#### **COMMITTEE REPORT**

# BY THE DIRECTOR FOR ECONOMIC GROWTH AND NEIGHBOURHOOD SERVICES

READING BOROUGH COUNCIL

PLANNING APPLICATIONS COMMITTEE: 26th June 2019

Ward: Abbey

**App No:** 190099/FUL

Address: Unit 36 & 37, Broad Street Mall, Broad Street, Reading

**Proposal:** Amalgamation of Units 36 and 37 (Class A1) and change of use to form a flexible retail/restaurant/bar unit (Class A1/A3/A4), associated replacement shopfront works and associated external alterations on Dusseldorf Way and South

Court frontages.

**Applicant:** Inception (Reading Sarl)

Date validated: 8/2/2019

Major Application: 13 week target decision date: 10/5/2019

Extension of time: 31/7/2019

#### **RECOMMENDATION**

Grant Full Planning Permission subject to the following conditions:

#### Conditions

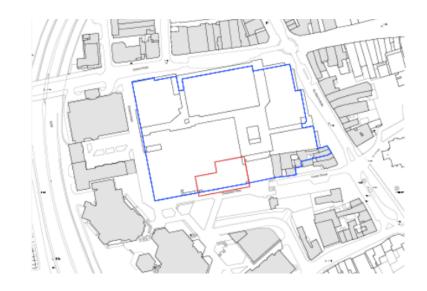
- 1. Standard 3 Year Time Limit
- 2. Approved Plans
- 3. Development to be implemented and retained in accordance with 'Proposed South Court Corner Basement and ground floor plan' ref 15116 0403 P-11 dated 8.04.2019 (to secure appropriate proportion of A3/A4 floor space and servicing via the basement)
- 4. Hours of Operation (Sunday to Thursday: 9:00- 23:00, Last food order: 21:30 Friday to Saturday: 9:00-23:30 Last food order: 23:00)
- 5. Implementation prior to first operation and retention of the Operational Management Plan submitted 10.6.2019 (including the specified security measures including CCTV)
- 6. Prior to occupation Security arrangements to be submitted, stating measures to secure the A1 units when closed and street furniture to be brought into building.
- 7. Prior to occupation submission and approval of an external lighting strategy
- 8. No mechanical plant shall be installed until a noise assessment of the proposed mechanical plant has been submitted to and approved by the Council.
- 9. No 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.
- 10. Details of street furniture to include bins to be submitted and approved prior to occupation.
- 11. Delivery and Servicing Plan for basement level access only to be submitted and approved prior to occupation.
- 12. No breaking of concrete slab or works within unmade ground

#### Informatives

- 1. Building Regulations
- 2. Positive and Proactive
- 3. Highways Act
- 4. Pre-commencement conditions
- 5. Nuisance Law
- 6. Licenses Required
- 7. Requirement for applications for Advertisement Consent
- 8. Terms and Conditions
- 9. CIL

#### 1. INTRODUCTION

- 1.1 The application relates to two now vacant shop units within the Broad Street Mall; the former Poundland Store Unit 36 and former 'Stacks' furniture shop Unit 37 (both falling within A1 retail use). The former Poundland unit has external elevations that face both the Dusseldorf Way and the 'South Court' entrances to the Mall and contains basement and ground floor areas. Unit 37 is also arranged over basement and ground floor but has a single frontage to South Court.
- 1.2 The site forms part of the West Side Major Opportunity Area, as identified in the Reading Central Area Action Plan (the RCAAP). As set out in the planning history section below the wider site encompassing the application site is also sought to be redeveloped at this time. The applicant for this proposal and the wider overall Broad Street Mall redevelopment is Inception (Reading Sarl). The supporting statement for this application sets out that this scheme is compatible with the Mall Masterplan proposals and will form part of the immediate short term works to maintain the vitality of the Broad Street Mall and would remain in-situ until the Mall masterplan comes forward. Therefore the proposed floor layout for this unit differs within this application and the Masterplan application.
- 1.3 The site is located within the Reading Central Area, the Primary Shopping Area and Office core. The Site is not within a Conservation Area, but sits adjacent to the St Marys Butts /Castle Street Conservation Area. There are also listed buildings in the vicinity including: Church of St. Mary (Grade I listed); 55 and 55A St Mary's Butts (Grade II listed). Additionally it is relevant 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.
- 1.4 This application is reported to Planning Applications Committee as it relates to change of use of over 1000m2 of floor space and is therefore constitutes a 'Major' application.





