

## DELEGATED APPLICATION REPORT

**Application No:** 201045/FUL

**Address:** 133 Friar Street, Reading, RG1 1EX

**Proposal:** Change of Use A1 (Retail) to Sui-Generis (Tattoo Studio)

**Case Officer:** David Brett

**Applicant:** Mystic Lounge Tattoo LTD

**Received on (valid from):** 21/07/2020

**Target Date:** 15/09/2020

**Application No:** 201046/ADV

**Address:** 133 Friar Street, Reading, RG1 1EX

**Proposal:** Display of 1 non-illuminated fascia sign on Friar Street elevation

**Case Officer:** David Brett

**Applicant:** Mystic Lounge Tattoo LTD

**Received on (valid from):** 21/07/2020

**Target Date:** 15/09/2020

### Site Description and Surrounding Area

The proposal site is a bicycle shop at 133 Friar Street. The surrounding area comprises of a retail high street. The site is within the primary shopping area and the site is part of an existing primary frontage in Central Reading. It is also within an Air Quality Management Area (AQMA).

### Proposal

The proposal seeks the following:

- Change of Use A1 (Retail) to Sui-Generis (Tattoo Studio) as part of full application 201045.
- Display of fascia signage as part of advertisement consent application 201046

### Internal Consultations

Reading Borough Council, Environmental Health - No response received.

### External Consultees

132 Friar Street, Reading, RG1 1EP

134-135 Friar Street, Reading, RG1 1EX

12a Union Street, Reading, RG1 1EU

12b Union Street, Reading, RG1 1EU

No consultation responses have been received for this application.

A site notice was displayed from Thursday 30<sup>th</sup> July 2020, expiring on Thursday 20<sup>th</sup> August 2020 - no responses have been received.

### Plans/Documents Considered

The agent supplied the following plans for applications 201045 and 201046:

- Design and Access Statement
- Existing Floor Plans Inc Block & Site Location Plan - 1159-01
- Existing Elevations - 1159-02
- Proposed Floor Plans - 1159-03
- Proposed Elevations & Signage Details - 1159-04

These plans were received on 21<sup>st</sup> July 2020

### Relevant Planning History

None

### **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**

#### **Application 201045**

- 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 (adopted November 2019).
- 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 Local Plan 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).

#### **Application 201046**

- 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.

### **Relevant Policies**

The application has been assessed against the following policies:

#### **National**

National Planning Policy Framework 2012;  
National Planning Policy Guidance 2014 onwards;  
NPPG: Advertisements;

#### **Reading Borough Local Plan (November 2019)**

- CC7: Design and the Public Realm
- CC8: Safeguarding Amenity
- OU4: Advertisements (Application 201046 only)
- OU5: Shopfronts and Cash Machines
- EN15: Air Quality

- TR3: Access, Traffic and Highway related matters
- RL1: Network and Hierarchy of Centres
- CR2: Design in Central Reading
- CR7: Primary Frontages in Central Reading

### Appraisal

The main issues considered for these two separate applications are as follows:

#### Application 201045 Appraisal - Change of Use A1 (Retail) to Sui-Generis (Tattoo Studio)

- a) Land use principles
- b) Shopfronts
- c) Amenity, Security, Public Safety and Accessibility
- d) Air Quality
- e) Transport

#### Application 201045 Appraisal - Display of fascia signage

- a) Advertisements (Application 201046 only)

#### **Application 201045 Appraisal - Change of Use A1 (Retail) to Sui-Generis (Tattoo Studio)**

- a) Land use principles

The proposal site is within Reading town centre, which is designated consisting of Primary Frontages. The frontage of Friar Street is considered an existing 'active frontage'. Surrounding nearby units include a careers and advice centre (A2), as well as a number of A5 units to the north of Friar Street, including Nando's, and Revolution de Cuba at 138-141 Friar Street. The proposed development seeks to change the use of the existing unit from A1 (retail) to sui generis.

