

## COMMITTEE REPORT

BY THE EXECUTIVE DIRECTOR OF ECONOMIC GROWTH & NEIGHBOURHOOD SERVICES  
READING BOROUGH COUNCIL  
PLANNING APPLICATIONS COMMITTEE: 23<sup>rd</sup> June 2021

**Ward:** Abbey

**App No.:** 200142

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

**Proposal:** Change of use from Sui Generis (betting shop) to Class E restaurant with ancillary Sui Generis takeaway and replacement shopfront (Part retrospective)

**Applicant:** Express Team Ltd

**Deadline:** Extended until 25<sup>th</sup> June 2021

### RECOMMENDATION:

**SUBJECT TO** receipt of acceptable revised plans and acceptable material samples: **GRANT** full planning permission subject to conditions to include the following:

- 1) Approved plans implemented and any unauthorised works (to be specified in condition) removed within 2 months from date of permission
- 2) All external material to be in accordance with approved details and samples submitted
- 3) The extraction system to be retained and maintained in accordance with approved details and - changing carbon pre-filters monthly to system design and manufacturer specification
  - fully cleaning baffle filters and drain channel within the canopy weekly
  - empty the ESP of grease sump weekly
  - fully clean the entire extraction system and electrostatic cells and pre-filters and fan and weather louvre and discharge plenum above the door and such other cleaning as may be required every four monthsAll maintenance to be documented and recorded on site at point of service and shall be available to be provided to the council within 7 days of written request.
- 4) Hours of Use: 11:30-23:00 Sun - Thurs and 11:30 - 23:30 Fri - Sat
- 5) Construction Hours - no 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
- 8) i) The main use of the premises hereby approved shall be as Class E (Restaurant) use with any takeaway use remaining strictly ancillary to the primary use of the premises as a restaurant.  
ii) and shall not be used for any other uses within Class E

**OR:** In the event that acceptable revised plans and acceptable material samples have not been received (to be advised in an update report) to **REFUSE** full planning permission for the following reason:

**1) The unauthorised alterations to the shopfront (fronting Oxford Road) and side elevation (fronting Zinzan Street), by reason of their inappropriate form, constituent materials and detailing, represent a poor quality and visually unsympathetic addition to the building harmful to its character and appearance and that of the surrounding Castle Hill/Russell Street/Oxford Road Conservation Area. As such the development is contrary to Policies CC7, OU5, CR2, EN1 and EN3 of the Reading Borough Local Plan 2019.**

**Informatives to include:**

- 1) Terms and Conditions**
- 2) Building Regs**
- 3) Damage to Highway**
- 4) Works Affecting Highways**
- 5) Positive and Proactive**
- 6) Enforcement**

