

DELEGATED APPLICATION REPORT

Address: 1 Station Road

Application No: 200844/VAR

Proposal: Change of use of ground floor from A2 Financial & Professional Services to mixed-use A3/A5 Restaurant/Take away use & associated works including external ventilation Louvre to Station Road elevation without complying with condition 2 of planning permission 200343, to amend the size of the louvre

Applicant: Wendys Restaurants of UK Ltd

Target Decision date: 21/09/20

Case officer: Connie Davis

1. Site Description and Surrounding Area

The application site relates to a Locally Listed building located on the corner of Friar Street and Station Road, although the majority of its frontage is on Station Road. The building was designated locally listed in February 2020 and has been vacant since 2018 when Nationwide relocated from the site. The building comprises of 5 storeys and Prior Approval has been granted to change the 1st, 2nd and 3rd floors from office to residential, although it is not believed that this has been implemented. The site is located within the Reading Central Area, Central Core, Primary Shopping Area and within an existing designated Active Frontage.

Permission has been granted to convert the ground floor to a restaurant/ Takeaway (Class E/ Sui Generis use - former A3/A5 use) under planning permission 200343. The use classes order was revised from 1st September 2020, however as this application was submitted prior to 1st September 2020, only the old use class order will be considered.

2. The Proposal & procedural background

The applicant is seeking to vary condition 2 (approved plans) of planning permission 200343 which granted the change of use from a professional/financial service (A2) to a restaurant/ takeaway (A3/A5).

The variation of condition 2 is sought to increase the size of the proposed louvre on the Station Road elevation. The original louvre approved measured 0.9m x 1.5m whereas the louvre subject to this application would measure 1.2m x 3.1m.

From a procedural perspective, relevant guidance from the NPPG is reproduced below:

Paragraph: 015 Reference ID: 17a-015-20140306

What is the effect of a grant of permission?

Where an application under section 73 is granted, the effect is the issue of a new planning permission, sitting alongside the original permission, which remains intact and unamended.

A decision notice describing the new permission should be issued, setting out all of the conditions related to it. To assist with clarity decision notices for the grant of planning permission under section 73 should also repeat the relevant conditions from the original planning permission, unless they have already been discharged. Further information about conditions can be found in the [guidance for use of planning conditions](#).

As a section 73 application cannot be used to vary the time limit for implementation, this condition must remain unchanged from the original permission. If the original permission was subject to a planning obligation then this may need to be the subject of a deed of variation.

Paragraph: 017 Reference ID: 17a-017-20140306

Is there a definition of 'minor material amendment'?

There is no statutory definition of a 'minor material amendment' but it is likely to include any amendment where its scale and/or nature results in a development which is not substantially different from the one which has been approved.

Annex A: summary comparison table

Paragraph: 019 Reference ID: 17a-019-20140306

What is the application considered against?

Development plan and material considerations, under section 38(6) of the 2004 Act, and conditions attached to the existing permission. Local planning authorities should, in making their decisions, focus their attention on national and development plan policies, and other material considerations which may have changed significantly since the original grant of permission.

In what form must the decision be issued?

Grant: new decision notice describing the whole development and listing all conditions.

Refuse: decision notice listing reasons for refusal. Original permission with existing conditions remains in place

3. Public Consultation

The following addresses were formally consulted via letter on 26/06/20:

23 Friar Street
5 Station Road

In addition, a site notice was sent to the agent on 26/06/20.

No responses have been received.

4. Internal Consultations

Environmental Health

No comments received

Heritage

No objections

5. Plans Considered

The Council, in reaching its recommendation, has taken into consideration the following plans which will appear on the new decision notice:

A0.300 Rev B - Shopfront Elevations

Received 19th June 2020

This will supersede the following plans referenced on permission 200343:

A0.300 Rev A - Shopfront Elevations Proposed

Received 16th March 2020

All other plans on the original decision notice will remain unaltered.

