

06 December 2023



**Reading**  
Borough Council  
Working better with you

<b>Title</b>	<b>PLANNING APPLICATION REPORT</b>
<b>Ward</b>	Abbey
<b>Planning Application Reference:</b>	231464/FUL
<b>Site Address:</b>	Units 49, 50, 52 Broad Street Mall
<b>Proposed Development</b>	Amalgamation of units 49- 50 and 52, change of use from Use Class E (Commercial, Business and Service) to sui generis use (family entertainment centre) and external alterations on Queens walk frontage.
<b>Applicant</b>	FunBox Entertainment UK Ltd
<b>Report author</b>	Nathalie Weekes
<b>Deadline:</b>	6 December 2023
<b>Recommendations</b>	Grant planning permission, subject to conditions as follows:
<b>Conditions</b>	<ol style="list-style-type: none"><li>1. Time Limit (Standard)</li><li>2. Approved Plans</li><li>3. Materials As Specified</li><li>4. No mechanical plant shall be installed until a noise assessment of the proposed mechanical plant has been submitted to and approved by the Council.</li><li>5. No external extraction system shall be installed until details of an odour assessment and a detailed odour management plan to include scale plans, odour control specifications and a maintenance plan have been submitted and approved by the Council.</li><li>6. Transport - Delivery and Servicing Plan for basement level access only to be submitted and approved prior to occupation.</li><li>7. Prior to commencement a Construction Method Statement to be agreed.</li><li>8. Details of street furniture to be submitted and approved prior to occupation.</li><li>9. Implementation prior to first operation and retention of the Operational Management Plan, Planning Potential, August 2023, as received 12 October 2023</li><li>10. Hours of Operation (Sunday to Tuesday: 10:00- 22:30, Last food order: 22:00 Wednesday 10:00-23:30, Last food order: 23:00 Thursday to Saturday: 10:00-00:30 Last food order: 00:00)</li></ol>

	12. Prior to occupation submission and approval of any external lighting to be placed on the external elevation on Queens Walk.
<b>Informatives</b>	<ol style="list-style-type: none"> <li>1. Terms and conditions</li> <li>2. Complaints about construction</li> <li>3. Encroachment</li> <li>4. Building Regulations approval may be required</li> <li>5. Highways Act</li> <li>6. Nuisance Law</li> <li>7. Licences required, premises licence and street pavement licence</li> <li>8. Requirement for advert consent</li> <li>9. CIL</li> <li>10. Positive and proactive - approval</li> </ol>

## 1. Executive summary

- 1.1. This report explains the proposal submitted by FunBox Entertainment UK Ltd for the reuse of three vacant shop units, requiring the amalgamation of units 49- 50 and 52, in the Broad Street Mall for a change of use from Use Class E (Commercial, Business and Service) to sui generis use as a family entertainment centre, with external alterations on the Queens Walk frontage to create a new entrance. Both units have external elevations that face Queens Walk and contain basement and ground floor areas. The proposal also includes installation of internal kitchen extract flue to provide an on-site cafe, and internal alterations associated with the new use.
- 1.2. The proposal is considered to contribute positively to the provision of leisure, culture and tourism in central Reading to attract a wide range of people into the centre and to complement existing uses within the vicinity. The application is therefore recommended for approval.

## 2. Introduction and site description

- 2.1. The application is referred to Committee at the request of Cllr Rowland. This application is also reported to Planning Applications Committee as it relates to change of use of over 1000m<sup>2</sup> of floor space and is therefore constitutes a 'Major' application.
- 2.2. The site lies within the West Side Major Opportunity Area, as identified in the Reading Borough Local Plan. This scheme is compatible with the future redevelopment for Broad Street Mall and will form part of the immediate short term works to maintain the vitality of the Broad Street Mall. Broad Street Mall consists of various units with differing uses, including retail, leisure, and food and drink outlets.
- 2.3. The site is located within the Reading Central Area, the Primary Shopping Area and Office core, as designated in the Local Plan. Additionally it is noted that the site falls with the Cumulative Impact Area designated by Reading Borough Council as Licensing Authority. This seeks to monitor the significant number of licensed premises concentrated in one area to avoid an increase in anti-social behaviour. The units are sited across from student accommodation, hotel and is in close proximity to The Biscuit Factory, Spinners Crazy Golf and Bowling and The Hexagon theatre. The Broad Street Mall multi storey car park and Reading Business Centre are sited above the units.

