

## COMMITTEE REPORT

BY THE EXECUTIVE DIRECTOR FOR ECONOMIC GROWTH AND NEIGHBOURHOOD SERVICES  
READING BOROUGH COUNCIL  
PLANNING APPLICATIONS COMMITTEE: 30 March 2022

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 with the following conditions:

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. 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.
- 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 facade (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. It 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

**And to 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

### Site Description

- 1.1 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.



Location Plan

Photo of application site on the corner from 2020.

### Background

- 1.2 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. The 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.

- 1.3 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, to allow the applicant time to provide additional technical information on their proposed kitchen odour ventilation system and accompanying acoustic assessment.
- 1.4 This information was provided and reviewed by officers and presented to Committee on 1<sup>st</sup> December but the matter deferred once again to allow further questions on the planning history of the property and desired improvements to the forecourt area to be investigated with the applicant and site owner by officers.
- 1.5 Copies of the previous committee reports and update reports can be viewed on the Committee Section of the Council's website.

## **2. PROPOSAL**

- 2.1 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 are proposed and an advertisement application (201586) is made.
- 2.2 Further to discussions with the Conservation & Urban Design Officer amended plans were provided to change the shop front appearance and advertisement design to be more in keeping with the conservation area designation. These show that the shopfront would be constructed from timber painted dark grey with a 500mm high stall riser and timber door and window frame. The fascia panel will also be timber painted black with name also in timber and applied to the fascia. The projecting sign would also be made of timber with external illumination.
- 2.3 The proposed opening hours of the premises have been amended from as originally proposed (to open at 7am and to close by 2am) to open at 9am and to close at 23:30 Monday to Sunday with all trade deliveries during opening hours.
- 2.4 Submitted Plans and Documentation:
  - A.02.01
  - A.02.03
  - A.02.4 Existing Elevations
  - A.02.5 Proposed Elevations as received 1<sup>st</sup> March.

Heritage Statement

Design and Specification For Kitchen Ventilation

An updated noise assessment (Report reference: 3947\NL\June 2021\NA)

Litter management statement

2.5 Community Infrastructure levy (CIL):

In relation to the community infrastructure levy, the applicant has duly completed a CIL liability form with the submission. The proposed development would not be liable to make a CIL contribution.

3. **PLANNING HISTORY**

920740(92/00554/ADV)-Internally Illuminated sign. Refused 9/9/1992  
920741(92-00555)- New cashpoint to side elevation. Refused 9/9/1992  
990554 (00/00004) - Erection of 2 blocks of garages. Granted 11/2/2000  
990966 (00/00041/ADV) - Fascia signage. Granted 25/2/2020  
101773 (10/01947) - retrospective permission for change of use of upper floors from A2 use to residential use - Withdrawn 15/02/2011  
100968 - (10/01261) retrospective change of use from B1 to residential. Declined. 4/10/2010  
110985 (11/00437) - Certificate of Lawfulness for residential use of upper floors. Refused. 12/07/2011  
120218 (12/00764) - Conversion of upper floors from two flats to three 2-bed and three 1-bed flats and 1 studio. Including rear extension and alterations to both shop fronts and boundary wall. Withdrawn 13/7/2012  
120588 - Conversion of upper floors from two flats to three 2-bed and three 1-bed flats and 1 studio. Including rear extension and alterations to both shop fronts and boundary wall (resubmission of 12/00764/FUL) - Approved  
140365/CLP - Proposed use as 2 x 2 bedroom flats. Refused 15/5/2014  
140959 - Rear extensions and associated external works. Permitted 17/12/2014.

4. **CONSULTATIONS**

**Non-statutory**

**Environmental Protection**

*Original comments from March 2021*

**Noise - delivery hours / waste collections/ opening hours**

I had concerns about the potential for noise disturbance due to deliveries, waste collections and commercial operations on occupants of nearby residential properties, particularly late at night and early morning. The proposed opening hours were originally until 2 am and were a concern as this is significantly later than the opening hours of the existing use and there may not be sufficient sound insulation between the ground and first floor to enable this late night use, as there is residential at upper floor levels.

