

COMMITTEE REPORT

BY THE DIRECTOR FOR ECONOMIC GROWTH AND NEIGHBOURHOOD SERVICES
READING BOROUGH COUNCIL
PLANNING APPLICATIONS COMMITTEE: 15th January 2020

Ward: Church

App No: 191755/FUL

Address: 60 Christchurch Road, Reading

Proposal: Change of use of ground floor to Class A3 cafe/restaurant. Changes to shop front and kitchen extract equipment on rear flat roof.

Applicant: M Gill

Date validated: 12/11/19

Application 8 week target decision date: 27/12/19

Extension of time: Agreed for 20 January 2020

RECOMMENDATION

Grant Full Planning Permission, subject to the following conditions and informatives:

Conditions:

1. Time Limit
2. Approve Plans
3. Materials (to be approved)
4. Pre-commencement Delivery and servicing plan (including waste)
5. Pre-commencement acoustic assessment:

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 façade (habitable window of a dwelling) shall not exceed the pre-existing background sound level, LA90,T when all plant/equipment (or any part of it) is in operation. The plant shall thereafter only be installed in accordance with the assessment and shall thereafter be maintained so that it operates to the same standard.

6. Pre-commencement odour management:

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.

7. Hours of opening (0700-2300)

8. Glazing to be kept free of obstruction
9. Any takeaway component to remain ancillary to main use

Informative

1. Positive and proactive
2. Terms
3. Pre-commencement conditions
4. Further Advert Approvals Required
5. Building control

1. Introduction

- 1.1 The application site is a part 2 storey and 3 storey end of terrace building within the Christchurch Road Local Centre. It is a vacant A1 dry cleaners, with a vacant flat split over first and second floors. 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.
- 1.3 There is a pedestrian access to the flat from a side door. The staircase to the flat above, could previously be accessed from inside the shop too.
- 1.4 At the time of the site visit the single storey rear extension (permitted under 170254) had been constructed.



Location plan

2. Proposal

- 2.1 The proposal is for the change of use of the ground floor from A1 to A3 (café/restaurant) with new shopfront, new internal bin store to the rear

(doors to the bin store on the rear elevation only) and associated internal changes including customer toilets (one disabled).

3. Background information

3.1 Application 181571/FUL for the same proposal was validated on the 6th of September 2018. The application was assessed under the superseded local development framework. The application was refused by officers (on the 4th 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 27th August 2019. The key matters that the Inspector had regard to when dismissing the appeal were:

- The effect of the proposed change of use on the retail function of a Local Centre;
- The effect upon the living conditions of neighbouring residential occupiers, with particular regard to cooking odours; and
- Whether or not appropriate provisions would be made for the storage of refuse/waste.

3.2 In the preface to the Inspectors report it was made clear that little weight was afforded to the emerging new Local Plan as it was yet to receive the examining Inspectors report that covered soundness. An extract from this decision is given below:

“Whilst I note reference in the advice to the emerging Local Plan potentially being formally adopted as soon as October 2019, I have given relevant emerging policies limited weight in my consideration of this appeal.”

3.3 The appeal Inspector upheld the first point above as the main reason for refusal. The Inspector however concluded that the reasons for refusal relating to bin storage and odour impacts could be addressed by conditions.

3.4 Lastly, on the concerns raised by neighbours including: parking, delivery arrangements, air quality, potential noise disturbance/anti-social behaviour and the effect upon neighbouring living conditions, the Inspector did not find it necessary to address these concerns as the application had been found unacceptable for the reasons stated above.

3.5 The appeal decision was determined under now superseded policies, which have differing requirements within centres and as such is not directly relevant to the current application.

3.6 It should be noted that there was an agreement by the Inspector and Officers that the previously refused scheme would have been acceptable when assessed against the new Local Plan policies.

4. Current uses within Christchurch Road local centre

4.1 Representations have been made in relation to the mix of uses within the centre. Members will recall the previous application approved at December Committee for no. 76 Christchurch Road. The table below and following plan have been updated to show the current approved uses within the centre.

Table 1 - Existing and approved uses in frontage (including percentages)

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	Approved as A5 (December 2019)	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		54.1m	70.7%
Total Proportion of A1 & A2 in centre if approval issued		49m	64.1%

