

DELEGATED APPLICATION REPORT - Application No. 211961FUL & 211962LBC

Address: 23-24 Market Place

Proposal: Retrospective change of use of ground floor and basement from Class Ec (Professional Services) to Hot Food Takeaway (Sui Generis) and minor internal and external alterations associated with the change of use including new kitchen extract system and vent opening to rear door

Case officer: Matt Burns

Site Description and Surrounding Area

The application site relates to a four storey building on the corner of Market Place and Friar Street. The change of use which is the subject of this application has already taken place but before that the last use of the building was as office for a car lease service. The building is Grade II Listed, the listing notes a number of features to the building frontage including bath stone ashlar (now rendered) exterior, moulded coping to parapet, slate roof, Doric pilasters above ground floor level. The listing notes that the building has a more recent shopfront, but it has been undertaken in a sympathetic and high quality style and has the appearance of ashlar surrounds and wooden window-framing.

The site is located within the Market Place / London Street Conservation Area and is sited opposite the Grade I Listed St Laurence's Church, Grade II and II* Listed Museum and Town Hall buildings as well as a series of other Grade II listed buildings within Market Place.

Surrounding buildings are within a mix of commercial uses, a number of which are currently vacant. Adjoining buildings either side have historic planning permission and prior approval for residential use.

The site is located within the Central area, Central Core, Office Core and Primary Shopping Area of the town centre as defined by Policy CR1 of the Reading Local Plan 2019. The building is also located within a Primary Frontage as designated by Policy CR7. The site is also within an air quality management area (AQMA), an area of archaeological potential and within the Abbey Quarter area as defined by Policy CR15.

Proposal

The application seeks retrospective planning permission for change of use of ground floor and basement from Class Ec (Professional Services) to a Turkish/Kebab Hot Food Takeaway (Sui Generis) and minor internal and external alterations associated with change of use including new air vent opening to rear door.

Plans and Documents Considered

- MP-2511-EPRE - Existing and Proposed Rear Elevation
- MP-2511-EPGFPBS
- MP-0612-PBP - Proposed Block Plan
- MP-0612-EBP - Existing Block Plan
- SU7173NE - Location Plan

- Purified Air - Sitesafe Carbon Filters

- Purified Air - Specification from EMAQ/DEFRA Report ref. 23-24 Market Place Reading Berkshire RG1 2DE
- ADA Group Design and Access, Planning and Heritage Statement ref. ADA/AB/211206
- Ventorn - Aco Silent Fan Box Model
- Our ESP Range - EDP 4500

Received by the Local Planning Authority on 7th December 2021

Sound Licensing Noise Impact Assessment Report - Kitchen Extraction System ref. 23-24 Market PL, RG1.NIA rev. 1.0

Received by the Local Planning Authority on 8th April 2022

Planning History

071218 Advertising to the street level office. - Approved 15/11/2007

071219 Install two projecting and one fascia sign (divided into 3 no. groups of internally illuminated lettering) - Approved 04/10/2007

060137 Additional signage to existing high-level sign and removal of existing light box and replace with name plate - Split decision 20/11/2006

060566 Signs and advertisements on side elevation - Refused 02/05/2006

060591 Signs and advertisements on side elevation - Split decision 02/05/2006

051250 Halo illuminated fascia sign to ground floor level; 2 no projecting signs to each side of fascia - Approved 22/02/2006

050125 Changes to ground floor windows and doors, front and rear elevations; including replacement of rear basement fire exit door. Changes to floor levels, ground floor only, internal alterations - Approved 9/01/2006

050655 Replace all windows on front elevation and enlarge ground floor windows. At the rear replace an existing window and enlarge the opening replace existing doors at ground and basement levels - Approved 19/01/2006

050978 Temporary change of use to A1 (Charity Shop) whilst preserving existing A2 use (financial and professional services) - Approved 12/08/2005

900802 Front fascia signs, box signs (window) and plaque (door) Flank: logo, sign and plaque (door) - Approved 14/02/1991

900803 Signage on frontage and flank of premises - Approved 14/02/1991

Consultation Responses

RBC Transport - No objection.

