

31 January 2024



Reading
Borough Council
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Title	PLANNING APPLICATION REPORT
Ward	Abbey
Planning Application Reference:	230579/FUL and 230695/FUL
Site Address:	109b Oxford Road, Reading
Proposed Development	230579/FUL Replacement shopfront, signage, and front forecourt modification 230695/FUL Change of use from Sui Generis (Betting Shop) to E(b) Restaurant with ancillary Sui Generis takeaway and canopy extraction to the rear of the property
Applicant	Express Team Ltd
Report author	Ethne Humphreys
Deadline:	1 st February 2024
Recommendations	Grant planning permission subject to conditions as follows: Delegate to ADPTPPS to make such minor changes to the conditions, as may be reasonably required to issue the permission.
Conditions (to include)	230579/FUL (shopfront) <ol style="list-style-type: none">1) Approved plans to be implemented and all unauthorised works (to be specified in condition) removed within 2 months from date of permission.2) All external materials to be in accordance with the submitted details and samples.3) Construction times limited to 08:00 – 18:00 Mon – Fri and 08:00 – 13:00 Sat. No works at all on Sun or BH 230695/FUL (change of use and extraction) <ol style="list-style-type: none">1) The use approved shall cease within 1 month from the failure to comply with any one of the requirements set out in conditions 2 and 3.2) Approved plans implemented and all unauthorised works (to be specified in condition) removed within 2 months from date of permission.3) i) Kitchen ventilation system and cooling condenser units to be installed to specifications as approved and retained and maintained as such at all times thereafter and (ii) post installation verification by specialist to be submitted within one

	<p>month of installation to confirm system is operating effectively. All maintenance to be documented and recorded on site at time of service and shall be available to be provided to the Council within 7 days of written request.</p> <ol style="list-style-type: none"> 4) The plant (kitchen extraction equipment and cooling condensers) shall not exceed 10dB below background level at any time when all plant/equipment is in operation. 5) Hours of Use of the restaurant/takeaway not outside hours of: 11:30-23:00 Sun – Thurs and 11:30 – 23:30 Fri – Sat. 6) Delivery Hours/Waste Collections not outside hours of: 08:00 – 20:00 Mon – Sat and 10:00 – 18:00 Sundays and Bank Holidays. 7) Bin Storage and Litter Management Plan– to be carried out as per submitted details. 8) No takeaway use shall be carried out at any time other than that strictly ancillary to the primary use of the premises as a restaurant.
Informatives	<p>230579 and 230695</p> <ol style="list-style-type: none"> 1) Terms and conditions 2) Building Regs 3) Damage to highway 4) Works affecting highways 5) Positive and proactive 6) Enforcement

1. Executive summary

- 1.1 The current use, shopfront and kitchen extraction unit is unauthorised. The shopfront and kitchen extraction unit is considered to result in harm to the character and appearance of the Conservation Area. Noise and odour issues have arisen as a result of the unauthorised kitchen extraction unit. The proposals seek to address the issues above through replacement shopfront and new kitchen extraction system. The proposals are considered acceptable in visual and heritage terms and, subject to stringent conditions to be attached, noise and odour is considered to be acceptable.
- 1.2 Both applications are recommended for approval subject to conditions as set out above.

2. Introduction and site description

- 2.1 The application relates to a ground floor shop at the end of a terrace located on the south side of Oxford Road and forming the corner with Zinzan Street. Until 2018, the ground floor was occupied by a vacant betting shop 'Ladbrokes' - a *Sui Generis* use. The upper floors are in residential use.
- 2.2 This part of Oxford Road is characterised by retail/commercial activity at ground floor, with residential ancillary uses (to the ground floor use) on the upper floors. Backing on to the site are residential properties in Zinzan Street 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.
- 2.3 The building is not listed but 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.
- 2.4 The applications were called in by Councillor Page and Councillor Rowland due to concerns regarding the impact on heritage assets and odour/noise disturbance.



