

## COMMITTEE REPORT

BY THE DIRECTOR FOR ECONOMIC GROWTH AND NEIGHBOURHOOD SERVICES  
READING BOROUGH COUNCIL  
PLANNING APPLICATIONS COMMITTEE: 11<sup>th</sup> December 2019

Ward: Church

App No: 190760/FUL & 190929/FUL

Address: 76 Christchurch Road, Reading

**190760/FUL Proposal:** Change of use ground, first and second floor of A2 (Bank) to A5 on the ground floor, and on first and second floor from A2 to C4 HMO. Part-retrospective application for flat roof rear dormer.

**190929/FUL Proposal:** Change of use of 1st and 2nd floors from bank (Class A2) to C4 HMO. Part-retrospective application for flat roof rear dormer.

Applicant: Rytdak Ltd

Date validated:

190760/FUL: 17/6/2019

190929/FUL: 23/7/2019

Application: 8 week target decision date:

190760/FUL: 17/6/2019

190929/FUL: 23/7/2019

Extension of time: Agreed for 20 December 2019 (both applications)

### 190760/ FUL and 190929/FUL - RECOMMENDATION

Grant Full Planning Permission, subject to the following conditions and informatives as per the main report (appendix 1).

#### 1. Introduction

1.1 When these applications were considered at the 13<sup>th</sup> of November 2019 Planning Applications Committee (PAC) a number of queries were raised by members, which resulted in the application being deferred. Officers were asked to clarify the following:

- Context of the previous refusal of planning permission and dismissal at appeal of a planning application to change the use of no.60 Christchurch Road;
- Clarification of the different use classes relevant to retail areas and confirmation of the current uses within the centre;
- Clarification on Article 4 area relevance and rules for HMOs;
- Potential to bring discharge of conditions (8,9,10, and 11) to PAC;
- Clarification of eventual fate of ground floor unit under application 190929;
- More detail on a litter management strategy;

1.2 An additional representation was received during the period from November PAC to the writing of this report, the comments are summarised as:

- Concerns and comments on use classifications for uses in parade of shops;

- Comments on article 4 direction, HMO proportion in area, and licensing for other HMOs.
- 1.3 The points raised in this representation will be addressed, which have already been raised by other neighbours, will be covered by this report and are contained within the appended committee report and update report.
- 2. 60 Christchurch Road - context of previous application (181571)**
- 2.1 Application 181571/FUL was validated on the 6<sup>th</sup> of September 2018. The application was for the change of use of the ground floor unit (A1 - Laundromat) to A3 (Café/Restaurant). So a different proposal to the current application 190760 for 76 Christchurch Road, which is for the change of use of the ground floor unit from A2 (Financial and professional) to A5 (Hot food takeaway), and thus are not directly comparable.
- 2.2 The application at 60 Christchurch Road was assessed under the previous local development framework. The application was refused by officers (on the 4<sup>th</sup> of February 2019) as it failed to meet the policy requirements of the time. A subsequent appeal was lodged (APP/E0345/W/19/3228388) which was dismissed on 27<sup>th</sup> August 2019.
- 2.3 Superseded Policy DM13 required that:  
*(i) Within the Key Frontages (identified on the Proposals Map), development involving a net loss of A1 retail to other 'centre uses' will only be permitted where:*
- *There would be no more than 3 consecutive units which are not in A1 retail use; and*
  - *The proportion of the total length of the Key Frontage within the centre that is in A1 retail use would exceed the relevant proportion..."*
- For Christchurch Road this is 50%.
- 2.4 The proposed change of use for 60 Christchurch Road to A3 use would have resulted in 4 consecutive units (No. 66, 64, 62 and 60) being in non-A1 use and therefore failed this part of the policy. In addition the proportion of the total length of the Key Frontage in A1 use would have reduced from 56.2% to 49.5%, i.e. below 50%.
- 2.5 It was on this basis that the Inspector dismissed the appeal although noting that the proposed development would not fail the new Local Plan policy.
- 2.6 The new Local Plan Policy RL3, is different to Policy DM13 and reads:
- a) Within the Key Frontages (identified on the Proposals Map), development involving a net loss of A1 retail or A2 financial and professional to other 'centre uses' will only be permitted where:*
- *There would be no more than 3 consecutive units which are not in A1 or A2 retail use; and*
  - *The proportion of the total length of the Key Frontage within the centre that is in A1 or A2 use would exceed the relevant proportion..."*
- For Christchurch Road this is 60%.
- 2.7 For clarity, that the superseded policy DM13 and the new Policy RL3 and the differences are highlighted below:

Superseded Policy (DM13)	Current Policy (RL3)
<p>a) <i>Within the Key Frontages (identified on the Proposals Map), development involving a net loss of A1 retail to other ‘centre uses’ will only be permitted where:</i></p> <ul style="list-style-type: none"> <li>• <i>There would be no more than 3 consecutive units which are not in A1 retail use; and</i></li> <li>• <i>The proportion of the total length of the Key Frontage within the centre that is in A1 use would exceed the relevant proportion below:</i></li> </ul> <p>Christchurch Road Local Centre: 50%</p>	<p>b) <i>Within the Key Frontages (identified on the Proposals Map), development involving a net loss of A1 retail or A2 financial and professional to other ‘centre uses’ will only be permitted where:</i></p> <ul style="list-style-type: none"> <li>• <i>There would be no more than 3 consecutive units which are not in A1 or A2 retail use; and</i></li> <li>• <i>The proportion of the total length of the Key Frontage within the centre that is in A1 or A2 use would exceed the relevant proportion below:</i></li> </ul> <p>Christchurch Road Local Centre: 60%</p>

2.8 This policy change of grouping A1 uses with A2 uses acknowledges that these uses can now interchange use as “permitted development” without planning permission being granted. It makes a difference to how we assess impact on the retail offer.

### 3. Use classes clarification

3.1 Members expressed concerns over the classification of certain uses based on the ability of patrons to take food away from the premise (either hot or cold). The table below provides the definition of the uses and reference to sale of food highlighted:

<i>Use Class</i>	<i>Definition</i>
A1 (Shops)	<p>Use for all or any of the following purposes–</p> <p><b>(a) for the retail sale of goods other than hot food,</b></p> <p>(b) as a post office,</p> <p>(c) for the sale of tickets or as a travel agency,</p> <p><b>(d) for the sale of sandwiches or other cold food for consumption off the premises,</b></p> <p>(e) for hairdressing,</p> <p>(f) for the direction of funerals,</p> <p>(g) for the display of goods for sale,</p> <p>(h) for the hiring out of domestic or personal goods or articles,</p> <p>(i) for the washing or cleaning of clothes or fabrics on the premises,</p> <p>(j) for the reception of goods to be washed, cleaned or repaired,</p> <p><b>(k) as an internet café;</b> where the primary purpose of the premises is to provide facilities for enabling members of the public to access the internet</p> <p>Where the sale, display or service is to visiting members of</p>

	the public.
A2 (Financial and professional)	Use for the provision of – (a) financial services, or (b) professional services (other than health or medical services), or (c) any other services which it is appropriate to provide in a shopping area, where the services are provided principally to visiting members of the public.
A3 (Restaurants and Cafes)	<b>Use for the sale of food and drink for consumption on the premises. (officer note; Many A3 uses have ancillary take-away service too)</b>
A4 (Drinking Establishment)	<b>Use as a public house, wine-bar or other drinking establishment (officer note: Many pubs also sell food).</b>
A5 (Hot food takeaways)	<b>Use for the sale of hot food for consumption off the premises.</b>

