

COMMITTEE REPORT

BY THE DIRECTOR OF ENVIRONMENT AND NEIGHBOURHOOD SERVICES

READING BOROUGH COUNCIL

ITEM NO. 7

PLANNING APPLICATIONS COMMITTEE: 6th March 2019

Ward: Abbey

Application No.: 181421/FUL

Address: Royal Court, Kings Road

Proposal: Amended description: Reconfiguration of the disused restaurant space to include a café (Class A1) with an external seating area, and creation of 3 (2x studio & 1x1-bed) residential units (Class C3) at lower ground floor level and associated works.

Date Valid: 16/11/2018

Application target decision date: Originally 11/01/19, but an extension of time has been agreed until 15/03/19

26 week date: 17/05/19

RECOMMENDATION

Delegate to Head of Planning, Development and Regulatory Services to GRANT full planning permission.

And the following conditions to include:

1. Time Limit - 3 years
2. Approved plans
3. Amendments to plans
4. Materials to be approved
5. BREEAM interim certificate
6. BREEAM final certificate
7. Bicycle parking - plans to be approved
8. Vehicle parking space provided in accordance with approved plans
9. Bin storage to be provided
10. Parking permits 1
11. Parking permits 2
12. Outdoor seating area - limitation on number of tables, and requirement to store tables and chairs outside of operating hours
13. Noise assessment to be submitted
14. External lighting details to be agreed
15. Delivery and servicing plan
16. Commercial Waste
17. Restriction on use - specified use (A1 only)
18. Development to be in accordance with approved flood risk assessment
19. No amplified music
20. Hours of use (0800 - 1900 Monday to Saturday, not at all on Sundays and bank or statutory holidays)
21. Hours of construction (0800 - 1800 Monday to Friday, 0900-1300 Saturday, no noisy work on Sundays and bank or statutory holidays)
22. Reporting of unexpected contamination
23. No Bonfires

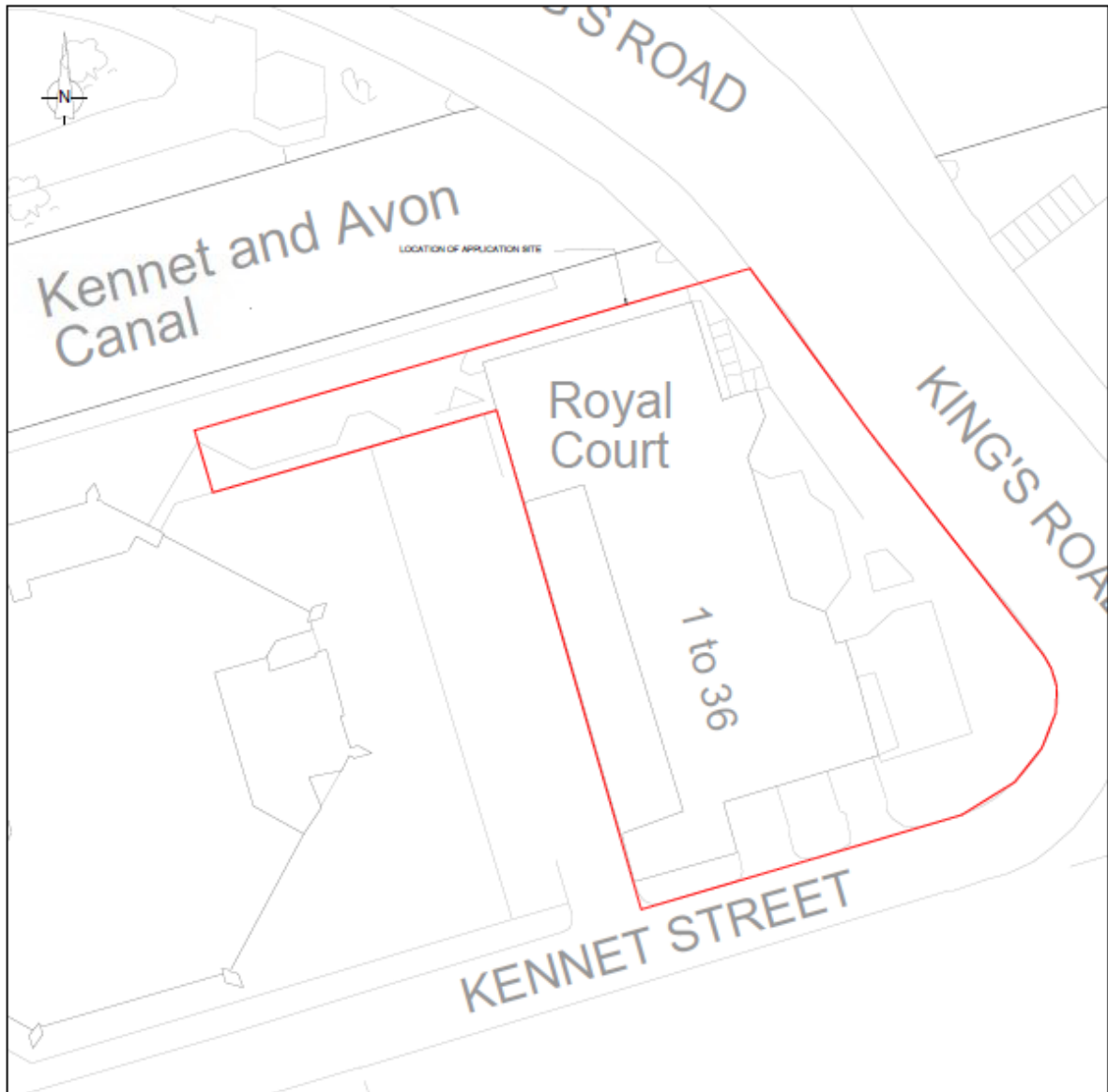
Informatives:

1. Positive and Proactive Statement

2. Pre-commencement conditions
3. Terms
4. Building control
5. Complaints about construction
6. Encroachment
7. Contaminated land
8. Noise between residential properties
9. CIL
10. Parking Permits
11. Basements (EA)
12. Flood risk - safe access and egress (EA)
13. Environmental permitting (EA)

1. INTRODUCTION

- 1.1 The application site comprises a paved and landscaped informal seating area situated between the Royal Court flats in Kings Road and offices fronting Watlington Street. There is a brick wall separating this area from the raised car parking area servicing the flats and offices behind. The front of the space is open to the canal side pedestrian footpath. The adjacent canal side footpath provides a key pedestrian link along the Kennet & Avon Canal. Next to a short flight of stairs leading to a the walkway, there is a small brick building fitted with a kitchen sink, water supply and drainage, and lighting and shelves, which was used in association with the previous restaurant use (Ben's Thai Restaurant)Although the current unit has been vacant since 2004, it still had an A3 use.
- 1.2 The site falls outside of the RCAAP central Core Area, and the footpath is a cycle route connecting areas to the East of the town centre and the Oracle shopping centre, and continues to Bridge Street and beyond the town centre. The site, being adjacent to the Kennet & Avon Canal falls within flood zone 2 and flood zone 3b (medium probability of flooding).
- 1.3 The site has fallen into a poor state or repair, and is also a hotspot of activity for anti-social behaviour. The previous A3 Thai restaurant which operated from the ground floor of the Royal Courts flats from 1990 to 2004, which contained 4-6 tables on the outdoor terrace area. The hours of use operated by the restaurant at the time were between midday and 2300 hours daily.



Site Location Plan (application site edged in red)



