting documents have been assessed:

Exiting Site and Location Plan 2017 0176  
Existing Plan/Elevations 2017 0176  
Proposed Plan/Elevations 2017 0176 Rev 3  
Standard Block Paving Specification  
Received 29<sup>th</sup> January 2020

Design and Access Statement Rev A  
Received 27<sup>th</sup> July 2020

Odour Control Equipment Specification  
Received 29<sup>th</sup> January 2020

Noise Assessment  
Received 21<sup>st</sup> August 2020

Litter Management Details  
Received 29<sup>th</sup> January 2020

### 3. RELEVANT PLANNING HISTORY

180273/FUL Amended Description: Change of use from sui generis (betting shop) to A3 restaurant with ancillary takeaway and replacement shopfront (revised elevation details). Permitted.

181755/ADV Externally illuminated fascia sign to Oxford Road and Zinzan Street shopfronts and externally illuminated projecting sign fronting Oxford Road. Permitted.

181785/APP/CON Application for discharge of conditions 3,4 and 9 of Planning permission 180273. Split Decision.

### 4. CONSULTATIONS

(i) Statutory

4.1 None

(ii) Non-statutory

4.2 Highways: No comments received.

Environmental Protection: No objection subject to conditions and informatives.

Heritage Officer: No objection subject to material details to be submitted and agreed.

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

Conservation Area Advisory Committee: No comments received.

Reading Civic Society: No comments received.

Consultation letters were sent to 17 nearby occupiers (site notice and notice in local paper) and no neighbour letters of representation received at the time of writing this report.

**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'. However, the NPPF does not change the statutory status of the development plan as the starting point for decision making (NPPF paragraph 12).

5.3 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).

5.4 Accordingly, the National Planning Policy Framework 2019 and the following development plan policies and supplementary planning guidance are relevant:

National Planning Policy Guidance  
National Planning Policy Framework (NPPF)

Reading Borough Local Plan 2019

CC1: Presumption in Favour of Sustainable Development  
CC7: Design and the Public Realm  
CC8: Safeguarding Amenity  
EN1: Protection and Enhancement of the Historic Environment  
EN3: Enhancement of Conservation Areas

EN6: New Development in a Historic Context  
EN17: Noise Generating Equipment  
TR3: Access, Traffic and Highway Related Matters  
TR5: Car and Cycle Parking and Electric Vehicle Charging  
RL1: Network and Hierarchy of Centres  
OU5: Shopfronts and Cash Machines  
CR1: Definition of the Centre  
CR2: Design in Central Reading

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

Castle Hill/Russell Street/Oxford Road Conservation Area Appraisal

## 6. APPRAISAL

### Principle of development

- 6.1 Planning permission was granted at the Planning Applications Committee 30<sup>th</sup> May 2018 for “Change of use from sui generis (betting shop) to A3 restaurant with ancillary takeaway and replacement shopfront” (application 180273). This application was granted with conditions attached to include material samples and extraction/ventilation details to be submitted prior to commencement of works. The change of use itself from Sui Generis to A3 restaurant with ancillary A5 takeaway was considered acceptable in principle and that remains the case.
- 6.2 At the time of the application, Officers worked hard with the applicant to get to a point where a recommendation of approval could be made (subject to conditions) and planning permission granted and it is therefore disappointing that works commenced without discharging the conditions. Furthermore, the works were not undertaken in accordance with the approved plans, resulting in a poor visual appearance and with concerns over cooking emissions (discussed elsewhere in this report).
- 6.3 Given the above, the works that have taken place are unauthorised and therefore this current application seeks planning permission for largely the same as that approved under application 180273 but this time the applicant’s agent has undertook to ensure that the development is carried out and changes made as needed to enable the development to be in accordance with the approved plans and conditions appropriately discharged.

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

- 6.4 The works undertaken have resulted in a poor-quality visual appearance, and unacceptable for a building within the Castle Hill/Russell Street/Oxford Road Conservation Area. It was considered under application 180273 that the proposals as shown and approved represented an opportunity to improve the appearance of the building which was not considered to positively contribute to the Conservation Area. This has not happened and in terms of its detailed design, the specific areas of concern are highlighted as follows:

- The main front door of the shopfront has been installed centrally rather than to the left-hand side (viewed from the street) as shown on the previously approved drawings;
- The corbel moulding shown on the previously approved drawings is missing from the pilasters;
- The timber panel above the pilaster corbel shown on the previously approved drawings (at fascia level) is missing;
- A coated metal infill panel has been installed under the fascia in place of the transom light glazing shown on the previously approved drawings;
- The timber shopfront panelling shown on the previously approved drawings is missing from much of the shopfront and a painted render finish with pinned-on timber beading has been applied instead;
- The 'ornate panelling' as annotated on the previously approved drawings, where installed, consists of a manufactured timber board which grooves routed out and painted;
- The surfacing materials for the front forecourt are not the same as that shown on the previously approved drawings;
- The opening on the flank elevation shown on the previously approved drawings to be closed off with brickwork remains in use for extraction;
- Two air conditioning condensers have been mounted to the rear elevation, the position of one obstructs the installation of the air supply system acoustic louvre grille as previously approved.

