

DELEGATED APPLICATION REPORT

Address: 6 Broad Street

Application No: 191077

Proposal: Change of use of the ground and basement floor from a shop (Class A1) to a restaurant (Class A3)

Applicant: Mexican Grill Ltd

Date received (valid from): 03/07/2019

Target Decision date: 28/08/2019

Agreed Extension of Time:

Case officer: Tom French

1. Site description and Surrounding Area

The site is a four storey building located on the northern side of Broad Street. The ground floor serves Virgin Media. The building is within the central commercial and shopping area of Reading, an area characterized by a mix of three/four storey commercial buildings of differing design and age. It is within the Market Place/London Street Conservation Area and within an air quality management area.

2. The Proposal

Full planning permission is sought for a change of use from A1 to A3.

3. Consultation

Neighbours consultation:

A site notice has been displayed at the site from 09/08/2019.

No responses have been received.

Transport: No objection

Environmental Protection: Question raised as to viability of A3 use without kitchen extraction. If no extraction is installed then there would be no adverse effects in terms of noise or odour arising from plant equipment. On this basis, there is no objection to the proposal.

Licensing: No response has been received

Waste Operations: No response has been received

4. Plans and Documents Considered

The Council, in reaching its recommendation, has taken into consideration the following plans & documents:

Drawing No.:

- J001399_A1_00 - Site Location & Block Plan
- J001399_A1_01 - Existing GA Layout
- J001399_A2_00 - Proposed GA Layout

- Planning and Heritage Statement

As received: 03/07/2019

- J001399_SK_00A - Proposed GA Layout
- Operational Management Plan, 6 Broad Street, Reading, RG1 2BH

As received: 22/10/2019

5. Relevant Planning History

There is an extensive planning history at this site. The most recent and relevant are:

161787 - ADV - 1 no. internally illuminated fascia and 1 no. internally illuminated projecting sign - Application Permitted

191597 - FUL - Change of use from A1 to A2, changes to ventilation system, repairs to first floor windows and replacement shopfront including doors, windows and ATM installation - Application not yet determined at time of this determination

191598 - ADV - Display of various illuminated and non-illuminated signage - Application not yet determined at time of this determination

6. 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.

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

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.

The '*National Planning Policy framework*' ('NPPF') 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:

8. Relevant Policies

The application has been assessed against the following policies:

National

National Planning Policy Framework;

National Planning Policy Guidance;

RBC Local Development Framework

Core Strategy 2008 (Altered 2015)

CS7 Design and the Public Realm

CS20 Reading Transport Strategy

CS26 Network and Hierarchy of Centres

CS27 Maintaining the Retail Character of Centres

CS33 Protection and Enhancement of the Historic Environment

CS34 Pollution

Sites and Detailed Policies Document 2012 (Altered 2015)

DM4 Safeguarding Amenity

DM12 Access, Traffic and Highway Related Matters

DM22 Advertisements

DM23 Shopfronts and Cash Machines

Reading Central Area Action Plan (2009)

RC5 Design in the Centre

RC6 Definition in the Centre

RC10 Active Frontages

Reading Borough Submission Draft Local Plan 2018

The New Reading Borough Local Plan is at an advanced stage. The Inspector's report into the Proposed Modifications has now been received and the new local plan is proposed to be adopted by the Council on 4 November 2019. Accordingly, it is taken into account as part of the determination of this application.

CC7 Design and the Public Realm

CC8 Safeguarding Amenity

CR1 Definition of Central Reading

CR2 Design in Central Reading

CR7 Primary Frontages in Central Reading

EN1 Protection and Enhancement of Historic Environment

EN4 Locally Important Heritage Assets

EN15 Air Quality

- EN16 Pollution and Water Resources
- EN17 Noise Generating Equipment
- OU4 Advertisements
- OU5 Shopfronts and Cash Machines
- RL1 Network and Hierarchy of Centres
- RL3 Vitality and Viability of Smaller Centres
- TR1 Achieving the Transport Strategy
- TR3 Access, Traffic and Highway-Related Matters

9. Appraisal

Principle of the change of use

Paragraph 85 of the NPPF (2018) states that planning policies and decisions should support the role that the 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, nightclubs, 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 A3 use proposed would be an appropriate main town centre use.

Policy CS26 seeks to maintain and enhance the vitality and viability of centres, as well as widen the range of uses. The proposal would assist in bringing a vacant unit back in to use in what is an appropriate town centre use.

Policy CS27 states that retail uses form the main contributor to the vitality and viability of centres and identifies a monitoring target of 50% of A1, A2, A3, A4, A5 and Sui Generis units within Centres should be in A1 use. However, it is stated that 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 specific policies to protect A1 uses in the Town Centre This was reaffirmed in the Appeal Decision (ref. APP/E0345/A/14/2228320) in relation to an application for change of use from A1 to A2 at no. 31 Queen Victoria Street, where the Inspector stated that the 50% monitoring target does not expressly apply to Reading Town Centre. She stated that notwithstanding this, the wording of CS27 with respect to a strong retail character and significant groupings of non-retail uses in one part of the town centre is relevant. In terms of considering the current application, the predominant use class within the town centre would remain A1 and it is not considered that the proposed change of use to A3 would result in any significant harm to the strong retail character of Reading Town Centre.