## **1. INTRODUCTION**

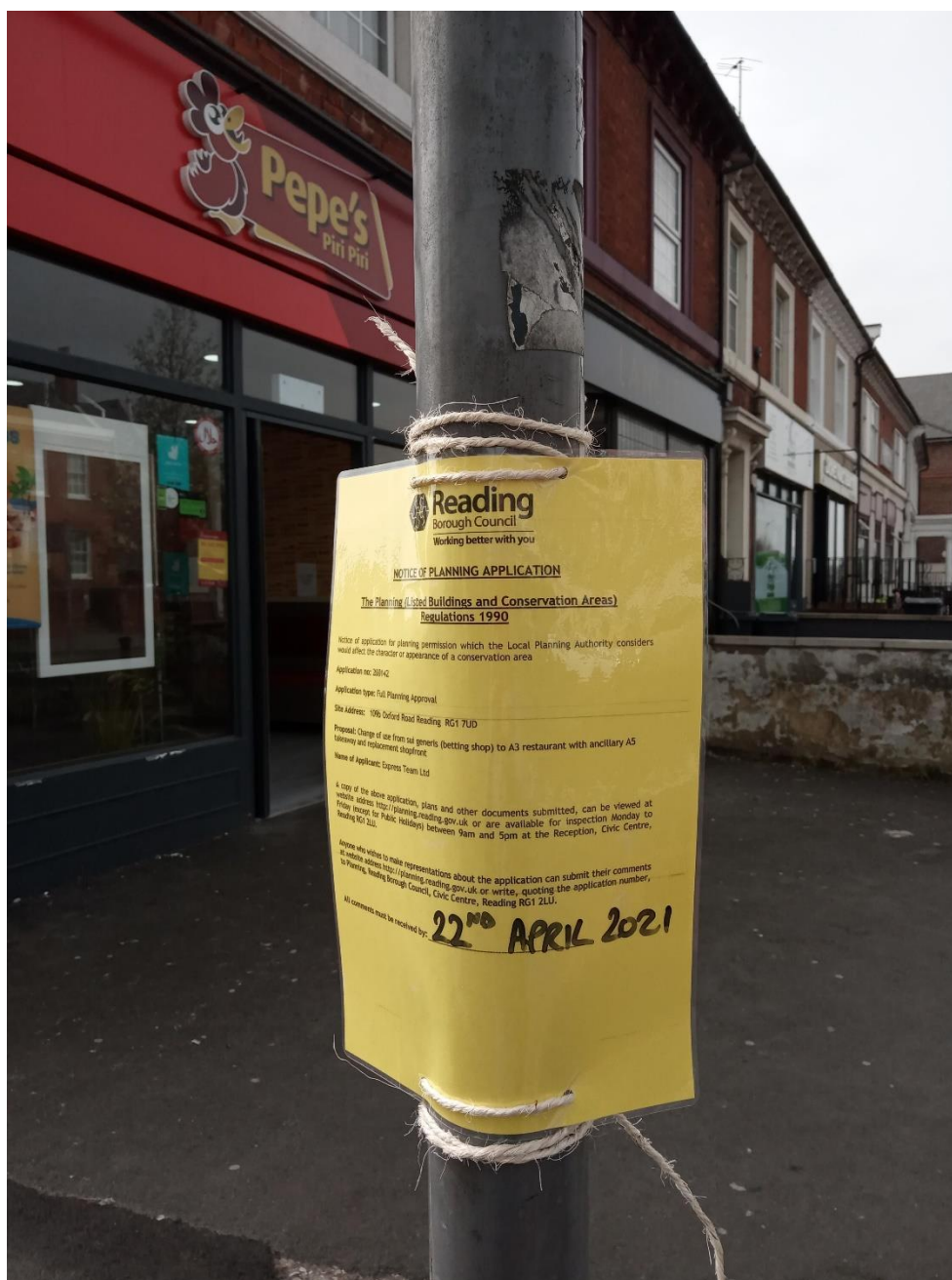
1.1 On 31<sup>st</sup> March, the Planning Applications Committee resolved to defer consideration of this application for the following reasons:

- 1) to allow time for public notification and comments to be made
- 2) to allow time for more information to be provided re ventilation and odour extraction; and
- 3) to allow the project manager to meet with planning officers and Ward Councillors to look at design issues