3.2 It is often difficult to establish when the sale of food tips the balance between one use class or another. The definitions provided above are a starting point, and any use must be assessed with reference to the level of fact and degree to determine its predominant use and therefore its use class order (UCO) designation. As per noteworthy appeal decisions for Costa café's (T/APP/C/97/X5210/648273 & T/APP/X5210/A/97/289548/P6) the Inspectorate concluded that:

*“A significant volume of warmed through food is sold for consumption on and off the premises. However, the food that is dealt with in that manner is clearly subordinate to the much greater range of cold food displayed for sale. Moreover the food which is warmed through is prepared in its semi-finished state off the premises. I do not consider that the sale of this item of hot food for consumption on and off the premises takes the premises out of a Class A1...”*

3.3 In the light of the above discussion and definitions, Gregg's at 80 Christchurch Road is considered predominantly an A1 use whereas the only dedicated hot-food takeaway (A5) use currently within the centre is the Domino's pizza.

#### 4. Currents uses within Christchurch Road local centre

4.1 A number of queries have been raised in relation to the use class of a number of premises within the local centre. Some members and local residents have commented that the Today's Local has some hot food for takeaway and sales. However, the predominant use remains A1 retail. As such, the length of the frontage and its uses, including a running total of A1 and A2 uses is included in the table below and shown on the appended plan.

#### Existing Frontage uses and percentage

Address	Use Class	Total Length	Percentage of frontage
56 Christchurch Road	A1 (Heating showroom)	7.1m	9.3%
60 Christchurch Road	A1 (Dry Cleaners)	5.1m	6.6%
62 Christchurch Road	A3 (Sizzling Spice)	5.3m	6.9%
64 Christchurch Road	A5 (Domino's)	5.1m	6.6%
66 Christchurch Road	A2 (Adam's Estates)	5.1m	6.6%
68 Christchurch Road	A1 (Lloyd's Pharmacy)	5.1m	6.6%
70 Christchurch Road	A1 (Costcutter)	5.3m	6.9%
72-74 Christchurch Rd	A1 (Today's Local)	12.2m	15.9%
76 Christchurch Road	A2 (vacant NatWest)	6.1m	7.9%
78 Christchurch Road	A2 (Cintra Estates)	6m	7.8%
80 Christchurch Road	A3 (KungFu Kitchen)	5.7m	7.7%
82 Christchurch Road	A1 (Greggs)	3.6m	6%
2 Northcourt Avenue	A1 (Barbers)	3.3m	4.7%
Total Length of Centre		75m	60% RL3
Total Proportion of A1 & A2 in centre		60.2m	78.7%
Total Proportion of A5 properties in centre			8.7%
Total Proportion adjusted with proposed A5 use			70.7%

#### 5. Assessment of current proposal

- 5.1 It is important to note that within the context of the superseded LDF, the proposal would have not failed Policy DM13 (Vitality and Viability of Smaller Centres). This is due to the fact that the current use of no. 76 Christchurch Road is in A2 use. Policy DM13 required that the percentage of uses within the primary frontage be greater than 50% which is currently the case. A change of use from A2 to any other 'centre use' would therefore have been acceptable under policy DM13 as it would not have had a detrimental impact in terms of the vitality and viability of this centre as defined by this policy.
- 5.2 Under current policy RL3, the assessment criteria to determine whether a change of use would have an effect on the viability and vitality of the centre is the loss of *both* A1 and A2 uses as above. As such, the loss of A2 units would have the potential to affect the mix of uses within the centre. The proposed development would maintain 70.7% of the frontage being within A1 and A2 usage. As per the main report, the proposed development would therefore be acceptable.

#### 6. Article 4 direction and HMO rules

- 6.1 The proposed development is not located within the Article 4 Direction Area restricting small HMOs and therefore there is no requirement for the proposed development to be assessed in the light of this Direction.
- 6.2 Queries have been raised about the licensing of other HMOs within the area. HMOs require a license under legislation from late 2018 where they are for 5 or more persons. As HMOs are licensed under separate legislation this concern is not a material planning consideration.

- 6.3 The Residential Conversions SPD identifies that within areas covered by an Article 4 direction, the ‘tipping point is when the concentration of HMOs becomes over dominant and the community is no longer considered to be mixed and sustainable.’ The SPD defines that “planning permission will not normally be granted where the proportion of HMOs will result in HMOs representing 25% or more of the residential properties within a circle of 50m radius measured from the application site” (para. 5.43).
- 6.4 Whilst not located within an area covered by an Article 4 direction, the concentration of HMOs in the area surrounding the application site has been calculated as a percentage of the total estimated number of existing HMOs (C4 or sui generis) against the total number of residential properties, i.e. those falling with C3, C4 or sui generis HMO use. Available data from Environmental Health, Council Tax, extant (unimplemented) permissions for HMOs, and data on sites such as Rightmove, and data held by the Enforcement Team, has been used. The total number of applicable properties within the 50m radius, has been calculated as 36. The total number of properties within either C4 or sui generis HMO use, using the above sources of data, is estimated to be 8. Therefore the overall percentage is calculated as 22%, which is below the threshold of a 25%. Following the proposed change of use, this proportion would increase to 25.7% of the applicable properties.
- 6.5 Whilst slightly exceeding the threshold contained within the Council’s SPG for such conversions, it must be recognised that the existing property is not currently in C3 use as a single dwelling house but as an A2 (financial and professional, and any change of use would not result in a loss of an existing family dwelling or consequently any reduction in the number of single family dwellings in the area, for which the policy seeks to prevent. Furthermore, the property is not located within an area covered by an Article 4 direction and therefore this is purely a useful exercise in considering the composition of the area.
- 6.6 Therefore, given the specific arterial and transient nature of Christchurch Road and the existing high proportion non-residential uses found within the search radius (including commercial premises), it is considered that the proposal would not have a significantly detrimental impact on the existing character or composition of the immediate area.

## **7. Future discharge of conditions application**

- 7.1 It is appropriate and accepted practice for some applications to discharge planning conditions to be subject to consultation with Councillors or reported to and decided by PAC.

## **8. Application 190929**

- 8.1 Under application 190929 the property would remain in A2 use at ground floor. Other properties within the centre (such as Adams estates and Cintra Estates) operate as A2 within the ground floor only with residential uses above, as such there would be no concern from Officers in granting application 190929 and maintaining the ground floor as A2. It is not known who the intended occupant would be.

## **9. Litter management strategy**

- 9.1 Officers have recommended a condition to require the A5 operator confirms how they would ensure that there is no associated litter emanating from the resultant takeaway use. Measures we would be looking for include provision of waste bins outside the takeaway for patrons, an undertaking to litter pick within the area on a regular basis, advice to patrons and minimising the amount of packaging used. Details submitted to satisfy the condition could be subject to consultation with ward Councillors or referred back to PAC.