The applicant has now agreed to reduce the opening times to close by 23:30pm. A noise assessment is still required to be submitted to demonstrate that the insulation will be sufficient to protect first floor occupiers from late night noise in the ground floor use, or that suitable mitigation can be put in place. But with the reduction in opening times I can recommend a condition is used to require submission of a satisfactory assessment before the new use starts. Also, if permission is given, I recommend that hours for deliveries and waste collections are restricted.

### **Noise generating development**

Applications which include noise generating plant when there are nearby noise sensitive receptors should be accompanied by an acoustic assessment carried out in accordance with BS4142:2014 methodology. The noise data submitted is not sufficient so a noise assessment identifying the risks and proposing mitigation is needed.

However as noted above with the reduced opening times I am satisfied that a noise assessment can be submitted before the use starts. It should be noted that dealing with the noise assessment by condition rather than as part of the determination means that there some risk that suitable noise mitigation may mean that changes need to be made to the design of the system which may mean that the permission needs to be altered from the plans that are approved.

### **Kitchen Extraction - odour**

In addition to concerns about noise (as discussed above), cooking odour is often a significant problem in commercial kitchens and therefore the applicants must provide a risk assessment of the likelihood of odours based on the proposed cuisine and a statement of how the proposals will ensure that odour nuisance will be prevented. Reference must be made to the Defra Guidance on the Control of Odour and Noise from Commercial Kitchen Exhaust Systems (January 2005) or more recent EMAQ version. The information submitted is detailed but needs to be submitted alongside a risk assessment showing that the odour controls proposed are sufficient based on the location of the extract and type of cuisine. A ventilation and extraction condition is recommended.

It should be noted that the purpose of the risk assessment is to ensure adequate odour controls are in place taking into account the height of the discharge and the proximity of residents.

***Following the submission of additional information and a revised design for the kitchen equipment for additional mitigation in the form of an acoustic enclosure around the fan which would reduce the noise levels by a further 15-18 dBA the Environmental Protection officer has confirmed that she is 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.

## Kitchen Extraction - odour

Information had been submitted regarding proposed carbon filtration and an electrostatic precipitator system to control odour. The extraction system has been specifically designed to eliminate odours from the proposed usage. However, for reassurance, it is reasonable to require an odour risk 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. Environmental Protection have advised that should additional odour control measures be required following the risk assessment then they would be unlikely to be significantly more than the measures already proposed.

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.

## **Conservation & Urban Design Officer**

### **Planning issues and other matters**

Any new development of the site needs to comply with the Planning (Listed Buildings and Conservation Areas) Act 1990, in particular Section 72 (1), which 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.

Proposals must also address Section 16 of the NPPF. Reading's Local Plan 2019 contains policies that require new development in a conservation area to be an enhancement to the character and significance of conservation areas. Relevant policies are EN1.

### **Conservation comments**

The site was visited on 26 February 2021. The building shop is within a Conservation Area, and part of a Heritage Action Zone project to upgrade Oxford Road and other streets in the town centre. The NPPF, gives guidance that proposed works in areas like this should be an enhancement to the character and significance of the property.

- There are no objections to the proposed change of use for the building from office to restaurant.

- The agent has modified the application drawings to ameliorate the impact of the changes on the character and significance of the conservation area for:
  - a. the internal changes for use as a restaurant;
  - b. the exhaust duct has been amended so that it is mainly on the interior with filters contained within the building, reducing the need for a large external circular metal duct on the rear wall;
  - c. the shop front has been designed to replace existing with more sympathetic timber framed shop front with stall riser;
  - d. The signage has been amended to more sympathetic and appropriate for a conservation area and has a non-internal hanging sign as well.

### Summation

The amended application is now supported as shown in the attached drawings and approval is recommended.

### Public

The Conservation Area Advisory Committee have objected.

