

**DELEGATED APPLICATION REPORT - Application No. 190130/FUL**

**Address:** 16 King Street, Reading

**Proposal:** Change of use from A1 (shop) to D2 (Assembly and leisure)

**Case officer:** Anthony Scholes

**Site Description and Surrounding Area:**

The application site is a three storey building within a row of commercial premises on the south side of King Street, forming part of the main shopping street in Reading. The building is late twentieth century with modern shopfront at ground floor and is flanked by Grade II listed buildings, the George Hotel to the west and 17 and 18 King Street to the east. The site backs onto the 'Yield Hall Place' which serves mainly as a service yard to The Oracle shopping centre.

The site is located within the Market Place/London Street Conservation Area.

The is also within the Reading Central Area, Central Core, Primary Shopping and Office Core and within an existing Active Frontage as defined by the Reading Central Area Action Plan 2009, as well as within an Air Quality Management Area.

**Proposal:**

The application seeks planning permission for a proposed change of use of the unit lower ground floors from A1 (shops) to D2 (assembly and leisure).

During the course of the application, the applicant confirmed the proposed D2 use would be limited to Bingo hall, dance hall, gymnasium or area for other indoor sports/recreation (not involving motorised vehicles or firearms).

The proposal does not seek any external alterations to the building.

**Plans and Documents Considered:**

Drawing No: S418/0397/P/0002 - Basement floor plan

Drawing No: Block Plan

Drawing No: Location plan

Received 29 January 2019

**Relevant Planning History:**

181066/FUL Change of use from A1 (shops) to D1 (non-residential institution). Approved  
181064/FUL Change of use from A1 (shops) to A3 (restaurant). Approved  
120787/ADV 1 Mothercare/Early Learning Centre fascia sign to front elevation. Permitted  
110572/ADV 1 fascia sign, 2 projecting signs and 1 rear fascia sign (retrospective). Split Decision. Appeal Dismissed  
070281/ADV Internally illuminated fascia signs and projecting sign. Permitted  
030311/ADV New oval sign, internal fluorescent illumination. Text and outer keyline only to illuminate. Green neon fitted in gap to provide halo effect. New non-illuminated projecting sign.

**Consultation Responses:**

Environmental Protection: No objection subject to conditions.

Transport: No objection.

Notification letters were sent to properties at No's 6, 6a, 7, 8, 8a, 9, 9a, 9b, 14, 16 Kings Walk, 5 Butter Market, 17-18 King Street and 46 and 47 Market Place.

No letters of representation have been received.

**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 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the local planning authority to have special regard to the desirability of preserving a listed building or its setting or any features of special interest which it possesses.

Section 72 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the local planning authority in the exercise of its functions to pay special attention to the desirability of preserving or enhancing the character or appearance of a conservation area.

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 Local Development Framework ‘*Core Strategy*’ 2008 (Altered 2015) and ‘*Sites and Detailed Policies Document*’ 2012 (Altered 2015).

The ‘*National Planning Policy framework*’ (‘NPPF’) 2018 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 Development Framework (LDF) (Core Strategy and Sites and Detailed Policies Document) 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:

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

**Reading Borough LDF Core Strategy (2008) (altered 2015)**

- CS1 Sustainable Construction and Design
- CS7 Design and the Public Realm
- CS20 Implementation of the Reading Transport Strategy (Local Transport Plan 2006-2011)
- CS24 Car/Cycle Parking
- CS26 Network and Hierarchy of Centres
- CS27 Maintaining the Retail Character of Centres
- CS33 Protection and Enhancement of the Historic Environment
- CS34 Pollution and Water Resources

**Reading Sites and Detailed Policies Document (SDPD 2012) (altered 2015)**

- SD1 Presumption in favour of Sustainable Development

- DM1 Adaption to Climate Change
- DM4 Amenity
- DM12 Access, Traffic and Highway Related Matters

#### **Reading Central Area Action Plan (RCAAP 2009)**

- RC5 Design in the Centre
- RC6 Definition of the Centre
- RC7 Leisure in the Centre
- RC10 Active Frontages

#### **Other supplementary document and legislation**

Market Place/London Street Conservation Area Appraisal (2004)

Revised Parking Standards and Design SPD (2011)

Section 66 and Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990

#### **Appraisal**

##### Principle

Policy CS26 seeks to maintain and enhance the vitality and viability of the central locations, which can include widening the range of use available. Policy CS27 also seeks to maintain a strong retail character to such locations by preventing significant groupings of non-retail uses in one part of the centre. Policy RC6 also seeks to promote retail development whilst supporting other town centre uses within the wider Central Core area.