Case officer: Anthony Scholes



COMMITTEE REPORT

BY THE DIRECTOR FOR ECONOMIC GROWTH AND NEIGHBOURHOOD SERVICES  
READING BOROUGH COUNCIL  
PLANNING APPLICATIONS COMMITTEE: 13<sup>th</sup> November 2019

ITEM NO.

Ward: Church

App No: 190760/FUL & 190929/FUL

Address: 76 Christchurch Road, Reading

**190760/FUL Proposal:** Change of use ground, first and second floor of A2 (Bank) to A5 on the ground floor, and on first and second floor from A2 to C4 HMO. Part-retrospective application for flat roof rear dormer.

**190929/FUL Proposal:** Change of use of 1st and 2nd floors from bank (Class A2) to C4 HMO. Part-retrospective application for flat roof rear dormer.

Applicant: Rytdak Ltd

Date validated:

190760/FUL: 17/6/2019

190929/FUL: 23/7/2019

Application: 8 week target decision date:

190760/FUL: 17/6/2019

190929/FUL: 23/7/2019

Extension of time: Agreed for 30 November 2019 (both applications)

**190760/ FUL - RECOMMENDATION**

Grant Full Planning Permission, subject to the following conditions.

Conditions

1. Standard 3 Year Time Limit
2. Approved Plans
3. Materials to match
4. Hours of operation (1200 - 2300 all days)
5. Pre-occupation details of bicycle parking
6. Vehicle parking in accordance with approved plans
7. Pre-occupation details of bin stores
8. Pre-commencement details of ventilation and acoustic assessment
9. Mitigation measures in accordance with Noise Assessment
10. Pre-commencement details of odour management and extraction details
11. Litter management plan - Including restricted hours for such collection
12. Delivery and servicing plan
13. Pre-commencement details of permeable hard surfacing and boundary treatments
14. Parking permits - advising council of new address
15. Parking permits - advising occupiers of no availability of parking permits
16. No use of flat roof - PD Restriction

Informatives

1. Building Regulations
2. Positive and Proactive
3. Highways Act

4. Pre-commencement conditions
5. Bonfires
6. Terms and Conditions
7. CIL
8. HMO maximum occupancy and licensing requirements

#### **190929/ FUL - RECOMMENDATION**

**Grant Full Planning Permission, subject to the following conditions.**

1. Standard 3 Year Time Limit
2. Approved Plans
3. Pre-occupation details of bicycle parking
4. Vehicle parking in accordance with approved plans
5. Pre-occupation details of bin stores
6. Mitigation measures in accordance with Noise Assessment
7. Pre-occupation HMO Management plan to be submitted
8. Parking permits - advising council of new address
9. Parking permits - advising occupiers of no availability of parking permits
10. No use of flat roof - PD Restriction

#### **Informatives**

1. Building Regulations
2. Positive and Proactive
3. Highways Act
4. Pre-commencement conditions
5. Bonfires
6. Terms and Conditions
7. CIL
8. HMO maximum occupancy and licensing requirements

## **1. INTRODUCTION**

- 1.1 The application site is a part 1 storey, 2 storey and 3 storey mid terrace building. It is a vacant A2 (financial institution) within the Christchurch Road Local Centre. The surrounding area is a mix of commercial and residential premises, with residential above the adjacent commercial premises.
- 1.2 Parking is within a shared, unrestricted on-street section in front of the commercial premises. In addition, the rear of the site is accessible via a private lane.
- 1.3 These applications have been called in to Planning Applications Committee by Ward Councillor's, citing concerns raised by local community.
- 1.4 At the time of the site visit, the frontage of the site (and adjoining site) was shrouded by scaffold for what appeared to be maintenance works.



Figure 2 - Location Plan - the site

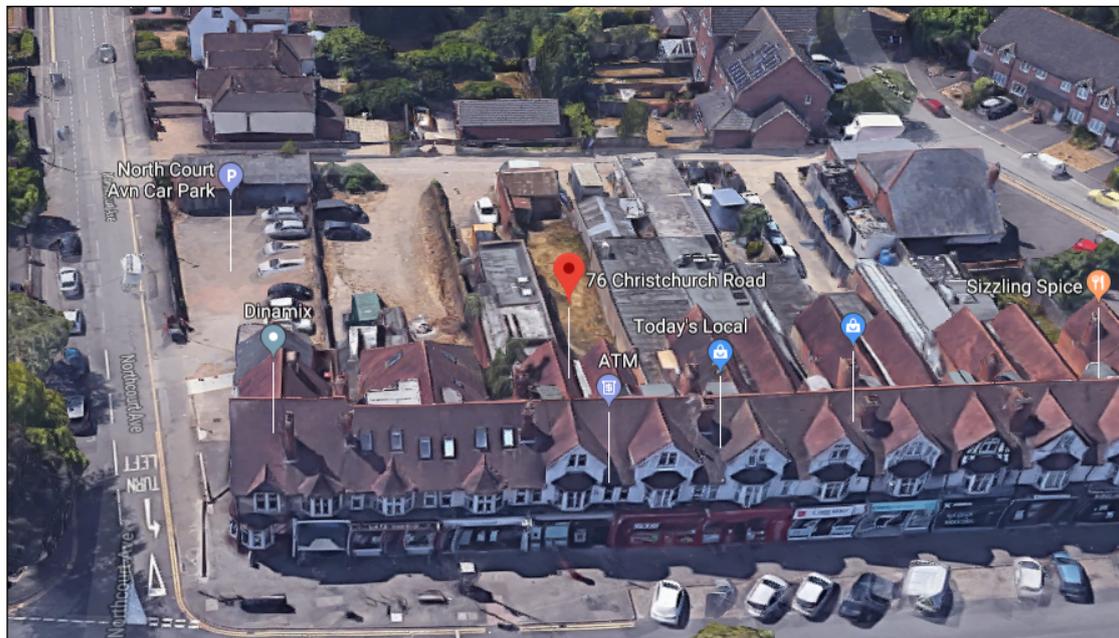


Figure 3 - Aerial Image

## 2. PROPOSAL AND SUPPORTING INFORMATION

### 190760/FUL

1. Change of use of the ground floor from A2 (bank) to A5 (hot food takeaway) with part demolition of the single storey rear extension; car parking, bin storage, and cycle parking to the rear; landscaping to the rear; a part-retrospective application for full width flat roof rear dormer. Change of use of first and second floor from A2 (Bank) to C4 (House in multiple occupation) (HMO)).
2. This application does not include any physical changes to the shop front and any changes will require separate planning approval and/or advertisement consent.