Site location plan:



toy grabs are proposed as part of the offering. No over-18 gambling machines such as fixed odds betting, fruit machine style games or coin pushers are proposed. After 21:00hrs, a responsible adult will be required to accompany anyone under the age of 18 on the premises. Food and beverages will also be sold. Outside café-style seating is proposed which will improve activity within Queens Walk and encourage greater use of the area. The premises will be cashless and operate on a card-based payment system.

- 3.3. New matt black powder coated double doors with a fan light and a black aluminium glazed shopfront is proposed on the Queens Walk frontage to replace the existing door. The revised access door will be moved forwards in line with the façade to remove a recessed area along Queens Walk.
- 3.4. Relevant licences will be required separately. An alcohol licence has been granted subject to condition and a pavement licence has been submitted for consideration for outside seating to be placed on Queens Walk.
- 3.5. An Operational Management Plan has been submitted outlining operational, noise mitigation, dispersal and security measures.
- 3.6. Premises opening hours are proposed as (Sunday to Tuesday: 10:00- 22:30, Last food order: 22:00 Wednesday 10:00-23:30, Last food order: 23:00 Thursday to Saturday: 10:00-00:30 Last food order: 00:00).
- 3.7. The applicant has specified that servicing of the unit will be as the current situation with all servicing via the basement. Therefore vehicular servicing movements remain via the basement access and the centralised basement refuse management area will be utilised.
- 3.8. An application for advertisement consent will be submitted separately.
- 3.9. Submitted plans and documentation:

23/7079 Application letter, Planning potential, 11 October 2023

3056-001(1) – Location Plan

3056-002(1) – Block Plan

3056-003(1) – Elevations as Existing

3056-004(1) – Basement as Existing

3056-005(1) – Ground Floor as Existing

3056-006(2) – Shopfront Alterations

3056-007(1) – Basement as Proposed

3056-008(2) – Proposed Ground Floor

3056-009(2) – Proposed Machine Plan

3056-011(1) – Landlords Services

12854.RP01.NAR.0 Rev 2, Noise Assessment Report, RBA Acoustics, 12 September 2023

Operational Management Plan, Planning Potential, August 2023

Brochure, Communications Potential, October 2023

7079 Planning statement, Planning Potential, Urban Fun, October 2023

SOL\_23\_S094\_PLN Issue 3, Energy Statemen, SOL environment, September 2023

SOL\_23\_S094\_PLN Issue 2, Sustainability Statement, SOL environment, September 2023

Construction Management Plan, Urban Fun, DMU designs Architectural Services Ltd, 28 September 2023

CIL

As received 12 October 2023

Supplementary note on the nature of proposed use, Planning Potential, 7 November 2023

As received 8 November 2023

LP1001232 Reading Borough Council Premises Licence

Indicative visuals

Construction Management Plan Update 02 Issue, Urban Fun, DMU designs Architectural Services Ltd, 21 November 2023