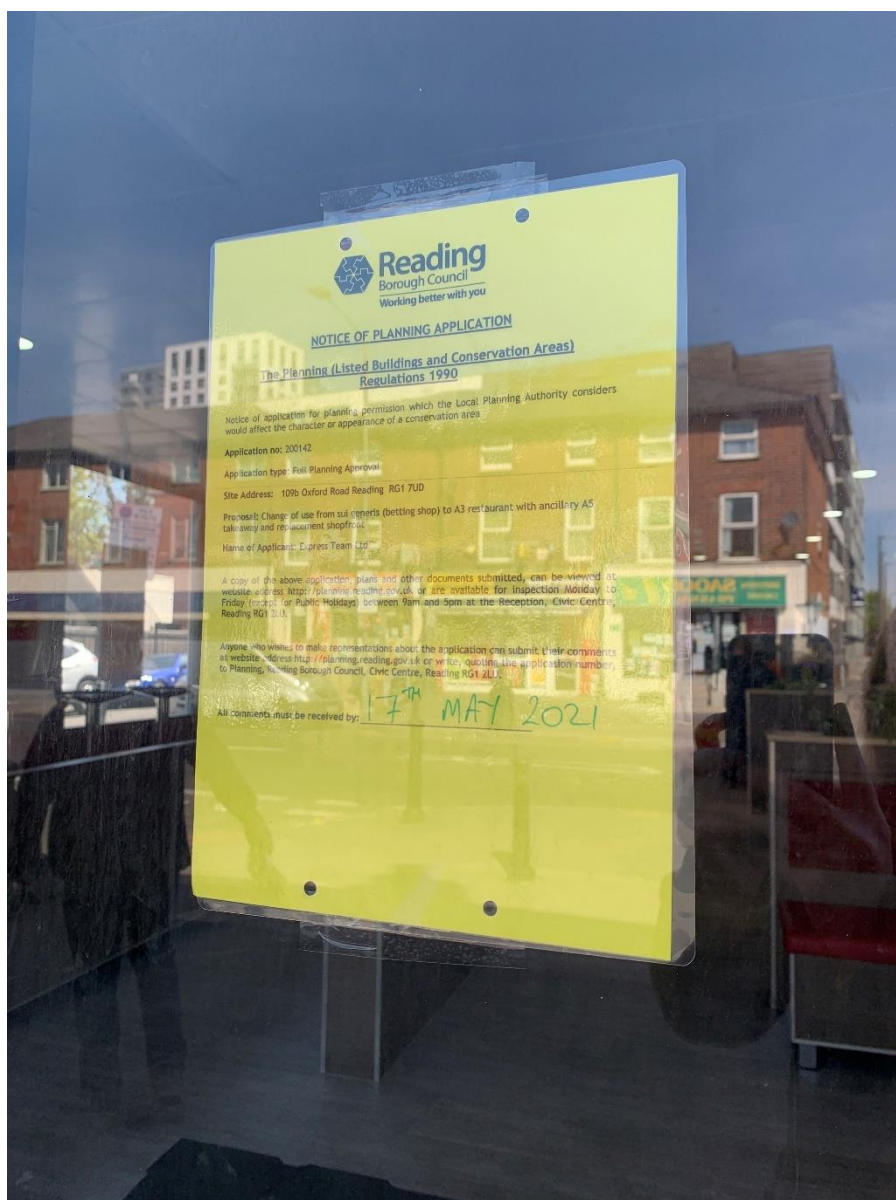
1.2 Each point above shall be discussed in turn below.

## **2. PUBLIC NOTIFICATION**

2.1 With regard to point 1) a site notice was put up by a Planning Officer 1<sup>st</sup> April 2021 outside the front of the shop as per the photo below:



- 2.2 A second site notice was put up by a Planning Officer 26<sup>th</sup> April 2021 inside the shop window as per the photo below:



2.3. No public letters of representation have been received.

### 3. KITCHEN EXTRACTION

- 3.1 With regard to point 2) the applicant's kitchen extraction specialist confirmed on a site visit undertaken 14<sup>th</sup> April 2021 that the entire canopy needed a deep clean and that all filters needed to be replaced.
- 3.2 Further to this, the applicant provided Officers with evidence that this cleaning had been carried out in the form of: a copy of an invoice for the proposed cleaning of the canopy received on 12<sup>th</sup> May 2021; a cleaning and maintenance quotation received on 14<sup>th</sup> May 2021 and a cleaning certificate (stipulating areas that were cleaned and/or inspected on 11<sup>th</sup> May 2021 and completed 13<sup>th</sup> May 2021 - with post clean inspection report, photos and confirmation all carbon filters replaced) received on 18<sup>th</sup> May 2021.

- 3.3 The applicant has provided written confirmation that they have accepted the ongoing cleaning and maintenance quotation and the next clean is due 19<sup>th</sup> July 2021.
- 3.4 The above referenced documentation has been reviewed by Environmental Protection Officers who are satisfied with the content. However, to ensure satisfactory ongoing compliance and for odour to be successfully managed in the long term, a condition is recommended stipulating that regular maintenance checks are carried out and kept fully documented on site to be made available by the Environmental Team upon request.
- 3.5 With this condition secured, and mindful of other Environmental Health legislation that covers matters of pollution separately to the planning process, Officers are satisfied that this should adequately protect the amenities of those living nearby, in accordance with Policy CC8 of the Reading Borough Local Plan 2019.

