

## COMMITTEE REPORT

BY THE EXECUTIVE DIRECTOR FOR ECONOMIC GROWTH AND NEIGHBOURHOOD SERVICES  
READING BOROUGH COUNCIL  
PLANNING APPLICATIONS COMMITTEE: 1 December 2021

Ward: Abbey

App No.: 201585/FUL

Address: 109a Oxford Road, Reading, RG1 7UD

Proposal: 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

Proposal: New fascia and projecting sign

Applicant: ARA FT Investment Ltd t/a Fat Twins Reading

Deadline: 12/03/2021 Extended to 10<sup>th</sup> December 2021

### RECOMMENDATION:

#### **Grant planning permission for 201585**

Conditions to include:

- Implement within 3 years
- In accordance with approved plans
- Material samples to be approved before works commence on exterior of property
- Opening times for public limited to 9am - 11:00pm Sun - Thurs and BH.s and 9am - 23:30 Fri - Sat
- Delivery times/waste collection times limited to 8am - 18:00pm Mon - Sat and 10:00 - 18:00 Sun & BH.s
- Construction times limited to 08:00 - 18:00 Mon - Fri and 08:00 - 13:00 Sat. No works at all on Sun or BH.
- Kitchen Ventilation System to be installed strictly to the specifications as approved and the use hereby approved shall not be made open to the public until an odour risk assessment has been carried out and a detailed odour management plan to include scaled plans, odour control specifications and a maintenance plan has been submitted to and approved in writing by the Local Planning Authority.
- The ventilation system shall only be installed in accordance with the acoustic assessment including the proposed acoustic enclosure and shall thereafter be maintained so that it operates to the same standard.
- Litter management plan adhered to

Informatives to include:

HSHAZ advice and completion of public realm works

Pre-commencement conditions agreed by the applicant

#### **Grant Advertisement Consent for 201586**

Conditions to include:

- Details and materials to be submitted and approved before works commence as approved
- Standard advert conditions

## **1. INTRODUCTION**

- 1.1 The planning application and the advertisement consent application for the ground floor and basement area of this property has been with the Council for determination for over a year now. These two applications were first considered at the 31 March PAC meeting and deferred further to public speaking on the matter, for the following reasons:
  - a) To allow time for public notification of 201585 and comments to be made
  - b) For more information to be provided regarding the relevant policy requirements in the local plan and the recent changes to use classes;
  - c) For more information on noise and smells, including the referenced noise and odour risk assessments; and
  - d) To explore whether any of the conditions from the 2014 consent at the property could be attached to the current application.
- 1.2 These matters were dealt with in a report intended to be discussed at the Committee meeting on 28 April 2021 but the item was deferred again, before any debate on it, to allow the applicant time to provide additional technical information on their proposed kitchen odour ventilation system and accompanying acoustic assessment.
- 1.3 This information has now been provided and reviewed by officers and so the applications are presented once more for your decision.
- 1.4 Copies of the previous committee reports and update reports are appended.

## **2. BACKGROUND**

- 2.1 Officers are aware that these earlier meetings were before some Councillors became Members of Planning Applications Committee so a brief background is provided here.
- 2.2 The application site is on the corner of Zinzan Street and Oxford Road in the Central Reading area as defined in the Local Plan. The property is not a listed building but lies in the Castle Hill/Russell Street/Oxford Road Conservation Area and within the High Street Heritage Action Zone. The last use of the building at ground and basement floor was as an estate agency. There is residential use on the upper floors accessed via Zinzan Street.
- 2.3 The proposals seek planning permission to change the use to a mix of dine in restaurant (Use Class E) and a take-away use (sui generis class). It is by virtue of the proposed mixed use that planning permission is required for it is currently “permitted development” for an estate agency to change to a restaurant use as both are in the same Use Class E. To facilitate the proposed change of use the planning application includes the provision of kitchen extraction equipment and alterations to the existing shop front and an advertisement application is made.



Photo of application site on the corner from 2020.

- 2.4 While only 3 written submissions were made about the proposal Members and Officers had concerns for the odours and noise associated with the proposed new use and therefore it was reasonable to insist that the applicant provided clear evidence that the proposed installations to manage cooking smells and noise would spare local residents from the polluting effects already experienced from existing outlets in the area.

### 3. Additional Technical Information

#### Noise generating development

- 3.1 An updated noise assessment (Report reference: 3947\NL\June 2021\NA) was submitted. The noise assessment submitted concluded that the rating level will be -5 dB below background and the specific level -7 dB below background, which is not compliant with the policy, and additionally, a 12 dB correction for the presence of a window between the noise and the receptor had been incorrectly applied.
- 3.2 The applicant was advised that either further noise mitigation needed to be put in place to reduce the levels by 15 dB, or the plant needs to not operate after 11 pm in which case the levels will need to be reduced by 5 dB.
- 3.3 Subsequently, the applicant submitted a proposal for additional mitigation in the form of an acoustic enclosure around the internal fan which would reduce the noise levels by a further 15-18 dBA. The Environment Protection officer has confirmed that she is therefore satisfied with the proposals on noise terms subject to the following condition being imposed.

### **Condition for Noise Levels of Plant**

The plant shall only be installed in accordance with the acoustic assessment including the proposed acoustic enclosure and shall thereafter be maintained so that it operates to the same standard.

The specific sound level of the plant/equipment hereby approved, (LAeq,TR) (with reference to BS:4142) as measured at a point 1 metre external to the nearest noise-sensitive facade shall be at least 10dB below the pre-existing background sound level, LA90,T when all plant/equipment (or any part of it) is in operation. The rating level, LAr,Tr (specific sound level plus any adjustment for the characteristic features of the sound) as measured at a point 1 metre external to the nearest noise-sensitive façade (habitable window of a dwelling) shall not exceed the pre-existing background sound level, LA90,T when all plant/equipment (or any part of it) is in operation.

**REASON:** To safeguard the amenities of the adjoining premises and the area generally, in accordance with Policy CC8 and EN17 of the Reading Borough Local Plan 2019.

### **Kitchen Extraction - odour**

- 3.4 Information had been submitted regarding proposed carbon filtration and an electrostatic precipitator system to control odour. The extraction system is specifically designed to eliminate odours from our proposed usage. However, for reassurance, it is reasonable to require an odour assessment to be carried out to confirm that these measures are adequate taking into account the location of the extraction system and the type of food being cooked etc.
- 3.5 The following condition is therefore recommended.

### **Condition for Odour Assessment**

*The use hereby approved shall not be made open to the public until an odour assessment has been carried out and a detailed odour management plan to include scaled plans, odour control specifications and a maintenance plan has been submitted to and approved in writing by the Local Planning Authority. Reference shall be made to the DEFRA guidance on the Control of Odour and Noise from Commercial Kitchen Exhaust Systems (Jan 2005) when assessing potential odours and selecting appropriate odour control methods. Thereafter, the development shall not be carried out other than in accordance with the approved scheme unless otherwise agreed in writing by the Local Planning Authority.*

**REASON:** *These details are required to safeguard the amenity of adjoining properties and to protect the general environment in accordance with Policy CC8 of the Reading Borough Local Plan 2019.*

#### **4. CONCLUSION**

- 4.1 These proposals have been carefully considered in the context of the Reading Borough Local Plan 2019 and supplementary planning documents. The concerns and questions raised have been addressed. There remains a question over the implementation of the planning permission granted in 2014 but it is officer advice that this previous planning permission should not prevent this new planning application by a different applicant from being considered on its own merits.
- 4.2 The recommendation is to grant planning permission and advertisement consent with amended conditions as shown above.

**Case Officer:** Julie Williams