Policy CR7 seeks to retain primary frontages as either A1-A5, C1, D1-D2 or a related sui generis use (the proposal is considered a related sui generis use). The policy also seeks new development to contribute to the overall look and feel of the area through implementing design features such as display windows. CR7 also seeks to retain A1 and A2 uses where possible, unless the proposed use is considered to contribute positively to the overall diversity of the centre.

The proposed development would retain the existing display windows, while proposing new signage above the display window. The overall design of the frontage is considered complimentary to the surrounding area and reinforces the design principles highlighted in CR7. While the proposed use of the unit would no longer be A1, the proposed frontage is considered appropriate given the character and appearance of the surrounding area. Friar Street features a wide variety of frontage usages, the change of use from A1 to Sui Generis (Tattoo Studio) is considered to contribute positively to the overall diversity of the centre.

Overall, alterations to the shopfront and associated works are considered to assist in maintaining and enhancing the vitality and viability of the Central Reading area, complying with Policies RL1 and CR7. The proposed frontage is not considered to hinder movement or represent an unnecessary safety risk. The proposed non-illuminated signage has been specified to be vinyl printed on to a uPVC backing. The proposed signage is considered separately under the advert application, but nevertheless it is referenced as being acceptable in terms of size and is not considered to detrimentally impact the character and appearance of the surrounding area (see separate assessment below for details).

b) Shopfronts

In accordance with Reading Borough Local Plan policy OU5: Shopfronts and Cash Machines, proposals are acceptable where:

- New shopfronts on listed buildings or in Conservation Areas will respect or enhance the building or area, and will respect the key features of the special historic interest; **N/A**
- New shopfronts on listed buildings or in Conservation Areas will respect or enhance the building or area, and will respect the key features of the special historic interest; **N/A**
- Where a shop occupies multiple units, shopfronts will not run in a continuous horizontal line across the different unit façades. The fascia and the shop windows should be broken up to ensure the features of each unit are not lost; **Not applicable for this application**
- Fascia boards should be lower than any first floor windows, and reflect the predominant height of historic fascia boards on surrounding buildings; **Complies**
- Canopies and blinds over windows and entrances should be for the shading of the shop and should be retractable; **N/A**
- 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. **Complies**. To ensure the scheme complies with this, a condition will be included to ensure the shopfront maintains an active window display, to assist the viability and vitality of the primary frontage.

c) Security, Public Safety and Accessibility

This proposal has also been assessed against Reading Borough Local Plan policy CC8: Safeguarding Amenity, which states that proposals are acceptable where they will not cause a detrimental impact on the living environment of existing residential properties with regard to:

- Privacy and overlooking
- Access to sunlight and daylight
- Harm to outlook
- Crime and safety

The proposal is not considered to detrimentally impact the amenity to the surrounding area and is considered compliant with policy CC8: Safeguarding Amenity of the Reading Borough Local Plan (Adopted November 2019). This is mainly due to the size, scale and nature of the works proposed.

Although the applicant has specified opening hours (9am-6pm Monday to Saturday and 10am-6pm on Sundays), it is not considered necessary in this instance to impose an hours of use condition, owing to the nature of the proposed use being unlikely to require this being controlled

d) Air Quality

This proposal has been considered against Reading Borough Local Plan policy EN15, as the proposal site is within an Air Quality Management Area (AQMA). As demonstrated in the policy, this proposal does not meet the requirements for an Air Quality Assessment (AQA) and is considered not enough of a detrimental impact air quality to warrant such an assessment due to the size and scale of the proposal.

e) Transport

The proposed change of use is not anticipated to result in a significantly different number of car movements to/from the site to that possible at present. As such, no significant impacts on the road network are anticipated by this application.