RBC Environmental Protection - No objection, subject to conditions to control hours for deliveries and waste collection to the site, open hours/hours of operation of the hot food takeaway and implementation of the proposed noise and odour mitigation measures.

RBC Licensing - Raise concern with the proposed opening hours in terms of crime and anti-social behaviour and regarding the cumulative impact of another hot food takeaway in this part of the town centre where a number of other hot food takeaway premises are located.

Thames Valley Police Crime Prevention Design Adviser - Object on the basis of the proposed opening hours in terms of crime and anti-social behaviour.

Conservation Area Advisory Committee - Object to the internally illuminated advertisements which do not preserve or enhance the character and appearance of the conservation area and are detrimental to the setting of adjacent listed buildings. The proposals are within the High Street Heritage Action Zone (HSHAZ) and the proposals do not improve the character of the street. The extraction flue to the rear of the property and proposed opening hours will have a negative impact on nearby occupiers and residents.

Public Consultation

No.s 173 and 176 Friar Street and no.s 25 and 26 Market Place were notified of the applications by letter. A site notice was displayed at the application site on 11th January 2022. No letters of representation have been received.

Equality Act

In determining this application, the Council is required to have regard to its obligations under the Equality Act 2010. However, there is no indication or evidence (including from consultation on the application) that the protected groups identified by the Act have or will have different needs, experiences, issues and priorities in relation to this particular planning application. Therefore, in terms of the key equalities protected characteristics it is considered there would be no significant adverse impacts as a result of the development.

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'. However, the NPPF does not change the statutory status of the development plan as the starting point for decision making.

Accordingly, the National Planning Policy Framework and the following development plan policies and supplementary planning guidance are relevant:

Reading Borough Local Plan 2019

CC1: PRESUMPTION IN FAVOUR OF SUSTAINABLE DEVELOPMENT

CC2: SUSTAINABLE DESIGN AND CONSTRUCTION

CC3: ADAPTATION TO CLIMATE CHANGE

CC7: DESIGN AND THE PUBLIC REALM

CC8: SAFEGUARDING AMENITY
EN1: PROTECTION AND ENHANCEMENT OF THE HISTORTIC ENVIRONMENT
EN2: AREAS OF ARCHAEOLOGICAL SIGNIFICANCE
EN3: ENHANCEMENT OF CONSERVATION AREAS
EN15: AIR QUALITY
EN16: POLLUTION AND WATER RESOURCES
EN17: NOISE GENERATING EQUIPMENT
TR1: ACHIEVING THE TRANSPORT STRATEGY
TR3: ACCESS, TRAFFIC AND HIGHWAY-RELATED MATTERS
TR5: CAR AND CYCLE PARKING AND ELECTRIC VEHICLE CHARGING
RL1: NETWORK AND HIERARCHY OF CENTRES
OU5: SHOPFRONTS AND CASH MACHINES
CR1: DEFINITION OF CENTRAL READING
CR2: DESIGN IN CENTRAL READING
CR3: PUBLIC REALM IN CENTRAL READING
CR6: LIVING IN CENTRAL READING
CR7: PRIMARY FRONTAGES IN CENTRAL READING
CR9: TERRACED HOUSING IN CENTRAL READING

Supplementary Planning Guidance

Sustainable Design and Construction SPD 2019

Revised Parking Standards and Design SPD 2011

Appraisal

Principle

In terms of land uses principles, the NPPF states that LPAs should “*encourage the effective use of land by reusing land that has been previously developed (brownfield land), provided that it is not of high environmental value*”. Therefore, it is clear that the priority for development should be on previously developed land such as the application site.

