

## DELEGATED APPLICATION REPORT - Application Nos.: 210287/FUL & 210288/ADV

Address: 10-12 Oxford Road

### Proposal:

210287: Proposed siting of extraction and ventilation equipment to roof to rear

210288: Fascia sign and projecting sign

Case officer: Alison Amoah

Target Expiry: 7<sup>th</sup> May 2021 (ext)

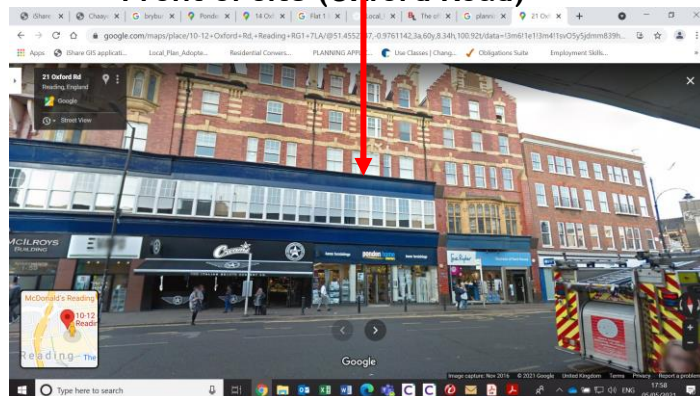
### Site Description and Surrounding Area:

The application site relates to the ground floor and is the former Ponden Home shop (former A1 retail use, now under Class E (b), Schedule A, Part 2 (in accordance with The Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020 (SI 2020/757 which came into effect on 1 September 2020), hereafter referred to as 'The Regulations', and forms part of the Primary Frontage under Policy CR7 of the Reading Borough Local Plan comprising a mix of retail/ commercial uses on Oxford Road, sited opposite Broad Street Mall. It is also within an Air Quality Management Area (Policy EN15). Upper floors comprise residential use.

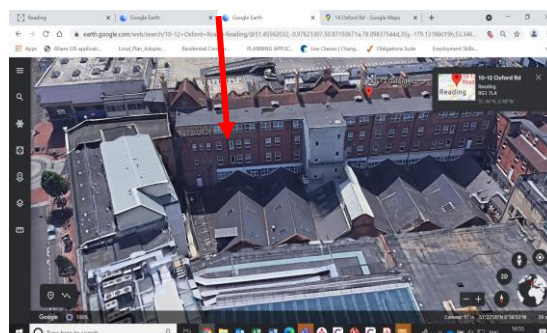
### Location Plan



### Front of site (Oxford Road)



### Rear of site



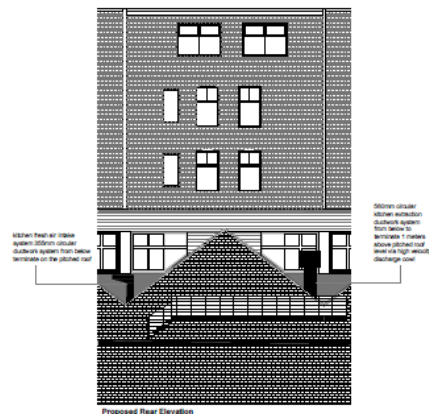
**Proposal:** *Both applications for the site are included and assessed within this report.*

The proposed advertisement and extraction & ventilation is for a proposed burger restaurant.

**210287/FUL - Proposed siting of extraction and ventilation equipment to roof to rear**

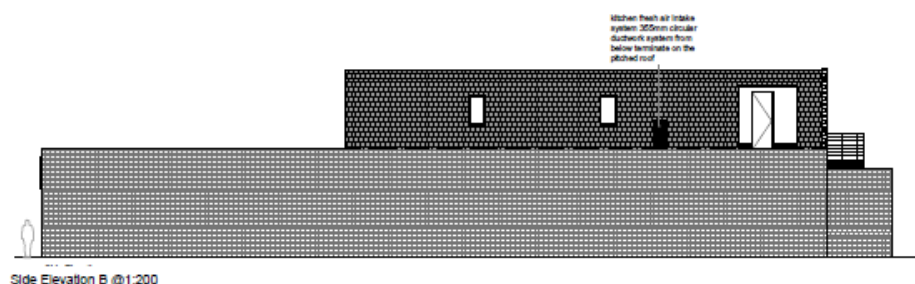
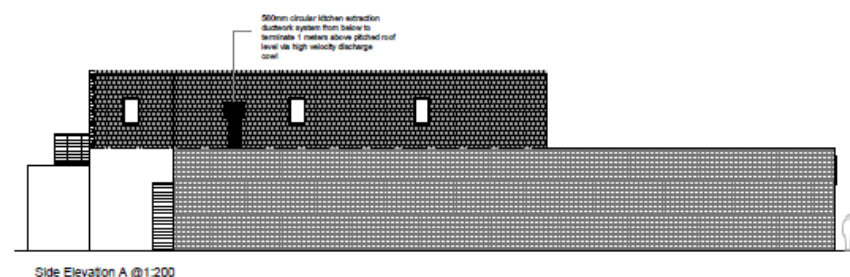
- Kitchen fresh air intake system of 355mm circular ductwork to terminate on pitched roof
- Kitchen extraction system of 560mm circular ductwork to terminate 1 m above the pitched roof via high velocity discharge cowl