6. Relevant Planning History

200845/FUL - Change of use of the ground floor and part of lower ground floor from A2 financial and professional services to a mixed-use A3 / A5 restaurant / take away use and associated works including external ventilation louvre to station road elevation - Under Consideration

200889/FUL - Planning application for alteration to existing shopfront to Friar Street and Station Road comprising the removal of the existing glazed shopfront / signage band and replacement with a new part glazed and clad elevation, alteration to louvers to Station Road elevation - Under Consideration

200890/ADV - Installation of 1 x internally illuminated fascia sign to Friar Street elevation and 1 x internally illuminated and 1 x non-illuminated fascia sign to Station Road elevation. 2 x internally illuminated projecting signs (Friar Street and Station Road elevations)(amended description) - Under Consideration

200827/APC - Application for approval of details reserved by conditions 3 (Noise assessment), 4 (Odour assessment) and 5 (Station Road Louvres) of application 200343 - Conditions Discharged

200846/APC - Application for approval of details reserved by conditions 6 (refuse Strategy) and 7 (Litter Strategy) of application 200343 - Conditions Discharged

200863/OPA - Change of use of 2nd and 3rd floors from Class B1(a) (offices) to C3 (dwelling houses) to comprise 7 flats. Prior Notification under Class O, Part 3 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 - Prior Approval Not Required

200343/FUL - Change of use of ground floor from A2 Financial & Professional Services to mixed-use A3/A5 Restaurant/Take away use & associated works including external ventilation Louvre to Station Road elevation - Application Permitted

191588/FUL - Erection of second and third floor rear extension (for residential purposes to create 3 additional dwellings) to existing building (linked to Prior Approval application 191446) - Under Consideration

191589/FUL - Installation of additional windows into rear (west-facing) elevation and erection of new dormer window to front roof slope (linked to Prior Approval Application 191446) - Under Consideration

191446/OPA - Change of use of 1st, 2nd and 3rd floors from Class B1(a) (offices) to C3 (dwelling houses) to comprise 12 flats. Prior Notification under Class O, Part 3 of Schedule

2 of the Town and Country Planning (General Permitted Development) Order 2015 - Prior Approval Not Required

182109/OPA - Change of use 1st, 2nd and 3rd floors of building from Class B1(a) (offices) to C3 (dwelling houses) to comprise 15 dwellings. Prior Notification under Class O, Part 3 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 - Prior Approval Not Required

181997/FUL - Change of Use of ground and basement floors from A2 (financial/professional service) to A3 (Restaurant and café) use - Application Returned

7. 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.

8. Relevant Planning 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. The Development Plan for Reading relevant to the application site comprises the Reading Borough Local Plan (2019).

As per the NPPG, the local planning authority should, in making their decisions, focus their attention on national and development plan policies, and other material considerations which may have changed significantly since the original grant of permission.

The 'National Planning Policy framework' ('NPPF') 2012 states clearly that its content is to be a material consideration in the determination of applications. The 'NPPF' states that due weight should be given to the adopted policies of the Reading Borough Local Plan (2019) according to their degree of consistency with the 'NPPF' (the closer the policies in the plan to the policies in the 'NPPF', the greater the weight that may be given). Accordingly, the 'NPPF' and the following development plan policies and supplementary planning guidance are relevant:

9. Relevant Policies

The application has been assessed against the following policies:

National

National Planning Policy Framework

National Planning Policy Guidance

Reading Borough Local Plan (2019)

CR1 Presumption in Favour of Sustainable Development

CR7 Primary Frontages in Central Reading

CC7 Design and the Public Realm

RL1 Network and Hierarchy of Centres
EN1 Protection and Enhancement of the Historic Environment
EN4 Locally Important Heritage Assets
EN17 Noise Generating Equipment

10. Appraisal

Condition 2 states that the development will be carried out in accordance with the approved plans. As such, under this application it has to be demonstrated that the changes to the proposed louvre would be acceptable on the Locally Listed building in terms of design.

Design/ Impact on the Locally Listed Building

The proposed increase in the size of the air intake louvre is not considered to be of substantial harm to the frontage of the Locally Listed building, as also agreed by the RBC Heritage Consultant. The proposed variation is considered of modest nature and not conflicting with Policies CC7, CR7, EN1 and EN4 of the Reading Borough Local Plan (2019).