Site Location Plan (not to scale)

The application site as seen from Oxford Road



The application site as seen from Zinzan Street



3. The proposal

- 3.1 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.
- 3.2 In response and given the level of concern raised over the works that had taken place, an Enforcement Notice dated 17 January 2020 was served under ref Legal/SQ /IKEN13003 with the following requirements:
- (a) *“Cease the unauthorised use of the building on the land as a restaurant/takeaway (Use class A3/A5)*
 - (b) *Remove, in their entirety, the existing unauthorised shopfronts from the north (Oxford Road) and east (Zinzan Street) elevations including the incorrectly-positioned doorway, display window and transom light and the “ornate timber plinth”, “ornate timber columns” (including corbel mouldings) and “ornate timber panelling”, and restore those elevations to their pre-existing state as shown on the attached Photograph ‘B’ ‘C’ and ‘D’ (Google Streetview images dated June 2018)*
 - (c) *Remove the unauthorised air-handling plant installed within the east (Zinzan Street) elevation and restore that elevation to its pre-existing state as shown on the attached Photographs ‘C’ and ‘D’ (Google Streetview image dated June 2018)*

- (d) *Remove the two unauthorised air conditioning units and associated pipework and wiring from the south (rear) elevation and restore that elevation to its pre-existing state as shown on the attached Photograph 'E' (Google Streetview image dated June 2018)*
- (e) *Remove from the land all debris and excess building materials resulting from compliance with steps (b) to (d) above".*

3.3 The Enforcement Notice remains in force but has been held in abeyance pending the outcome of this application.

3.4 Application 230579/FUL comprises amended shopfront proposals which are largely based on the previous approval (180273) but with a few changes, most notably the change to a centrally located doorway to the main shopfront and a revised material specification scheme.

3.5 Application 230695/FUL proposes a revised kitchen extraction equipment to replace the unauthorised system currently in situ.

4. Planning history

220567 Change of use from sui generis (betting shop) to A3 restaurant with ancillary A5 takeaway and replacement shopfront (Part retrospective). Refused.

200142/FUL Change of use from sui generis (betting shop) to A3 restaurant with ancillary A5 takeaway and replacement shopfront (Part retrospective). Withdrawn.

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/APPCON Application for discharge of conditions 3,4 and 9 of Planning permission 180273. Split Decision.

Enforcement Notice Legal/SQ /IKEN13003 dated 17 January 2020

NEARBY SITES – 109A Oxford Road

201585/FUL Change of use from an estate agent use class E to a restaurant and hot food takeaway sui generis use class. Granted.

201586/ADV New fascia and projecting sign. Granted.

5. Consultations

Non-Statutory

5.1 Environmental Protection: Further to updated odour and noise reports, no objection subject to conditions to require correct installation and ongoing maintenance to ensure that the extract equipment performs appropriately in terms of noise and odour and that maintenance is carried out for the lifetime of the development. Discussed further below.

5.2 Heritage Officer: Further to updated plans showing improved shopfront and submission of material samples, no objection to the proposed shopfront. Discussed further below.

Public

- 5.3 17 neighbour letters were sent, a site notice displayed and a notice placed in local paper.
- 1 Neighbour letter of objection received relating to application 230695. Concerns summarised as being:

- Since extract fan was redirected back towards property, smell unbearable and continuous
- Increased rat problem

Local groups Reading Conservation Area Advisory Committee and Reading Civic Society were notified. No comments received.

6. Legal context

- 6.1 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.
- 6.2 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).
- 6.3 Accordingly, the latest NPPF and the following development plan policies and supplementary planning guidance are relevant:

NPPF – National Planning Policy Framework 2023

- 2. Achieving sustainable development
- 4. Decision-making
- 6. Building a strong, competitive economy
- 9. Promoting sustainable transport
- 11. Making effective use of land
- 12. Achieving well-designed places
- 15. Conserving and enhancing the natural environment

Planning Practice Guidance (2014 onwards)

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
- EN16: Pollution and Water Resources
- 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

CR6: Living in Central Reading

Supplementary Planning Documents and other guidance

Design Guide for Shopfronts SPD (2022)

Castle Hill/Russell Street/Oxford Road Conservation Area Appraisal (2020)

Revised Parking Standards and Design SPD (2011)

7. Appraisal

7.1. The main considerations are:

- Land Use Principles
- Design and Heritage Considerations
- Impact on Neighbouring Amenity
- Impact on Parking/Highways
- Equalities Impact

Land Use Principles

7.2 Planning permission was granted at the Planning Applications Committee 30th 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, albeit now falling within Use Class E.