# 2. PROPOSAL and Supporting Information

- 2.1 The application seeks full planning permission for amalgamation of Units 36 and 37 (Class A1) to a single unit (total 1491 sq m over all floors ) and change of use to form a flexible retail/restaurant/bar unit (Class A1/A3/A4), associated replacement shopfront works and associated external alterations on Dusseldorf Way and South Court frontages.
- 2.2 The proposed flexible mixed use of the ground floor is sought to create an informal 'market' space containing market stalls, restaurant and bar units selling edible and non-edible goods and alcohol; and seating. An operator for this site has not been formally identified however examples of other town centre sites utilising this concept have been submitted by the applicant. There has been much discussion with officers in order to secure a mix of uses that retain flexibility but do not contravene the objectives of Cumulative Impact Area in relation to the proposed A4 (bar)element. The applicant has therefore submitted floor plans and a Draft Operational Management Strategy Document to show that no more than 20% of the total

floor area will be solely A4 use with A3 use to remain in operation into the evening; and proposes to operate the following opening hours:

Sunday to Thursday: 9:00- 23:00

Last food order: 21:30

Friday to Saturday: 9:00-23:30

Last food order: 23:00

- 2.3 In relation to external appearance the existing solid red brick walls of the Dussledorf Way frontage will be replaced with single storey glazing, in the form of black aluminium bi-folding doors set between brick pillars to be clad in black ceramic tiles. This will allow pedestrian access onto Dusseldorf Way and the proposed external seating. The South Court shop front will be entirely glazed. New metal fascia's will also be incorporated above the shop fronts to allow for fascia signage and awnings for prospective tenants. Detailed signage and the erection of awnings would be subject to separate advertisement consent applications.
- 2.4 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.

Submitted Plans and Documentation:

151116 0400 P-03 Existing South Court Corner Location Plan dated 5.04.2019

151116 0401 P-03 Existing South Court Corner Site plan dated 5.04.2019

151116 0402 P-04 Existing South Court Corner basement and Ground floor plan dated 8.04.2018

15116 0403 P-11 Proposed south court corner basement and ground floor plan (shows service lift to basement and 20% floor area) dated 8.04.2019

151116 0404 P-06 Existing and Proposed South Court Corner elevation 01 dated 5.04.19

151116 0405 P-09 Existing and Proposed South Court Corner elevation 02 - to show details of the external seating dated 16.5.19

Draft Operational Management Plan dated June 2019 received 10.6.2019

Moorgarth Foodhall Concept Document received 15.5.2019

#### 3. RELEVANT PLANNING HISTORY

3.1 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 under consideration at this time - these are set out below:

# 3.2 Applications Under consideration at this time:

182137 Construction of three residential buildings (Use Class C3) ranging in height from 5 to 22 storeys (Site E to provide 52 units, Site B to provide 139 Units and Site A to provide 172 units) above Broad Street Mall and provision of a podium level amenity area; Construction of an 18 storey building on South Court comprising ground and first floor retail (Use Class A1/A2/A3) and residential over upper floors (Use Class C3, Site C to provide 99 units); Change of use and extension of Quadrant House to form a 3 storey residential building (Use Class C3, Site D to provide 31 units); Creation of three ground floor retail units (Use Class A1/A2/A3) fronting Dusseldorf Way and Queens Walk; all necessary enabling and alteration works required within the existing Broad Street Mall basement, ground and upper floors. Pending consideration.

182054 Demolition of all existing structures, erection of a part 7, part 8 storey building for use as 101 bed Hotel (Class C1 Use) at Ground - 8th Floor and Restaurant/Bar (Class A3/A4 Use) at ground floor, with means of access, servicing and associated works. Pending consideration.

### 3.3 Recently Determined Applications

#### 'Shipping Containers'

171230 Erection of a temporary two and part three-storey building (constructed using shipping containers) to create a mixed-use urban market comprising Retail (Use Class A1) and Restaurants/Cafés (Use Class A3), including use of external spaces at roof level; Refuse store, cycle parking and associated works (amended description). Permitted 17.1.2018 not implemented.

180594 Non-material change application to planning permission 171230 (construction of a temporary urban market): revised layout through adjustment to, and reorientation of containers. Associated relocation of lift, stair, toilet, decking/seating, cycle parking and servicing /waste locations. Withdrawn.

#### 47 Oxford Road 'Argos corner'

Subdivision of three-storey retail unit (Class A1) and change of use to form: 1x retail unit (Class A1) at part basement / part ground floor; 2x flexible retail or restaurant units (Class A1/A3) at ground floor level; and 2x assembly & leisure units (Class D2) - 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. Permitted 13/9/2018 and implemented.