Environmental Health Matters

It is not considered that the increase in size of the louvre would result in a material difference in terms of the amount of noise it will generate. Environmental Health were consulted on this application but did not provide any comments. As such, in the absence of contrary information, the proposal is acceptable in terms of Policy EN17 of the Reading Borough Local Plan (2019). It should be noted that Condition 3 of planning permission 200343 has been discharged (see planning history) which required a noise assessment to be submitted and approved by the Local Planning Authority.

All conditions attached to permission 200343 are reattached to this permission. It is noted that pre-commencement/ occupation conditions 3, 4, 5, 6 and 7 have been discharged under applications 200827/APC and 200846/APC. As such, these conditions will be highlighted as being discharged on the new decision notice.

Recommendation

GRANT variation of condition 2

In line with the NPPG, all of the original conditions (as part of 200343) are reproduced, with the altered worded conditions incorporated.

1. The development to which this permission relates must be begun not later than the expiration of three years beginning with the date on which the original permission (Reference 200343) was granted (on 25th May 2020)

REASON: To prevent an accumulation of unimplemented planning permissions, and in accordance with section 91 of the Town & Country Planning Act as amended by the Planning and Compulsory Purchase Act 2004.

2. VARIED CONDITION

The development hereby permitted shall be carried out in accordance with the following approved plans:

A0.100 - Site Plan

Received 6th March 2020

A0.200 - Ground Floor
A0.200 A - Ground Floor General Arrangement Plan

Received 16th March 2020

A0.300 Rev B - Shopfront Elevations

Received 19th June 2020

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

3. DISCHARGED

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.

4. DISCHARGED

[Pre-Commencement] 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.

5. DISCHARGED

[Pre-Commencement] No development shall take place until a detailed design of the air intake louvre facing Station Road, including materials to be used, has been approved in writing by the Local Planning Authority.

REASON: In order that the special architectural and historic interest of this Locally Listed Building is safeguarded in accordance with Policy EN1 and EN4 of the Reading Borough Local Plan 2019.

6. DISCHARGED

Prior to first occupation of the development hereby approved, details of how refuse and recycling collections will be managed from the site (including vehicles, servicing and deliveries), shall be submitted to and approved in writing by the Local Planning Authority.

Thereafter refuse collection, servicing and deliveries will be carried out fully in accordance with the approved details.

REASON: In the interests of general amenity, to ensure convenience of arrangements for refuse and recycling storage and collection and to ensure that no obstruction is caused on the adjoining highway, in the interest of highway safety and in accordance with Policy CC7 of the Reading Local Plan 2019.

7. DISCHARGED

Prior to the first occupation of any Class A5 use hereby permitted, details of a litter strategy shall be submitted to and approved in writing by the Local Planning Authority.

The approved measures within the strategy shall be implemented prior to the first occupation of the Class A5 use and be permanently retained and maintained thereafter.

REASON: To safeguard the amenities of the adjoining premises and the area generally, in accordance with Policy CC7 and EN16 of the Reading Borough Local Plan 2019.

8. The premises shall not be used by members of the public outside the hours of 07:00 to 23:00 on Sundays to Thursdays and 07:00 to 00:00 on Fridays and Saturdays. These times include bank holidays.

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.

9. Notwithstanding the provisions of Class 12 of Schedule 3 of the Town and Country Planning (Control of Advertisements) Regulations 2007 (as amended), the ground floor unit hereby approved shall retain 'active window displays' along the length of the Friar Street and Station Road frontages, without the installation of window vinyls, roller shutters, or similar.

REASON: In the interests of retaining a vibrant and attractive streetscene, in line with Policy CC7 and CR7 of the Reading Borough Local Plan 2019.

Informatives

1. Terms
2. Building Control
3. Complaints about construction
4. Waste collections should occur at reasonable times
5. Separate advertisement consent required
6. Separate licence required
7. Positive and Proactive