The application site is located within the Central Core of the town centre. Policy CR1 (Definition of Central Reading) states that main town centre uses (such as hot food takeaway) will be located within the Central Core. The site is also located within a designated primary frontage where Policy CR7 (Primary Frontages in Central Reading) seeks that uses on the ground floor along the designated primary frontages are within one of the following use classes: A1, A2, A3, A4, A5, C1, D1, D2 or related sui generis uses, unless it would be an entrance to upper floors. Whilst the use classes order has now been amended such that former A type uses now fall under class E (Commercial, Business and Service) and hot food takeaway uses now being classified as Sui Generis, the proposed change of use would align with the thrust of the policy and is considered compliant in this respect.

Policy CR7 also states that new developments (or alterations to existing uses) that front onto any of the designated primary frontages will provide an active building frontage with a display window or glazed frontage at ground floor level, in order to contribute to the vibrancy of the town centre and provide visual interest. The proposals would accord with this requirement in retaining the existing glazed shop window frontage.

Proposal CR7 also requires that proposals within primary frontages should not result in the loss of A1 or A2 use such that the proportion of the length of frontage within the street in A1 or A2 use falls below 50% will not be permitted, unless the proposal introduces a use that makes a positive contribution to the overall diversity of the centre. It should be noted that the new use class order supersedes the policy and allows for premises to change between any use under new Class E without the need for planning permission meaning premises could change to uses outside of the former A1 and A2 uses under permitted development rights. Nonetheless, as a Sui Generis use the proposed hot food takeaway is now a Sui Generis use and does not fall under the new Class E such that planning permission is required. Furthermore, the proposed change of use would not result in the proportion of the length of the frontage within the street in A1 and A2 use falling below 50%. Therefore, the principle of the proposed change of use from A2 to Sui Generis Hot Food Takeaway is considered to be acceptable and to accord with Policies CR1 and CR7.

Amenity

Policy CC8 (Safeguarding Amenity) requires that new development will not cause a detrimental impact on the living environment of existing or future residential occupiers. Policy 16 (Pollution and Water Resources) states that new development will only be permitted where it would not be damaging to the environment and sensitive receptors through and, noise or light pollution. Policy EN17 (Noise Generating Equipment) requires that where new noise generating plant equipment does not adversely impact sensitive receptors.

The nearest current residential occupiers to the site are located to the upper floors of no. 32 Market Place which is located four buildings away 25m to the south of the application site. However, it should be note that the adjoining building at 173-174 Friar Street has an extant prior approval consent for change of use of the upper floors to residential whilst no.s 27-32 Market Place are also subject to not yet determined applications for residential uses to the upper floors.

The proposed hot food takeaway use has the potential to result in adverse odour impact on nearby sensitive receptors. An odour assessment has been submitted with the application which includes provision of a kitchen odour filter extract system with a single outlet fan to the rear of the building. Environmental Protection Officers have revised the odour assessment and are satisfied that the proposed extract system would satisfactorily mitigate any adverse odour impacts of the development. Provision and maintenance of the extract system is to be secured by way of condition. A noise assessment has also been submitted in respect of the extract plant equipment which recommends silencers are added to the extract system. Subject to a condition to secure provision and maintenance of the plant equipment in accordance with the noise assessment (including provision of silencers) Environmental Protection Officers are satisfied that there would not no adverse noise impact from the equipment on nearby existing and future residential occupiers.

Environmental Protection Officers have also raised concerns in relation to potential noise and disturbance as a result of deliveries and waste collection associated with the proposed development. Therefore, to mitigate this a condition is recommended to restrict that deliveries and waste collection do not occur outside hours of 8am to 8pm.

The application, when submitted, sought operating hours of 9am to 11pm Sunday to Thursday and 9am to 3am on Fridays and Saturdays.

Both RBC Licensing and the Thames Valley Police Crime Prevention Design Adviser (TVPCPDA) have raised concern in respect of the proposed hours of use of the hot food takeaway noting that these types of businesses that operating late at night in the town centre have been identified by RBC Licensing and Thames Valley Police as a major contributor to crime, disorder and anti-social behaviour. Both RBC Licensing and TVPCPDA comment that the area at the far east end of Friar Street close to where the application premises is located is a part of town with one of the highest calls for service for Thames Valley Police, which is as a result of the large number of alcohol licensed and hot food takeaways in this part of town and the cumulative impact of these on crime, disturbance and anti-social behaviour.