Site photograph from Kings Road bridge over the canal



View of basement level façade from Kings Road Bridge



Aerial view from north-east

2. PROPOSAL

- 2.1 Planning permission is sought for a change of use from a disused restaurant to three flats (1 x 1-bed flat, 2 x studio flats) and a small café use with an outdoor seating area.
- 2.3 The proposal includes four tables within the outdoor seating area (16 chairs) and although there is no details of the proposed tenant/ end user, it is suggested that there would be no commercial kitchen/food preparation on site. The applicant originally proposed an A3 use within this space, although it was suggested through review of the application that an A1 use would be more accurate. The applicant has proposed to operate during the following hours: 8:00 - 19:00 Monday to Saturday, and not at all on Sundays or bank holidays.
- 2.4 The proposal includes the creation of three single-aspect flats (2 x studio, 1 x 1-bed). The creation of the flats is facilitated by internal changes, including the provision of dividing walls between the external columns. Each flat would incorporate one of the large windows shown on in the photos above. The flats would be 39.2m² and 39.4m² respectively for each studio flat, and 48.3m² for the one bedroom flat. The conversion would also include the removal of the existing large doors, and replacement with bi-fold glazed doors to each flat, and the café to create a small canal side balcony setback and stepped up from the adjoining public footpath. The proposal includes the provision of 1 x 1100L recycling bin.
- 2.5 Other changes internal to the site include the removal of a wall within the carpark. The removal of this wall facilitates the provision of 3 no. additional carparking space, which has been designated for use by the café on the proposed plans.
- 2.7 In relation to the community infrastructure levy, the applicant has duly completed a CIL liability form with the submission. As per the CIL charging schedule this proposal will attract a charge of £18,811.66 (126.9 x the 2019 CIL rate for residential developments).

3. PLANNING HISTORY

- 3.1 160476/FUL - Creation of an open canal side café terrace with existing brick structure used as servery, for a period of two years. APPROVED 29 June 2018 (Full Committee decision) UNIMPLEMENTED

4. CONSULTATIONS

i) RBC Transport

- 4.1 The Transport Development Control section advises that the site is located within the Zone 2, the primary core area but on the periphery of the central core area which lies at the heart of Reading Borough, consisting primarily of retail and commercial office developments with good transport hubs. In accordance with the adopted Parking Standards and Design SPD, the development would be required to provide a parking provision of 1 space per unit.
- 4.2 Vehicle access to the site is provided via Kennet Street which operates one-way from east to west. Kings Road and the surrounding road network all have parking restrictions preventing on-street parking. No parking is permitted on Kennet Side as any time. The pedestrian network surrounding

the site has adequate footway and street lighting provision, with pedestrian crossings and appropriate tactile paving/dropped kerbs.

- 4.3 It is proposed to provide 3 car parking spaces within the site. One space will be allocated to the 1-bedroom flat, one space will be allocated for the café and one space will be for visitor use. It is noted that the proposed parking provision is lower than the Council's adopted Parking Standards but considering the site is within walking distance of Reading Town Centre with good access to public transport services, and given the extensive parking controls in the area, there are no objections on parking grounds. However, the future occupants of the units will not be entitled to apply for a resident parking permits (including visitor permits) which will be controlled by conditions and informative placed on the permission if the application is approved.
- 4.4 The existing & proposed Lower Ground Floor plan (A-1010-OPTION B) illustrates the parking spaces to be the required dimensions of 2.4m x 4.8m, with sufficient forecourt depth for manoeuvring into the spaces.
- 4.5 The proposals also include the creation of an open canal side cafe terrace with an existing brick structure used as kiosk. The 'kiosk' door has been amended to be a single door which doesn't open onto the footway. The plans illustrate a total of 4 tables and 16 chairs within the within the red line area of the site. The main concern would be potential conflict between café users and pedestrians/ cyclists if tables/chair overspill onto the pedestrian/cycle path. Therefore, it is suggested that a condition is applied to ensure the area is appropriately managed in accordance with the submitted plans.
- 4.6 In accordance with the adopted Parking SPD, the development is required to provide a minimum of 0.5 cycle parking spaces for a C1 1-2 bedroom flat which should be in a conveniently located, lockable, covered store. Cycle provision is provided at lower ground floor level adjacent to the residential entrance lobby to serve the new dwellings. The applicant has advised that the bicycle parking within the carpark is a wholly secure private carpark which in principle is acceptable. However, the stands are required to be set back a minimum of 500mm from the wall as per the diagram below. However, I am happy to deal with this by condition.
- 4.7 In terms of bin storage, the applicant has proposed 1 additional 1100 litre recycling bin within the existing bin storage area for the residential use which is acceptable in terms of the additional demand generated by the development (notwithstanding the requirement for the site as a whole).
- 4.8 There are consequently no transport objections to this application, subject to the following conditions:
 - Pre-commencement and pre-occupation conditions for details of bicycle parking details

- A condition restricting additional tables for the outdoor seating area, and requiring tables and chairs associated with the use to be removed/stored outside of the approved hours of operation
- Pre-occupation notification of postal addresses (restricting parking permits)
- No automatic entitlement to parking permits.

ii) RBC Environmental Health - Environmental Protection (EP)

4.9 From an EP perspective, there are possible concerns regarding and potential noise, dust, and bonfires associated with the construction and demolition phase. Additionally, there are concerns over the amenity of future residents. Specifically, noise generated from the commercial use.