7.3 Officers worked closely with the applicant during the course of the 2018 application to arrive at a positive recommendation, work which has been ongoing. However, the development was subsequently commenced without discharging the conditions, furthermore the works were not undertaken in accordance with the approved plans. This resulted in a poor visual appearance and gave rise to concerns over noise and odours from the kitchen extraction equipment.

7.4 The works that have taken place are unauthorised and are subject to the 2020 Enforcement Notice. These current applications seek planning permission for largely the same as that approved under application 180273 but with some changes to details including the centrally located door to the shopfront and revised material specification scheme. Approval is also sought for a kitchen extraction system that has not yet been installed.

Design and Heritage Considerations

7.5 Policy CC7 (Design and the Public Realm) seeks to ensure that new development enhances and preserves the local character. Policy EN3 (Enhancement of Conservation Areas) requires that the special interest, character and architecture of Conservation Areas will be conserved and enhanced and that development proposals within Conservation Areas must make a positive contribution to local character and distinctiveness.

7.6 The unauthorised works have resulted in a poor-quality appearance and are considered unacceptable in terms of the impact on the character and appearance of the Castle Hill/Russell Street/Oxford Road Conservation Area. This contrasts with the permission (180273) which represented a clear improvement to the appearance of the original ‘Ladbrokes’ building which had a notably poor appearance and did not contribute positively to the Conservation Area. The specific areas of breach 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;
- An air conditioning condenser has been mounted to the rear elevation, the position of one obstructs the installation of the air supply system acoustic louvre grille as previously approved.

7.7 With specific regard to the shopfront, the proposed plans largely seek to address the breaches referred to above and revert to a design which more closely reflects 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, resulting in a balanced composition and being similar to other shopfronts along this part of Oxford Road.

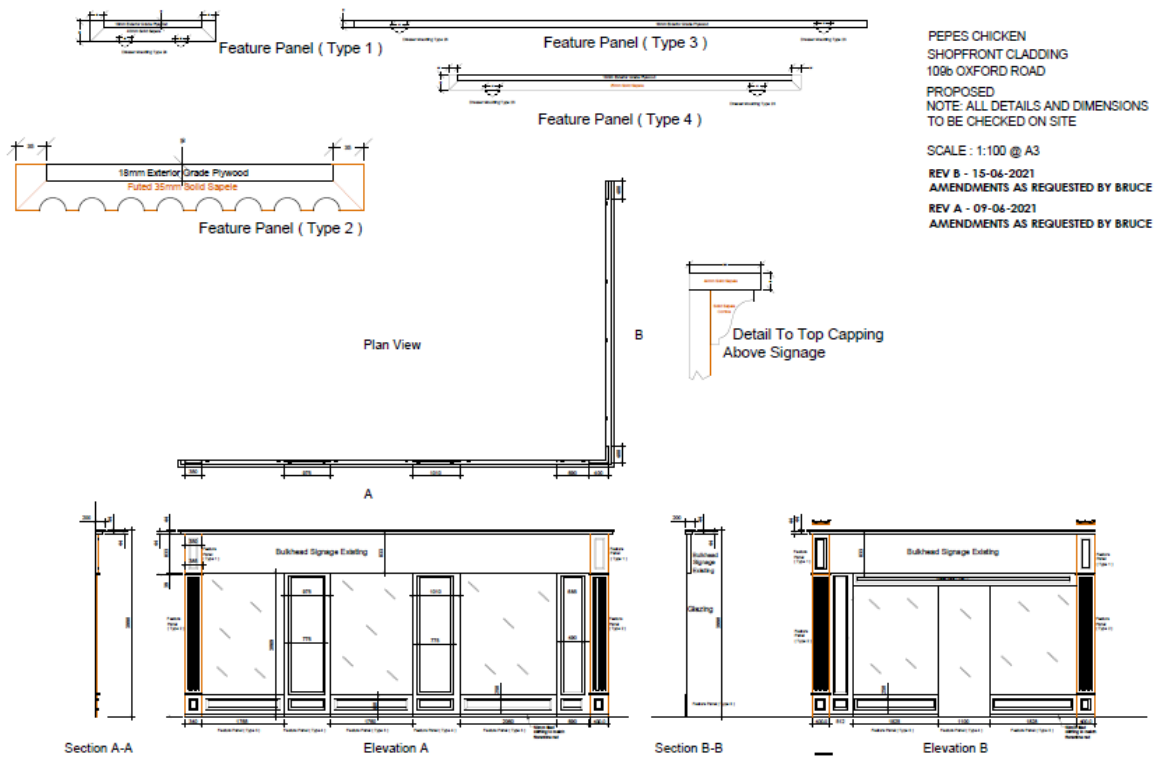
7.8 It is also no longer proposed to block up the opening on the flank elevation adjacent Zinzan Street. The applicant has stated that this is only for fresh air intake and this is the same as that for application 201585 at 109a Oxford Road. Given this and that this is an existing small-scale opening, this is not considered unacceptable.