Paragraph 85 of the NPPF 2018 states that planning policies and decisions should support the role that town centres play at the heart of local communities, by taking a positive approach to their growth, management and adaptation. The Glossary of the NPPF details that the main town centre uses are: *Retail development (including warehouse clubs and factory outlet centres); leisure, entertainment and more intensive sport and recreation uses (including cinemas, restaurants, drive-through restaurants, bars and pubs, night-clubs, casinos, health and fitness centres, indoor bowling centres, and bingo halls); offices; and arts, culture and tourism development (including theatres, museums, galleries and concert halls, hotels and conference facilities).*

The proposed D2 use is considered to be an appropriate 'centre use', and therefore its location with the Central Core and Primary Shopping Centre is considered to respect the

vitality and viability of the Reading Centre in the context of Policy CS26 and RC6, and is therefore accepted.

Whilst Policy CS27 states that retail uses form the main contributor to the vitality and viability of centres and identifies a monitoring target that 50% of A1, A2, A3, A4, A5 and Sui Generis units within Centres should be in A1 use, this refers to District and Local Centres only and does not apply to the Regional Centre (Reading Town Centre). In this respect, there are no recognised policies that prescribe a numerical threshold of A1 uses in Reading Town Centre. This was confirmed in the recent appeal decision (ref. APP/E0345/A/14/2228320) in relation to an application for change of use from A1 to A2 at 31 Queen Victoria Street, where the Inspector states that the 50% monitoring target does not expressly apply to Reading Town Centre. The Inspector also considered that notwithstanding this, the wording of Policy CS27 - with respect to a strong retail character and that 'significant groupings of non-retail uses in part of the town centre will not be allowed' - was material to her assessment. As described above, the proposed D2 use can be considered an accepted town centre use and, as such the proposal is not considered to materially impact on the vitality, viability or retail character of Reading Centre as a whole.

Whilst the proposed use is likely to be acceptable, there are other uses within the D2 class which display different characteristics and therefore may not be appropriate for this site. It is therefore considered reasonable to restrict the proposed D2 use to that as either a Bingo hall, dance hall, gymnasium or area for other indoor sports/recreation (not involving motorised vehicles or firearms) by way of a suitably worded condition. This is on the basis that an uncontrolled D2 use could have the potential to cause harm to the amenity surrounding occupiers by way of noise and disturbance as well as increase in demand for parking and highway safety issues in such a location (Policy DM4 of the Sites and Detailed Policies Document 2012, 2015 and Policy CS34 of the Core Strategy 2008, 2015).

The application site is designated as an 'Active Frontage' as defined by the Reading Central Area Action Plan (RCAAP) proposals map and Policy RC10 (Active Frontages). Policy RC10 states that uses should be within A1, A2, A3, A4, A5, C1, D1 or D2, related sui generis uses, unless it would be an entrance to upper floors. The proposed use does not currently include access from the active frontage side of the building, and therefore is not applicable to this proposal.

### Design Considerations

Whilst the host building does not contribute particularly to the value of the nearby heritage assets, it is important that any changes to the building do not further detract from, or harm the setting of the adjacent listed buildings or the wider conservation area.

The application does not propose any internal or external alterations such that there would be no impact on the appearance of the building, visual amenity of the surrounding area, setting of the adjacent listed buildings or the character and appearance of the conservation area. The proposal would accord with Policies CS7, CS33 and RC5.

An informative is recommended to advise that any alterations to the shop or signage would require separate planning permission and advertisement consent.

### Impact on Neighbour Amenity

The impact of the change of use upon the amenity of surrounding occupiers must be considered in accordance with Policy DM4 which seeks to protect amenity and Policy CS34 which seeks to control pollution.

The proposal does not seek to enlarge the property such that no undue loss of light or overbearing impact would occur to any neighbouring property.

