

## Update Report

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

ITEM NO. 6 Page 27

Ward: Abbey

App No: 201585: Change of use from an estate agent use class E to a restaurant and hot food takeaway sui generis use class

App No: 201586/ADV: New fascia and projecting sign

### **RECOMMENDATION:**

As on main report - Grant both applications

Amended delivery/waste collection times condition:

- Delivery times/waste collection times limited to 8am - 18:00pm Mon - Sat and 10am - 18:00pm Sun & BH.

## 1. PUBLIC NOTIFICATIONS

- 1.1 It can be confirmed that letters to neighbours were sent out and a press notice was published in the local paper on 28<sup>th</sup> January 2021 giving details of both applications and where the plans and documents could be seen on the Council's website. However, at the end of the public consultation section it is stated that site notices were also displayed. It has since been established that while 2 notices had been displayed, one on the inside of the front door and one on the inside of the window facing Zinzan Street, they were both in respect of the advertisement consent application 201586. The person who had displayed the notices had not realised that the second one should have been for the planning application 201585. Officers have not been making routine site visits during the lockdown periods associated with the coronavirus outbreak so this was not identified until the neighbour writing in brought it to our attention.
- 1.2 The regulations for public consultation on applications where the development would affect the character or appearance of a conservation area are set out in The Planning (Listed Buildings and Conservation Areas) (Amendment) (England) Regulations 2004. Paragraph 5A applies and requires the local planning authority to publish details in a local newspaper and on a notice displayed on site for not less than 7 days.
- 1.3 However in May 2020, in recognition of the problems for public consultations posed during the pandemic, the government introduced temporary publicity changes to give flexibility to local planning authorities when publicising planning applications. The Town and Country Planning (Local Planning, Development Management Procedure, Listed Buildings etc.) (England) (Coronavirus) (Amendment) Regulations 2020 Part 5, Reg 20 adds in this flexibility. The main change is to enable LPAs who are unable to advertise an application by site display or by publication of a notice in a

newspaper, or make it available for physical inspection, to publicise the application and make it available for inspection by electronic means (*regulations 8, 9, 10 and 11*) (source - Practical Law).

- 1.4 Therefore, while officers accept that the notice for 201585 was not displayed correctly, in the context of the other steps taken to notify neighbours and to publicise the application in the local press and the relaxation on consultation requirements during the pandemic officers are satisfied that sufficient consultation has been carried out. However, if Members decide to accept the officer recommendation to grant planning permission this could be delegated to officers following a notice being displayed on site for 7 days and no new or substantive objections being received in consultation with the Chair of Planning Committee.

## 2. Amended condition

- 2.1 The waste collection and delivery times condition is amended to introduce a later start time on Sundays and Bank Holidays to protect local residents from disturbance on these normally quieter days.

## 3. COMMENTS RECEIVED

- 3.1 There have been two objections to the application received following the publication of the main report:
  - i) The Baker Street Area Neighbourhood Association (BSANA) strongly objects to planning application 201585 for yet another fast food outlet on this section of the Oxford Road.

### Objections

Oxford Road acts as the primary conduit between Central and West Reading and attracts a heavy footfall both throughout the day and night. For many years Oxford Road has suffered from a considerable amount of anti-social behaviour (ASB) which has required ongoing action by both the police and Reading Borough Council (RBC) to try and contain numerous and persistent problems. This proposal for a fast food outlet that opens until 2am on every night of the year, including on Sundays and Bank Holidays, seems very much targeted at drinkers looking for late night food travelling from the pubs and clubs in Central Reading to their homes in West Reading, the effect of ASB (loud noisy behaviour, fights which can turn dangerous) that are linked to late-night activity by congregating customers will further exacerbate the problems that the residents of BSANA have experienced on Oxford Road. To allow this application would effectively provide an additional stopping point on Oxford Road which both RBC and the police know causes problems. BSANA strongly object to such extended late night fast food operation in our residential neighbourhood.

The application site lies within the Castle Hill/Russell Street/Oxford Road Conservation Area. The proposed change of use threatens to be detrimental to the character of the area, given that fast food outlets generally have

garish facades which are quite out of character in a conservation area. BSANA notes that the application proposes no measure (in accordance with Local Plan policy CS33) to protect and enhance the character of the premises and conservation area in which they propose this locate this development. This is in spite of the expected increase in late-night street noise, more ASB, more kitchen waste, more cooking smells and more customer littering of local streets. These detriments will be significantly more than is caused by the present estate agents and their customers. Therefore, we object to the proposed change of use as a detrimental development in our neighbourhood.