### 190929/FUL

3. Change of use of first and second floor from A2 (Bank) to C4 (HMO)
4. For both applications, the proposal would make the first and second floor a small C4 HMO (4 rooms, in addition to bathroom and kitchen/ communal space shown on first and second floors plan.
5. Both proposals include the provision of a rear facing full width flat roof dormer window to ensure sufficient head heights within the second floor.
6. Access to the residential unit would be both from the front and the rear, with a door on the Christchurch Road frontage adjacent to the existing ATM, and an external staircase to the rear accessed from the parking/servicing area off the private lane.
7. In each proposal, the existing external access stairs from the rear would be unchanged, although the single storey rear extension as currently existing would be retained under application 190929.
8. Each application would include parking to the rear of the site, with 3 parking spaces proposed as part on application 190760, and 2 parking spaces to the very rear of the site as part of application 190929.
9. Submitted Plans and Documentation:

### 190760/FUL

- Drawing No: A-1200 Rev A Car park & Bin Store
- Drawing No: A-1130 Rev A Proposed elevations (A5 on ground floor)
- Drawing No: A-1030 Rev A Proposed plans (A5 on ground floor)
- Drawing No: A-1100 Rev A - Existing Elevations
- Drawing No: A-1010 Rev A - Existing plans
- Drawing No: A-1000 Rev A - Site Location Plan & Block Plan
- CIL form
- Application forms

As received 10 May 2019

- Planning Statement
- Drawing No: A-1200 Rev A Car park & Bin Store
- Noise Assessment Ref - 20190621\_4471\_ENS\_01
- Drawing No: A-1000 Rev B - Site Location Plan & Block Plan
- Drawing No: A-1200 Rev C Car park & Bin Store

As received 23 July 2019

- Amended Planning Statement
- Drawing No: A-1200 Rev E Car park & Bin Store
- Drawing No: A-1000 Rev C - Site Location Plan & Block Plan

As received 9 September 2019

- Amended Noise Assessment Ref - 20190621\_4471\_NIA\_01

As received 23 October 2019

### **190929/FUL**

- CIL form
- Application forms
- Drawing No: A-1120 Rev A Proposed apartment elevations
- Drawing No: A-1010 Rev A - Existing plans

As received 12 June 2019

- Drawing No: A-1200 Rev A Car park & Bin Store
- Drawing No: A-1000 Rev B Site Location and Block Plan

As received 13 September 2019

- Drawing No: A-1020 Rev B - Proposed plans

As received 23 October 2019

## **3. RELEVANT PLANNING HISTORY**

None applicable on-site.

60 Christchurch Road - 181571/FUL - Change of use of ground floor to Class A3 café/restaurant, part single, part two-storey rear extension, changes to shopfront and kitchen extract equipment on rear flat roof and increase of first and second floor flat to create small HMO. REFUSED, DISMISSED at appeal Ref: APP/E0345/W/19/3228388. *Officer Note: Relevant due to the differences between LDF and the new, to be adopted local plan (2019).*

## **4. CONSULTATIONS**

### **RBC Environmental Protection**

- 4.1 No objections subject to conditions and informatives.

### **RBC Transport**

- 4.2 No objections subject to conditions and informatives.

### **RBC Licensing**

- 4.3 No objections subject to conditions and informatives.

## 5. Public Consultation:

5.1 Letters have been sent to adjoining properties, a site notice was erected following amendments to the site location plan (including adjoining property owned by applicant for access) on 17 September 2019.

5.2 A number of representation have been received, and can be summarised as below:

- No formal notice originally erected. *Officer Note: Applicants are sent a site notice, although no statutory requirement to erect a site notice for this type of application, a site notice was erected following amendments to site plan*
- No consultation on amended plans. *Officer note: as per the first point above*
- Noise
- Impacts to highway safety - users, deliveries, delivery vehicles, parking
- Litter and antisocial behaviour.
- Rats associated with waste storage
- Noise impacts
- Concentration of takeaway uses in centre
- Trade waste disposal
- Mix of dwelling in the area
- Cooking Odour impacts
- Impacts on adjoining conservation area
- Errors/inaccuracies in planning statement

## 6. RELEVANT PLANNING POLICY AND GUIDANCE

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'.

6.2 Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the local planning authority to have special regard to the desirability of preserving a listed building or its setting or any features of special interest which it possesses.

6.3 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.

6.4 The following local and national planning policy and guidance is relevant to this application:

## NPPF

### Section 7: Ensuring the Vitality of Town Centres

#### Core Strategy (2008, altered 2015)

CS1: Sustainable Construction and Design  
CS2: Waste Minimisation  
CS5: Inclusive Access  
CS7: Design and the Public Realm  
CS9: Infrastructure, Services, Resources and Amenities  
CS14: Provision of Housing  
CS24: Car / Cycle parking  
CS26: Network and Hierarchy of Centres  
CS27: Maintaining the Retail Character of Centres  
CS34: Pollution and Water Resources

#### Sites and Detailed Policies Document (2012, altered 2015)

SD1: Presumption in Favour of Sustainable Development  
DM1: Adaptation to Climate Change  
DM2: Decentralised Energy  
DM3: Infrastructure Planning  
DM4: Safeguarding Amenity  
DM6: Affordable Housing  
DM10: Private and Communal Outdoor Space  
DM12: Access, Traffic and Highway-related Matters  
DM13: Vitality and Viability of Smaller Centres  
DM19: Air Quality  
DM20: Hazardous Installations  
DM23: Shopfronts  
SA15: District and Local Centres

#### Supplementary Planning Document (SPDs)

Affordable Housing SPD, 2013  
Revised Parking Standards and Design SPD, 2011  
Planning Obligations under Section 106, 2015  
Sustainable Design and Construction, 2011

#### **Reading Borough Submission Draft Local Plan 2018**

The New Reading Borough Local Plan is proposed to be adopted by the Council on 4 November 2019 so the following Policies will supersede those listed above.

#### Reading Borough Local Plan (Expected Adoption November 2019)

CC1: Presumption in Favour of Sustainable Development  
CC2: Sustainable Design and Construction  
CC3: Adaptation to Climate Change  
CC4: Decentralised Energy  
CC5: Waste Minimisation and Storage  
CC7: Design and the Public Realm

CC8: Safeguarding Amenity  
 CC9: Securing Infrastructure  
 H1: Provision of Housing  
 H3: Affordable Housing  
 H10: Private and Communal Outdoor Space  
 TR1: Achieving the Transport Strategy  
 TR3: Access, Traffic and Highway-Related Matters  
 TR5: Car and Cycle Parking and Electric Vehicle Charging  
 EN15: Air Quality  
 EN16: Pollution and Water Resources  
 EN17: Noise Generating Equipment  
 RL1: Network and Hierarchy of Centres  
 RL3: Vitality and Viability of Smaller Centres  
 OU2: Hazardous Installations  
 OU5: Shopfronts and Cash Machines

## 7. APPRAISAL

The main matters to be considered are:

- Effect on the Local Centre - Principle of development
- Amenity of Existing and Proposed Residents
- Design
- Transport
- Community infrastructure levy & Affordable Housing
- Equalities impact

### Effect on the Local Centre - Principle of development

7.1 The application site is within the Local Centre of Christchurch Road as defined within Policy RL1, which states that “the vitality and viability of these centres should be maintained and enhanced.” Policy RL3 provides further detail with regard to the balance of uses within specific centres. This requires that:

*“Within the Key Frontages (identified on the Proposals Map), development involving a net loss of A1 retail or A2 financial and professional to other ‘centre uses’ will only be permitted where:*

- *There would be no more than 3 consecutive units which are not in A1 or A2 retail use; and*
- *The proportion of the total length of the Key Frontage within the centre that is in A1 or A2 use would exceed the relevant proportion...*
  - *Christchurch Road - 60%”*