7.9 Further details of the external architectural appearance have been submitted during the course of the application as follows:

- a sample of the Herringbone brick paving (red) for the front of the shop;
- a colour chart depicting the 'Florentine' red proposed to paint the timber columns and panels; and
- a more detailed drawing depicting the timber panel detail (using Solid Sapele timber)



Paving sample and colour chart



PEPES CHICKEN
 SHOPFRONT CLADDING
 1096 OXFORD ROAD
 PROPOSED
 NOTE: ALL DETAILS AND DIMENSIONS
 TO BE CHECKED ON SITE
 SCALE: 1:100 @ A3
 REV B - 15-06-2021
 AMENDMENTS AS REQUESTED BY BRUCE
 REV A - 09-06-2021
 AMENDMENTS AS REQUESTED BY BRUCE

Timber panel detail

- 7.10 Further to the above, the applicant has provided a final drawing of the shopfront which also now includes the proposed timber front door painted Florentine red.
- 7.11 It is considered, in consultation with the Council's Conservation and Urban Design Officer, that with specific regard to the shopfront, the proposals would represent an opportunity to enhance this building, with the ground floor colours sympathetic to the upper floor and the shopfront restored to a more traditional form which respects the age and character of the host building. Similarly, the proposal to replace the tarmac with a charcoal colour paving would also improve the appearance when viewed from Oxford Road.
- 7.12 As noted under application 221567, a flue was installed on the rear elevation (red arrow below):



7.13 The flue shown above is not authorised. It is proposed to remove this flue and replace with a more discreet extraction system at a lower level, minimising its impact visually. Whilst it would be visible when viewed directly from the rear of the site (from the rear yard), it would not be readily visible from Zinzan Street. The design and heritage aspects of the proposals are considered to comply with Policies EN1, EN3, CC7, CR2 and the recently adopted Design Guide for Shopfronts SPD (2022).

Impact on Neighbour Amenity

7.14 Policy CC8 (Safeguarding Amenity) seeks 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 (Noise Generating Equipment) 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.

- 7.15 The main issues in terms of residential amenity are 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, subsequent systems that had been installed did not satisfactorily control odour and noise emissions. A further unauthorised flue was installed when application 220567 was being considered and the application subsequently refused.
- 7.16 The proposals seek to address the situation. A revised extraction system is proposed, designed to emit low level odour discharge and a quieter air supply system. Updated odour and noise assessments have been submitted.
- 7.17 The Council's Environmental Protection Officer has confirmed that the assessments have been carried out in accordance with the correct government and local guidance. The Environmental Protection officer is satisfied that if properly maintained, the systems will appropriately and satisfactorily control noise and odour to protect against neighbour amenity in this respect. The report highlights the importance of ongoing maintenance, and a condition is recommended such that all maintenance is 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.
- 7.18 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 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. It should be the case that odour and noise could be controlled acceptably and without the previous issues arising.
- 7.19 The proposed hours of use of the premises remain 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 could be secured by condition.
- 7.20 In overall terms, and with the above conditions secured, the proposals are considered to comply with Policies CC8 and EN17.

Impact on Parking/Highways

- 7.21 Policies TR3 (Access, Traffic and Highway related matters), TR1 (Achieving the Transport Strategy) and TR5 (Car and Cycle Parking and Electric Vehicle Charging) seek to address access, traffic, highway and parking relates matters relating to development.
- 7.22 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 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.
- 7.23 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 unauthorised parking.

