Appendix 2

COMMITTEE REPORT

BY THE EXECUTIVE DIRECTOR FOR ECONOMIC GROWTH AND NEIGHBOURHOOD SERVICES
READING BOROUGH COUNCIL
PLANNING APPLICATIONS COMMITTEE: 28th April 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 30th April 2021

RECOMMENDATION:
Grant planning permission for 201585

Conditions to include:

- Implement within 3 years
- In accordance with approved plans
- Material samples to be approved
- **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.**
- **An acoustic assessment to the standard of BS4142:2014 which predicts what the noise level will be at the noise sensitive receptor, compares this to the background noise level, and demonstrates that the noise level from the plant will be 10 dBA below the background noise level to be provided before Kitchen Ventilation System is installed.**
- Kitchen Ventilation System to be installed strictly to the specifications as approved and thereafter so maintained to manage ventilation and extraction
- Litter management plan adhered to

Informatives to include:
HSHAZ advice and completion of public realm works

Grant Advertisement Consent for 201586

Conditions to include:

- Details and materials as approved
- Standard advert conditions

1. INTRODUCTION

1.1 Consideration of these two applications was 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 A copy of the committee report and update report are appended.

2. REASONS FOR DEFERRAL

a) Site Notices

2.1 Site notices for 201585 and 201586 were displayed on the lamppost immediately adjacent to the property, on the corner of Zinzan Street and Oxford Road on 1st April 2021. See photograph below.

b) Local Plan Policies

2.2 The relevant policies in terms of the proposed use in this case are:

CC7: Design and the Public Realm
CC8: Safeguarding Amenity
EN17: Noise Generating Equipment
RL1: Network and Hierarchy of Centres
RL3: Vitality and Viability of Smaller Centres
OU4: Advertisements
OU5: Shopfronts and Cash Machines
CR7: Primary Frontages in Central Reading
CR8: Small Shop Units in Central Reading

2.3 Policy CR7 is entitled 'Primary Frontages in Central Reading', and applies only to those frontages shown as primary frontages on the Proposals Map. These primary frontages are divided into two categories on the Proposals Map – existing and proposed. This is confirmed by the first sentence of paragraph 5.3.29, which states that *"Primary frontages (most of which are existing, but some will be created through new development) are illustrated on the Proposals Map."*

2.4 This part of Oxford Road lies within the boundary of "Central Reading" but is not a designated primary frontage as listed in Policy CR7.

2.5 The third paragraph of the policy states that *"Proposals that would result in the loss of A1 or A2 use such that the proportion of the length of frontage within the street in A1 or A2 use falls below 50% will not be permitted, unless the proposal introduces a use that makes a positive contribution to the overall diversity of the centre."* This part of the policy does not specifically refer to primary frontage, but it is within the context of a policy titled 'Primary Frontages in Central Reading', which the supporting text confirms will be identified on the Proposals Map.

2.6 Paragraph 5.3.30 is the important part of the supporting text for applying this final paragraph of the policy. This states that:

"It is important that the overall retail character of the centre is maintained. Therefore, the policy seeks to ensure that a loss of A1 or A2 use is not permitted where it would result in the overall proportion of the length of the frontage falling below 50%. For the purposes of applying this policy, existing frontages will be grouped together into the following streets: Broad Street (North and South); St Mary's Butts (East and West); Oxford Road (North and South); West Street (East and West); Friar Street (North and South); Chain Street (East and West); Union Street (East and West); Queen Victoria Street (East and West); Cross Street (East and West); Market Place, Butter Market and High Street; Duke Street (East and West), King Street and Kings Road (North and South); Station Road (East and West); Gun Street (South); and Oracle Riverside (North and South). The proportion will be calculated on the entire length of the frontage shown on the Proposals Map, even where that frontage does not include a use listed above."

2.7 This identifies Oxford Road (North and South) as an existing frontage, and states that the proportion will be calculated on the length of frontage shown on the Proposals Map. In the case of Oxford Road, this is number 2-52 on the north side and the northern flank of the Broad Street Mall on the south side of the road. It does not extend west of the IDR.