3056-205 (1) Trading Deliveries

3056-204 (1) Parking Bays

As received 21 November 2023

3056-206(1) CCTV

As received 23 November 2023

#### **4. Planning history**

- 4.1. Formerly known as The Butts Centre, the Mall opened in 1971 and has had numerous permissions granted over the years. Recent applications for major redevelopment of the Broad Street Mall have been determined and are set out below:
- 4.2. Application ref. 182137 – Construction of three residential buildings ranging in height from 5 to 20 storeys above Broad Street Mall (Site E to provide 42 units, Site B to provide up to 134 Units and Site A to provide up to 148 units) and provision of a podium level amenity area, construction of a 16 storey building on South Court comprising ground and first floor retail and residential over upper floors (Site C to provide up to 98 units), creation of ground floor retail units fronting Dusseldorf Way and ground floor retail fronting Queens Walk, and all necessary enabling and alteration works required – planning permission granted 6th December 2021.
- 4.3. Application ref. 180823 – Subdivision of three-storey retail unit and change of use to form 1x retail unit at part basement / part ground floor, 2x flexible retail or restaurant units at ground floor level, and 2x assembly & leisure units (1 at part basement / part ground floor & 1 at part ground / part first floor level) together with shared access and means of escape, associated replacement shopfront works and associated external alterations on Oxford Road and Queens Walk frontages – planning permission granted 13th September 2018.

#### **5. Consultations**

##### 5.1. Non-Statutory

- 5.1.1. **RBC Environmental Protection** – No objections subject to conditions. As long as the dispersal management plan is put in place as detailed in the assessment then the impacts of noise from the use should be acceptable. Noise arising from development and odour and noise re kitchen extraction: these matters can be addressed by condition requiring details to be submitted and approved prior to development commencing or prior to any additional mechanical plant being installed. Works are proposed to be internal. A new application may need to be made at a later date for alternative plant / location.

Recommended Condition

BS4142 Noise assessment – to be submitted

No mechanical plant shall be installed until a noise assessment of the proposed mechanical plant has been submitted and approved by the Local Planning Authority. The assessment shall be carried out for in accordance with BS4142:2014+A1:2019 methodology. The predicted specific sound level (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 predicted 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. The plant shall thereafter only be installed in accordance with the assessment and shall thereafter be maintained so that it operates to the same standard.

#### Construction and demolition phases

We have concerns about potential noise associated with the construction (and demolition) of the proposed development and possible adverse impact on nearby residents (and businesses), particularly as the CMS submitted with the application mentions carrying out noisy works at night – this may impact residents at Queens Court.

#### Construction Method statement

No development shall commence on site, including any works of demolition, until a site specific Construction Method Statement has been submitted to and been approved in writing by the Local Planning Authority. The Statement shall provide for

- a) Provisions to be made for the control of noise coming from the site during demolition and construction; [EP REQUIREMENT]

The measures within the approved Statement shall be adhered to throughout the demolition and construction period unless otherwise agreed in writing by the Local Planning Authority.

REASON: These details are required due to insufficient information being contained within this submission and in the interests of protecting the amenity of local land uses or neighbouring residents, the character of the area and highway safety in accordance with Policy CC8 and TR3 of the Reading Borough Local Plan 2019.

*Officer note: Due to the proposed flexible layout of the internal uses it is considered reasonable that the condition can be worded to secure details prior to any extraction equipment being installed.*

- 5.1.2. **RBC Transport Strategy** - Additional information has been requested regarding servicing of the unit prior to determination of the application. An agreed construction management statement would be required as a condition. There is no objection in principle to the proposal. The units have previously been occupied by retail stores and as such would have generated significant levels of movement much of which would have been ancillary to the wider town centre area. The proposed use will generate no greater levels of movement than the existing use much of which would also be undertaken outside of the peak travel periods. The Highway Authority are therefore happy that no further assessment in relation to trip generation is required.

Given that the site is located within the town centre area and would generate no increased demand for car or cycle parking I am happy that the visitor provision in the town centre can be utilised as per the existing retail uses. Staff cycle parking has been provided within the basement and this is deemed acceptable.

Condition proposed

DC10 Delivery and Servicing Plan

Prior to occupation of the development details on the management of delivery and servicing vehicles accessing the development site and the anticipated number of vehicle trips associated with delivery and servicing vehicles for the development shall be submitted to the Local Planning Authority for approval in writing. Thereafter deliveries and servicing will be carried out in accordance with the approved details.

Reason: In the interest of the safety and convenience of all highway users in accordance with Core Strategy Policy CS24 and Sites and Detailed Policies Document Policy DM12.

5.1.3 **RBC Licensing** – There are no objections from the Licensing Team.

5.1.4 **RBC Waste services** – No comments received at time of writing the report

5.1.5 **R.E.D.A.** – No objection.