Whilst licensing related concerns are relevant, licensing requirements are considered under a separate regime to planning and the concerns raised would largely be considered to be capable of being controlled via the Licensing Acts. Nonetheless, the concerns raised 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.

The site is located within the Central Core Area of the Town Centre where Policies CR4 (Leisure, culture and tourism in central Reading) and CR5 (Drinking Establishments in Central Reading) seek to encourage night-time leisure, culture, tourism and drinking related uses which contribute to the Town Centres 18-hour economy. However, there an increasing number of residential uses within the town centre which is a consequence not only of planning permissions but also permissions gained through permitted development prior approval mechanisms, where the Local Planning Authority has limited opportunity to object to the proposal. A balance therefore needs to be struck between the economic advantages and the benefit to the long-term sustainability of the Listed Building on one hand, and the cumulative impacts on anti-social behaviour, noise and disturbance within the town centre as well as the impact upon the amenity to be reasonably expected by town centre flat dwellers.

Following the concerns raised by RBC Licensing and TVPCPDA the Applicant has amended the proposed Friday and Saturday operating hours of the premises to 9am to 1am. It is noted that the last license to be granted to a hot food takeaway operator on Friar Street was at no. 106 (The German Doner Kebab Company) was for weekend opening until 1am. RBC Licensing have provided further comments on the amended operating hours and note that whilst this would go some way towards mitigating the potential negative impact that this type of premises could have on the town centre night time economy opening to 1am is still a time at which there are increased levels of crime, disorder and anti-social behaviour, again noting that a licensing application would be subject to separate legislation.

Officers note that night clubs and bars within 100m of the application site to the north-west along Friar Street have opening hours until up to 4am on Fridays and Saturdays. Officers are of the opinion the proposed revised opening hours of 9am to 1am on Fridays and Saturdays (and 9am to 11pm Sundays) of the hot food takeaway would on balance be acceptable and would strike an appropriate balance between operation of the 18 hours night-time economy and mitigating the level of cumulative impact upon the anti-social, behaviour, crime, disorder, noise

and disturbance impacts within the town centre. The revised operating hours would be secured by way of condition.

A condition is also recommended to secure a litter strategy to ensure any litter spill is managed by the operator to protect the residential amenity of the area and to preserve and enhance the special character of the Conservation Area.

Character and Appearance

Policy CC7 (Design and the Public Realm) requires that new development is of high design quality that maintains and enhances the character and appearance of surrounding area including its layout, landscape, scale, height, massing and architectural detail and materials. Policy CR2 (Design in Central Reading) also states that new development in the town centre must respect existing relationships between buildings and consider incorporating green infrastructure to enhance an otherwise very urban environment. Policy EN1 (Protection and Enhancement of the Historic Environment) states that development proposals should preserve or enhance the significance of heritage assets, including their setting and Policy EN3 (Enhancement of Conservation Areas) states that development should conserve or enhance the special character of Conservation Areas.

The development has already taken place and no alterations to the front façade or shopfront of the existing building have been made. The only external alteration is a small vent above an existing ground floor rear door. This special character of the Market Place London Street Conservation Area is formed from the listed buildings around Market Place and Town Hall Square. The minor alteration to the rear of the building is not considered detrimental to the special character of the Conservation Area and is considered to preserve its setting.

The buildings listing description identifies a number of features to the buildings frontage that contribute to its historic significance, the addition of a small vent to the rear of the building is considered so minor that it is not considered detrimental to the character of the listed building such that it would preserve its historic significance. Internal alterations to the listed building would be minor. Internally the building is modern in character and has previously been stripped of any significant historic features and detailing. The proposals do not seek to remove any existing walls, doors or alter any windows and similar the internal works are not considered detrimental to the building's historic significance.