*And*

*Within district, major local and local centres, development will be permitted provided that:*

- *There would be no more than 2 consecutive A5 takeaways, and no more than 30% of the length of the Key Frontage would be in takeaway use;*

- ... on upper floors, other uses including residential will be acceptable; and ...
- ... at ground floor new development should provide some ‘centre uses’

7.2 A recent planning appeal against refusal of a conversion of an A1 unit to A3 at no.60 Christchurch Road (above), was recently refused due to the application being assessed against the Core Strategy (2008, altered 2015) and the Sites and Detailed Policies Document (2012, altered 2015), which had differing requirements on uses within the key frontage. In this instance, the number of units resulting from that approval would have been more than the 50% guidance for A1 units within the frontage and as such was refused and this reason for refusal was upheld at appeal. The Inspector in this case assessed the application, and in relation to the emerging local plan stated “I have given relevant emerging policies limited weight in my consideration of this appeal.” With the adoption of the Reading Borough Local Plan 2019 however these policies are now given full weight

7.3 The site is located within the key frontages as identified on the proposals map, which includes even no’s 56-82 inclusive (i.e. not including the Queen’s Head Public House). Policy RL3 outlines all ‘centre uses’ which includes A5 (takeaways). The proposed use would result in a loss of an A2 use and would re-provide another ‘centre use’.

7.4 The proposed change of use at the application site to A5 would be adjacent to an A2 use (Cintra Estates), and an A1 use (Today’s Local), as such would not result in more than 2 consecutive A5 takeaways. The change of use would make the development site the second A5 takeaway use within the centre (the other being Domino’s), making the total length of the Christchurch Road Local Centre 14.6% being in A5 use (based on physical length of each building).

7.5 In addition, the overall proportion of uses within A1 and A2 use, currently at 78.7% would only fall to 70.7%, well in excess of the 60% target as outlined above.

7.6 The conversion of the first and second floor to use as a small HMO would accord with conversion policy and could benefit from permitted development rights if the ground floor remained in either A2 or A1 use.

**Amenity of Existing and Proposed Residents**

7.7 A number of amenity issues have been raised through public consultation related to matters set out under Policy CC8: Safeguarding Amenity. This policy states that “Development will not cause a significant detrimental impact to the living environment of existing or new residential properties, in terms of:

- Privacy and overlooking;
- Access to sunlight and daylight;

- Visual dominance and overbearing effects of a development;
- Harm to outlook;
- Noise and disturbance;
- Artificial lighting;
- Vibration;
- Dust and fumes;
- Smell;
- Crime and safety; or
- Wind, where the proposals involve new development of more than 8 storeys.

As well as immediate impacts, other aspects to which this policy applies will include matters such as hours of operation of businesses, and effects of traffic movements, particularly of heavy goods vehicles (HGVs). Proposals which would generate regular movements of HGVs on residential roads will not be acceptable.”

- 7.8 The proposed ground floor change of use from A2 to A5 is within a Local centre where there are existing A3 and A5 premises and shops. The issues raised by local residents are that the addition of a further A5 use would have a significant detrimental effect on amenity. Although responses indicate that there are issues with existing premises with respect to noise and disturbance, anti-social behaviour and litter, it is not considered that the addition of one unit would be so significantly different to the existing situation and it is not likely that a reason for refusal on this basis would be possible to defend at appeal.
- 7.9 The Environmental Protection officer commented that the following was not sufficiently addressed in the original submission:
- Odour and noise from kitchen extraction;
  - Noise impact on development (from plant equipment, and commercial premises in vicinity)
- 7.10 The applicant has submitted an amended noise impact assessment detailing adequate mitigation measures to ensure sufficient internal noise standards for future residents living above, and would be secured by condition. A condition will also be attached to ensure any plant equipment meets these requirements.
- 7.11 In the appeal decision mentioned above, the Inspector concluded in that case, as the applicant was not yet aware of the future operators requirements a detailed odour assessment may not be practical at this time. The Inspector was content that a planning condition could be applied to satisfactorily guard against the potential odour nuisance. As such, this stance would be reasonable given the lack of details as to what the kitchen equipment would be. All environmental protection conditions are detailed in the appendix below.
- 7.12 It is likely that the amount of waste which would be generated from an A5 use would be greater than for an A2 (bank) and the nature of the waste

would of course be different. There is a bin storage area shown to the rear of the premises, accessed from the rear of the site, and it would appear sufficient space to also provide for bins associated with both the residential use above and the takeaway use, and details of bin storage arrangements will be required by condition, prior to occupation.

- 7.13 The proposed development proposes a single bin storage area for both the commercial and residential use. The Council's waste guidelines recommend that bin storage areas are separated for the different uses, to ensure that household waste is not disposed in commercial waste bins. The overall proposed storage capacity is considered sufficient, and would comply with Policy CC5: Waste Minimisation and the Council's Waste Management Guidelines. Officers are satisfied that the recommended conditions to require a HMO management plan and a waste management plan to ensure waste is managed appropriately (for both uses) including pick-up times for commercial waste, and to ensure appropriate subdivision of the bin storage area (i.e. separate gates/areas for each area) provide adequate reassurance in this matter.
- 7.14 The proposed scheme includes demolition of part of the single storey rear extension. This would allow for the vehicle parking, bin storage, and bicycle storage accessed from the private lane to the rear. A number of properties within the row of shops are currently serviced by this lane. As such, the addition of one would not significantly change the existing situation.
- 7.15 The external rear access is to be retained but altered for application 190760. The new use as a HMO is considered to have fewer movements associated with it than a business use. As such, it would not be significantly harmful to existing residents above other shops.
- 7.16 A number of concerns are related to the use as HMO, and the suitability of the size of the unit. The kitchen/ communal area is a good size. All bedrooms would benefit from an external window as does the proposed communal space. In addition, all bedrooms are in excess of the minimum requirements under the Council's adopted SPD, and as such it would be considered acceptable to provide only one communal area/kitchen.
- 7.17 There is no external amenity space, but this is not uncommon for residential uses above shops and this location is very close to the public open space of Cintra Park and open spaces at the University grounds, and is therefore considered acceptable in this regard. Subject to conditions the residential element of the scheme would be considered acceptable and in accord with Policy CC8. To ensure residential amenity of adjacent residential properties is not adversely affected, a condition will be attached restricting the use of the flat roof portion as private amenity space.

#### Design

- 7.18 The scheme does not include any physical alterations to the shop front. The applicant has also advised that the ATM is to be retained as part of any

future works, as mentioned above, any future proposed changes would require full planning permission, and any advertisements would require permission.