181613 External alterations comprising the installation of replacement shopfront and entrance at ground floor, and installation of two fixed windows and two bi-folding windows at first floor' are proposed. Permitted 2/11/2018 and implemented.

# 4. CONSULTATIONS

#### 4.1 RBC Environmental Protection - Highlight issues in relation to:

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.

#### 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 this Council. The assessment shall be carried out for in accordance with BS4142:2014 methodology. The predicted specific sound level (LAeq,TR) as measured at a point 1 metre external to sensitive facades shall be at least 10dB below the 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 sensitive facades shall not exceed the 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.

## 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 an 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).

The following condition could be attached to consent, however it is possible that the criteria cannot be met with the plant specifications proposed in this application and a new application may need to be made at a later date for alternative plant / location.

#### Condition

No development shall take place until an odour assessment has been carried out and a detailed odour management plan to include scale plans, odour control specifications and a maintenance plan has been submitted and

approved. Reference shall be made to the Defra Guidance on the Control of Odour and Noise from Commercial Kitchen Exhaust Systems (January 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 the Local Planning Authority otherwise agrees in writing.

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.

4.2 <u>RBC Transport</u> -Based on the submitted plans including 151116 0405 P-09 Existing and Proposed South Court Corner elevation 02 - to show details of the external seating (dated 16.5.19) no objections subject to the following condition:

DC10 Delivery and Servicing Plan - where there is just one unit

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 Polices Document Policy DM12.

- 4.3 <u>RBC Licensing</u> No objection. Initial objection overcome by the revised Operational Management Plan and specified opening hours.
- 4.4 <u>Thames Valley Police</u> Objection Initial concerns based on the Licencing Cumulative Impact Area Policy and that the submission did not demonstrate how the development will create an accessible and safe environment. Also queries regarding the CCTV operational requirements, details of lighting and provision of a smoking area.

Further comments: Concern regarding segregation the A1 and A3/A4 units at night and how the mixed activity can be managed and the A1 units segregated and secured.

- 4.5 <u>CCTV</u> There are two existing cameras in the area that cover areas of Hosier Street and the Hexagon.
- 4.6 Public Consultation:
- 4.7 Due to the extent of the applicant's ownership of adjoining properties no neighbouring units were required to be notified by letter. The case officer erected 3 site notices on the exteriors of the units clearly visible in the public realm; and the application was advertised in the local press.

No representations had been received at the time of writing.

#### 5. RELEVANT PLANNING POLICY AND GUIDANCE

- 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'.
- 5.2 The following local and national planning policy and guidance is relevant to this application:

#### National Planning Guidance

National Planning Policy Framework (2018)

# Reading Borough LDF Core Strategy (Adopted January 2008, amended 2015)

CS3 (Social Inclusion and Diversity)

CS4 (Accessibility and the Intensity of Development)

CS5 (Inclusive Access)

CS7 (Design and the Public Realm)

CS23 (Sustainable Travel and Travel Plans)

CS24 (Car/Cycle Parking)

CS25 (Scale and Location of Retail, Leisure and Culture Development)

CS26 (Network and Hierarchy of Centres)

CS27 (Maintaining the Retail Character of Centres)

CS33 (Protection and Enhancement of the Historic Environment)

CS34 (Pollution and Water Resources)

# Sites and Detailed Policies Document (Adopted October 2012, amended 2015)

SD1 Presumption in Favour of Sustainable Development

DM1 Adaptation to Climate Change

DM4 Safeguarding Amenity

DM12 Access, Traffic and Highway-Related Matters

DM23 Shopfronts and Cash Machines

#### Reading Central Area Action Plan (Adopted January 2009)

RC2 (West Side Major Opportunity Area): site is RC2d, Broad Street Mall and adjacent to RC2e, Hosier Street

RC5 (Design in the Centre)

RC6 (Definition of the Centre)

RC7 (Leisure, Culture and Tourism in the Centre)

RC8 (Drinking Establishments)

**RC10 Active Frontages** 

# **Supplementary Planning Documents**

Employment, Skills and Training SPD adopted April 2013
Minster Quarter Area Development Framework adopted December 2018

#### Reading Borough Submission Draft Local Plan 2018

Following the examination process, the independent inspector has identified a number of modifications that are needed to the Local Plan which require a further period of consultation. These are known as main modifications. Consultation on these modifications is to take place between Wednesday 12 June and Wednesday 24 July 2019.