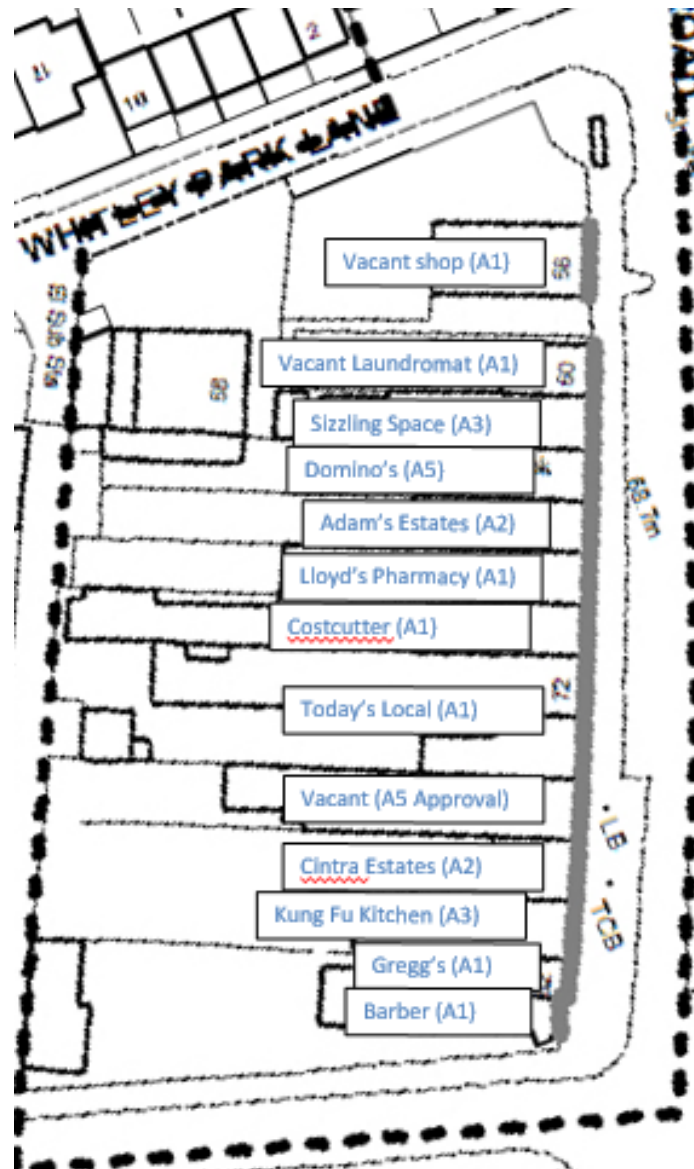


Figure 1 - Plan showing designated frontage within the centre

Figure 2 - Location Plan - the site



Figure 3 - Aerial Image

The site

Submitted plans and supporting documents

- Site Location Plan as Existing - Drawing no: 308-02-00
- Floor Plans as Existing [ground and first] - Drawing no: 308-01-00
- Existing and proposed elevations - Drawing no: 308a-05-10 Rev P
- GF & FF Proposed Floor Plans - Drawing no: 308a-03-10 Rev P
- Planning Statement
- Acoustic Report

5. Relevant Planning History

02/0217/FUL (020504) - Erection of single storey extension at the rear of existing building to form a storage area for laundry - Approved 17/4/02

170254 - Single storey rear extension to existing building, re-submission and alteration to expired consent 02/00217/FUL. Alteration comprises increase in length of extension of 6 metres - Approved 11/4/17

171491 - Change of use of building from Class A1 (shops) to A3 (restaurants). Prior Notification under Class C, Part 3 of Schedule 2 of the Town and

Country Planning (General Permitted Development) Order 2015 - Withdrawn 6/10/17

181828/APPCON - Discharge of condition 4 of planning permission 170254 - Discharged 16/11/18

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.

6 Consultations

RBC Environmental Protection

No objections subject to conditions and informatives.

RBC Transport

No objections subject to conditions and informatives.

RBC Licensing

No objections.

Public Consultation:

Nos. 56, 56A, 58, 60A, 62, 62A, 83 and 83A Christchurch Road and Top Gear Tyres, Whitley Park Lane were consulted. A site notice was erected, 15 no. responses were received. A summary of the objections is as follows:

- Noise
- Impacts to highway safety - users, deliveries, delivery vehicles, parking
- Litter and antisocial behaviour
- Rats associated with waste storage
- Noise impacts (including those potentially associated with opening hours)
- Trade waste disposal
- Number of café/restaurants in the area
- Cooking Odour impacts
- Litter and appearance of rear lane *Officer Note: Subject site does not have any access to rear lane*

7. RELEVANT PLANNING POLICY AND GUIDANCE

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

NPPF

Section 7: Ensuring the Vitality of Town Centres

Reading Borough Local Plan (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

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

8. APPRAISAL

The main matters to be considered are:

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

Effect on the Local Centre - Principle of development

- 8.1 The proposed development is to be assessed against the Reading Borough Local Plan 2019 which was formally adopted at the Full Council meeting on 4th November. The previous application was assessed against Policy DM13 of the Sites and Detailed Policies Document (2012, amended 2015). For clarity, the policies and differences are outlined below.
- 8.2 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...”*

Officer Note: For Christchurch Road this was 50%.

8.3 The original change of use application 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%.

8.4 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...”*

Officer Note: For Christchurch Road this is currently 60%.