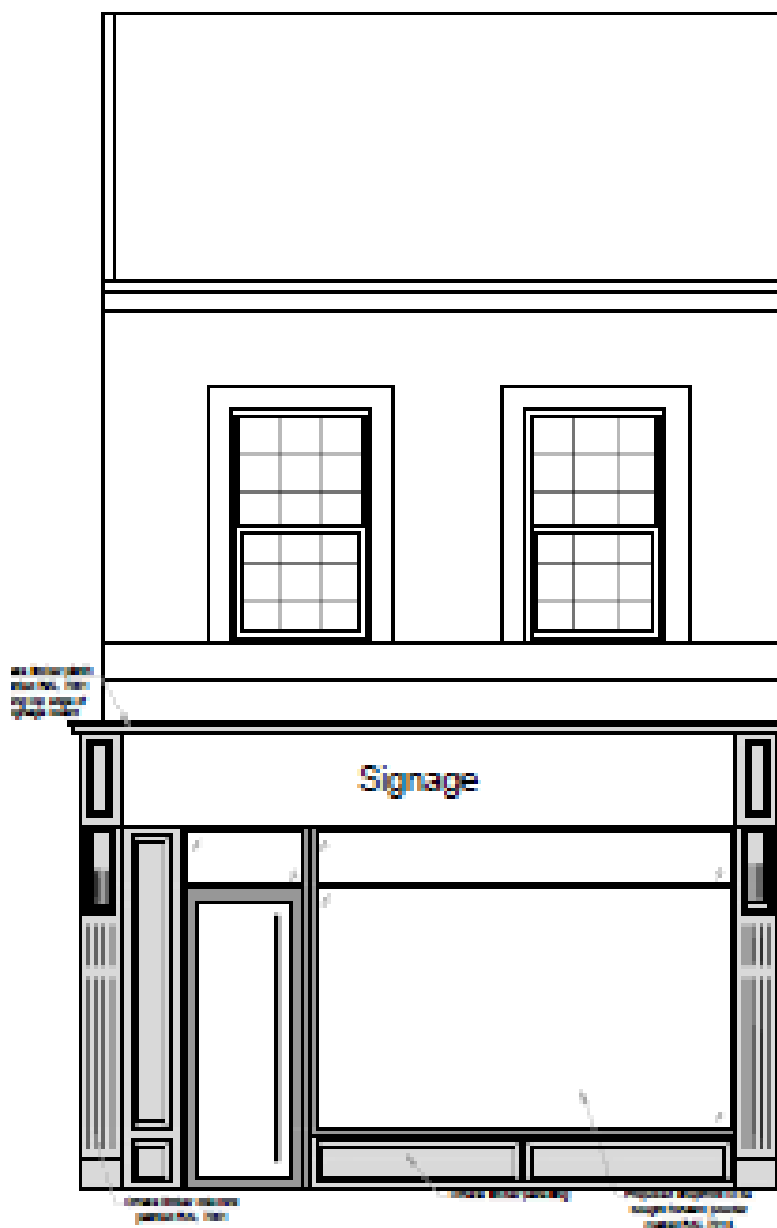
#### **4. DESIGN/MATERIALS**

- 4.1 With regard to point 3) a site visit was undertaken 14<sup>th</sup> April 2021 with the Planning Officer, Conservation and Urban Design Officer, Ward Councillors, Planning Agent, Applicant, Project Manager and Extraction Specialist in attendance.
- 4.2 The various areas of concern in respect of the design/poor quality materials was discussed in detail on site. It was resolved that the applicant would provide more detailed shopfront plans/material details and paving details in liaison with the Planning Officer and Conservation and Urban Design Officer.
- 4.3 Further to the above, the treatment of the site frontage has been discussed with the Planning Officer and Conservation and Urban Design Officer and agreed to include the following:
- Herringbone brick paving in front of the shop (red)
  - Finish of the low-level boundary wall to be rendered and painted the same grey as the neighbouring 111 Oxford Road (Lansley) with new coping stone along the top
- 4.4 The above proposed frontage treatment is considered to result in a significant improvement on the existing tarmac frontage and would represent an enhancement of the site and this part of the Conservation Area.
- 4.5 With regard to the shop frontage itself, the Conservation and Urban Design Officer has been in discussion with the agent, with progress made in making the shopfront more appropriate for the setting and enhancing the appearance of the property within the Conservation Area.
- 4.6 Whilst application 180273/FUL agreed a silver/grey colour of the shopfront, upon further discussion - and acknowledging the current poor quality of the shopfront in existence and the need to significantly improve upon this situation - the Conservation and Urban Design Officer considers that a heritage red exterior colour scheme would be more appropriate. Furthermore, it is considered that this would help ameliorate the impact of the approved signage. As such, timber painted red columns and panels are proposed (an oil based paint - Florentine Red) for the front and side return of the shop frontage. The modern glazed windows to the rear