The existing shop front is modern but has been in place for a significant length of time. Whilst not an original feature nor completely reflective of the historic character of shop fronts within the Conservation Area around Market Place the shop front is one of the better examples of modern shop front replacements and retains much of the proportionality of the glazed shop front windows. The application does not seek any alterations to the shop front.

Officers note that internally illuminated fascia and projecting signs have been added to the building frontage which are not considered appropriate advertising for a Grade II listed building and to be harmful to its historic significance and are very unlikely to be considered acceptable. The advertisements would require separate advertisement and listed building consent and are not subject to consideration as part of the planning and listed building consent applications.

subject of this report. An informative would be added to any planning permission and listed building consent to advise the Applicant of this.

Transport

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

The site is located opposite the junction with Market Place and Forbury Road within a pedestrianized area and the area is well served by rail and bus links and also contains the largest proportion of public car parking spaces. Access restrictions are in operation in Market Place whereby access is restricted to buses, taxis and permit holders between 07:00-11:00 and 16:00-19:00. There are a number of bus stops in Market Place as well as being a well-used bus route. A new section of a 'no stopping' red route has recently been introduced east along Friar Street. The new restriction mean vehicles will not be allowed to stop anyway unless they are within a dedicated loading bay. Market Place has vehicle access restricted to buses, taxis and permit holders between 07:00-11:00 and 16:00-19:00 and forms part of the town centre bus loop.

The proposal includes no parking spaces. However, Market Place and the surrounding road network all have extensive parking restrictions preventing indiscriminate on-street parking. Therefore, the non-provision of parking is acceptable in this town centre location as any demand for parking will be met by the town centre public car parks. Refuse collection would remain as per the exiting arrangements for the building and surrounding retail premises.

It is considered that in this location the proposed change of use will have no detrimental transport related impacts.

Other Matters

Whilst the building is located within an area of Archaeological potential it relates solely to a change of use and not below ground works are proposed. As such the proposed development is not considered to have any archaeological implications.

The proposals would not be liable for the Community Infrastructure Levy.

RECOMMENDATION: Grant planning permission and listed building consent subject to the following conditions and informatives:

211961FUL

Conditions

1. The development hereby permitted shall ONLY be carried out in accordance with the following approved plans and documents:

- MP-2511-EPRE - Existing and Proposed Rear Elevation
- MP-2511-EPGFPBS
- MP-0612-PBP - Proposed Block Plan

- MP-0612-EBP - Existing Block Plan
- SU7173NE - Location Plan

- Purified Air - Sitesafe Carbon Filters
- Purified Air - Specification for EMAQ/DEFRA Report ref. 23-24 Market Place Reading Berkshire RG1 2DE
- ADA Group Design and Access, Planning and Heritage Statement ref. ADA/AB/211206
- Ventorn - Aco Silent Fan Box Model
- Our ESP Range - EDP 4500

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Received by the Local Planning Authority on 8th April 2022

REASON: For the avoidance of doubt and to ensure that the development is carried out and adhered to in accordance with the application form and associated details hereby approved.

2. Deliveries, collection of empty bottles and waste collections shall not be carried out between the hours of 20:00 to 08:00 Monday to Saturdays and 20:00 to 10:00 on Sundays and Bank Holidays.

REASON: To protect the amenity of neighbouring residents of the proposed development in accordance with Policies CC8 and EN16.

3. The premises shall not be used by members of the public outside the hours of 0900 to 2300 Sunday to Thursday and 0900 to 0100 hours Friday and Saturdays.

REASON: In order to protect local residents from unreasonable disturbance arising from the use in accordance with Policy CC7 and CC8 of the Reading Borough Local Plan 2019.

4. Within one month of the date of this permission the kitchen extract/ventilation system shall have been installed in accordance with the approved plans and specifications and thereafter the extract/ventilation systems shall be permanently retained and maintained in accordance with the approved specifications.

REASON: To safeguard the amenity of nearby premises and the area generally in accordance with Policy CC8 and EN16 of the Reading Borough Local Plan 2019.