8.5 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"> • <i>There would be no more than 3 consecutive units which are not in A1 retail use; and</i> • <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> <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"> • <i>There would be no more than 3 consecutive units which are not in A1 or A2 retail use; and</i> • <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> <p>Christchurch Road Local Centre: 60%</p>

8.6 This policy change, by 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.

- 8.7 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:

- *... at ground floor new development should provide some ‘centre uses’*

- 8.8 As outlined above, the same application which was recently refused (and subsequently dismissed at appeal) was 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 the previous case, the number of units resulting from that approval would have been more than the 50% guidance for non-A1 units within the frontage and the number of consecutive units not in A1 use.

- 8.9 The proposed change of use at the application site to A3 would lie between an A1 unit (Vacant heating shop), Sizzling Spice (A3), Domino’s Pizza (A5) and Adam’s Estates (A2) as such would not result in more than 3 consecutive units not in A1 and A2 use.

- 8.10 In addition, the overall proportion of uses within A1 and A2 use, currently at 70.7% would only fall to 64.1%, which is in excess of the 60% target as outlined above.

Amenity of Existing and Proposed Residents

- 8.11 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.”

8.12 The proposed ground floor change of use from A1 to A3 is within a Local centre where there are existing A3 and A5 premises and A1 shops. The issues raised by local residents are that the addition of a further A3 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, given the Environmental Protection officer’s comments, that a reason for refusal on this basis would be possible to defend at appeal.

8.13 The Environmental Protection officer has recommended conditions which will require the submission of details of

- Odour and noise from kitchen extraction;
- Noise impact on development (from plant equipment)

for approval. Councillors are advised that they may choose to have an informative attached that would require the future discharge of conditions application to come to Committee for approval.

8.14 In the appeal decision (reference above), the Inspector concluded that, as the applicant was not yet aware of the future operator’s 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 in this case given the lack of details as to what the kitchen equipment would be. All environmental protection conditions are detailed in the recommendations section above.

8.15 The Applicant has confirmed that arrangements would be made for waste and recycling to be collected on a daily basis by a private contractor such that an external storage area would not be required. The Council’s Waste Management Guidelines note that different commercial businesses produce

varying quantities of waste and that storage and collection arrangements shall vary accordingly. In the appeal decision the Inspector noted that the proposed ground floor plan indicates the provision of an internal store area, which could potentially be used for the temporary daily storage of café/restaurant waste. In this instance the Inspector was satisfied that a planning condition could be imposed to provide full details and assurances with respect to how refuse/waste would be stored at the property and the precise intended collection arrangements, as well as ongoing compliance with any details agreed. As such, a condition to secure bin storage and servicing is recommended.

Design

- 8.16 The proposed shopfront, which would move the entrance door to one side with the rest as windows, would not be unusual in the centre, where there are many examples of a range of shopfronts, and would be considered acceptable. No changes are proposed to the front elevation at first and second floors. The proposal would comply with Policies CC7 and OU5.
- 8.17 Notwithstanding the above, the applicant is in discussions with Officers regarding the shopfront. Any changes will be addressed in an update report.

Transport

- 8.18 The Initially Transport advised that the scheme would require its own parking provision and that as none was provided the scheme should be refused on transport/ parking grounds. However, following review of further information from past appeal decisions and reviewing TRICs data, concluded that there would be no increase in demand for parking over and above the existing A1 use and there would be no transport objection to the proposed scheme.

Community Infrastructure Levy

- 8.19 As the proposal does not involve either new build floorspace of 100sqm or more and the proposal does not include one or more dwellings through conversion or new build then there is no liability to pay for Community Infrastructure Levy.

Equalities Impact

- 8.20 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.
- 8.21 In terms of the key equalities protected characteristics it is considered there would be no significant adverse impacts as a result of the development.