#### 6. APPRAISAL

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

- 6.1 Paragraph 85 of the NPPF (2018) 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). Each of the proposed uses A1, A3 and A4 therefore constitutes an appropriate town centre use as set out in national policy.
- 6.2 Core Strategy Policy CS26 seeks to maintain and enhance the vitality and viability of centres, as well as widen the range of uses. RCAAP Policy RC6 also seeks to promote retail development whilst supporting other town centre uses within the wider Central Core area. The proposed A1, A3 and A4 uses would be appropriate town centre uses in this location. Whilst the proposals would also accord with Policies CS25, RC7 and RC8 which seek to locate new Leisure, Culture and Tourism facilities within the Town Centre.
- 6.3 In terms of the wider regeneration of the area two planning applications are currently under consideration, including the Mall Masterplan directly adjacent to and above the application site (under ref 182137). The current application for a change of use, elevational changes and external seating on Dusseldorf Way is in keeping with the policy objectives for the regeneration of the wider area and reflect the content of application 182137. The applicant has stated in their submitted covering letter that these works would remain in situ until the wider Mall Masterplan comes forward and are therefore not considered to prejudice future redevelopment of the site in accordance with Policy RC2 (West Side Major

Opportunity Area): site is RC2d, Broad Street Mall and adjacent to RC2e, Hosier Street.

## Impact on residential amenity

- There are no residential units in the immediate vicinity of the application site at present however Policy DM4 of the Sites and Detailed Policies Document 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. Impact upon privacy and overlooking to neighbouring buildings is also likely to be limited.
- 6.5 The impact of the proposed A4 (bar) 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 there is no objection to the scheme subject to a maximum of 20% of the floor area being in A4 use and the opening hours for A3 and A4 use within the submitted Operational Management Plan. This can be secured by condition.
- 6.6 The comments of Thames Valley Police Crime Prevention Design Advisor have been carefully considered by officers as issues regarding anti-social behaviour, noise and disturbance are intrinsically linked to the material planning consideration of protecting the amenity of surrounding occupiers and therefore must be taken into account within the planning balance. As set out above the A4 element of the proposal is now ancillary to the unit as a whole and details of the opening hours and CCTV are set out in the Operational Management Plan. It is also considered that means to secure A1 'stalls' which would tend to close prior to the A3 and A4 units can be controlled by condition.
- 6.7 Environmental Protection Officers are also satisfied, subject to recommended conditions, that the site specific impacts of plant within the proposed development on any immediate surrounding occupiers) and future occupiers) can be suitably mitigated. In relation to noise and disturbance to future occupiers of residential units in the Masterplan scheme the use of the market place will cease at 11pm in the week and 11.30 on Friday and Saturday. This is considered to be acceptable in this town centre location and similar to existing public house premises eg Pavlov's Dog in the immediate vicinity. Any further additional mitigation required within the fabric of the flatted units or access to these units can be secured within the Masterplan application.

6.8 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 would accord with Policies DM4 and CS34.

#### Design and the Public Realm

- 6.9 The proposed visual appearance of the new shopfront glazing and cladding as viewed from Dusseldorf Way and South Court are considered to be appropriate in the context of the existing Broad Street Mall and the intended redevelopment of the Mall as a whole. The proposals are considered to regenerate the existing elevations of the Broad Street Mall with the proposed bi-fold doors creating an active frontage to Dusseldorf Way which is lacking at present. The applicant has stated the shopfronts have been designed in line with the recently submitted Broad Street Mall masterplan application and the new entrances will achieve level access.
- 6.10 The proposed elevations will also include 'fascia signage zones' to allow the erection of signage when vendors within the unit are known. The area allocated for signage is in keeping with existing shop units on Queens Walk and within the Mall itself. The detailed design of any signage and awnings to be erected will be subject to separate advertisement consent that will full consider CCTV coverage. This will be added as an informative on any planning permission issued.
- 6.11 Street furniture is sought in relation to the proposed of use in the form of external seating and a smoking area; and associated litter-bins and canvas barriers, etc. This street furniture is considered to have no adverse visual impact and is considered to enliven Dusseldorf Way. These structures will need to be secured when the operation ceases to trade of the evening to avoid such equipment being used for anti-social activity. This can be controlled by condition.
- 6.12 The proposal is considered to accord with Policies CS7, CS33 and RC5.

#### Transport

6.13 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. This would allow additional flexibility of servicing and access and subject to the suggested condition, to monitor cumulative vehicle trips at the site, the proposal is considered to comply with, policies CS4, CS24 and DM12.

#### Other Issues:

### **Ground conditions**

6.14 The site is near an Area of Archaeological Potential, however the proposal as a change of use does not require works to break the existing slab or dig into unmade ground as there is a basement area. This can be controlled by condition.