2.8 This part of Oxford Road and therefore this application site does not fall within a designated primary frontage in Central Reading and policy CR7 does not apply.

2.9 In addition, footnote 108 of the Local Plan sets out the reason that A1 and A2 are grouped together for the purposes of the policy is in recognition of the permitted development rights to move between the use classes in either direction that applied at the time of adoption of the Local Plan in November 2019, which limited a local planning authority's ability to control some changes of use away from A1 retail. This control has been relaxed to an even greater extent with the introduction of use class E (Members are referred to the papers at the start of the agenda which lists the uses that fall within Use Class E). It needs to be stated that this part of Oxford Road is also not a designated retail area or frontage as set out in Policies RL1 and RL3, which apply to areas outside of Central Reading.

2.10 With the change to Use Classes there is now nothing to prevent this premises or others in non-designated areas changing to a wide variety of non-retail uses, including restaurant or cafe, offices or some forms of leisure or community facilities. Controlling takeaway uses will therefore have to be justified on other grounds.

2.11 If the concern is activities associated with take-away uses; such as long opening times, cooking smells or litter Local Plan policies CC8 and EN17 apply. In the majority of cases safeguarding the amenity of residents and controlling noisy machinery can be provided through technical details or management regimes required by and controlled through planning conditions and other regulatory powers available to the Council. Officers are satisfied that the applicant has responded to concerns raised by agreeing to earlier closing times and now proposing an internal odour and noise treatment system to protect the appearance of the site and to reduce any nuisance caused by cooking smells and noise to neighbours.

c) Controlling cooking smells and other nuisances.

2.12 The applicant's agent has provided additional commentary on this matter:

> I would like to confirm that we indeed understand the requirement for any noise on the site caused by the change of use to be mitigated against so as not to cause detriment to the residential occupiers nearly.
>
> I would therefore like to draw your attention to the submitted document, "Design and Specification for Kitchen Ventilation System". This extraction system has been designed by the Springfield Catering company, specialists in kitchen ventilation systems who have not only designed the system, but will manufacture, install, and provide full operational after care and

maintenance of the system. The system is designed to comply with legislation and also designed specifically for the type of cooking on site.

As can be seen from the document, and we are proposing an advanced two stage activated carbon filtration system that is the ideal solution to remove fumes from the cooking. This will form part of the odour neutralising system to reduce any odour emanating from the premises. There is prior to this, an ESP precipitator unit also proposed that will remove oil, smoke and grease from the air that leaves the building.

In addition, it is proposed to install a silencer mounted internally on anti-vibration hangers to ensure that even the sound of the extraction air is minimised. This system will also reduce any reverberation type vibration from the extraction system that could travel through the building.

We therefore are of the opinion that the system proposed will have negligible impact upon the surrounding environment. The extraction system we are going to install provides far superior sound and odour mitigation over and above that used at 109b as our silencer will be mounted internally which the committee should prefer.

For full details and specifications, please see the attached document. (See appended details).

2.13 The Council's Environmental Protection team has confirmed:

I have reviewed the information submitted, and whilst some noise data has been included, we still require (as we do for every kitchen extraction system with residents nearby) an acoustic assessment to the standard of BS4142:2014 which predicts what the noise level will be at the noise sensitive receptor, compares this to the background noise level, and demonstrates that the noise level from the plant will be 10 dBA below the background noise level.

This can be dealt with by condition although we recommend it is preferable to be provided up front to avoid the risk of the system not being compliant with the noise criteria and therefore a redesign being necessary.

2.14 The applicant's agent has confirmed that the acoustic assessment will be provided in time for your meeting.

d) The 2014 planning permission - 140959 for Rear extensions and associated external works. Permitted 17/12/2014.