4.10 Environmental health officers raised concerns with the application on 6 December 2018, recommending refusal of the application on the basis that there was no acoustic report submitted with the application to adequately assess the effect on residential amenity. On 17 January 2019, the applicant provided an acoustic report in order to address these concerns. The acoustic report was unable to justify that the proposed use including mechanical venting would meet the Council's requirements. As such, it was recommended that the applicant amend the proposal to that of an A1 use. Additionally, the assessing officer had concerns over the viability of the small space as an A3 use, and the environmental health officer's concerns that a condition requiring details of vent/flue information to be provided prior to commencement of use would not be achievable in this instance.

iii) RBC Waste officers

4.11 RBC Waste officers advised that the correct waste capacity for Royal Court would be 4 general waste bins (1100L) and 8 recycling bins (1100L). The site currently has the correct general waste provision, however falls short on the provision of recycling bins. Although the correct provision would be advisable, the planning process can only reasonably require the provision of bins applicable to the proposed development, which would require one additional 1100L recycling bin which has been proposed and would fit within the existing bin storage area.

vi) Environmental Agency

4.12 A response was received from the Environment Agency, the proposed development is located within flood zone 2 and 3, defined as flood zone 3b 'functional floodplain' in accordance with Reading Borough Councils Strategic Flood Risk Assessment (SFRA) dated March 2009. The environmental agency has no objection to the proposed development subject to a condition to ensure the finished floor levels are set at 37.98m AOD. This condition has been included in the Council's condition relating to the development being carried out in accordance with the submitted floor risk assessment.

v) Crime Prevention Design Advisor

4.13 The crime prevention design advisor (Thames Valley Police) has been contacted, and is expected to make comments on the application. It is expected that these comments will be added to the update report.

vii) Public consultation

- 4.14 Two site notices were displayed on the site from 22 November 2018, one on the façade facing the Canal, and the other on the Kings Road frontage of the site. The consultation period ended on 22 December with no submissions received.

5. LEGAL AND PLANNING POLICY CONTEXT

- 5.1 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'. The application has been assessed against the following policies:

5.2 National

National Planning Policy Framework (2018)
National Planning Policy Guidance (2014 onwards)

5.3 RBC Local Development Framework - Core Strategy (2008) (Altered 2015)

CS1 Sustainable Construction and Design
CS2 Waste Minimisation
CS7 Design and the Public Realm
CS9 Infrastructure, Services, Resources and Amenities
CS14 Provision of housing
CS15 Location, Accessibility, Density and Housing Mix
CS24 Car / Cycle Parking
CS25 Scale and location of retail, leisure and culture development
CS34 Pollution and Water Resources
CS35 Flooding
CS36 Biodiversity and Geology

5.4 Sites and Detailed Policies Document (2012) (Altered 2015)

SD1 Presumption in Favour of Sustainable Development
DM1 Adaptation to Climate Change
DM4 Safeguarding Amenity
DM10 Private and Communal Outdoor Space
DM12 Access, Traffic and Highway Related Matters
DM13 Vitality and Viability of Smaller Centres
DM17 Green Network
DM19 Air Quality

5.5 Reading Borough Council Supplementary Planning Documents

Revised Parking Standards and Design SPD (2011)
Sustainable Design and Construction SPD (2011)

5.6 Other relevant documentation

DCLG Technical housing standards - nationally described space standard (2015)