*In summary:*

- *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.*

- *In our opinion the height of the fascia board, just below first floor window level, is excessive and detracts from the heritage features of the frontage.*

- *The boundary treatment agreed in application 140959 has still not been fully implemented. The impact of that, should this change of use be approved, will be even greater as the quantity of waste and the type of waste produced by a restaurant differs considerably from that of an estate agent.*

- *It is questionable whether this section of Oxford Road needs yet another restaurant/takeaway. Given that there is a restaurant/takeaway in the adjacent shop unit and on the opposite corner of Zinzan Street (109b) another similar offering does not enhance the diversity of the high street offering in this section of the town centre.*

- *The restaurant/takeaway at 109b followed a change of use application from a betting shop in 2018 (180273). Consequently, there is a risk that the living environment of local residents on Zinzan Street will be damaged by the noise, waste and odours of three restaurant/takeaways if this application is approved. They also noted the opening hours as originally proposed to be unacceptable for local residents.*

Adjacent properties were consulted, a site notice displayed and a notice placed in local paper. By reference to update report at appendix XX officers can confirm that further notices were provided and that the appropriate public consultation procedures for this application have been followed.

## **5. RELEVANT PLANNING POLICY AND GUIDANCE**

- 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.

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) which states at Paragraph 11 “Plans and decisions should apply a presumption in favour of sustainable development”.

- 5.2 The development plan for this Local Planning Authority is the Reading Borough Local Plan (November 2019). The relevant policies are:

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  
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

- 5.3 Other relevant other documents are:  
Castle Hill/Russell Street/Oxford Road Conservation Area Appraisal  
Revised Parking Standards and Design SPD (2011)  
Design Guide for Shopfronts SPD 2022

## **6 APPRAISAL**

### **Principle of development - the new use**

- 6.1 The matter for consideration is a planning application for the use of the ground floor and basement as a restaurant and takeaway outlet with storage.
- 6.2 The unit is currently vacant and the loss of the existing estate agency premises raises no land use concerns. This stretch of Oxford Road is within the boundary of Central Reading as shown on the Local Plan Proposals Map but is not within either a primary shopping area or a parade designated as being a primary frontage. One of the reasons for deferral previously was for clarification that with the changes to the Use Class Order in late 2020 permitting a change from estate agency to a restaurant use were there any



adopted local plan policies that would weigh against the take-away element as proposed. It has been confirmed that there would be no in-principle land use policy objection to the replacement of the estate agents with a mixed use of restaurant and takeaway.

- 6.3 It is therefore necessary to consider if the proposed development complies with policy in terms of design and the conservation area, residential amenity issues and parking and deliveries arrangements.

**Design considerations and effect on Conservation Area**

- 6.4 The relevant policies to be considered are OU4, OU5, EN1 and EN3.
- 6.5 Policy OU4 requires advertisements in conservation areas to respect or enhance the building or area and Policy OU5 also requires new shopfronts in conservation areas to respect or enhance the building or area and will respect the key features of special historic interest. The fascia boards should be lower than any first floor windows and reflect the height of historic fascia boards in the area. The changes to the materials of the advertisement and use of external lighting are positive responses by the applicant to show consideration for the property location in a conservation area. Policies OU4 and OU5 are complied with. The recently adopted Design Guide for Shopfronts has also been considered and the proposed shopfront and advertisement design is consistent with the advice set out here.
- 6.6 Policy EN1 requires that historic features, areas of historic importance and other elements of the historic environment will be protected and where possible enhanced.
- 6.7 Policy EN3 then focuses on conservation areas by requiring that development proposals within these areas should make a positive contribution to local character and distinctiveness. This may include removing inappropriate additions to buildings; Improving signage and street furniture; restoring of appropriate paving etc.



PROPOSED FRONT ELEVATION

- 6.8 The proposed new shopfront will better respect the age of the building and will reveal the features of the shopfront. The new signage fits within the fascia board below the first floor window cill. The case officer has discussed the objectives of the High Street Heritage Action Zone with the agent and how, if planning permission is granted, we would be looking to the new occupier to play an active part in the project. The applicant would be a tenant at the site with no control over the area outside the red line of the application site so it would be unreasonable to impose a

planning condition to require that they carry out improvements to the pavement outside as included in the 2014 approved plans. However, that permission stays extant so the case officer with the HSHAZ project team have engaged with the owner to try to secure these improvements to the public realm as part of that initiative.



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

- 6.9 The comments from CAAC are noted but in terms of the application being considered and with the benefit of the amended plans submitted Officers are satisfied that the proposed new shop front and advertisements are appropriate for this conservation area and they meet the objectives of policies EN1, EN3 and OU4. Relevant conditions recommended.