- 7.19 To the rear, application no. 190760 includes the part demolition of the single storey rear extension. This would facilitate the creation of 4 no. parking spaces to the rear of the site, and the provision of a combing bicycle and waste store. These changes include the removal of the boundary wall between the subject site (no.76) and the adjoining site (no.78) which is owned by the applicant. Materials will be required to match for works to re-instate the rear wall as proposed for application 190760.
- 7.20 Although the adjoining site is not within the application site boundary (red line plan) as the site is in control of the applicant, a condition can be attached to ensure the rear of no.78 is kept clear to enable cars to enter and exit the site.
- 7.21 The applicant has also confirmed by e-mail that this submission seeks part-retrospective consent for the construction of a full-width flat roof dormer. This would ensure all aspects of the building for which the use relates would benefit from planning permission.
- 7.22 In this instance, the proposed flat roof dormer would resemble that of a permitted development dormer, being no higher than the ridge height of the roof it is attached, maintains the guttering, includes materials similar to the roofing materials of the original dwelling. The dormer would not meet the requirements of the Council's 'Design guide to house extensions' which would generally seek to design a dormer with a commensurate roof shape. In this instance, although the dormer is bulky, the incongruous nature of dormer windows within the vicinity, and distance between other residential properties, this combined with the limited view of the dormer from the public realm, it is not considered that this would be significantly harmful to amount to a reason for refusal.
- 7.23 No details have been provided as to the type or scale of hard standing to the rear or details of means of enclosure for the bin/bike store. A condition is recommended to have details provided prior to commencement of development (demolition) to ensure an acceptable level of permeable paving is provided.
- 7.24 The proposals are therefore considered to accord with Policy CC7.

#### **Transport**

- 7.25 The proposed development would include 4no. parking spaces to the rear. All properties in this row of shops have shared rights of access over the private lane.

- 7.26 Application 190929 would not require changes to access (over the adjoining land) nor would it increase the space currently available for parking of vehicles. As such two vehicle spaces could be utilised for the site.
- 7.27 The intensification of the access to provide 2 additional car parking spaces would not be significantly greater than the existing use of the private road to the rear of the site. Therefore the proposed development would comply with Reading's Transport Policies.

#### **Community Infrastructure Levy & Affordable Housing**

- 7.28 The proposal does not result in any additional floor space that would be CIL chargeable.
- 7.29 The development would not be required to contribute toward affordable housing in the Borough as the change of use to residential would be restricted to the existing building.

#### **Equalities Impact**

- 7.30 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.
- 7.31 In terms of the key equalities protected characteristics it is considered there would be no significant adverse impacts as a result of the development.

### **8. CONCLUSION**

- 8.1 This proposal has been carefully considered in the context of the Reading Borough Council Local Plan (expected adoption November 2019), and supplementary planning documents. The proposed development is considered appropriate within the current policy context, and it is recommended that approval be granted subject to the above mentioned conditions and informatives.

### **9. RECOMMENDATION**

**GRANT subject to conditions**

Case Officer: Anthony Scholes

1. 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 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 facade (habitable window of a dwelling) shall not exceed the pre-existing background sound level, LA90,T when all plant/equipment (or any part of it) is in operation. 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.

REASON: To safeguard the amenities of the adjoining premises and the area generally, in accordance with Policy CC8 and EN17 of the Reading Borough Local Plan 2019.

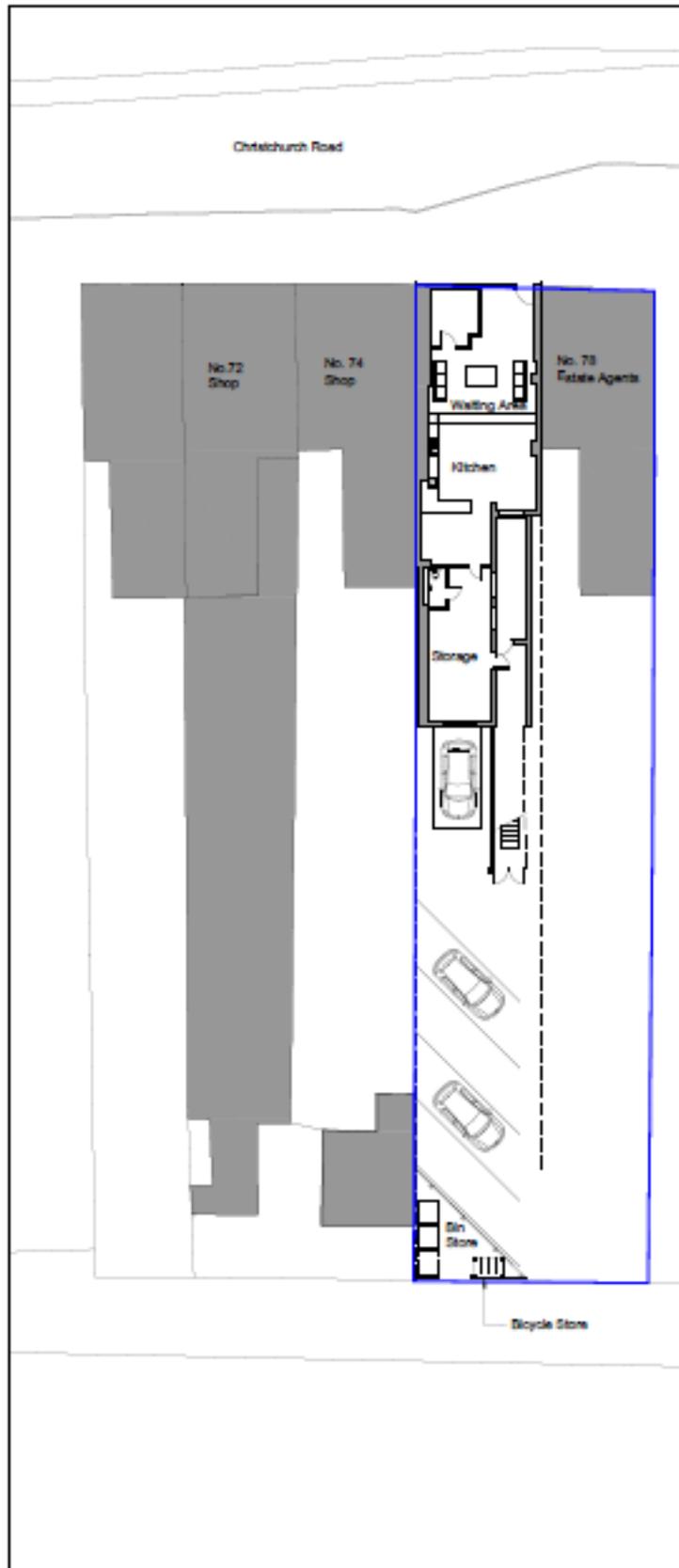
2. The HMO hereby approved shall not be occupied until, the glazing, ventilation and any other mitigation specified is installed in accordance with the specifications recommended within the Noise Assessment submitted with the application, prepared by Paragon Acoustic Consultants, dated 26/06/2019, document ref: 20190621\_4471\_NIA\_01

REASON: In order to protect the amenity of future occupants of the proposed development in accordance with Policy CC8 of the Reading Borough Local Plan 2019.

