

COMMITTEE REPORT

BY THE DIRECTOR OF ENVIRONMENT AND NEIGHBOURHOOD SERVICES

READING BOROUGH COUNCIL

ITEM NO. 9

PLANNING APPLICATIONS COMMITTEE: 18th July 2018

Ward: Abbey

Application No's.: a) 180823/FUL & b) 180824/ADV

Address: Former Argos Unit, Broad Street Mall, 47 Oxford Road, Reading, RG1 7QG

Proposals: a) Subdivision of three-storey retail unit (Class A1) and change of use to form: 1x retail unit (Class A1) at part basement / part ground floor; 2x flexible retail or restaurant units (Class A1/A3) at ground floor level; and 2x assembly & leisure units (Class D2) - 1 at part basement / part ground floor & 1 at part ground, part first floor level, together with shared access and means of escape; associated replacement shopfront works and associated external alterations on Oxford Road and Queens Walk frontages.

b) Display of 4 canopy awnings with tenant names on Queens Walk.

Applicant: Inception (Reading) Sarl (c/o Moorgarth Group Limited)

Dates Valid: a) & b) 29/05/18

Application target decision dates: a) 28/08/18 b) 24/07/18

26 week date: a) & b) 27/11/18

RECOMMENDATIONS:

a) 180823/FUL

Delegate to Head of Planning, Development and Regulatory Services to (i) GRANT full planning permission subject to completion of a S106 legal agreement or (ii) to REFUSE permission should the legal agreement not be completed by the 28th August 2018 (unless the Head of Planning, Development and Regulatory Services agrees to a later date for completion of the legal agreement). The legal agreement to secure the following:

- An Employment Skills and Training Plan (construction phase and end use phase)

And the following conditions to include:

1. Time Limit – 3 years
2. Approved plans
3. Hours of use:
Classes A1 and A3 – 0800-2300 Monday-Saturday and 0800-2200 Sundays & Bank Holidays
Class D2 Cinema – 1030-0000 Monday-Thursday & Bank Holidays and 1030-0200 Friday/Saturday/Sunday
Other Class D2 uses (music and concert halls, bingo and dance halls [but not night clubs], swimming baths, skating rinks, gymnasiums or area for indoor or outdoor sports and recreations) 0800-2300 Monday-Saturday and 0800-2200 Sundays & Bank Holidays
4. Pre-commencement construction method statement
5. Pre-occupation bicycle parking (plans to be approved)
6. Pre-occupation delivery/service management plan (including delivery hour details) for Unit 3 (Class A1/A3)
7. Pre-occupation (of gym use only) noise (including specific reference to structure borne noise) assessment
8. No mechanical plant installed until a noise assessment of such plant has been submitted and approved
9. No kitchen extraction installed until an odour assessment and odour management

plan has been submitted and approved.

10. Standard construction hours
11. Ground floor shopfronts shall retain 'active window displays'
12. (i) Pre-commencement interim BREEAM certificate achieving 50% Very Good / 50% Excellent ratings; (ii) Pre-occupation (of non-residential components) final BREEAM certificate achieving 50% Very Good / 50% Excellent ratings

Informatives:

1. Positive and Proactive Statement
2. Terms and conditions of the permission
3. Building Regulations apply
4. Works affecting highways
5. No burning of waste on site
6. Section 106 Legal Agreement
7. Flexibility use of Class A1/A3 units for 10 years
8. Possible need for future separate advertisement consent
9. Clarification over pre-commencement conditions
10. CIL
11. Complaints about construction

b) 180824/ADV

GRANT Advertisement Consent subject to conditions to include:

1. The standard conditions (i – v)
2. Approved plans

Informatives:

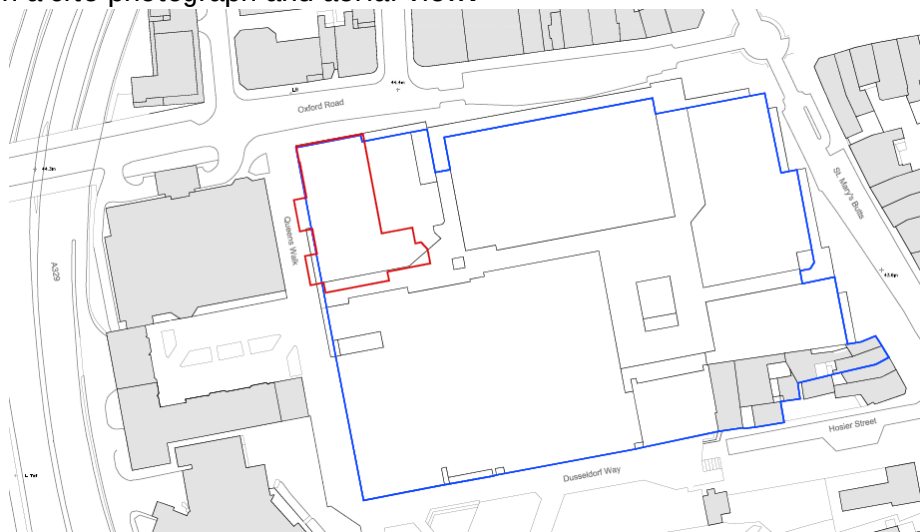
1. Positive and Proactive Statement
2. Terms and conditions of the consent.
3. It is noted that tables, chairs, planters and wind breaks are shown on the plans. All have been confirmed to be temporary/moveable and therefore fall outside the scope of this application.
4. As the awnings overhang Council owned land the applicant will require a separate licence from the Council, along with the separately proposed tables, chairs, planters and wind breaks. Please contact the Council to discuss this further.

1. INTRODUCTION

- 1.1 The application site comprises the former Argos retail unit within Broad Street Mall, which extends over basement, ground (including street frontages onto Oxford Road and the pedestrianised Queens Walk, as well as from within the mall itself) and first floor level (with partial access straight to the Broad St Mall multi-storey car park). The unit is in the north-west corner of Broad Street Mall and has been vacant since Argos ceased trading in January (aside from a 'pop-up' Christmas market in December 2017).
- 1.2 The application site is located within the West Side Major Opportunity Area of the Reading Central Area Action Plan (Policy RC2). More specifically it is within the Broad Street Mall sub area (Policy RC2d). The site is also within the designated primary shopping area, office core, central core, tall buildings cluster (western grouping) and an air quality management area. The Oxford Road part of the site is a

designated active frontage (Policy RC10), but the Queens Walk frontage is not. Oxford Road is also a designated cycle route. The application site is located outside of a conservation area, with the nearest listed building being on the opposite side of the road at 3-5 Cheapside / 38 Oxford Road.

- 1.3 The surrounding area comprises a mix of uses. To the north are a variety of retail and related uses at ground floor level of units fronting Oxford Road / Cheapside, with some residential uses on the upper floors. To the east and south is the remainder of the Broad Street Mall shopping centre / multi-storey car park and Fountain House office building (accessed from Queens Walk). To the west is Queens Court student accommodation (former Yell House) and two hotels (Penta Hotel & Travelodge).
- 1.4 The planning application is being considered at Planning Applications Committee as the proposal involves more than 2,500sqm of retail/leisure floorspace within the centre and is a 'major development'. The advertisement consent application accompanies the planning application and is consequently considered in tandem. The location of the site in relation to the wider urban area is shown below (noting the red line specifies the demise where the proposals are sought and the blue line the wider site ownership of the entire Broad Street Mall by the applicant), together with a site photograph and aerial view.



Site Location Plan (not to scale)



Site photograph showing the junction of Oxford Road and Queens Walk



Aerial view looking east

2. PROPOSALS

- 2.1 Full planning permission is sought for the sub-division of the vacant former Argos retail unit at basement/ground/first floor level of Broad Street Mall into five separate units. One unit (Unit 2) would remain in Class A1 retail use, primarily at ground floor level fronting onto Oxford Road (and also including a smaller area at basement level). Change of use is sought for the remaining four units proposed. Two flexible Class A1 (retail) or A3 (restaurant and café) units are proposed at ground floor level fronting onto Queens Walk (Units 3 and 5). Two Class D2 (assembly and leisure) units are also proposed. Unit 1 includes a ground floor entrance on the corner of Oxford Road and Queens Walk, leading down to the main space proposed at basement level. Unit 4 comprises an entry point off Queens Walk (located in-between the two Class A1/A3 units), leading up to the main space located at first floor level.
- 2.2 In addition to the subdivision and changes of use proposed, the proposed works also include shared access and means of escape. The proposals show a shared servicing access and fire escape core located at the southern end of the site. This will connect the basement servicing access to Units 2, 4 and 5. Unit 1 has its own servicing access point at basement, whilst Unit 3 will be separately serviced (off Oxford Road/Queens Walk).
- 2.3 Furthermore, replacement shopfront works and associated external alterations on the Oxford Road and Queens Walk frontages are also sought. Typically the shopfronts will be largely glazed with automatic opening doors, with the remaining areas re-cladded and a signage zone provided above. The floorspace schedules are:

Existing Gross Internal Area schedule (GIA sqm)

	Use Class	Basement	Ground Floor	First Floor	Total
Former Argos	A1	945	1061	1273	3279
Total		945	1061	1273	3279

Proposed Gross Internal Area schedule (GIA sqm)

	Use Class	Basement	Ground Floor	First Floor	Total
Unit 1	D2	627	55		682
Unit 2	A1	206	575		781
Unit 3	A1/A3		74		74
Unit 4	D2		44	1154	1198
Unit 5	A1/A3		143		143
Shared ancillary & fire escapes		94	141	86	321
Total		927	1032	1240	3199*

* The difference between the existing and proposed total floor figures is explained by the proposed party walls between the five units not being counted in the proposed GIA figures.

- 2.4 Separate Advertisement Consent is also sought for the display of 4 canopy awnings with tenant names on the Queens Walk frontage. These will serve the two Class A1/A3 units proposed, with two awnings per unit. To clarify, as these include text on the awnings, they require advertisement consent rather than planning permission (as per the definition of an 'advertisement' detailed in section 336(1) of the Town and Country Planning Act 1990 (as amended)).
- 2.5 The awnings will be a brown red colour and comprise a fabric material, with white tenant lettering / logo on the vertical element (outer edge) of the awning. They will all be non-illuminated, retractable and 3m in depth from the façade of the units when fully open (0.1m when closed). They will be 3.55m above the walkway and three of the four awnings will be 5m in width, with the other 2.5m in width. The design/style of the awnings is identical to that approved further along Queens Walk in 2017 (see relevant history section below).
- 2.6 The elevation plan also details movable windbreak barriers, movable tables and chairs and movable planters, none of which require advertisement consent (and given they are movable do not constitute development). An informative will be included on the decision notice specifying that other licences will be however be required.
- 2.7 Although the proposed uses are considered from the various use class(es) sought, the applicant has indicated that it is intended for Unit 2 (Class A1 at basement/ground floor level) to be occupied by a national supermarket operator and Unit 4 (Class D2 at ground/first floor level) by a cinema operator. The intended occupiers of the basement/ground floor Class D2 unit and two ground floor Class A1/A3 units have not been specified.
- 2.8 In terms of the Community Infrastructure Levy (CIL), the applicant has duly completed a CIL liability form with the submission. As per the CIL charging schedule this proposal will attract a charge of £0.

3. PLANNING HISTORY

- 3.1 There have been numerous applications relating to both the application site and the wider Broad Street Mall site. The majority of these are not specifically relevant to the current proposals, but the following are considered to be of relevance:

- 3.2 Units 3-9 Queens Walk - 171222 - Display of 11 canopy awnings with tenant names (9 on Queens Walk & 2 on Dusseldorf Way elevations). Advertisement Consent Granted 29/09/17. This has parallels with the proposed advertisements, with this consent from 2017 relating to the units to the south of the Fountain House entrance.
- 3.3 180851 - Amalgamation of Units 37a & 55-56 to form a single Retail Unit (Class A1) arranged over Ground and Basement Floors. Installation of Shop fronts to Oxford Road Elevation and Return Mall Elevation. This is a current application under consideration by officers and relates to the former Poundworld and Cash Solutions units.