### Application 201045 Appraisal - Display of fascia signage

#### a) Advertisements (Application 201046 only)

The Reading Borough Local Plan advertisements policy (OU4) states that all adverts need to comply with the following criteria in order to be approved:

|                                                                                                                                                                                                               |          |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------|
| Advertisements will not obstruct windows, any other sign already located on the building, or cut across significant architectural features such as historic fascias, windows, pilasters, cornices or scrolls. | Complies |
| Where a shop or business occupies more than one adjacent unit, the advertisement will not run between the shopfronts.                                                                                         | Complies |
| Advertisements on listed buildings or in Conservation Areas will respect or enhance the building or area, and will respect the key features of the special historic interest.                                 | Complies |
| Advertisements will not reduce visibility for users of the highway or accesses onto the highway.                                                                                                              | Complies |
| Illumination should not detract from the amenity of the area or pose a safety hazard to users of the highway.                                                                                                 | Complies |
| Advertisements should not obscure the sight lines of cameras installed for public safety.                                                                                                                     | Complies |

#### NPPG: Advertisements - [Considerations affecting public 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. These are detailed below (in *italics*), together with officer responses in relation to the proposal (in **bold**):

*The main types of advertisement which may cause danger to road users are:*

|                                                                                                                                                                                                                                                      |          |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------|
| (a) <i>those which obstruct or impair sight-lines at corners, bends or at a junction, or at any point of access to a highway</i>                                                                                                                     | Complies |
| (b) <i>those which, because of their size or siting, would obstruct or confuse a road-user's view, or reduce the clarity or effectiveness of a traffic sign or signal, or would be likely to distract road-users because of their unusual nature</i> | Complies |
| (c) <i>those which effectively leave insufficient clearance above any part of a highway, or insufficient lateral clearance for vehicles on the carriageway (due allowance being made for the camber of the road-surface)</i>                         | Complies |
| (d) <i>those externally or internally illuminated signs (incorporating either flashing or static lights) including those utilising light emitting diode technology</i>                                                                               |          |
| i) <i>where the means of illumination is directly visible from any part of the road</i>                                                                                                                                                              | Complies |
| ii) <i>which, because of their colour, could be mistaken for, or confused with, traffic lights or any other authorised signals</i>                                                                                                                   | Complies |
| iii) <i>which, because of their size or brightness, could result in glare and dazzle, or distract road-users, particularly in misty or wet weather</i>                                                                                               | Complies |
| iv) <i>which are subject to frequent changes of the display</i>                                                                                                                                                                                      | Complies |
| (e) <i>those which incorporate moving or apparently moving elements in their display, or successive individual advertisements which do not display the whole message</i>                                                                             | Complies |

|                                                                                                                                                                                                                                                                                                                                  |                 |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------|
| (f) <i>those requiring close study (such as Public Information Panels), which are situated so that people looking at them would be insufficiently protected from passing vehicles; or those advertisements sited on narrow footpaths where they may interfere with safe passage by causing pedestrians to step into the road</i> | <b>Complies</b> |
| (g) <i>those which resemble traffic signs, as defined in <a href="#">section 64 of the Road Traffic Regulation Act 1984</a>, and may therefore be subject to removal by the traffic authority under <a href="#">section 69</a> of that Act, for example</i>                                                                      |                 |
| i) <i>those embodying red circles, crosses or triangles, or any traffic sign symbol; or those in combinations of colours which might otherwise be mistaken for traffic signs; or</i>                                                                                                                                             | <b>Complies</b> |
| ii) <i>those incorporating large arrows or chevrons with only the arrow or chevron made of retroreflective material or illuminated, causing confusion with similar signs in use at, or approaching roundabouts</i>                                                                                                               | <b>Complies</b> |
| (h) <i>those which embody directional or other traffic elements and which need special scrutiny because of possible resemblance to, or confusion with, traffic signs, for example, advertisements which</i>                                                                                                                      |                 |
| i) <i>contain a large arrow or chevron (or have a pointed end and have only a few words of message)</i>                                                                                                                                                                                                                          | <b>Complies</b> |
| ii) <i>invite drivers to turn right on a main road, or where there is fast moving traffic</i>                                                                                                                                                                                                                                    | <b>Complies</b> |
| iii) <i>invite drivers to turn, but are sited so close to the turning that there is not enough time to signal and turn safely</i>                                                                                                                                                                                                | <b>Complies</b> |
| iv) <i>are so close to similar advertisements, or official traffic signs, that road-users might be confused in the vicinity of a road junction or other traffic hazard</i>                                                                                                                                                       | <b>Complies</b> |
| <i>The prevention of crime is a public safety consideration and local planning authorities should consider whether granting express consent could block the view of CCTV cameras, or whether illumination from an advertisement would cause glare on such cameras.</i>                                                           | <b>Complies</b> |