This is an area that RBC is actively trying to improve with the help of Historic England and its Heritage Action Zone scheme; this proposal runs counter to the good work that is being done.

### **Planning history of 109A Oxford Road as adversely affecting the Conservation Area**

By decision notice dated 17 December 2014, planning consent to application 140959 was granted for rear extensions and external works. The application drawing of the proposed side elevation (to Zinzan Street) showed a tidy, plain rendered façade with windows. To our dismay, the Zinzan Street side elevation, as actually developed, has included the projection of a large black plastic soil pipe to carry lavatory waste above the Zinzan Street pavement and around the south west corner of the building, onto the rear façade before going to ground.

The Zinzan Street façade has also been disfigured by sink waste pipework and electric cabling, some of the cabling hanging loose and flapping in the wind. Now, in 2021, those unapplied-for and unconsented eyesores - arising from application 140959 - are still ongoing, and are also clearly visible to passers-by along the Oxford Road in what is now part of the High Streets Heritage Action Zone programme that the Council and Historic England are jointly funding.

Another socially irresponsible blight, arising from the rear extensions developed since 2014, has been the poor waste management record at 109 and 109A Oxford Road. The private parking area at the rear of the property, bordering on Zinzan Street, has been more or less constantly blighted by unsightly accumulations of rubbish (as evidenced over the years by residents' continual complaints and on Google Maps street views). We fear that if the present planning application for change of use of the ground floor from Estate Agent to fast food restaurant and takeaway is permitted, then the waste management problem with these premises is liable to get even worse, unless very strict waste management conditions are imposed and are regularly enforced.

The lack of socially responsible waste management at these premises is further evidenced in the fact that waste bins marked for No 109A are continually being left out, and kept out, on the pavement of Zinzan Street

between the Thursday collection days. On Tuesday 16 March, those bins were the only bins left out on the whole of the east side pavement of Zinzan Street, i.e. between Oxford Road and Baker Street. This is, according to residents of Zinzan Street, an issue has been a constant for over a year now.

Much of the length of Zinzan Street has been suffering from food cooking odours from the rear of the Peri Peri restaurant and takeaway at 109B Oxford Road that opened nearly two years ago. We are more than alarmed at the prospect of that nuisance being duplicated if No 109A is now also developed as a fast food restaurant and takeaway with its pervasive cooking smells extracted to the rear of the property so as to waft down Zinzan Street throughout the day and much of the night, in addition to the odours from 109B

Whilst a robust extraction system can eliminate some of these concerns, no system has been proven to be odourless and every system relies on proper maintenance of filters. Residents are entitled to reasonably clean air and not to have to suffer pervasive commercial cooking smells penetrating into their homes.

We therefore hope that the Council will resist the proposed change of use or, if that is not possible, then we ask that very strong planning conditions will be imposed – and also enforced - to meet the social and environmental concerns we have raised, and also to ensure (in accordance with policy CS33 of the Local Plan) that this development delivers appropriate enhancement of the Conservation Area, to mitigate the unconsented side and rear façade blighting resulting from application 140959 and also to enhance the forecourt of 109A.

- ii) The area around the premises concerned suffers badly from anti-social behaviour. The three blocks from Howard Street to Russell Street, with these premises right in the middle at Zinzan Street, are a gathering place for drunks. Special conditions have been applied to the alcohol licenses of premises on both sides of the road on this block to try to combat the ASB.

Takeaway food venues are known to increase ASB and nuisance by way of litter and noise, especially late at night. There is already a hot food takeaway next door to these premises, another across Zinzan Street, and 3 in the block opposite across Oxford Road. Despite the applicant's plans to install bins outside the shop, the surrounding streets will inevitably become a littering ground for even more detritus if this application is allowed.

Takeaways in this area do not serve as an amenity for local residents - when the night-time economy is operational, they are used mainly by people going to and from the town centre, leaving local residents to suffer the impact.