4. CONSULTATIONS

i) RBC Transport

- 4.1 Transport Development Control section advises that the proposed A1 and A1/A3 uses are the type of use associated with town centre sites and many of the trips generated by the proposed use would be shared with other town centre, employment, service and retail outlets. However, the Class D2 use class is a wide use class with numerous potential uses which may have a wider transport impact.
- 4.2 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. The Broad Street Mall, The Oracle and Q-Park multi storey car parks are also in close proximity to the site. Therefore, it is considered that in this location, the proposed mixed-use scheme will have no impact in terms of on-street parking given that there are extensive parking controls in the area.
- 4.3 Servicing and waste collection for four of the five units will be centralised and take place from within the Broad Street Mall basement area. Therefore, there will be no impact on the public highway in terms of deliveries and servicing from these units. Unit 3 (Class A1/A3 unit fronting onto Queens Walk) will not utilise the basement and would instead be agreed with the eventual operator. As such, solely in relation to Unit 3, a pre-occupation delivery/service management plan will be secured via condition.
- 4.4 The submitted plan illustrates that outdoor seating area(s) would be located on the Queens Walk frontage which would project out 4500mm from the building line. It should be noted that the applicant would need to apply for a separate pavement café license which would need to be applied for on an annual basis. This process is separate to the planning process and an application should be made to the Council's Licencing department.
- 4.5 The town centre area is well equipped with short stay cycle parking in the form of Sheffield Stands. However, it is unclear what secure cycle parking provisions are available for longer term storage for staff working within the retail/leisure units. As such, a pre-occupation condition will secure details of the staff cycle parking facilities.

4.6 Finally from a transport perspective, although the works are limited to internal alterations / replacement shopfront, the location of the site is such that a construction method statement (CMS) is required to be secured to protect highway safety should Oxford Road sought to be used to implement the permission. The CMS is also considered to be necessary to protect the amenity of local land uses and the character of the area.

4.7 In view of the above, there are no transport objections to the proposal subject to the conditions referenced.

ii) RBC Environmental Protection

4.8 No objections.

iii) RBC Licensing

4.9 The proposal includes the possible creation of two Class A3 units. The site is located within the Council's Cumulative Impact Area. This area has a presumption that all new applications for bars – where the predominant activity is the sale of alcohol – and takeaways will be refused unless the applicant can demonstrate they will not create additional negative cumulative impact in the town (Planning Officer note: such bars would be a Class A4 use and takeaways Class A5, which is in contrast to the Class A3 use proposed in this instance).

4.10 The Council's licensing policy is generally welcome of bona fide restaurants where alcohol is sold ancillary to food; there is 100 percent seating and it is food led and not alcohol led. A bona fide restaurant should not have any place for vertical drinking and should be utilising waiters and waitresses to serve to tables. If the proposal is for this type of establishment then it would generally be welcomed as it will fulfil the aspiration within the licensing policy of diversifying the offering in the town centre to provide a venue that is welcoming to all. This type of operation has been shown to have less of an impact on crime and disorder in the town to bars and takeaways.

4.11 The slight concern is over whether the premises concerned will be a bona fide restaurant or have a late night bar element. Late night bars which encourage vertical drinking and are alcohol led are shown to undermine the promotion of the licensing objectives, create crime and disorder, and have a negative impact on the town centre if poorly managed.

iv) Crime Prevention Design Advisor (CPDA) at Thames Valley Police

4.12 The CPDA does not wish to object to the proposals. However, the CPDA notes that opportunities to promote community safety remain, with queries in relation to the management of goods/waste deliveries/collections and a request to be consulted on any future Licensing application relating to operating conditions for the Class A3 units proposed.

4.13 A further query was raised in relation to the management of the street furniture area. Planning Officer note: As these are movable objects they do not require planning / advertisement consent and are not considered as part of this proposal, although an informative will be included on the advertisement consent specifying that separate licences will be separately required for these elements.

v) Reading UK CIC

- 4.14 Reading UK CIC, including the management of the Business Improvement District, is in full support of the redevelopment of this part of Broad Street Mall, and welcome the additional benefits to the Oxford Road area (and neighbouring business) if a new leisure option, and regenerated streetscape was delivered.
- 4.15 Given the floorspace involved, a section 106 legal agreement will be required for an Employment, Skills and Training Plan (ESP) under the terms of the Council's SPD. In this instance this would take the form of two ESPs – one for the construction phase and one for the end use phase. Reading UK CIC will work with the developers in creating an ESP to maximise the opportunities this development could create for local residents. This is especially useful for the west Reading area, which rarely benefits from ESP delivery.

vi) Public consultation

- 4.16 Notification letters were sent to nearby occupiers on 30/05/18, expiring on 20/06/18. Site notices were erected on 31/05/18, expiring on 21/06/18. A press notice was published on 07/06/18, expiring on 28/06/18. No responses have been received.