**Rear Elevation**



Proposed Rear Elevation

**Partial Side Elevations - upper floors excluded**



**Rear Elevation**

**210288/ADV - Fascia sign**

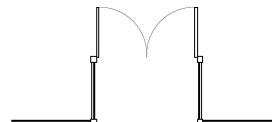
- Fascia Sign - Grey aluminium back panel with steel letters 'Burger Base' 3.2m from ground to base internally illuminated to 600 cd/m<sup>2</sup>
- Projecting Sign - Double sided aluminium sign box. 3.2m from ground to base and 0.6m maximum projection. Internally illuminated to 600 cd/m<sup>2</sup>



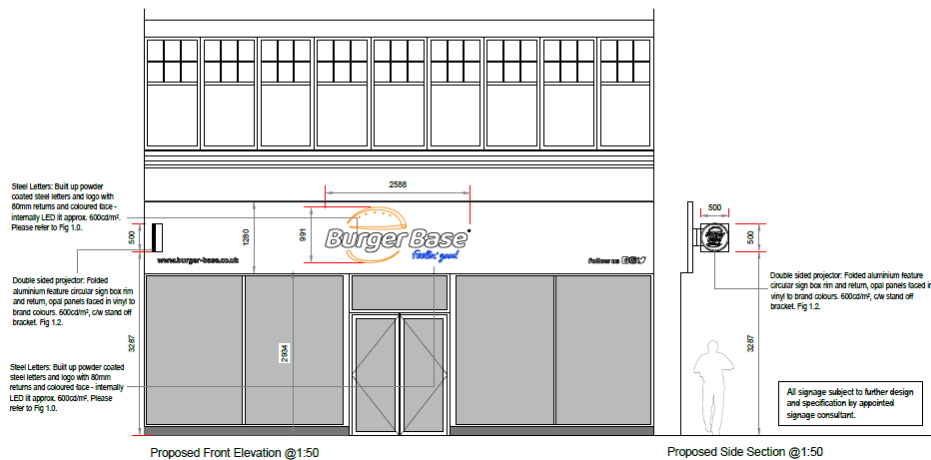
Fig1.0.



Fig1.2.



Proposed Floor Plan @1:50



**Plans and other information considered:** *As received 23<sup>rd</sup> February 2021 unless otherwise stated:*

- Location Plan & Site Plan - Drawing no: 21-100
- Existing Front Elevation - Drawing no: 21-100
- Existing Side Elevation A & B - Drawing no: 21-100
- Proposed Rear Elevation A & B (shows sides) - Drawing no: 21-100
- Existing and Proposed Rear Elevation - Drawing no: 21-100
- Proposed Front Elevation 21-100 Rev B, received 26<sup>th</sup> April 2021
- Proposed Extraction Plan - Drawing no: 21-100
- Kitchen Extraction and Ventilation System Proposal, dated 17/2/21, ref: P766453, prepared by Fan Rescue
- Noise Impact Assessment, dated 18/2/2021, ref: VA3558.210218.NIA, prepared by Venta Acoustics
- Risk Assessment for Odour, dated 17/2/21, ref: OD76567, prepared by Fan Rescue
- Superlite - JM Aerofoil Accessories (technical data sheet (Fans)
- Acoustica - Silencer CP03 C Series (technical data sheet)
- Electrostatic Air Cleaners, RydAir (technical data sheet)
- VL4-2424 V-Line Panel Filter, Jasun Filtration PLC
- Helios Select (Exhaust unit technical data (GBW56042)
- Acoustica R02 Rectangular Silencer (technical data sheet)
- Double Inlet Double Width Fans (102H2W142) (technical data sheet)
- Air Clean Metal Cased Discarbs (technical data sheet)

### Relevant Planning History:

**94/00011/ADV (930885)** - Internally illuminated Shop Fascia - Consented 7/3/1994

### Discussions with the agent:

Clarity was sought from the agent with regard to the proposed use of the site and whether it would fall under a former A5 takeaway (now Sui Generis use) for which planning permission would be required. Further detail was provided (email 5/5/21),

which demonstrates that the proposal is for a restaurant (franchise) with ca 65 seats, with ancillary takeaway.