6. APPRAISAL

6.1 The main issues are considered to be:

- i) Principle of development and land use considerations
- ii) Appearance & design
- iii) Quality of accommodation for future occupiers
- iv) Amenity for nearby occupiers
- v) Transport and servicing
- vi) Other matters

i) **Principle of development and land use considerations**

6.2 The retail unit is presently vacant, although historically it operated as a Thai restaurant of some 160 sq.m. for approximately 15 years. The continuation of this use in this location, following its closure sometime after the construction of the Oracle, appears to be unrealistic, given the lack of likely footfall for a restaurant in this location. Furthermore, the previous approval to attempt to re-establish a similar café-type use (ref: 160476) which was never implemented (but still extant) is a sign that a restaurant of such a large size in this location is unviable. The proposal to introduce four residential units would comply with the principles of Policy CS14. This is by contributing to the housing needs within the borough. Additionally, the site is within close proximity to the Reading Town Centre, and is serviced by high frequency transport links within close proximity.

6.3 The development site is located outside of the central core area identified in the RCAAP. As such, a retail sequential approach was required to be adopted identifying alternative sites for the proposed use, that of the change of use from A3-A1 which also includes the outdoor seating area. In accordance with Policy CS25 the applicant has demonstrated that there are no other suitably sized sites currently available within the town centre for such a use. It was considered that the originally proposed A3 use would not be feasible due to the size of the unit (27 sq.m).

ii) **Appearance & design**

6.5 The scheme has been developed in a manner which maintains and enhances the character and appearance of the area. Considering first, the appearance of the proposed residential units as viewed from the public footpath/cycleway. The applicant proposes to make only minor alterations to the existing frontage. These include: the provision of full height glazing within the existing openings to replace the existing plate glass windows (currently boarded up). The proposal includes a new, glazed balustrading to enclose the area which currently has mesh wire balustrading. The proposal includes the retention of the existing steps to the east of this site which would have originally accessed the restaurant from the public footpath/cycleway. It is considered that the retention of the steps could result in a lack of privacy for the proposed unit, as such a condition is recommend to ensure the continuation of the canal side balcony including the balustrading.

6.6 In relation to the proposed café (A1) use, it is considered that the provision of a canal-side café, with outdoor seating as an option would similarly activate an otherwise disused space adjacent to a public footpath which could aid in creating a safe and attractive environment. This aspect of the development is not dissimilar to that approved in permission 160476/FUL and subject to controlling conditions is considered to be acceptable.

iii) **Quality of accommodation for future occupiers**

- 6.7 The internal layout of the proposed units are arranged as to maximize the opportunity for natural light to the living environments as the proposed dwellings are single aspect with northern facing windows. No light study has been produced, but the large window expanses should maximise natural daylight. The location of the windows, on what is essentially a basement flat is not in accordance with the Council's policies in relation to basement conversion (although no strictly applicable), which sets out that basement flats are generally acceptable where they would have a dual aspect. It is considered that the orientation of flats in the current layout is not of a poor enough quality to result in a reason for refusal.
- 6.8 The overall floorspaces meet the national space standards for one bedroom dwellings for single occupation (with a minimum of 39m². The large glazed openings facing the Kennet & Avon Canal could be subject to privacy concerns, although the residential use would also provide for active surveillance along what is currently an inactive frontage. The existence of the balustrading, and canal side balcony would offset this for the flats which have a glass paned balustrade in front of them, as described above, a condition is recommended to continue this along all proposed flats. A cross-section of the relationship will be provided in an update report prior to the March PAC. The provision of private outdoor space in the form of an external balcony area, measuring approximately 1m width x 4m depth would be suitable. It is considered that the proposal is generally compliant with policies DM4 and DM10 and the shortfall of access to sunlight and daylight is noted, but on balance, is not consider to result in an unacceptable living environment for these dwellings.
- 6.9 The proposal includes bicycle storage in the communal area of the private car parking area of the flats, which is accessible to the proposed flats.

