

DELEGATED APPLICATION REPORT

Application No: 200874/FUL

Address: 6 Park Lane, Tilehurst, Reading, RG31 5DL

Proposal: Conversion of outbuilding to extension including relocating existing kitchen and associated internal works. Relocation of extractor system at existing restaurant. Rerouting existing residential access.

Case Officer: David Brett

Applicant: Mr Zakir Khan

Received on: 23/06/2020

Valid on: 24/06/2020

Target Date: Originally 19/08/2020, extension of time on decision agreed to 26/08/2020

Site Description and Surrounding Area

The proposal site is a restaurant along a terraced row on Park Lane, Tilehurst. The proposal site consists of a restaurant at ground floor level, with flats above. The building to the rear of 6 Park Lane has been labelled vacant on the plans, and is proposed as the new kitchen to serve the ground floor restaurant. The adjoining properties of 6 Park Lane include A1 shops. The surrounding area is considered largely residential, aside from the Primary School north east of the proposal site, and the small parade of shops along the terraced row.



1. Side elevations to the rear of 6 Park Lane. Photos taken on 19/08/2020.

Proposal

The proposal seeks the conversion of the outbuilding to be a more integrated part of the restaurant operations and includes an infill extension (between the main building and outbuilding) to facilitate this.

This in sum results in: the relocation of the existing kitchen and associated internal works (thereby slightly increasing the seating capacity in the restaurant, based on the plans); the associated relocation of extractor system at the existing restaurant (at roof level of the outbuilding and then rising up the rear elevation of the original main building); and, the rerouting of the existing residential access (from the area to be infilled to the rear most section of the existing outbuilding).

The level of waste storage facilities, to the rear of the outbuilding (outside of the red line boundary of the application site), are unchanged.

Internal Consultations

Reading Borough Council, Environmental Protection - Consultation response received on 19/08/2020

- The proposals alter the location of the plant at the site. Applications which include noise generating plant when there are nearby noise sensitive receptors should be accompanied by an acoustic assessment carried out in accordance with BS4142:2014 methodology.
- A noise assessment has not been submitted with the application and therefore I cannot determine the likely noise impact of the proposal and whether the proposals are acceptable. The application should either be refused, or a condition included requiring the submission of a noise assessment.
- In addition to concerns about noise (as discussed above), cooking odour is often a significant problem in commercial kitchens and therefore the applicants must provide an assessment of the likelihood of odours based on the proposed cuisine and a statement of how the proposals will ensure that odour nuisance will be prevented. Reference must be made to the Defra Guidance on the Control of Odour and Noise from Commercial Kitchen Exhaust Systems (January 2005).
- We commonly receive complaints about noise and dust caused by construction and demolition works, particularly working outside reasonable hours and about smoke from bonfires associated with the burning of waste on site of minor developments.
- There is a widespread problem in Reading with rats as the rats are being encouraged by poor waste storage which provides them with a food source. Where developments involve shared bin storage areas e.g. flats and hotels there is a greater risk of rats being able to access the waste due to holes being chewed in the base of the large wheelie bins or due to occupants or passers not putting waste inside bins, or bins being overfilled. It is therefore important for the bin store to be vermin proof to prevent rats accessing the waste.

External Consultees

4 Park Lane, Tilehurst, Reading, RG31 5DL - No consultation response received.

8 Park Lane, Tilehurst, Reading, RG31 5DL - Consultation response received on 06/07/2020

- As the landowners of the land (i.e. car park and access way) to the rear of No 6 and No 8 Park Lane, Tilehurst. We object to this proposal as the applicant has only limited legal rights of use over our land. This new second access would detrimentally affect our commercial premises and appears to contravene our legal rights as the applicant does not have 24 access to this area neither do his tenants.
- The applicant has never consulted us with regard to this planning application, and this application has only just been brought to our attention.
- A further letter was received on 07/07/2020 outlining the objection to the proposal in further detail. The letter addresses the proposed access to the flats above 6 Park Lane and the parking area to the rear of 6 Park Lane. Concerns have also been raised as to where the bins will be sited.

8a Park Lane, Tilehurst, Reading, RG31 5DL - No consultation response received.

10 Park Lane, Tilehurst, Reading, RG31 5DL - No consultation response received.

Flat, 10 Park Lane, Tilehurst, Reading, RG31 5DL - No consultation response received.

Nesbitts Hair Salon, 10 Park Lane, Tilehurst, Reading, RG31 5DL - No consultation response received.

3 Chapel Hill, Tilehurst, Reading, RG31 5BT - No consultation response received.

5 Chapel Hill, Tilehurst, Reading, RG31 5BT - No consultation response received.

7 Chapel Hill, Tilehurst, Reading, RG31 5BT - No consultation response received.
9 Chapel Hill, Tilehurst, Reading, RG31 5BT - No consultation response received.
11 Chapel Hill, Tilehurst, Reading, RG31 5BT - No consultation response received.
13 Chapel Hill, Tilehurst, Reading, RG31 5BT - No consultation response received.
21 Chieveley Close, Tilehurst, Reading, RG31 5JD - No consultation response received.

A site notice was displayed from 7th July 2020, expiring on 28th July 2020 - no responses have been received.

Plans/Documents Considered

The agent supplied the following plans:

- Planning Statement
- Site Location and Block Plan - 18/440/001
- Existing Plans - 18/440/002
- Existing Elevations - 18/440/003
- Proposed Plans - 18/440/004
- Proposed Elevations - 18/440/005

These plans were received on 23rd June 2020

Relevant Planning History

050688 - Development of the land as permitted by Planning Consent T/APP/Q01315/A/96/272363/P2 dated 02 May 1997 (Change of use from food store (A1) to restaurant (A3) - consumption on premises, ground floor only) but without complying with Condition 4 (hours of use) of that consent. - Application Permitted on 05/10/2005.