5.1.6 **Thames Valley Police Crime Prevention Design Advisor** – No comments received at time of writing the report.

5.1.7 **RBC CCTV Officer** – No comments received at time of writing the report.

*Case Officer Comment: There are two existing cameras in the area that cover areas of Hosier Street and the Hexagon. Additional CCTV provision at the site is a requirement of the premises licence.*

Site notices were displayed for the required notice period on the exterior of the unit.

No representations had been received at the time of writing.

## 6. Legal context

6.1 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). 7.2

6.2 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).

6.3 Accordingly, the latest NPPF and the following development plan policies and supplementary planning guidance are relevant:

### Reading Borough Local Plan 2019

Policies:

CC1: Presumption in Favour of Sustainable Development

CC6: Accessibility and the Intensity of Development

CC7: Design and the Public Realm

CC8: Safeguarding Amenity

CC9: Securing Infrastructure

CR1: Definition of Central Reading

CR12: West Side Major Opportunity Area

CR2: Design in Central Reading

CR3: Public Realm in Central Reading

CR4: Leisure, Culture and Tourism in Central Reading  
CR5: Drinking Establishments in Central Reading  
CR12d: Broad Street Mall  
EN16: Pollution and Water Resources  
EN17: Noise Generating Equipment  
OU1: New and Existing Community Facilities  
OU5: Shopfronts and Cash Machines  
RL1: Network and Hierarchy of Centres  
RL2: Scale and Location of Retail, Leisure and Culture Development  
TR1: Achieving the Transport Strategy  
TR3: Access, Traffic and Highway-Related Matters

Supplementary Planning Documents:  
Design Guide to Shopfronts SPD (2022)  
Employment, Skills and Training SPD adopted April (2013)  
Minster Quarter Area Development Framework adopted December (2018)

## 7 Appraisal

7.1 The main considerations are:

- I. **Compatibility with planning policy and wider regeneration of the Area**
- II. **Impact on local amenity**
- III. **Design and the Public Realm**
- IV. **Transport**
- V. **Other Matters**

### **I Compatibility with planning policy and wider regeneration of the Area**

- 7.2 Paragraph 86 of the NPPF (2023) states that planning policies and decisions should define a network and hierarchy of town centres and promote their long-term vitality and viability. The glossary of the NPPF details that main town centre uses include retail development (including warehouse clubs and factory outlet centres); and leisure, entertainment and more intensive sport and recreation uses (including cinemas, restaurants, drive-through restaurants, bars and pubs, nightclubs, casinos, health and fitness centres, indoor bowling centres and bingo halls). A family entertainment centre would therefore constitute an appropriate town centre use as set out in national policy. Many of the uses suitable in a central location fall under Class E use whereas an amusement arcade, or centre of funfair, retail warehouse club or similar uses would fall under a Sui generis use.
- 7.3 Reading Local Plan Policy RL1 seeks to maintain and enhance the vitality and viability of centres, as well as widen the range of uses whilst Policy RL3 outlines appropriate 'centre uses' which include certain sui generis uses such as amusement arcades. Policy CR1 also seeks to promote retail development whilst supporting other town centre uses within the wider Central Core area. The proposed sui generis leisure use would be an appropriate town centre uses in this location. Whilst the proposals would also accord with Policies RL2, CR4 and CR5 which seek to locate new Leisure, Culture and Tourism facilities within the Town Centre.
- 7.4 The proposal will result in the re-use of vacant units within the Mall and it is not considered to result in an excessive clustering of leisure-type uses within one area of the town due to the diversity of leisure activities proposed and the wider benefit of a family entertainment centre attraction, that will appeal to a range of age groups and abilities. Policy CR4 states that '*leisure, cultural and tourism uses that would attract a wide range of people into the centre will be encouraged.*' and furthermore that, '*Leisure and entertainment uses that would contribute to the 18-hour economy will be encouraged, and*



*existing uses maintained. This should include a range of different, yet complementary evening and night-time economy uses to cater for all sections of Reading's community, and offer alternative activities to drinking."*