adjacent Zinzan Street will be internally painted and the wall colour for this element will remain mid-grey.

- 4.7 It is also proposed to replace the shutter box with a timber painted red panel and to include a cornice detail on the top plinth.
- 4.8 Further to the above, it is also proposed to replace the metal front door with a timber framed door, with the top and bottom glazing separated by a solid panel in the middle.
- 4.9 The below shows the context between what was approved, what was constructed and what is now proposed.

Shopfront as Approved under 180273/FUL



Shopfront as Installed



Shopfront as Proposed



- 4.9 Whilst Officers are still working with the applicant to refine the details (minor modification required to the timber joinery details on the drawings for approval), the revised plans represent a considerable improvement on the existing situation in terms of general design, colour and materials to be used although the acceptability remains subject to acceptable detailed drawings and materials samples being received.
- 4.10 The updated plans will be presented to Councillors by way of an update report and material samples will also be provided to Councillors at the Planning Applications Committee meeting.
- 4.11 Should the above plans and acceptable material detail not be forthcoming or are considered to be unacceptable by the date of the Planning Applications Committee meeting, Officers recommend that the application be refused as per the recommendation.
- 4.12 A condition will be recommended stating that the proposals shall be constructed as per the materials submitted (to be provided); however, the wording of this condition will be provided by way of an update report once the detailed materials are known.
- 4.13 Further to the above, it is noted that the applicant has removed the signage that was inappropriately extending the full width of the fascias along the front and side of the building (and not in accordance with 181755/ADV) and has replaced it with signage that fits between the two pilasters either side of the shopfront.

## **5. OTHER MATTERS**

- 5.1 It is pertinent to note that an Enforcement Notice was served January 2020, which remains extant. Given that the applicant had made this planning application to rectify the situation also in January 2020, Officers used this opportunity to work with the applicant to secure planning permission for a more appropriate form of development. Whilst acknowledging the Enforcement Notice (which will stay with the land in perpetuity), it is considered that this route would result in a more appropriate form of development in heritage terms, than reverting to the previous site context as per the requirements of the Enforcement Notice.
- 5.2 If planning permission is granted as recommended, should the applicant fail to comply with the timescales as set out in the recommendation above or fail to carry out the approved shop front changes or maintain equipment as specified the Council would be able to serve a new Enforcement Notice as necessary.

## **6. CONCLUSION**

- 6.1 In overall terms, the applicant has worked with Officers towards achieving a more appropriate shopfront design. Officers are satisfied that subject to agreement of the proposed materials (to be submitted in time for Councillors to view at the Planning Applications Committee meeting) that the proposals would be a marked improvement on the current situation, replacing superficial design gestures with more appropriate detailing that, subject to receipt of the drawings and materials as referenced above, would preserve the character and appearance of the Conservation Area in accordance with Policies EN1, EN3 and CC7 of the Reading Borough Local Plan 2019.



- 6.2 The committee and update reports from 31st March Agenda are appended to this report for background context. Where recommendations differ, this report shall be taken as being the current advice of Officers.

**Case Officer: Ethne Humphreys**

**APPENDIX 1 report to 31st March Planning Applications Committee**

**APPENDIX 2 update report to 31<sup>st</sup> March Planning Applications Committee**

**APPENDIX 3 indicative proposed plans/elevations**

**APPENDIX 4 indicative proposed elevations**

## APPENDIX 1 - report to 31<sup>st</sup> March Planning Applications Committee

### COMMITTEE REPORT

BY THE EXECUTIVE DIRECTOR FOR ECONOMIC GROWTH AND NEIGHBOURHOOD SERVICES

READING BOROUGH COUNCIL

ITEM NO.