## Conclusion

The development has been assessed and the works are considered to be in accordance with the above relevant policies and planning permission and Advertisement Consent can be granted.

## 201045 Recommendation

### GRANT

## 201045 Conditions

### TL1: Time Limit (Standard)

The development hereby permitted shall begin no later than three years from the date of this planning permission.

REASON: In pursuance of Section 91 of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004) in order to prevent an accumulation of unimplemented planning permissions.

### AP1: Approved Plans (Application 201045 only)

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

- Existing Floor Plans Inc Block & Site Location Plan - 1159-01
- Proposed Floor Plans - 1159-03
- Proposed Elevations & Signage Details - 1159-04

These plans were received on 21<sup>st</sup> July 2020

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.

**PD Shopfronts (Application 201045 only)**

Notwithstanding the provisions of Class 12 of Schedule 3 of the Town and Country Planning (Control of Advertisements) Regulations 2007 (as amended), the shopfront shall retain 'active window displays' along the length of the frontages, without the installation of window vinyls, roller shutters, or similar which would obscure visibility between the public realm and the unit.

Reason: in the interests of retaining a vibrant and attractive streetscene and improving active surveillance, in line with Policies CC7, OU5, CR2 and CR7 of the Reading Borough Local Plan 2019.

**201045 Informatives**

**IF1: Positive and Proactive Working - approval**

The Local Planning Authority has worked positively and proactively with the applicant to resolve relevant matters to allow permission to be granted within the agreed extended timescale for the decision to be issued.

**IF5: Terms**

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.

**IF6: Building Control**

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.

**IF7: Complaints about construction**

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.

**201046 Recommendation**

**GRANT**

**201046 Conditions**

### **A1: STANDARD ADVERT REQUIREMENTS**

No advertisement is to be displayed without the permission of the owner of the site or any other person with an interest in the site entitled to grant permission.

- i. No advertisement shall be sited or displayed so as to:
  - a) endanger persons using any highway, railway, waterway, dock, harbour or aerodrome (civil or military);
  - b) obscure, or hinder the ready interpretation of, any traffic sign, railway signal or aid to navigation by water or air; or
  - c) hinder the operation of any device used for the purpose of security or surveillance or for measuring the speed of any vehicle.
- ii. Any advertisement displayed, and any site used for the display of advertisements, shall be maintained in a condition that does not impair the visual amenity of the site.
- iii. Any structure or hoarding erected or used principally for the purpose of displaying advertisements shall be maintained in a condition that does not endanger the public.
- iv. Where an advertisement is required under these Regulations to be removed, the site shall be left in a condition that does not endanger the public or impair visual amenity.

REASON: In accordance with Schedule 2, Regulation 2(1) of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.

### **AD2: APPROVED PLANS (ADVERTS)**

The advertisements hereby consented shall be carried out in accordance with the following approved plans:

- Existing Floor Plans Inc Block & Site Location Plan - 1159-01
- Proposed Elevations & Signage Details - 1159-04

These plans were received on 21<sup>st</sup> July 2020

REASON: For the avoidance of doubt and to ensure that the advertisement is carried out in accordance the details hereby approved in accordance with Policy OU4 of the Reading Borough Local Plan 2019.

### **201046 Informatives**

#### **IF1: Positive and Proactive Working - approval**

The Local Planning Authority has worked positively and proactively with the applicant to resolve relevant matters to allow permission to be granted within the agreed extended timescale for the decision to be issued.

#### **IF5: Terms**

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.

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