980838 - Variation of condition 4 of consent 96/0785/AP to open between 12-2pm (lunchtime) and 6-11.30pm (evening). - Application refused on 15/08/2000.

950919 - Change of use of ground floor from foodstore (A1) to restaurant (A3). - Application refused on 04/04/1996, allowed at appeal on 02/05/1997.

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

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).

Relevant Policies

The application has been assessed against the following policies:

National

National Planning Policy Framework 2012;

National Planning Policy Guidance 2014 onwards;

Reading Borough Local Plan (November 2019)

- CC5: Waste Minimisation and Storage
- CC7: Design and the Public Realm
- CC8: Safeguarding Amenity
- EN16: Pollution and water resources
- EN17: Noise Generating Equipment
- RL2: Scale and Location of Retail, Leisure and Culture Development
- TR3: Access, Traffic and Highway-Related Matters

Appraisal

The main issues considered in this proposal are as follows:

- a) Land use issues
- b) Impact on the existing premises
- c) Impact on the surrounding area
- d) Amenity, Security, Public Safety and Accessibility
- e) Environmental Protection Concerns

a) Land use issues

The proposals effectively increase the size and function of the restaurant at ground floor level. The principle of this raises no in principle land use concerns, given this is an existing use. The outbuilding is an ancillary element to the existing restaurant (there is no history to suggest this is a separate planning unit and thus the applicant specifying this is a separate use class on the application form is not considered accurate); the remodelling of the space (infilling of the existing access and creation of a new access to the rear) actually reduces the overall floorspace, so the proposal is not required to apply the sequential test outlined in Policy RL2.

b) Impact on the existing premises

The proposed development is not considered to drastically alter the physical appearance of 6 Park Lane. The most significant physical alteration involves the relocation of the existing extractor system to allow for the relocation of the kitchen. The relocation of the extractor system is not considered to drastically alter the character and appearance of the proposal site or the surrounding area. The proposal includes a new opening to the side of the proposed kitchen area, this is to allow residents access to the flats above 6 Park Lane. This is a minor alteration which raises no design concerns, whilst acknowledging this is largely a utilitarian addition.

Overall, the proposed development is considered appropriate in terms of design and appearance in accordance with policy CC7 of the Reading Borough Local Plan 2019.

c) Impact on the surrounding area

An objection to this application was raised on 6th July 2020, with a follow up letter received on 7th July 2020. The applicant and agent were given the opportunity to address the concerns raised within the objection. The agent indicated that the proposed plan,

elevations and block plan depict that the proposed access would not encroach upon the car park. A hallway within the existing outbuilding at 6 Park Lane has been introduced by reducing the size of the existing outbuilding. The agent highlights that this design aspect avoids encroaching upon the car park. The decision to introduce the access to the hallway was made with the specific intention to avoid encroaching upon the car park.

With regards to the location of the bins; while this is considered a matter between the two parties, as confirmed by the Council's Planning Solicitor having considered the representation received. It is considered that there is no relevant planning reason to condition a bin storage area within this application, as this is an existing arrangement and it is considered that suitable provision is provided (the alterations do not result in there being a requirement for additional facilities, in light of the net decrease in overall floorspace as part of the proposals).

d) Amenity, including 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

No significant adverse impacts are envisaged in these regards as a result of the development.

However, concerns relating to smell, noise and disturbance will need to be addressed via the submission of odour and noise assessments. Odour and noise assessments will be submitted to the local authority for approval, as detailed in the EP section below.

In terms of access for the occupiers of the upper floor residential accommodation, this proposal alters this arrangement. In short, the proposed arrangement is considered to continue to provide adequate access to the residential accommodation, which is not significantly worse than existing. The altered plant will be shown to protect the amenity of occupiers through the conditions detailed below.

The increase in capacity at the restaurant is not considered to result in any significant increase in transport journeys / traffic / parking issues in the vicinity, owing to the modest change in usable floorspace proposed.

e) Environmental Protection Concerns

Concerns raised by environmental protection include:

- Lack of noise assessment submitted to support the application.
- Lack of odour assessment submitted to support the application.

With regards to the noise and odour assessments required to support this application, these will be secured via condition to any approval for this application. Development would not be able to commence until a noise and odour assessment relating to the proposed relocated extractor system has been provided to the local authority and approved in writing by the local authority. In the context of this application, it is considered that the existing arrangement for bin storage is not changing, as such a

planning condition securing bin storage is not a requirement (as it would not pass the tests of a condition).

The pre-commencement conditions N2: Mechanical Plant (Noise Assessment Required) and N11: Ventilation & Extraction (To Be Submitted) were agreed by the agent in writing on 20/08/2020. This is in line with section 100ZA (5) of the Town and Country Planning Act (as amended).

Conclusion

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

Recommendation

GRANT

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

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

- Planning Statement
- Site Location and Block Plan - 18/440/001
- Proposed Plans - 18/440/004
- Proposed Elevations - 18/440/005

These plans were received on 23rd June 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.

N2: Mechanical Plant (Noise Assessment Required)

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.

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.

N11: Ventilation & Extraction (To Be Submitted)

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.

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.

Noisy construction, demolition and associated activities should be restricted to between the hours of 08:00hrs to 18:00hrs Mondays to Fridays, and 09:00hrs to 13:00hrs on Saturdays, with no noisy works taking place at any time on Sundays and Bank or Statutory Holidays.

Classification: OFFICIAL

There should be no burning of waste on the site.

Classification: OFFICIAL