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:

- 9) Approved plans implemented and unauthorised removed within 5 months
- 10) Details and Samples of all External Materials (including pavement treatment) submitted within 1 month
- 11) Extraction System details submitted within 1 month
- 12) Hours of Use: 11:30-23:00 Sun - Thurs and 11:30 - 23:30 Fri - Sat
- 13) 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
- 14) Delivery Hours/Waste Collections: 08:00 - 20:00 Mon - Sat and 10:00 - 18:00 Sundays and Bank Holidays
- 15) Bin Storage and Litter Management Plan Details - as per details

##### Informatives to include:

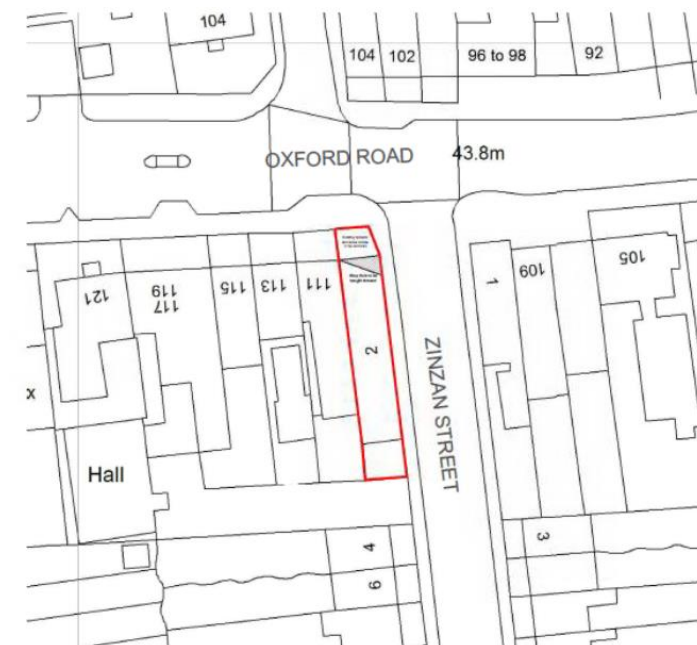
- 7) Terms and Conditions
- 8) Building Regs
- 9) Damage to Highway
- 10) Works Affecting Highways
- 11) Separate advertisement consent required; No signage is approved as part of this application
- 12) Positive and Proactive

## 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 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:**



## 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 undertaken 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 recommended 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 that 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.

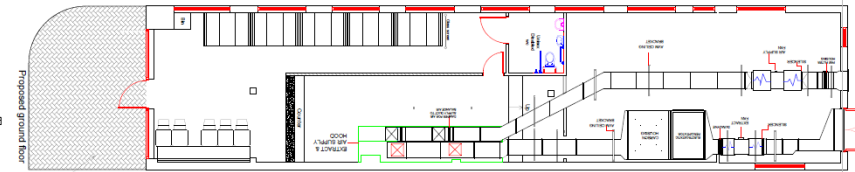
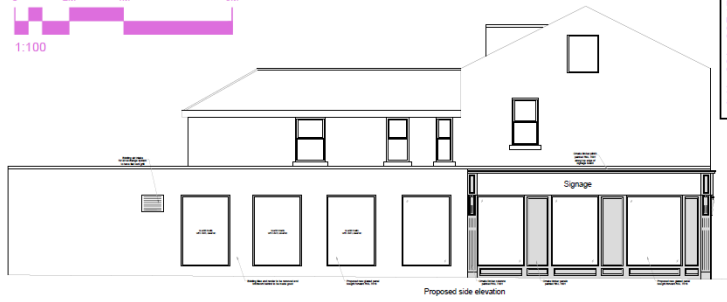
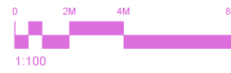
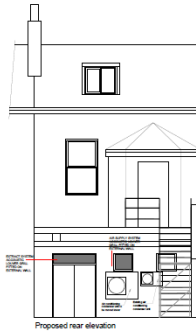
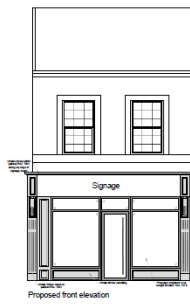
- 6.23 Oxford Road and the surrounding road network all have extensive parking restrictions preventing on-street parking. A residents' permit parking scheme operates in the area thereby restricting and monitoring unauthorized parking.
- 6.24 In accordance with the Council's adopted Parking Standards 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**



The contractor is responsible for checking dimensions, tolerances and references. Where an item is covered by drawings to different scales, the larger scale drawing is to be worked to. Do not scale drawing. Figure dimensions to be worked to in all cases.