Officers are satisfied that these applications are in association with a permitted change of use from its last class A1 use as a shop to Class E, which is described as a range of other shops and non-food uses, including “for the sale of food and drink principally to visiting members of the public where consumption of that food and drink is mostly undertaken on the premises”, and would therefore, be a permitted change for which planning permission would not be required. The Regulation does not specify any conditions or limitations in relation to this permitted change of use.

**Consultation Responses:**

6-8, 14-16 and 23-25 Oxford Road, 31, 32-41 West Street and 204-206 Broad Street were consulted. No comments were received.

**Environmental Health: for 210287**

Noise generating development - The noise assessment submitted has been carried out in accordance with BS4142:2014 and the methodology has been correctly applied, however the assessment concludes that the noise rating level of the proposed plant will be less than -10dB below the background noise so there may be some adverse impact on the local noise climate.

The noise source specific noise level (plant noise level) should be at least 10dBA below the existing background level as measured at the nearest noise sensitive receptor and the rating level should not exceed the background level (as measured in accordance with BS4142:2014).

I recommend refusal, unless the applicant is able to amend the proposal to reduce sound levels to meet our criteria and provide an updated noise assessment.

Alternatively, the following condition could be attached to consent, however it is possible that the criteria would be met with the plant specifications proposed in this application and a new application may need to be made at a later date for alternative plant / location.

**N2 - Mechanical Plant (Noise Assessment Required)**

I also recommend that the operating hours of the proposed equipment be restricted by condition.

***Planning Officer Note:*** The proposed equipment would be used when the premises is operating and the operating hours would be controlled in terms of Licensing. A condition is therefore, not attached.

Kitchen Extraction - odour - The details regarding odour control are satisfactory therefore the following condition is recommended: N12 - Ventilation & Extraction (As Specified)

**Transport: for 210288**

There are no transport objections to the proposed advertisement subject to condition AD1 Advert Luminance - 600cd/m2

**Equality Act 2010:**

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 and Legal Context**

Regulation 3 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 requires the Local Planning Authority to exercise its powers under these regulations in the interests of amenity and public safety taking into account the provisions of the development plan, so far as they are material; and any other relevant factors. Regulation 3 states that factors relevant to amenity include the general characteristics of the locality, including the presence of any feature of historic, architectural, cultural, or similar interest.

Factors relevant to public safety include highway safety and whether the advert would hinder security or surveillance devices, including speed cameras.

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 these applications:

**Adopted Reading Borough Local Plan (2019):**

CC7: Design and the Public Realm

CC8: Safeguarding Amenity

EN15: Air Quality

EN16: Pollution and Water Resources

EN17: Noise Generating Equipment

RL1: Network and Hierarchy of Centres

RL2: Scale and Location of Retail

TR3: Access, Traffic and Highway-Related Matters

OU4: Advertisements

OU5: Shopfronts and Cash Machines

CR1: Definition of Central Reading

CR2: Design in Central Reading

CR7: Primary Frontages in Central Reading

**Appraisal:*****210287/FUL***

The main issues are considered to be:

- a) Principle
- b) Design and appearance

c) Environmental matters - odour, noise

a) Principle

The overall scheme is to change the existing shop unit to a restaurant. As both types of use are within the new E use class this would be a permitted change and the applications for consideration therefore relate to external changes only with respect to advertisements and extraction/ ventilation equipment. The use in any case would be wholly acceptable within Central Reading (CR1, RL1, RL2) and within an area designated as a Primary Frontage (CR7). The proposed external works in association with a 'centre' use would be acceptable in principle subject to addressing other policy considerations as set out below.

