

UPDATE REPORT

BY THE DIRECTOR OF ECONOMIC GROWTH AND NEIGHBOURHOOD SERVICES

READING BOROUGH COUNCIL

ITEM NO. 7

PLANNING APPLICATIONS COMMITTEE: 31st March 2021

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Ward: Abbey

App No.: 200142

Address: 109B Oxford Road, Reading

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

Determination Date: Extended to 9th April 2021

RECOMMENDATION:

Grant

With conditions as set out in the main agenda report to include the following additional condition:

- Kitchen Equipment to be installed strictly to the specifications as approved and thereafter so maintained to manage ventilation and extraction to meet those specifications.

1. Public Notifications

- 1.1 At the end of the public consultation section it is stated that a site notice was displayed. The applicant has been unable to confirm when this was displayed. Officers have not been making routine site visits during the lockdown periods associated with the coronavirus outbreak, so this was not identified until it was recently brought to our attention. However, it can be confirmed that letters to 17 neighbours were sent and a notice published in the press 17th February 2020. This press notice directed the reader to Reading Borough Council's website.
- 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 may not have been 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 officers are satisfied that sufficient consultation has been carried out. However, if Members are minded to approve the application the decision to grant planning permission could be delegated to officers following a notice being displayed on site for 7 days and no new substantive objections being received in consultation with the Chair of Planning Applications Committee.

2. Corrections

2.1 The description of works as submitted is “Change of use from sui generis (betting shop) to A3 restaurant with ancillary A5 takeaway and replacement shopfront (Part retrospective)”. Under the provision of the new Use Classes introduced in September 2020 the restaurant use now falls within Use Class E (b) and the take-away element now falls within Use Class Sui Generis. As such, the description of works should be amended to read “Change of use from Sui Generis (betting shop) to Class E restaurant with ancillary Sui Generis takeaway and replacement shopfront (Part retrospective)”. As per application 180273 a condition is proposed to be attached requiring that the main use of the premises shall be as a Class E (restaurant) Use with any takeaway use remaining strictly ancillary to the primary use of the premises as a restaurant.

3. Clarifications

3.1 This application includes proposals to update the equipment used to treat and reduce fumes and odours from that currently in place. Environmental Protection Officers have considered the information provided and are satisfied that the changes proposed, to include a better specification of equipment, are acceptable and should adequately protect the amenities of neighbouring properties. The main agenda report sets out that further extraction details should be submitted to demonstrate that acceptable levels can be met; however, a further condition is recommended above to require maintenance and management thereafter to continue to perform to required standards.

4. Comments Received

4.1 There have been two objections to the application received following the publication of the main report:

- (i) The Baker Street Area Neighbourhood Association (BSANA) understands that 109B Oxford Road has had previous planning approval for A3 restaurant with ancillary A5 takeaway but that the previous application and decision notice has been withdrawn.

The present application 200142 is understood to be essentially a re-presentation of the previously consented proposals in the circumstances that work proceeded on the

earlier consented development in breach of pre-commencement conditions contained in the earlier consent. Hence this application is in part retrospective.

We infer from the Design and Access statement submitted with this application that the breaches of condition have been so extensive that it was agreed to resubmit the earlier consented proposals in a fresh, partially retrospective application with a view to fresh or varied planning conditions being imposed in respect of any issues that remain unresolved.

We do have some strong concerns with this development as it now appears at present, and we wish to draw attention to the following matters that we hope will be addressed.

We are particularly concerned that the restaurant and takeaway has been opened, and is being operated, without prior completion of the shop front, side front and forecourt enhancement works in accordance with the conditionally consented designs. Also that details of the materials being used have not been previously submitted to, and approved by, the Council in accordance with the then current planning conditions for the development. The materials used appear to be of inferior quality and the architectural detailing appears “incorrect” - it certainly does not match that of the earlier approved design.

We are also concerned about the existing advertising signage on the Zinzan Street frontage of these premises. So far as we are aware, the only signage consented is that in decision notice 181755. The visual impact of the existing signage appears excessive and lacking in the restraint that should prevail in a Conservation Area.

The forecourt of the premises has been tarmacked and not brick-paved as in the earlier approved design and the side boundary wall is an eyesore that has not been re-rendered and painted. There is a most unsightly, and possibly hazardous, cluster of loose electric cabling rising from the ground to the first floor level at the left hand corner of the Oxford Road façade. We ask that this eyesore also be addressed in the determination of this application.

- (ii) Reading Conservation Area Advisory Committee (CAAC) apologise for the late submission of these comments but having commented on 109a Oxford Road (201585/201586) we felt that we should also comment and object to this application.

We note that the application is required because of the failure of the applicant to adhere to approved plans and conditions of approval of the application for change of use from a betting shop to a restaurant/takeaway (180073).

Summary of objection:

We do not believe that this application can be accepted without amendment to the plans because of the central positioning of the front door and the asymmetrical appearance that results.

109b Oxford Road is (with 109a) one of the twin gateways to Zinzan Street. It is similarly within a conservation area and Reading's HSHAZ pilot area so expectations of a very positive improvement to the appearance of the building apply equally.

Subject to this should this application be granted we would like to be assured that the previous failings will be rectified and if not, enforcement action taken in relation to the appearance of the property, the paving and the extractor fan and ventilation.

1. Elevations

1.1 Shopfront onto Oxford Road

1.1.1 Originally approved plans were for an entrance door to the side of the frontage and one large window. The plans submitted with this application have a central door as per the current situation (see below). The impact of this is that it looks unbalanced as the timber panel on the left hand side of the left window now needs to be reproduced on the right hand side of the right window if the front door position is to be retained. The asymmetrical configuration is only in keeping with a door to the side.

1.1.2 The originally approved plans (amended plan version 3.0) and those now submitted do not have signage across the whole width of the frontage. The signage in place does extend across the whole frontage. Therefore, the signage will also need to be amended when the columns are installed.



1.1.3 The 'mock up', 'faux' columns on the frontage are not consistent with the example photograph included of the Timberland shop in Guildford (see below). Whilst the image may have been illustrative only, this together with the side elevation submitted it clearly gave the impression of a much higher quality frontage.



1.2 Side elevation

1.2.1 Plans for side elevation indicate a scroll at the top of the column on the frontage consistent with the Timberland frontage. The elevation submitted with this application is consistent with the original application.

1.2.2 The originally approved plans (amended plan version 3.0) and those now submitted do not have signage across the whole width of the frontage. The signage in place does extend across the whole frontage. Therefore, the signage will also need to be amended when the columns are installed (see below).



3. Conclusion

3.1 Please reject this application for the reasons stated above.

Officer Response: The Council's previous Heritage Consultant raised no objection to the repositioning of the doorway, and it is not considered that this in itself raises such adverse harm to warrant a refusal on this basis.

The applicant will be making an application for advertisement consent to amend the signage.

5. Conclusion

5.1 The officer recommendation remains to grant planning permission with the inclusion of a further suggested condition requiring maintenance of the kitchen extraction equipment.

Case Officer: Ethne Humphreys