All fit out manufacturers to take direct measurements on site before commencing work.

Architect will not be held responsible for any deficiencies in the survey and any furniture misfits.

Drawing no. 3.0		
Date	Rev.	1
10/10/2017		
Project		
109B Oxford Road, RG1 7UD		
Drawing		
PROPOSED PLAN / ELEVATION		
Job no.		Rev.
2017-0174		1
Drawn	GS	checked
Scale	1:100 @A3	Date 27-01-2020

## APPENDIX 2 - update report to 31<sup>st</sup> March Planning Applications Committee

### UPDATE REPORT

BY THE DIRECTOR OF ECONOMIC GROWTH AND NEIGHBOURHOOD SERVICES

READING BOROUGH COUNCIL

ITEM NO. 7

PLANNING APPLICATIONS COMMITTEE: 31st March 2021

Page: 39

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 9<sup>th</sup> 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 17<sup>th</sup> 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 sufficing 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

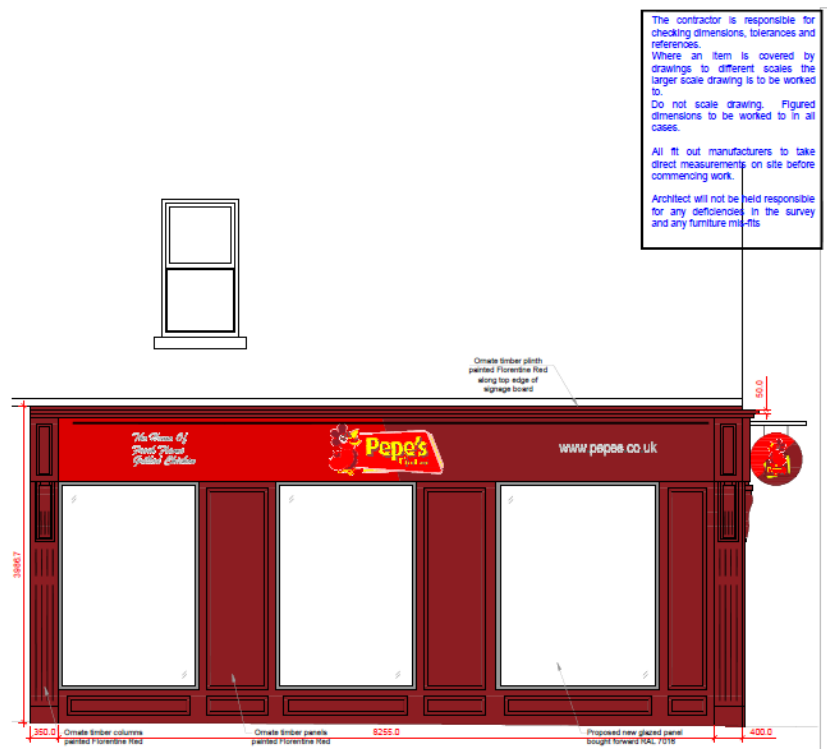
## APPENDIX 3 - indicative proposed plans/elevations



## APPENDIX 4 - indicative proposed elevations



Proposed side elevation



REV A - 09-06-2021  
AMENDMENTS AS REQUESTED BY BRUCE

Drawing no. 4.0		
date	rev.	revision/author/checked
purpose of issue <b>PLANNING</b>		
Project <b>109B Oxford Road, RG1 7UD</b>		
Drawing <b>PROPOSED ELEVATIONS</b>		
Job no. <b>2017-0174</b>		rev.
Drawn	<b>GS</b>	checked
Scale	<b>1:50 @A3</b>	Date <b>27-01-2020</b>

architecture

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