- 7.24 In accordance with the Council's adopted Parking Standards and Design SPD, the proposed restaurant use would generate a parking demand of 1 space per 5sqm whereas the proposed take-away use would generate a parking demand of 1 space per 40sqm. There is no off-street parking associated with the site however the parking demand generated by the proposal could be suitably accommodated within the short stay parking bays on Oxford Road and nearby public car parks as is currently the case with other similar uses in the street.
- 7.25 There are therefore considered to be no transport objections to the proposals in accordance with Local Plan Policies TR1, TR3 and TR5 and the Revised Parking Standards and Design SPD 2011.

8. Equality implications

- 8.1. 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.
- 8.2. The 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.

9. Conclusion & Planning Balance

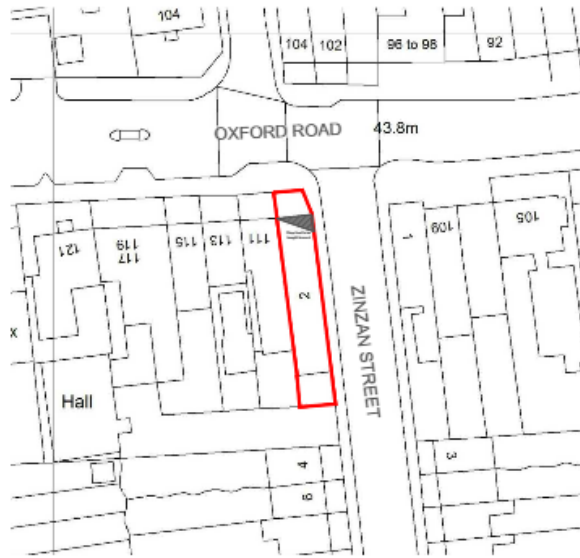
- 9.1 Officers consider that the proposals would represent a visual enhancement to the character and appearance of the conservation area, particularly the new shopfront. Furthermore, additional information has been provided and reviewed by officers and found to be acceptable in terms of odour and noise mitigation. The applications are recommended to be granted planning permission, subject to the conditions specified at the outset of this report.

Case Officer: Miss Ethne Humphreys

Proposed Plans shown below:



Location Plan 1:1250



Site Plan 1:500



The contractor and builder manufacturers are responsible for checking dimensions, tolerances and references. Any discrepancy is to be notified with the Architect before proceeding with the works.
When on line is correct by drawings is different to the on site work, the contractor is to be notified. Do not make changes. If you have any questions, please contact the Architect. Any internal layout changes will need to be approved by the Architect.



Drawing no. 10	
DATE	22/04/2023
PURPOSE OF DRAWING	
PLANNING	
PROJECT	
1000 Oxford Road, REC 7625	
DRAWING	
PROPOSED PLAN & PARTITION	
JOB NO.	
2023-002	
DRAWN BY	
CJ	
SCALE	
1:1000 (A3) DATE	
22/04/2023	

ARCHITECTURE & INTERIORS - 11 COLLEGE ROAD, COLLEGE PARK, WINDSOR, NSW 2127. TEL: 02 9639 9999. WWW.A&I.CO.NZ

Location and block plan



Proposed front elevation



Proposed side elevation



The contractor and builder manufacturers are responsible for checking dimensions, tolerances and references. Any discrepancy is to be notified with the Architect before proceeding with the works.
When on line is correct by drawings is different to the on site work, the contractor is to be notified. Do not make changes. If you have any questions, please contact the Architect. Any internal layout changes will need to be approved by the Architect.



Proposed rear elevation



REV B - 27-04-2023	
AMENDMENTS AS REQUESTED BY PLANNING	
REV A - 14-04-2023	
AMENDMENTS AS REQUESTED BY BRCC	
REV A - 09-04-2023	
AMENDMENTS AS REQUESTED BY BRCC	
Drawing no. 30	
DATE	22/04/2023
PURPOSE OF DRAWING	
PLANNING	
PROJECT	
1000 Oxford Road, REC 7625	
DRAWING	
PROPOSED PLAN & PARTITION	
JOB NO.	
2023-002	
DRAWN BY	
CJ	
SCALE	
1:100 (A3) DATE	
22/04/2023	

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Proposed elevations and floor plan