- 7.5 The Local Plan does deal with the perceived proliferation of betting shops and payday loan companies under Policy RL4 (Betting Shops and Payday Loan Companies), but the family entertainment centre - which will not include gambling - does not fall under the definition of a betting shop or payday loan company.
- 7.6 The change from Class E to sui generis will not result in a loss of commercial provision at Broad Street Mall. The New Look clothing store closed in 2018 and the remaining unit was used temporarily as a Covid vaccination centre, however the units have largely remained vacant. The previous use for a short term fixed period as a vaccination centre in response to the Covid crisis is not considered to have changed the established (lawful) planning use of the site from retail to a community/medical use. A replacement medical or community use is not therefore required in this instance and no conflict with Policy OU1 is identified. There is also still a good variety of Class E commercial provision within the shopping centre and a number of other units remain vacant. Broad Street Mall has the capacity, operational logistics, resources and a central location with good transport links to accommodate customers to the site.
- 7.7 The family entertainment centre is considered to be an appropriate use due to the changing nature of 'high streets' with a greater emphasis and focus on leisure provision.

## **II Impact on local amenity**

- 7.8 There are no residential dwellings in the immediate vicinity of the application site at present, however it is sited opposite the Penta hotel and the Queens Court student accommodation and these uses are considered to be susceptible to noise and disturbance, although not as sensitive as residential. Policies CR5 and CC8 seeks to protect the amenity of existing and future occupiers in terms of privacy, light, overbearing, noise and disturbance, lighting, vibration, small and crime and safety. With regard to existing commercial units and proposal for future residential units (proposed on top of the existing Mall structure) the building envelope is not sought to be altered and therefore the potential for any overbearing or loss of light is limited and there are no concerns in this respect.
- 7.9 The impact of the proposed food and beverage elements and associated activity has also been carefully considered as the site falls within the Council's Cumulative Impact Policy Area. Upright vertical drinking establishments are the most likely driver of anti-social behaviour and crime and disorder with potential to affect the amenities of surrounding residential occupiers. Following detailed discussions with RBC Licensing, officers have no objection to the scheme, as the beverage/drinks element will be ancillary to the gaming and activity use of the site as a whole.
- 7.10 Environmental Protection officers are also satisfied, subject to recommended conditions, that the site specific impacts of mechanical plant within the proposed development on any nearby occupiers (and future occupiers) can be suitably mitigated.
- 7.11 On the basis of the conditions outlined above, officers are satisfied that the proposal could be satisfactorily mitigated to prevent any undue noise and disturbance to surrounding occupiers and future nearby residential uses and would accord with Policies CC8, EN16 and EN17.

## **III Design and the Public Realm**

- 7.12 The proposals are considered to regenerate the existing elevation to Queens Walk with the proposed enlarged entrance and external seating creating an active frontage to Queens Walk, with open views from Queens Walk into the unit. This fulfils the aims of various local plan policies and the desire in the Minster Quarter brief to enliven this pedestrianised street, particularly as the previous retail use did not have an entrance onto Queens Walk.

- 7.13 Street furniture is sought in relation to the proposed use in the form of external seating and a smoking area; and associated litter-bins and canvas barriers, etc. This street furniture is subject to a street pavement licence and is considered to have no adverse visual impact and is considered to enliven Queens Walk. These structures will need to be secured or retracted when the operation ceases to trade in the evening to avoid such equipment being used for anti-social activity. This can be controlled by condition.
- 7.14 In design terms, the proposal is considered to accord with Policies CC7 and CR2.

#### **IV Transport**

- 7.15 The Highway Authority has no objection in principle to a change of use of this nature as the majority of customer trips will be linked trips to the town centre. Regarding servicing, the units to be amalgamated have existing basement servicing arrangements. The proposal is to be serviced by stairs and a newly created service lift in the centre of the site, to access the existing basement servicing area of the Mall. The use is compatible to the centre and complies with policies CC6. Officers advise that the proposal is considered to comply with policies CC6, TR5 and TR3.