**Impact on residential amenity**

- 6.10 The relevant policies are CC8 and EN17. Policy CC8 aims 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. The applicant's agreement to reduce their opening times and to reduce their delivery times to reduce potential impact is welcome. 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.
- 6.11 The applicant has changed their proposed odour extraction system (from as originally proposed to be at the rear of the building) to an internal filtration system designed to emit low level odour discharge and a quieter air supply system. The updated submitted specifications for the equipment show how the noise and odour will be controlled with all of the equipment inside the building so external noise will be limited to clean air blowing out and no machinery noise. The freezer units are proposed to be in the basement to minimise vibrations being felt by residents living above and a silencer is proposed to further reduce the noise inside by 15dBA.
- 6.12 Environmental Protection officers have considered the information provided and are satisfied that the proposed changes and the equipment specifications are acceptable and should adequately protect the amenities of those living nearby. They recommend carefully drafted conditions that

reflect the learning experience from adjacent properties; for a noise assessment to be carried out based on the proposed equipment and measures and to ensure that the equipment is installed and maintained as approved to perform to required standards.

#### Transport

- 6.13 The proposed change from one commercial use to another does not raise any concerns. The property lies close to public car parking areas and public transport services. There is lay-by parking nearby too.
- 6.14 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.
- 6.15 Using the Council's adopted Parking Standards and Design SPD, the proposed use would generate a parking demand in excess of the current use. However, there is no off-street parking associated with the site and therefore any parking demand generated by the proposal would have to be accommodated within the short stay parking bays on Oxford Road or nearby public car parks.

#### Equalities impact

- 6.16 When determining an application for planning permission the Council is required to have regard to its obligations under the Equality Act 2010. There is no indication or evidence (including from consultation on the application) that the protected groups as identified by the Act have or will have different needs, experiences, issues and priorities in relation to this planning application. Therefore, in terms of the key equalities protected characteristics it is considered there would be no significant adverse impacts as a result of the proposed development.

## **7 CONCLUSION**

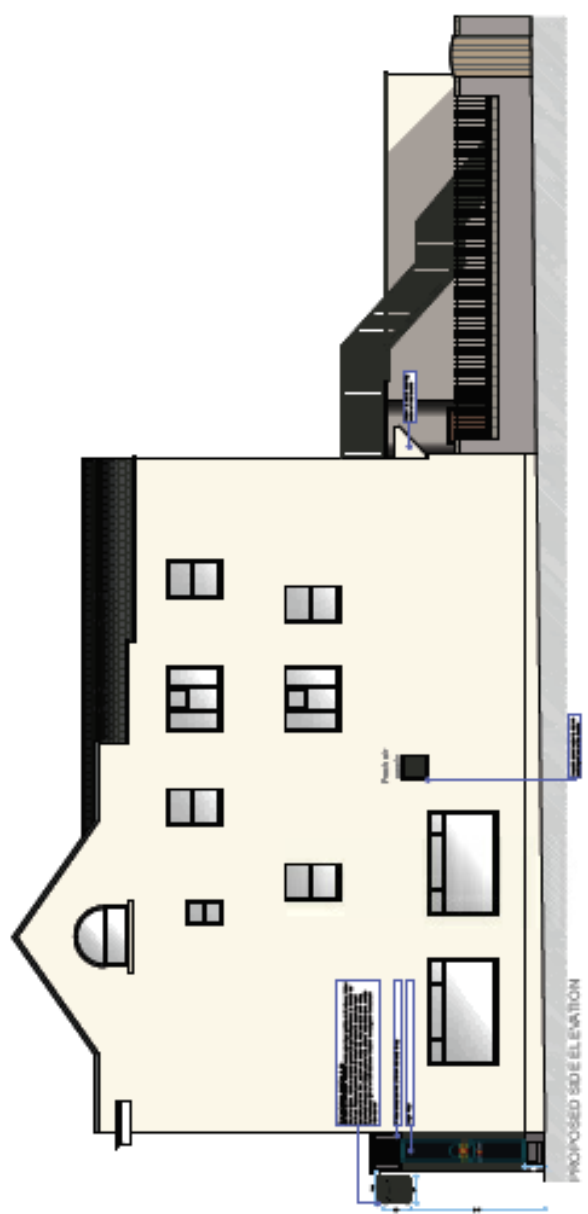
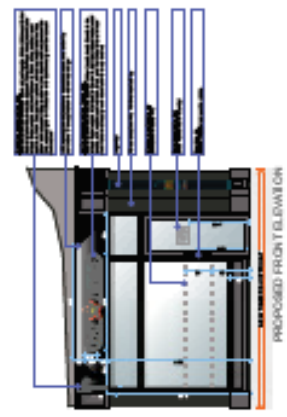
- 7.1 The planning application and the advertisement consent application for this property have been carefully considered and concerns noted. Additional information has been provided and reviewed by officers and found to be acceptable in terms of odour and noise mitigation. At Committee on 1<sup>st</sup> December the matter was deferred again to allow further exploration by the case officer on the desired improvements to the forecourt area with the applicant and site owner. This investigation has confirmed that while the applicant has no objection to these improvements, they are outside of their control to implement and officers confirm this. Discussions are continuing with the site owner and their agent to secure these changes as part of the High Street Heritage Action Zone project.
- 7.3 The applications are recommended to be granted planning permission and advertisement consent.