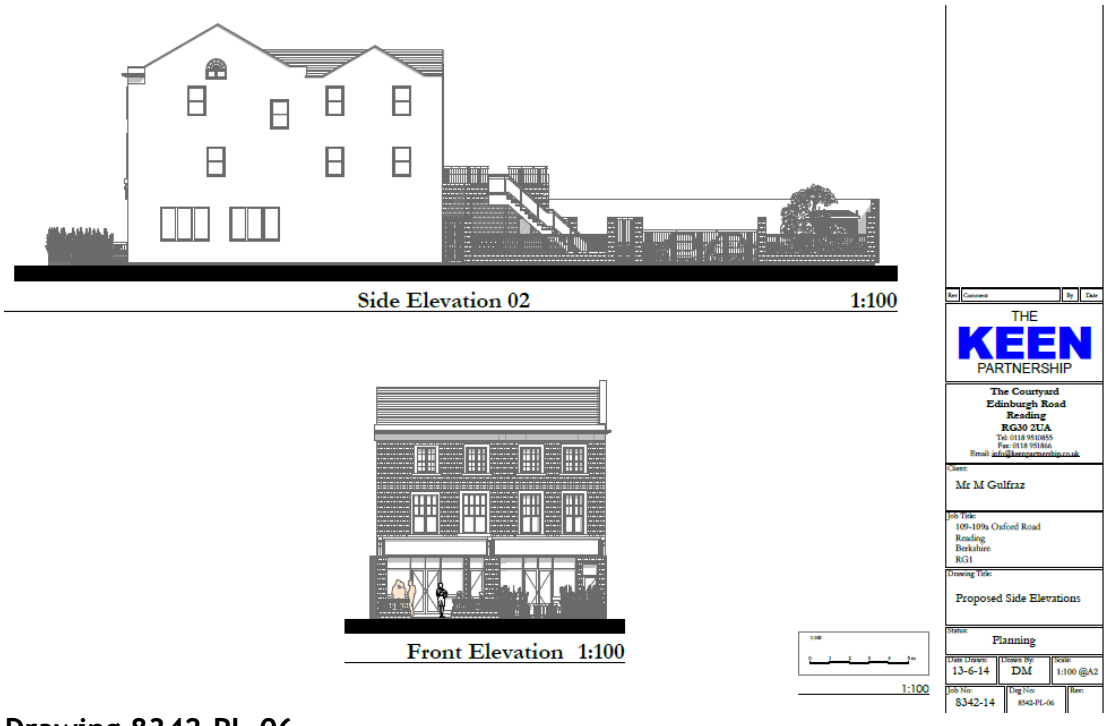
2.15 Objections to the current application have placed much emphases on this previous planning permission and the potential for public realm

improvements associated with that planning application. The comments provided by CAAC (Conservation Area Advisory Committee) said:

Improvements to the shop front in the amended plans are welcomed however we note that in terms of overall improvement of the streetscape they fall very far short of those in the 2014 consented application 140959. That application would also have improved the adjacent shop front. For such a significant corner location and one of the two gateposts to Zinzan Street more significant improvement is required and the adjacent shop front should be similarly upgraded.

2.16 Application 140959 was for "Rear extensions and associated external works". However, that was a different application by a different applicant. The fact that the works as authorised were not completed in full should not influence how this application is considered. Condition 5 of that permission states:

5. The extensions hereby approved shall not be occupied until all boundary treatments, including gates, shown on 'Side Elevation 02' of drawing 8342-PL-06 have been provided, in their entirety, in accordance with the approved plans. The boundary treatment and gates shall be retained as approved at all times thereafter.



Drawing 8342-PL-06

Given the description of the approved development it is not clear if this condition could also apply to the forecourt changes shown on the front elevation as would have been better if it had specified as such.

2.17 The case officer has discussed the forecourt area with the applicant's agent and while they would be interested in progressing this work

their lease with the owner of the property is only in respect of the ground floor and basement areas and outside of their control to implement. Therefore, officers are also in discussion with the owners of the property to explore what steps, including possible planning enforcement, can be taken to achieve the public realm improvements expected when the 2014 permission was granted.

3 CONCLUSION

3.1 These proposals have been carefully considered in the context of the Reading Borough Local Plan 2019 and supplementary planning documents. The recommendation is to grant planning permission and advertisement consent with amended conditions (with times amended to be consistent with those proposed for 109b Oxford Road) as shown in bold above.

Case Officer: Julie Williams