#### **V Other matters**

##### **CCTV**

- 8.15 A separate Premises Licence has been approved for the use/operator, which contains conditions relating to the provision and ongoing maintenance of CCTV surveillance both within the premises and along the frontage. The conditions also require the presence of CCTV surveillance to be advertised on site. A planning condition to require CCTV would therefore be considered a duplication.

##### **Community Infrastructure Levy**

- 8.16 The proposal constitutes a chargeable development however Reading Borough Council charges CIL in respect of development for "All other chargeable developments Borough wide at £0". Also as the proposal is to be provided solely via change of use of existing floor space then, if the applicant can demonstrate that the building has been in use for a continuous period of 6 months at any time within the last 36 months then the liability would again default to £0.

##### **Employment Skills and Training**

- 8.17 Policy CC9 (Securing Infrastructure) requires that employment development should provide mitigation measures in line with its impacts on labour and skills. The proposal relates to a change of use of over 1000sq.m. The relevant EST SPD (page 11) indicates that the need for an EST plan technically applies to commercial major applications of a gross internal area of 1,000 sq.m. or greater. However, there is essentially no new construction work and it is considered that the size and nature of the proposed change of use from Class E to sui generis use within an existing shopping centre will generate physical works akin to a shop 'fit out' where internal elements would not normally have required planning permission. Moreover, both the nature of those jobs to perform the fit-out and the end jobs in the family entertainment centre (30-40 full and part-time jobs) are the kinds of jobs which the Borough is seeking in any event. Officers have consulted R.E.D.A. who do not object to the proposal and agree that these jobs are welcome, hence officers advise that an Employment and Skills and Training Plan is not required in this instance.

## **9. Equality implications**

9.1 Under the Equality Act 2010, Section 149, a public authority must, in the exercise of its functions, have due regard to the need to—

- eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
- advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
- foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

9.2 key equalities protected characteristics include age, disability, sex, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sexual orientation. It is considered that there is no indication or evidence that the protected groups have or will have different needs, experiences, issues, and priorities in relation to this particular application.

## **10. Conclusion**

10.1 As with all applications considered by the Local Planning Authority, the application is required to be determined in accordance with the development plan unless material considerations indicate otherwise, as per Section 38(6) of the Planning and Compulsory Purchase Act 2004.

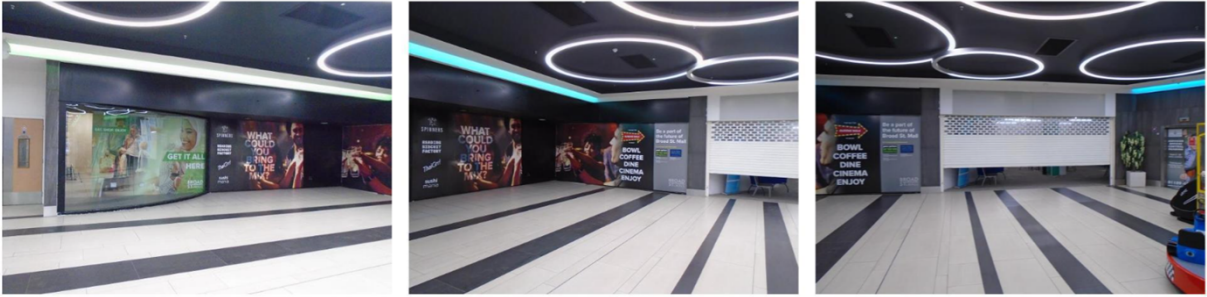
10.2 Officers consider that the proposal complies with the policies in the Local Plan. Having gone through this process officers consider that the proposed works are acceptable both in terms of the sui generis use class proposed and for the associated works required for the family entertainment centre.