iv) **Amenity for nearby occupiers**

- 6.9 It is acknowledged that the units are proposed to be adjacent to a commercial (A1 café) use operating between the hours of 0800 to 1900 Monday to Saturday. Although the concerns outlined above from environmental health officers would not support the originally proposed A3 use, an A1 use would require little or no noisy ventilation equipment or the need to deal with cooking odours.
- 6.10 Given the existing context of the surrounding area, the only potentially impacted nearby occupiers are those within the existing flats within Royal Court. No significantly detrimental adverse impacts are envisaged for any other occupiers.
- 6.11 The three flats situated on the first floor directly above the former restaurant do not contain balconies that could be affected by the introduction of the proposed A1 café use. The nearest balconies are located on the 2nd floor of Royal Court. It is considered that there is sufficient separation so as to not disturb existing residents, given the relatively dense urban context.
- 6.12 Additionally, it is considered that the position of the terrace adjacent to a public footpath, its separation from the façade of the Royal Court flats, and the separation of the terrace by way of a brick wall would not give rise to any significant disturbance issues. Subject to imposing conditions to restrict the hours of operation, the number of tables, no music, and details of lighting being

provided prior to the commencement of the use, the development would comply with Policy DM4.

v) **Transport and servicing**

- 6.13 As per the Transport Planning observations provided above at section 4i above, the proposals are considered appropriate in all highways and parking regards, subject to conditions relating to: cycle parking; waste storage; footway access works; and, preventing future occupiers being automatically entitled to on-street parking permits.
- 6.14 The Royal Court has a dedicated refuse and collection room in Kennett Road, at current, the flat complex is served by 4 x 1100L general waste storage bins, and 2 x 1100L recycling bins. The proposal includes the provision of 1 x 1100L recycling bin to meet the additional needs of the flats as proposed.
- 6.15 Although, the original plans, and planning statement describes the proposal as supplying 3 no. additional carparking spaces, two of these currently exist.

vi) **Other matters**

- 6.15 Sustainability - The applicant has indicated that the proposal will aim to achieve a BREEAM 'good' standard. The Core Policies outline that all new development should meet a 'Very Good' standard as a minimum; this can be secured via condition.
- 6.16 Flooding - As the proposal is for the change of use, as per the environmental agency advice, a sequential test is not required for a change of use. The applicant has demonstrated that the proposed development would meet the Environmental Agency's requirements for development within flood zone 3b, and that the existing finished floor levels are 0.76m above the modelled flood height for the site. Therefore, the EA's condition to ensure the finished floor levels are 37.98 AOD is sufficient in terms of CS35.
- 6.17 Equality - In determining this application the Council is required to have regard to its obligations under the Equality Act 2010. 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.

7. CONCLUSION

- 7.1 The proposal is considered to result in a suitable re-use of the vacant area of this building and the café element is largely similar to a previous proposal considered by the Committee. Overall, the application is considered to be acceptable within the context of national and local planning policies, as detailed in the appraisal above. As such, full planning permission is recommended for approval, subject to the recommended conditions.

Drawings & documents submitted:

Drawing No. A-1100 Rev A - Existing & Proposed elevations, as received 13/08/18

Drawing No. A-1020 Rev A - Existing & Proposed upper ground floor, as received 13/08/18

Drawing No. A-1010 Rev A - Existing & Proposed lower ground floor, as received 13/08/18

Drawing No. A-1150 Rev A - Existing & Proposed lower ground floor CIL information, as received 24/09/18

Drawing No. A-1000 Rev A - Site location plan, as received 13/08/18

Royal Court, Kings Road, Reading - Design and access statement, as received 20/09/18

Drawing No. A-1200 Rev A - Bin & cycle store location plan, as received 16/11/18

Drawing No. A-1010 Rev B - Existing & proposed lower ground floor, as received 16/11/18

Royal Court, Reading flood risk assessment, final report November 2018, prepared by Civil Engineering Solutions Ltd, as received 16/11/18

Drawing no. A-1010-Option B Rev C - Existing & proposed lower ground floor, as received 08/01/19

Royal Court, Kings Road, Reading - Environmental noise survey, prepared by Paragon Acoustic Consultants, as received 17/01/19

Drawing No. A-1010-Option B Rev D - Existing & proposed lower ground floor, as received 21/01/19

Drawing No. A-1010-Option B Rev E - Existing & proposed lower ground floor, as received 24/01/19

Royal Court, King's Rd, Reading, RG1 4AE Sequential assessment, as received 20/02/19