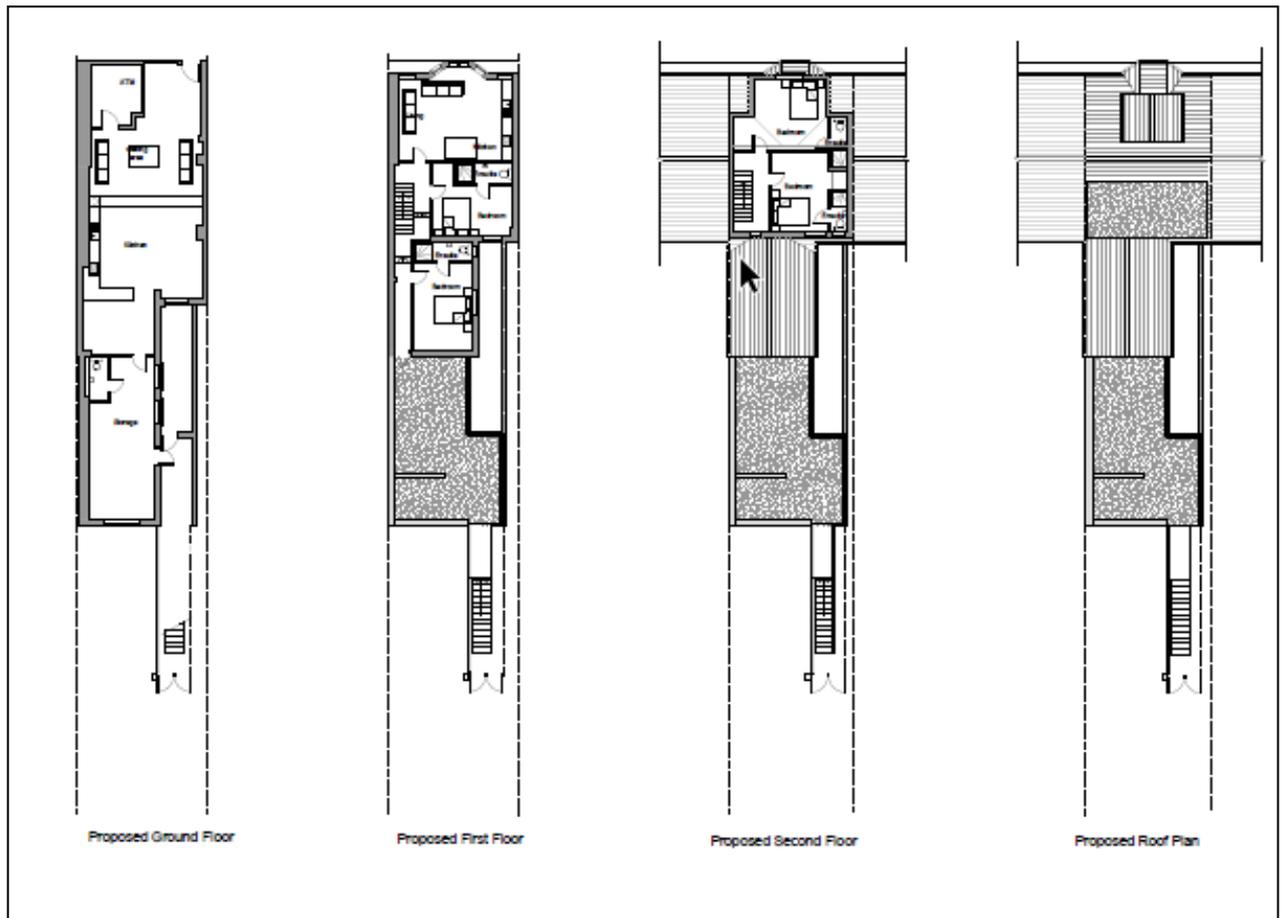
3. No development shall commence on site until an odour assessment has been carried out and a detailed odour management plan to include scaled plans, odour control specifications and a maintenance plan has been submitted to and approved in writing by the Local Planning Authority. Reference shall be made to the DEFRA guidance on the Control of Odour and Noise from Commercial Kitchen Exhaust Systems (Jan 2005) when assessing potential odours and selecting appropriate odour control methods. Thereafter, the development shall not be carried out other than in accordance with the approved scheme unless otherwise agreed in writing by the Local Planning Authority.

REASON: These details are required due to insufficient information being contained within this submission and to safeguard the amenity of adjoining properties and to protect the general environment in accordance with Policy CC8 of the Reading Borough Local Plan 2019.

# Plans



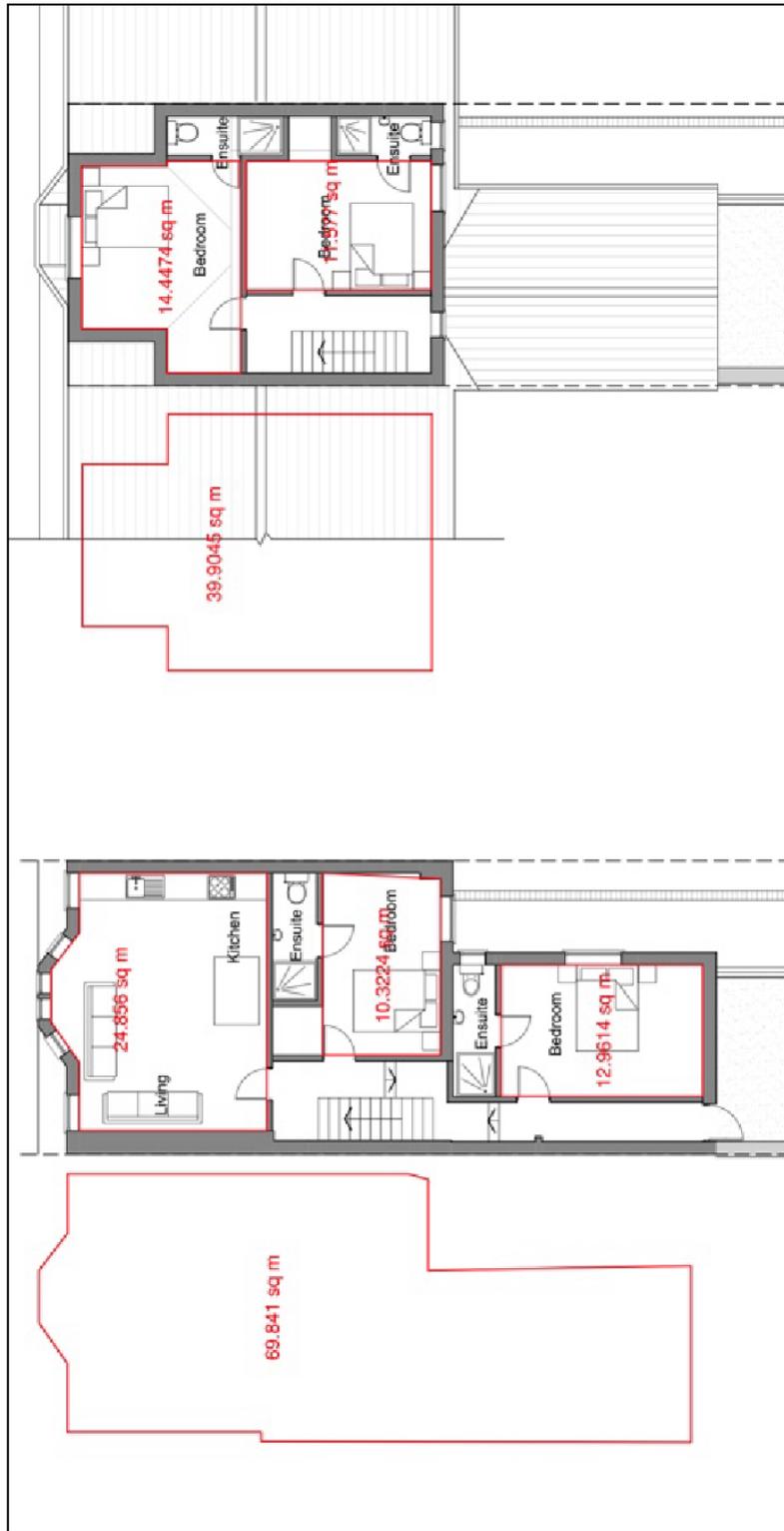
Proposed site plan (and GF plan)