- 6.5 The proposed plans largely seek to address the above and revert to what was originally granted permission. It is proposed to keep the front door centrally as installed rather than revert to the side and this is considered acceptable and similar to other shopfronts along this part of Oxford Road.
- 6.6 It is also not now proposed to block up the opening on the flank elevation adjacent Zinzan Street. The applicant has stated that this is only for fresh air intake and this is the same as that for application 201585 at 109a Oxford Road. Given this and that this is an existing small-scale opening, this is not considered unacceptable.
- 6.7 It is proposed to move the air conditioning unit to a lower position on the rear elevation. This would allow for the installation of the air supply system and it would also further minimise its impact visually. Whilst it would be visible when viewed directly from the rear of the site (when looking through to the rear yard), it would not be so readily visible from Zinzan Street.
- 6.8 Under application 180237 it was considered that the proposals represented an opportunity to improve the appearance of the building (previously 'Ladbroke's' betting shop). As above, it is acknowledged how disappointing it is that the works that have taken place fall short in meeting expected standards for design within a Conservation Area. This is acknowledged by the applicant who has confirmed during the course of this application that the head office of the franchise has employed a store build project manager whose role is to ensure all works are done in accordance with the approved plans. The applicant has stated that should planning permission be forthcoming, the project manager would be regularly on site to ensure that the works are done to comply with the drawings and details to a satisfactory level.

- 6.9 The above does offer a certain level of comfort. However, to be confident in the scheme moving forward it is considered appropriate and necessary to attach the same 'material details to be submitted' condition as under application 180237 and for the Council's Conservation and Urban Design Officer to be directly involved when these details have been submitted. This is to be certain of the quality of materials and owing to the finished visual appearance of the development being considered to be of key importance.
- 6.10 Should the proposals be constructed in accordance with the plans with an appropriate level of detail and quality of material then the proposals do still represent an opportunity to enhance this building, with the ground floor colours sympathetic to the upper floor and the shopfront framed in a suitable manner. Similarly, the proposal to replace the tarmac with a charcoal colour paving would also improve the appearance when viewed from Oxford Road.
- 6.11 An informative will be attached to the decision notice stating that this proposal is without prejudice to any future application for advertisement consent.

**Impact on neighbouring amenity (including environmental protection matters)**

- 6.12 The relevant policies are CC8 and EN17. Policy CC8 tries to prevent development from having a detrimental impact on the living environment of existing residential properties through noise and disturbance, dust, smells, fumes and vibrations. Policy EN17 requires that any noise generating equipment should be designed to read at least 10dBA below the existing background level as measured at the nearest sensitive receptor.
- 6.13 As per application 180273, the proposal does not seek to enlarge the property such that no undue loss of light or overbearing impacts would occur. No additional windows are proposed and as such there would be no loss of privacy.
- 6.14 The main issue in terms of residential amenity is noise and odours from the extraction equipment associated with the 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, whilst planning application 180273 included a specific condition requiring further ventilation and extraction details to be submitted prior to works commencing, these details were not provided. Furthermore, there are concerns that the system that has been installed does not satisfactorily control odour emissions.
- 6.15 The current proposals seek to address the situation. An odour risk assessment has been submitted which the Council's Environmental Protection Officer has confirmed has been carried out in accordance with the correct guidance. The report recommends carbon filtration and electrostatic precipitation as the main methods of odour control. This is a better system than that which is currently in place and the Environmental Protection Officer is satisfied that if properly installed and maintained, that



this would appropriately and satisfactorily control odour to protect against neighbour amenity in this respect.

- 6.16 Further to the above, a noise assessment has also been submitted. This currently shows the level is 20dBA above the required level. However, they have recommended an indoor or external silencer which the Environmental Protection Officer considers should reduce the level sufficiently to meet the Council's stringent plant noise criteria - and be significantly quieter than the existing system. To ensure satisfactory noise levels it is recommend that a condition is attached to any planning permission requiring verification by an acoustic specialist to be carried out and submitted to the Council for approval.
- 6.17 To confirm, the Environmental Team are satisfied that, subject to conditions as stated, this would be acceptable from an Environmental Protection perspective, that they are 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.
- 6.18 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 CC8 and EN17.
- 6.19 The proposed hours of use of the premises remains as previously approved under application 180273: 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 would again be secured by way of a suitably worded condition.
- 6.20 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.
- 6.21 In overall terms, and with the above conditions secured, the proposals are considered to comply with Policies CC8 and EN17.

#### **Impact on parking/highways**

- 6.22 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.

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- 6.23 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.
- 6.24 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.
- 6.25 There are no transport objections to the proposals.

### CONCLUSION

- 6.26 These proposals have been carefully considered in the context of the Reading Borough Local Plan 2019 and supplementary planning documents. Having regard to the material considerations and all matters raised, the Local Planning Authority considers that the balance of considerations therefore weighs in favour of granting planning permission, subject to conditions and informatives.

Case Officer: Ethne Humphreys

### Proposed Floor Plan and Elevations



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