The site is located within a busy local centre with a number of commercial and retail uses, restaurants and take-aways. As such, it is not considered that the proposed change of use to Bingo hall, dance hall, gymnasium or area for other indoor sports/recreation (not involving motorised vehicles or firearms) would, in general, result in any significant harm to the amenity of surrounding occupiers.

However, the upper floors of the building serve hotel rooms, as part of the hotel, which is the most sensitive receptor to the proposed development.

No additional plant is proposed as part of the application or as set out above, any extensions or alterations to the building. However, a D2 use is likely to require mechanical plant such as air conditioning and air handling plant. Environmental Protection Officers have provided comments, citing no objections to the proposal on the basis that a condition can be included that requires the submission of a noise assessment be submitted prior to installation of any mechanical plant equipment in accordance with Policy DM4 and Policy CS34.

### Transport

The Council Transport Team has considered the proposal and raises no objections, subject to conditions.

### Flood Risk Assessment

The proposed development is within a mapped flood zone (Flood Zone 2) as per the Environment Agency mapping. The applicant has provided a sufficient flood risk statement supported by expert evidence and agreed by the Council that a full flood risk assessment would not be required in this specific instance due to the source of flooding being a culverted watercourse and as such cannot result in flooding over the site. This is considered acceptable in this specific instance.

### CIL

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

### **Conclusion**

Having regard to the material considerations and all matters raised, the Local Planning Authority considers that the balance of considerations therefore weigh in favour of granting planning permission subject to conditions.

### **RECOMMENDATION:**

GRANT planning permission, subject to conditions.

### **Conditions**

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 permission was granted.

Reason: to prevent an accumulation of unimplemented planning permissions and in accordance with Section 91 of the Town & Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

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

Drawing No: S418/0397/P/0002 - Basement floor plan

Drawing No: Block Plan

Drawing No: Location plan

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

3. No mechanical plant shall be installed until a noise assessment of the proposed mechanical plant has been submitted and approved by this Council. The assessment shall be carried out for in accordance with BS4141:2014 methodology. The predicted specific sound level ( $L_{Aeq,TR}$ ) as measured at a point 1 metre external to sensitive facades shall be at least 10dB below the existing background sound level,  $LA_{90,T}$  when all plant/equipment (or any part of it) is in operation. The predicted rating level,  $L_{Ar,Tr}$  (specific sound level plus any adjustment for the characteristic features of the sound) as measured at a point 1 metre external to sensitive facades shall not exceed the existing background sound level,  $L_{A90,T}$  when all plant/equipment (or any part of it) is in operation. The plant shall thereafter only be installed in accordance with the assessment.

Reason: To safeguard the amenities of the adjoining premises and the area generally, in accordance with Policy CS34 of the Core Strategy 2008 (altered 2015) and Policy DM4 of the Sites and Detailed Policies Document 2012 (altered 2015).

4. Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 (as amended), the lower ground floor by virtue of this permission shall only be used as either a Bingo hall, dance hall, gymnasium or area for other indoor sports/recreation (not involving motorised vehicles or firearms) only and for no other use that may fall under a Class D2 use (assembly and leisure) of the Town and Country Planning (Use Classes) Order 1987 (as amended).

Reason: in order for the Local Planning Authority to control the use of the land in terms of noise, disturbance and traffic generation, in the interests of the amenities of

neighbouring properties, in accordance with Policies CS20, CS22 and CS34 of the Reading Borough LDF Core Strategy 2008 (altered 2015), Policy RC6 of the Reading Borough LDF Reading Central Area Action Plan 2009 and Policies DM4 and DM12 of the Reading Borough LDF Sites and Detailed Policies document 2012 (altered 2015).

### **Informatives**

1. Your attention is drawn to the terms and conditions of this permission. Any development which is carried out but 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.
2. These works will require separate approval under the Building Regulations. Please contact the Council's Building Control service for further advice on (0118) 937 2449.
3. For the avoidance of doubt, any future proposed signage and shopfront (at both ground and lower ground) may require separate advertisement consent and planning permission. No signage or external changes are approved as part of this application.
4. Officers have worked positively and proactively to provide a recommendation for approval to be made within the agreed time period.