Case Officer: Julie Williams

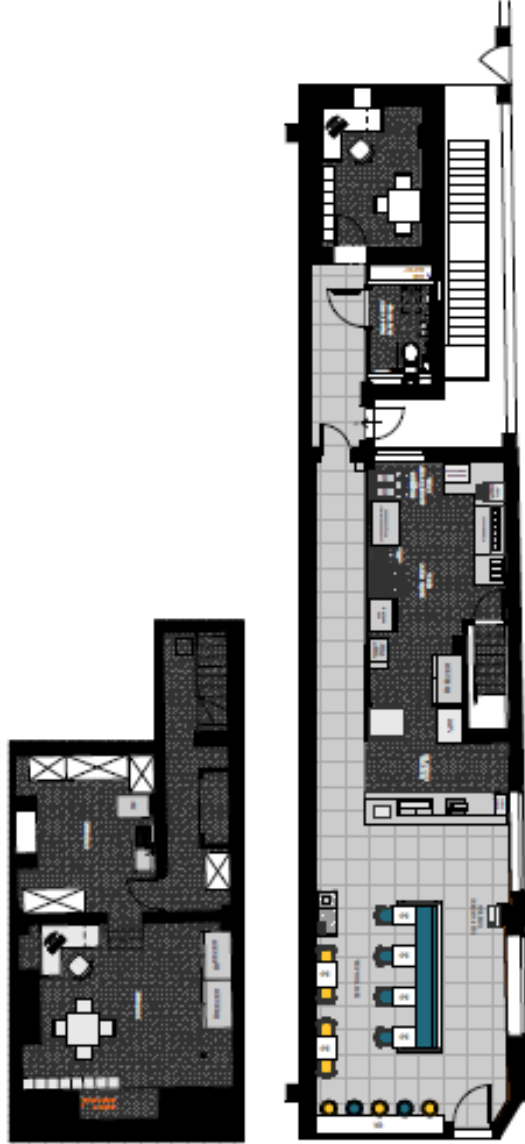
Proposed Elevations

PROJECT NO. 2024-001 DATE: 10/26/2024 DRAWN BY: [Name] CHECKED BY: [Name] PROJECT: [Name] SHEET: [Name]
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SECTION OF FASCIA SIGN



PROJECT: <b>Proposed Plans</b> DATE: <b>08/14/2024</b> DRAWING NO.: <b>001</b> SCALE: <b>1/8" = 1'-0"</b> SHEET NO.: <b>001</b> PROJECT LOCATION: <b>10000 1st Ave, Suite 100, San Diego, CA 92123</b> CLIENT: <b>ABC COMPANY</b> ARCHITECT: <b>DEF ARCHITECTS</b> PROJECT MANAGER: <b>GHI</b> DESIGNER: <b>JKL</b> CHECKED BY: <b>MNO</b> APPROVED BY: <b>PQR</b> PROJECTED DATE: <b>09/30/2024</b>
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Proposed Plans