The E use class covers a range of different development types and although it might be desirable to control future changes to this unit to ensure ongoing compliance with the requirements of Policy CR7, it is not considered that any restriction applied through condition would meet all the relevant tests. This is because, it would not be relevant to the development to be permitted, which relates to external changes only, not a change of use.

b) Design and appearance

Policy CS7 is the overarching design policy, which requires all development *"to be of a high design quality that maintains and enhances the character and appearance of the area.."*

Policy CR2 specific to Central Reading states that *"Applications for development within Central Reading should demonstrate the following attributes:.....d. The architectural details and materials used in the central area should be high quality and respect the form and quality of the detailing and materials in areas local to the development site....."*

Policy OU5 states that shopfronts, *".....will respect the character of the building on which they are located and their surroundings, as well as the wider street, in terms of design, colours, materials, lighting, and location.....c) Fascia boards should be lower than any first floor windows, and reflect the predominant height of historic fascia boards on surrounding buildings; ....and e) Shopfronts should present an active frontage to the street at all times. Where security is essential, security features will be internal, such as internal open mesh grilles. Opaque coverings on shop windows, such as paint and films, will be minimised and will not obscure the window."*

The shopfront would remain unaltered apart from a new fascia sign and hanging sign. The fascia backing colour would change from blue to grey and the size and position would remain unaltered, consistent with the adjacent retail units. The frontage would remain active with no proposed security features nor opaque coverings to the windows.

The changes to the rear, which include new ductwork only, would be very minimal, and would not have a detrimental effect on the character and appearance of the area and would be consistent with the appearance of adjacent units.

The scheme would therefore comply with Policies CS7, CR2 and OU5.

c) Environmental Matters - Odour, Noise

Policy EN16 addresses pollution and EN17 specifically noise. Policy CC8 requires development to not cause detriment to residents including from noise and smell.

The submission included a 'Risk Assessment for Odour', and the Environmental Health Officer (EHO) confirmed that the details for odour control would be satisfactory.

Although a 'Noise Impact Assessment' was submitted the EHO states that it concludes that the noise rating level of the proposed plant would be less than -10dB below the background noise, and the EHO has commented that there may be some adverse impact on the local noise climate. Therefore, a condition is attached requiring the submission and approval of a noise assessment, which does meet the -10db below requirement.

It should be noted. However, that the submitted 'Kitchen Extraction and Ventilation System Proposal' document, prepared by Fan Rescue, states that *"Attenuation has been selected as per report prepared by Venta Acoustics, report Reference : VA3558.210218.NIA so as to provide a system rating level of at least 10 dB(A) below the lowest existing background noise level for the proposed operating hours and when extrapolated to the nearest noise sensitive neighbouring residential property."*

Therefore, it is considered that subject to conditions for the installation of the extraction and ventilation equipment in accordance with the submitted details and the submission of a further noise assessment, which meets the local noise level requirement, the proposal is considered acceptable and would comply with Policies EN16 and EN17 and CC8 of the RBLP.

**210288/ADV**

The main issues are considered to be:

- a) Amenity
- b) Safety

a) Amenity

The proposed signage is considered to be wholly appropriate within central Reading and would replace signage of a similar nature. It is considered that the size, material, colour and luminance would not be harmful to the wider area and would not have significant detrimental effects on visual amenity. A condition is included which restricts the level of lux to max of 600 cd/m<sup>2</sup>.

On the above basis, the proposed sign is considered to comply with Adopted Reading Borough Local Plan Policies CC7, CC8, TR3 and OU4.

b) Safety

The NPPG (in particular in this instance Paragraph: 068 Reference ID: 18b-068-20140306 & Paragraph: 078 Reference ID: 18b-078-20140306) provides guidance as to the considerations affecting public safety. The proposed hanging sign would overhang the pedestrian walkway, but would be at 3.2m to underside, therefore,

not posing any hazard to pedestrians. The fascia and hangin sign would be illuminated, but within acceptable levels, to be controlled via condition, which would not distract drivers so as to have an effect on safety. It would not obscure any existing road signs, or sight lines of CCTV cameras. Therefore, it is concluded that there would be no detrimental effect with regard to highway safety and the signage is therefore, considered to accord with Adopted Reading Borough Local Plan Policies TR3 and OU4.

**RECOMMENDATIONS:**  
**GRANT**

***210287/FUL***

**Proposed conditions:**

- 1) TL1 - Time 3 years
- 2) AP1 - Approved plans
- 3) N2 - Mechanical Plant (Noise Assessment Required)
- 4) N12 - Ventilation & Extraction (As Specified)

**Informatives:**

T&Cs

Positive and proactive

***210288/ADV***

**Proposed conditions:**

- 1) Standard advert conditions
- 2) Approved plans
- 3) Maximum luminance should not exceed 600 cd/m2.

**Informatives:**

T&Cs

Positive and proactive