Policy RC6 of the RCCAP states that retail development will take place in the Primary Shopping Area with other main town centre uses to be located within the Central Core and the proposal would accord in this respect.

The site is located within an 'Active Frontage' as defined by RCAAP Policy RC10 and this policy states that uses on the ground floor along the designated active frontages will be within one of the following use classes: A1, A2, A3, A4, A5, C1, D1, D2 or related sui generis uses, unless it would be an entrance to upper floors. The proposal accords with Policy RC10 in this respect. The policy also seeks to retain active frontages in terms of the proposed shop front and glazing. The proposal does not include any elevational alterations and as such the existing glazed frontage would be retained. As such it is considered that the proposal would comply with Policy RC10 in this respect also. It is considered reasonable to secure retention of the proposed active open and glazed frontage in accordance with Policy RC10 by way of a suitably worded condition to prevent obstruction of the frontage by window stickers or other additions.

Design and Appearance

Policy CS7 seeks that new development should be of high quality and maintain and enhance the character and appearance of the surrounding area. Policy DM23 seeks that shop fronts should respect the character of the building on which they are located and the wider street and Policy RC5 seeks to promote positive design in the town centre. Policy CS33 seeks to protect and enhance historic features and areas of historic importance and other elements of this historic environment, including their setting, with specific reference to conservation areas and listed buildings.

As this application relates solely to the change of use and no elevational alterations are proposed, the development would maintain the character and appearance of the host dwelling and surrounding area.

The proposal is considered to accord with Policies CS7, CS33, RC5 and DM23.

Amenity

Policy DM4 seeks that new development should not cause a significant detrimental impact to the living environment of surrounding occupiers and Policy CS34 seeks that new development is not damaging to the environment by way of pollution and the new development should not be subject to high levels of pollution unless adequate mitigation is provided.

Environmental Protection Officers have provided a consultation response that outlines that as no additional extraction or ventilation is proposed, there would not be any undue detrimental impacts of the development in terms of noise or odour. It is noted that there is some scepticism as to if a kitchen (even one with such limited equipment as is proposed here) can operate without any dedicated kitchen extraction, this is controlled through the relevant health and safety/food hygiene legislation. Were additional ventilation to be added at a later time, such works would likely require planning permission and the impact upon amenity of such extraction units would be assessed at that time. In the interests of protecting the amenity of nearby occupiers, a condition is recommended requiring that no mechanical plant shall be installed until a noise assessment has been submitted to and approved by the council.

The applicant has proposed hours of use of 0800 - 2300 hours daily which are considered reasonable in the context of the existing predominantly commercial context of the surrounding area. In order to protect the amenity of surrounding occupiers it is considered reasonable to control the use to these hours by way of a suitably worded condition.

Officers raised some issues regarding whether the A5 element would actually be ancillary in nature, especially in the context of the type of food being sold. The applicant submitted an Operational Management Plan, which provides further detail regarding deliveries, and use of the premises. Although the agent confirmed that there would be some external pick ups from companies such as Deliveroo, this would be a small element of the overall operational use of the premises. An informative is included regarding A5 being ancillary to the overall A3 use.

Transport

The site is located within the Reading Central Area and within Reading's primary shopping area. The site is located within Zone 1 of the adopted Parking Standards and Design SPD which is an area at the very heart of Reading Borough, consisting primarily of retail and commercial office developments, with limited residential. This area is well served by rail and bus links and also contains the largest proportion of public car parking spaces. There are no requirements for car parking in this zone as any demand for parking will be met by the town centre public car parks.

It is considered that in this location the proposed change of use from A1 use to A3 use will have a negligible impact in terms of Transport and therefore there are no transport objections to the proposed development which would accord with Policies CS20 and DM12.

Other Issues

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

10. Recommendation

Grant planning permission, subject to the following 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.:

- J001399_A1_00 - Site Location & Block Plan
- J001399_A2_00 - Proposed GA Layout

As received: 03/07/2019

- J001399_SK_00A - Proposed GA Layout
- Operational Management Plan, 6 Broad Street, Reading, RG1 2BH

As received: 22/10/2019

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

3. The development hereby permitted shall not operate outside the hours of 08:00-23:00 hours Monday to Sunday.

Reason: In order for the Local Planning Authority to control the use of the site and amenities of surrounding occupiers (CS34 of the Reading Core Strategy 2008, altered 2015) and DM4 and of the Sites and Detailed Policies Document 2012, altered 2015).

4. 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 Broad Street frontage, 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 CS7 of the Reading Borough LDF Core Strategy 2008 (Altered 2015) and Policy RC10 of the Reading Central Area Action Plan 2009.

5. 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 in accordance with the relevant recommendations of appropriate British Standards or other recognised Codes of Good Practice. 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 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 plant shall 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 CS34 and Policy DM4

Informatives

1. 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.

2. The applicant's attention is drawn to Building Regulations requirements. Please contact Building Control on 0118 937 2449 for advice.
3. The construction (and demolition) of the development will be subject to environmental health law and the applicant is referred to:
<http://beta.reading.gov.uk/environmentalprotection>
4. A3 with ancillary takeway
5. Positive and Proactive IF1