Proposed floor plans



Proposed elevations



Floor space calculations (HMO)

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## APPENDIX 2-

### UPDATE REPORT

BY THE DIRECTOR FOR ECONOMIC GROWTH AND NEIGHBOURHOOD SERVICES READING BOROUGH COUNCIL PLANNING APPLICATIONS COMMITTEE: 13 <sup>th</sup> November 2019	ITEM NO.
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Ward: Church

App No: 190760/FUL & 190929/FUL

Address: 76 Christchurch Road, Reading

**190760/FUL Proposal:** Change of use ground, first and second floor of A2 (Bank) to A5 on the ground floor, and on first and second floor from A2 to C4 HMO. Part-retrospective application for flat roof rear dormer.

**190929/FUL Proposal:** Change of use of 1st and 2nd floors from bank (Class A2) to C4 HMO. Part-retrospective application for flat roof rear dormer.

### RECOMMENDATION:

Grant, as per the main agenda report with an additional condition for a litter management strategy (for application 190760 - ground floor change of use from A2 to A5).

#### 10. ADDITIONAL REPRESENTATIONS MADE

- 1.1 Following the publishing of the committee agenda and associated report, a number of additional letters of representation have been received.
- 1.2 Several letters have outlined their support for the application - these can be summarised as:
- Bringing vacant unit back into use
  - Less people working at the unit would reduce its impact.

While two letters were received objecting to the proposal:

- Objection despite compliance with policies

- 1.3 Councillor Pearce is unable to attend the meeting, and has provided the following comment in relation to the proposal:

*“As one of the local Councillors for the Ward in which this application sits I would like to express my concern at this application and urge committee members to refuse.*

*There is strong resident feeling in the local area around this application and the wider area in general. Concerns about other, similar local takeaway establishments were expressed earlier this year when there was another planning application, and the same issues apply here.*

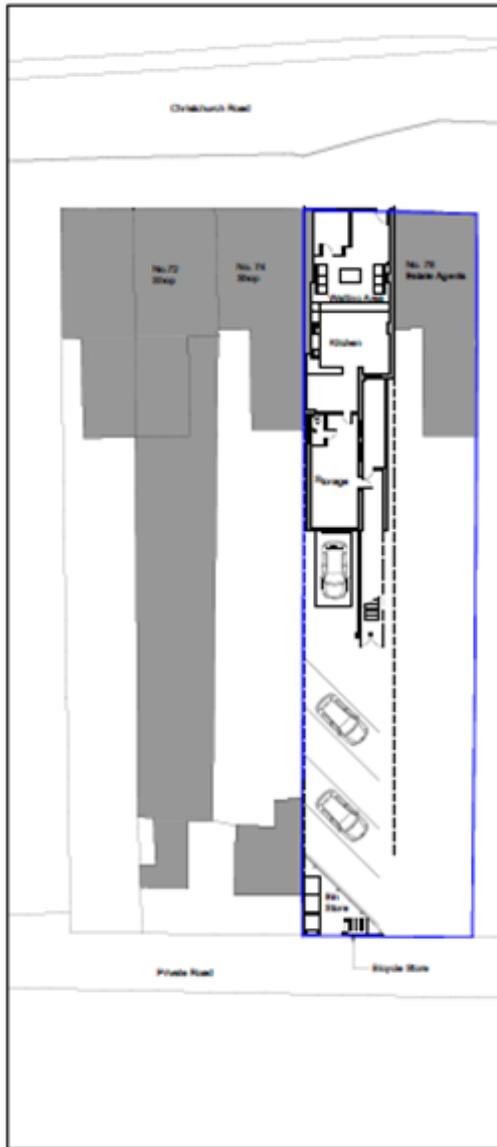
*These row of shops are historic in nature and architecture, and have in the past provided local amenities for varying parts of the*

*community. The scope and target of these shops appear to be narrowing, to the detriment of many in the local community.*

*Local residents are concerned with the noise and disturbance that increased deliveries will cause, the parking issues in front and near the shops will be exacerbated, and there is the obvious potential of an increase in anti-social behaviour which is already an issue residents have raised with me.”*

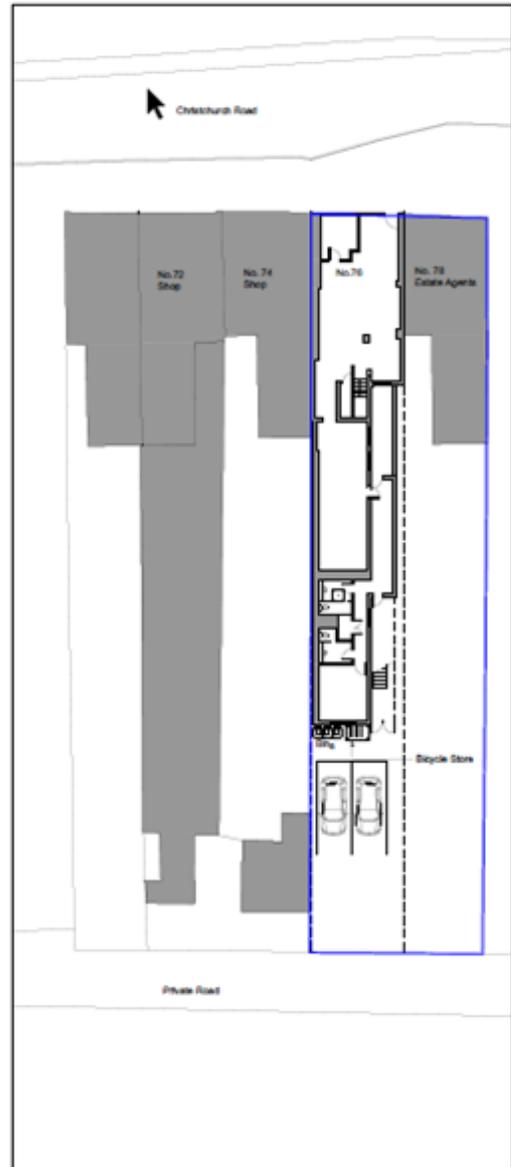
- 1.4 For clarity, applications 190760 and 190929 differ in that 190929 retains the single storey building to the rear as shown on plans below.
- 1.5 In addition, the original report did not include a condition relating to a litter management strategy which is commonly attached to takeaway uses. As such, an additional condition is recommended as above.

Case Officer: Anthony Scholes



Landscape Plan of Development  
SCALE 1:200

190760/FUL – Proposed Site Plan



Landscape Plan of Development  
SCALE 1:200

190929/FUL – Proposed Site Plan