5. Within three months of the date of this permission a litter strategy shall have been submitted to and approved in writing by the Local Planning Authority. Once approved the litter strategy shall be implemented and permanently retained and adhered to thereafter.

REASON: To safeguard the amenities of the adjoining premises and the character of the area and Conservation Area generally, in accordance with Policies CC7, CC8, EN1, EN3 and EN16 of the Reading Borough Local Plan 2019.

6. The basement floor of the development hereby permitted shall not be used by members of the public.

REASON: To ensure the development remains fully accessible in accordance with Policy CC7 of the Reading Borough Local Plan 2019.

Informatives

1. The Local Planning Authority has worked positively and proactively with the applicant to resolve relevant matters to allow permission to be granted.

2. Your attention is drawn to the terms and conditions of this permission. Any development which is carried out but which differs materially from the approved plans and details, or does not comply with any condition(s) or planning obligation(s) attached to the permission may result in the Council taking action to remedy the breach of planning control. If you are in any doubt please contact the Council.

3. Your attention is drawn to the possible requirement for submission of a Building Regulations application for the proposed development. Please contact Building Control on 0118 937 2449 for advice.

4. Complaints are commonly received about noise and dust caused by construction and demolition works, particularly working outside reasonable hours and smoke from bonfires associated with the burning of waste on site. The developer is reminded that construction and demolition associated with the approved development will be subject to environmental health law.

5. Listed Building consent 211962 also relates to this planning permission.

6. Your attention is drawn to the fact that the signage at the building is unauthorised and a separate application for advertisement consent and listed building consent is required.

7. Your attention is drawn to the fact that a premises license is also required to operate the hot food takeaway.

211962LBC

Conditions

1. The works hereby permitted shall be carried out in accordance with the following approved plans:

- MP-2511-EPRE - Existing and Proposed Rear Elevation
- MP-2511-EPGFPBS
- MP-0612-PBP - Proposed Block Plan
- MP-0612-EBP - Existing Block Plan
- SU7173NE - Location Plan

Received by the Local Planning Authority on 7th December 2021

REASON: because consent is granted in respect of the development as detailed in the approved plans only.

2. All new external and internal works and finishes, and any works of making good, shall match the existing original fabric in respect of using materials of a matching form, composition and consistency, detailed execution and finished appearance, except where indicated otherwise on the drawings hereby approved.

REASON: In order that the special architectural and historic interest of this Listed Building is safeguarded in accordance with Policies EN1 and EN3 of the Reading Borough Local Plan 2019.

3. Unless such work is clearly and specifically referred to on drawings or other documents approved, no features of architectural or historic interest such as fireplaces, doors, linings, shutters, panelling, architraves, cornices, decorative plasterwork, floorboards, lath and plaster ceilings may be altered, replaced or removed without the written approval of the local planning authority. Any such features encountered during the work shall be drawn to the attention of the local authority.

REASON: To ensure that work is appropriate to the special architectural or historic interest of the listed building in accordance with Policy EN1.

Informatives

1. The Local Planning Authority has worked positively and proactively with the applicant to resolve relevant matters to allow consent to be granted.

2. Your attention is drawn to the terms and conditions of this consent. Any works which is carried out but which differs materially from the approved plans and details, or does not comply with any condition(s) or planning obligation(s) attached to the consent may result in the Council taking action to remedy the breach of planning control. If you are in any doubt please contact the Council.

3. Your attention is drawn to the requirement for submission of a Building Regulations application for the proposed development. Please contact Building Control on 0118 937 2449 for advice.

4. Complaints are commonly received about noise and dust caused by construction and demolition works, particularly working outside reasonable hours and smoke from bonfires associated with the burning of waste on site. The developer is reminded that construction and demolition associated with the approved development will be subject to environmental health law.

5. Planning permission 211961 also relates to this planning permission.

6. Your attention is drawn to the fact that the signage at the building is unauthorised and a separate application for advertisement consent and listed building consent is required.