10.3 This application is recommended for approval for Planning Permission subject to the recommended conditions.

# Plans

## 1. Existing Elevations

Inside Broad Street Mall



Entrance from Queens Walk



## 2. Proposed Elevations

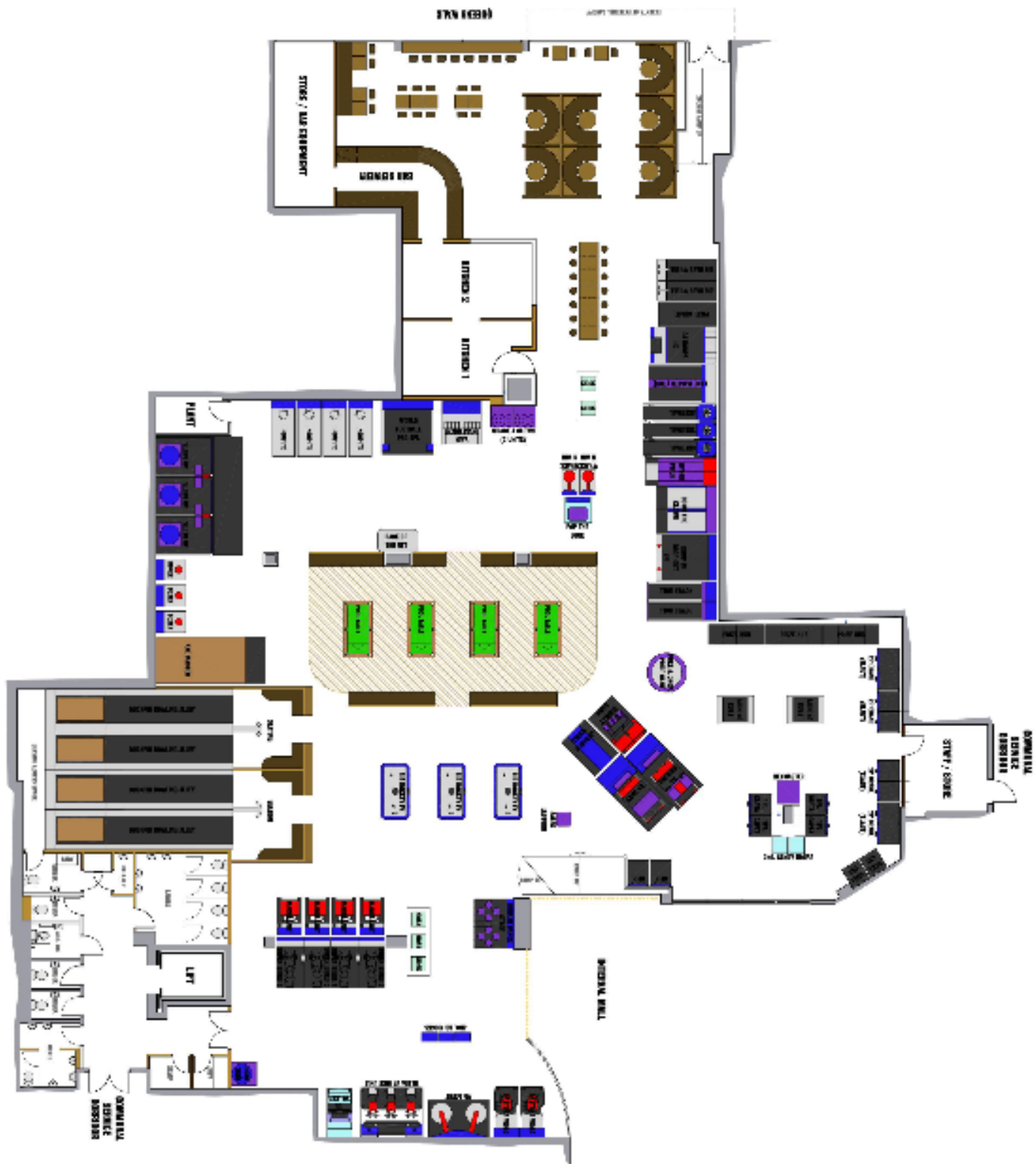


**Units 49/50 & 52 Broad Street Mall, Reading:  
Indicative Visuals**



**Indicative visual of the proposed new frontage on Queens Walk, with outdoor seating (subject to a separate pavement license)**

### 3. Proposed Ground Floor Plan



5. Basement as proposed