## Community Infrastructure Levy

6.15 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. The proposed unit is situated within the Broad Street Mall and therefore it can be demonstrated that this criteria can be met.

# **Employment Skills and Training**

6.16 As the proposal relates to a change of use of over 1000m2, at 1491sqm, it is necessary to consider a construction phase Employment Skills and Training Plan. It is considered that the size and nature of the proposed change of use from A1 to A1/A3/A4 within an existing shopping center will generate physical works akin to a shop 'fit out'- where internal elements would not have required planning permission. The proposed scale and nature of the proposal is therefore not considered in this specific instance to be significant in terms of the actual works involved and therefore a contribution is not sought.

#### **Equalities Impact**

- 6.17 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. There is no indication or evidence (including from consultation on the application) that the protected groups have or will have different needs, experiences, issues and priorities in relation to the particular planning application.
- 6.18 In terms of the key equalities protected characteristics it is considered there would be no significant adverse impacts as a result of the development.

#### 7.0 CONCLUSION

7.1 This proposal has been carefully considered in the context of previous applications for mixed use schemes at the site; and the current applications

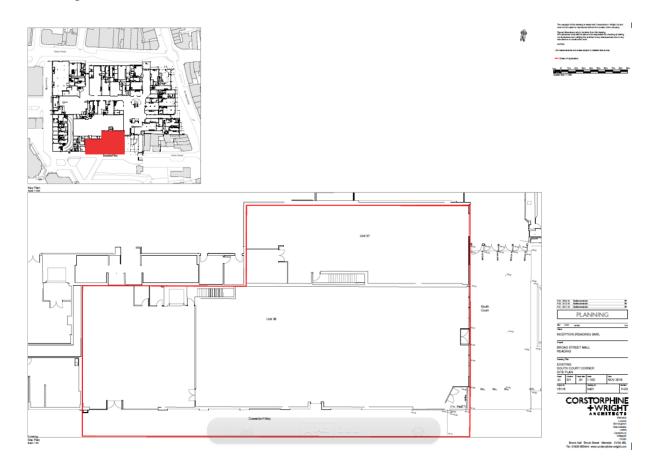
for redevelopment of the wider site. Officers have worked to ensure the scheme is acceptable, and subject to the specified conditions, this innovative proposal is considered to be a positive addition to the Broad Street Mall and wider area.

# **RECOMMENDATION: GRANT subject to conditions**

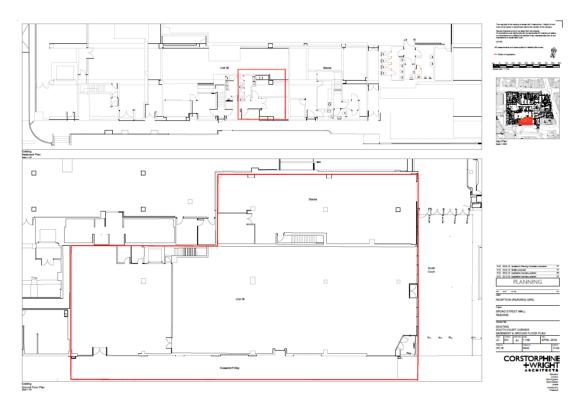
Case Officer: Susanna Bedford

Plans:

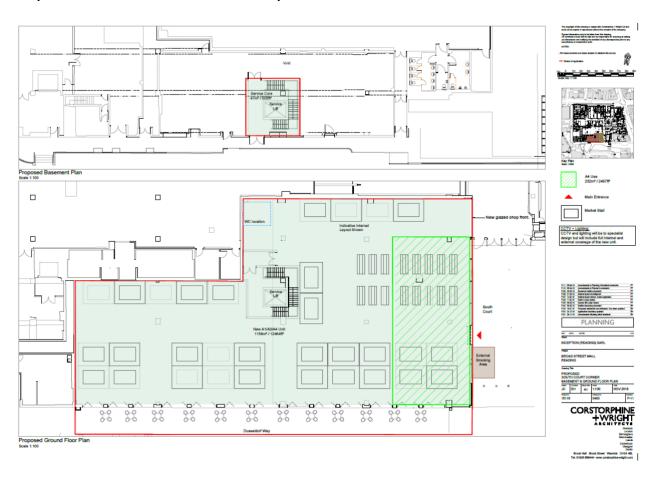
# **Existing Site Plan:**



# Existing Basement and Ground Floor Plan:



# Proposed Basement and Ground Floor plan:



**Existing and Proposed Dusseldorf Way Elevations:** 



Click on Sign to add text and signatures on a PDF file.

# **Existing and Proposed South Court Elevations:**