Case Officer: Anthony Scholes



View of the application site from north side of Kennet & Avon Canal



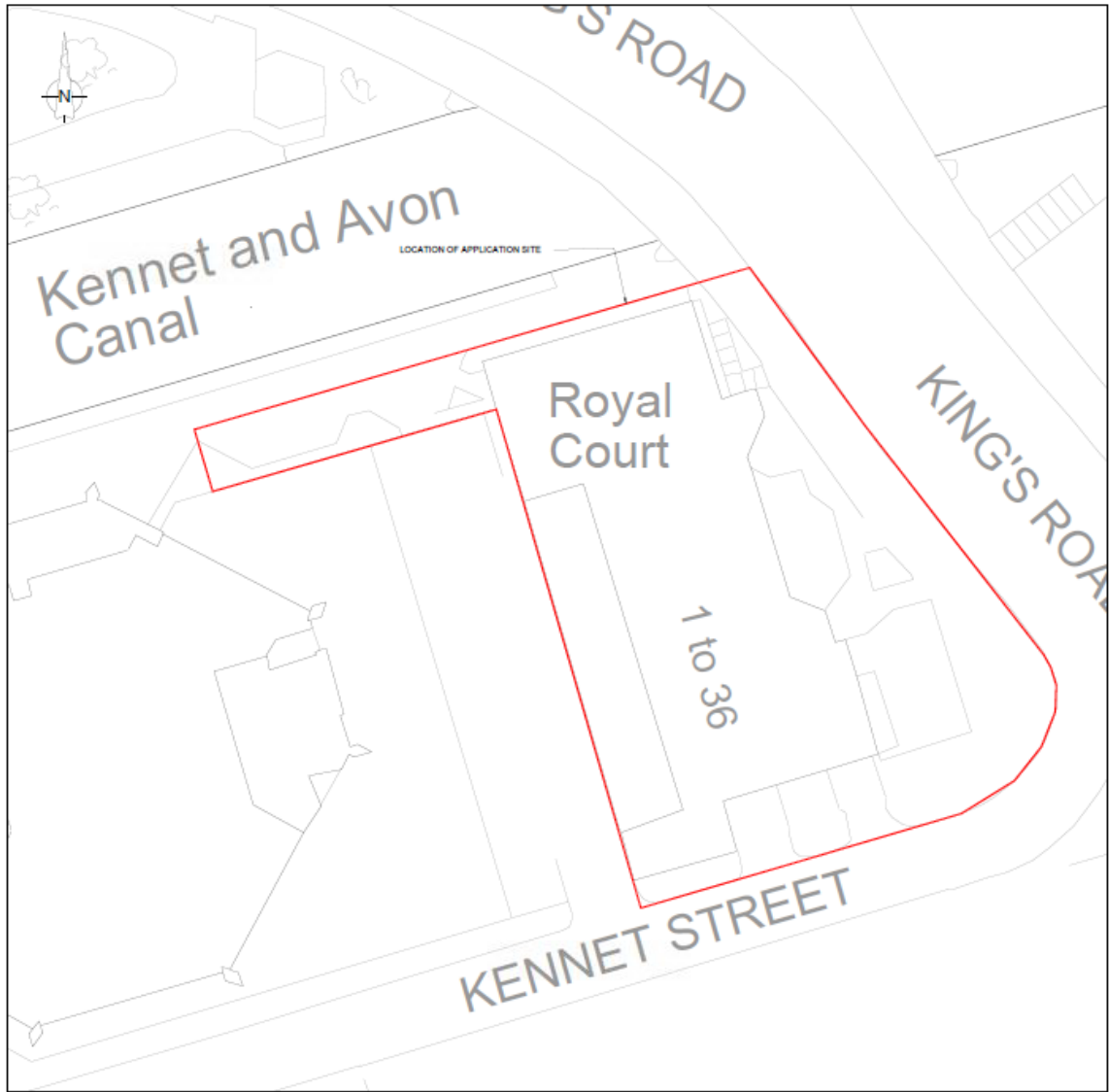
Internal photo (facing proposed café area)



Internal photo - facing proposed flats



View of proposed outdoor seating areas, and location of flats along canal walkway



Site location plan