9. CONCLUSION

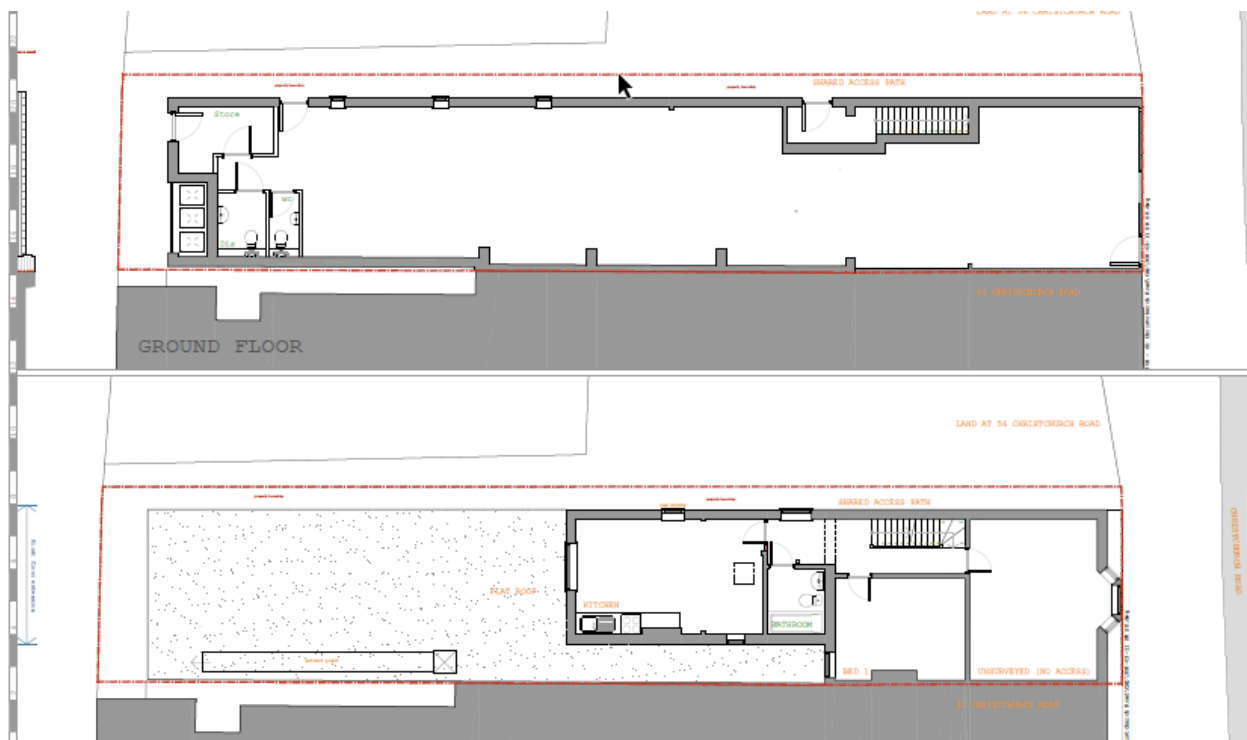
- 9.1 This proposal has been carefully considered in the context of the Reading Borough Council Local Plan (expected adoption November 2019), and supplementary planning documents. The proposed development is considered appropriate within the current policy context, and it is recommended that approval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

10. RECOMMENDATION

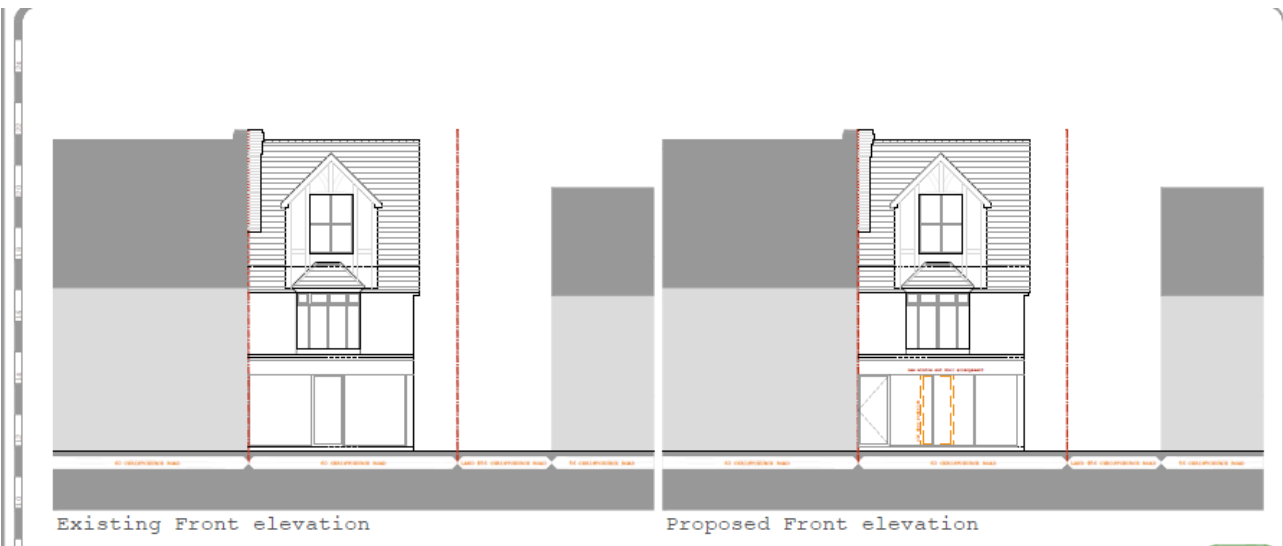
GRANT subject to conditions

Case Officer: Anthony Scholes

Plans



Proposed floor plan (and site plan)



Existing and proposed elevations