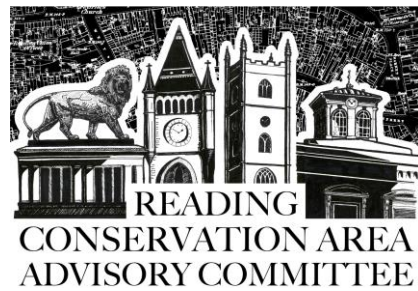
The nature of this stretch of Oxford Road is already under threat and the conversion of yet more retail / office space to restaurant / takeaway should not be permitted.

Please note that I'm aware that this representation is being made some time after the closing date - I walk by the premises in question most days and whilst I've seen a notice referring to another planning application (201586) displayed, I'm certain that the application I'm writing about has not been advertised at the premises. On checking this morning, there are 2 copies of the 201586 notice and nothing else. Accordingly, I'd be grateful if you would take this representation into full account.

#### **4. Officer Comments**

- 4.1 Officers note that the objections (also see the written statement from CAAC) refer to the failure of the property owner (not the current applicant) to fully implement all the works as approved by a planning permission in 2014, which was for "Rear extensions and associated external works". They also refer to the problems experienced following the conversion of 109b Oxford Road to a restaurant /takeaway outlet and question if more food outlets are needed in this street.
- 4.2 Officers agree that the scheme proposed in 2014 for improvements to the frontage of the site would have made a positive contribution to the appearance of this site and have made the current applicant aware of that proposed scheme and the Council's wish to see that work carried out. As the 2014 permission was implemented it is still possible for the work on the frontage to be carried out in accordance with the approved plans.
- 4.3 However officers do not consider it reasonable to use the fact that the previous permission was not fully implemented as grounds for refusing this current application. This application should be judged on its merits against the relevant policies in the Local Plan as set out in the report.
- 4.4 Officers also note that it is a material consideration that there has been nuisance caused by the neighbouring property (see the other report for 109b in this agenda) but this has enabled officers to apply more scrutiny to the proposal for this site.
- 4.5 The officer recommendation is to grant planning permission and advertisement consent.

Julie Williams



Reading Conservation Area Advisory Committee

30 March 2021

**109a OXFORD ROAD – 201585/201586**

**WRITTEN STATEMENT FOR PLANNING APPLICATIONS COMMITTEE 31 MARCH 2021**

In 2014 an application was approved which would have improved the shopfronts and the street frontage of 109 and 109a Oxford Road as well as the entrance and area to the rear.

This was only partially implemented for 109a a prominent building on the corner with Zinzan Street.

Since then, the New Local Plan has been approved, the Russell Street/Castle Hill/Oxford Road Conservation Area in which this property is located has been declared a conservation area at risk and Reading now has a High Streets Heritage Action Zone project. All the above raise expectations that 'something will be done' on the part of Reading CAAC and residents to improve the appearance of the area, otherwise what is it all about?

This application does not go far enough and if it is approved it falls far short of what Reading Borough Council's policies and projects for the area indicate.

Please reject these applications.

**New Local Plan**

**Shopfronts:** Reading's New Local Plan policy OU5 states that new shopfronts in conservation areas ***"will respect or enhance the building or area, and will respect the key features of the special historic interest."*** In this case we welcome the improvements to the shop front. However the proposal does not go far enough and should also improve the adjacent property as anticipated when application 140959 was granted (image below).

**Conservation Area Management Plan:** Policy EN3 states ***"Where a Conservation Area Appraisal and Management Plan has been adopted for a particular Conservation Area, this will be a material consideration in determining applications for development."*** A revised CA appraisal was adopted in April 2020. The management plan for this CA mentions "Unsympathetic retail signage, hiding of string courses, windows, window sills; use of garish colours, plastic lettering,

over dominant lighting, internally illuminated signage.” In this case Reading CAAC feels that the fascia board is too high on the frontage and obscures the windowsills and may obscure a string course.

**High Streets Heritage Action Zone Project (HSHAZ):** The property is within the pilot area for the HSHAZ project but the appearance of what is being recommended for approval falls short of the 2014 scheme below.



***Front and side elevation of 109a from consented, and partially implemented, application 140959***

It is also questionable whether this section of Oxford Road needs yet another restaurant/takeaway which does not enhance the diversity of the high street offering in this section of the town centre.

Evelyn Williams, chair Reading Conservation Area Advisory Committee