5. LEGAL AND PLANNING POLICY CONTEXT

- 5.1 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.
- 5.2 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. Material considerations include relevant policies in the National Planning Policy framework (NPPF) - among them the 'presumption in favour of sustainable development'.
- 5.3 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.
- 5.4 The application has been assessed against the following policies:
- 5.5 **National**
National Planning Policy Framework (2012)
National Planning Policy Guidance (2014 onwards)
- 5.6 **Reading Borough Local Development Framework - Adopted Core Strategy (2008) (Altered 2015)**
- CS1 Sustainable Construction and Design
CS2 Waste Minimisation

- CS3 Social Inclusion and Diversity
- CS4 Accessibility and the Intensity of Development
- CS5 Inclusive Access
- CS7 Design and the Public Realm
- CS9 Infrastructure, Services, Resources and Amenities
- CS13 Impact of Employment Development
- CS20 Implementation of the Reading Transport Strategy
- CS24 Car / Cycle Parking
- CS25 Scale and Location of Retail, Leisure and Culture Development
- 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

5.7 Reading Central Area Action Plan (2009)

- RC2 West Side Major Opportunity Area
- RC5 Design in the Centre
- RC6 Definition of the Centre
- RC7 Leisure, Culture and Tourism in the Centre
- RC10 Active Frontages

5.8 Sites and Detailed Policies Document (2012) (Altered 2015)

- SD1 Presumption in Favour of Sustainable Development
- DM1 Adaptation to Climate Change
- DM2 Decentralised Energy
- DM3 Infrastructure Planning
- DM4 Safeguarding Amenity
- DM12 Access, Traffic and Highway Related Matters
- DM19 Air Quality
- DM22 Advertisements
- DM23 Shopfronts and Cash Machines
- SA14 Cycle Routes

5.9 Reading Borough Council Supplementary Planning Documents

Employment, Skills and Training SPD (2013)
 Revised Parking Standards and Design SPD (2011)
 Revised SPD on Planning Obligations under Section 106 (2015)
 Sustainable Design and Construction SPD (2011)

6. APPRAISAL

6.1 The main issues are considered to be:

- i) Principle of development – land use considerations
 - ii) Scale, appearance, design and effect on heritage assets
 - iii) Amenity / Quality of proposed/reconfigured floorspace
 - iv) Transport
 - v) Sustainability
 - vi) Other matters –S106 & Equality
 - vii) Advertisement Consent application
- i) **Principle of development – land use considerations**

- 6.2 The lawful use of the unit is Class A1, having most recently been occupied by Argos (3279sqm). This proposal seeks to retain a proportion of solely Class A1 use (781sqm) and, as part of the subdivision of the unit to create 5 separate units, change the use of the remaining space (2418sqm) to two flexible retail (Class A1) or restaurant and café (Class A3) units ($74 + 143 = 217\text{sqm}$) and two assembly and leisure (Class D2) units ($682 + 1198 = 1880\text{sqm}$).
- 6.3 Whilst acknowledging that the proposal would result in a significant reduction in Class A1 floorspace, adopted policies CS25, CS26, CS27, RC2, RC6, RC7 and RC10 and the NPPF all recognise the provision of wider retail (such as the proposed restaurant and cafes uses possible at two units) and leisure (such as the two proposed assembly and leisure units) uses as main town centre uses (explicitly stated in RC10). Accordingly, within this designated primary shopping area, central core and major opportunity area location (as per the RCAAP), the proposals raise no in-principle land use concerns. The principle of introducing separate units fronting onto Queens Walk, maintaining a significantly sized unit at ground floor level on the Oxford Road frontage and introducing leisure uses at basement and first floor levels can only help enhance the vitality and viability of the regional centre, in the context of a currently vacant unit (as per policies CS25, CS26 and CS27). In particular, the increase of activity on Queens Walk through the provision of two self-contained units is strongly welcomed. The proposals also closely align with the West Side MOA Broad Street Mall allocation (Policy RC2d) for continued retail and leisure provision, maintaining the Oxford Road frontage, whilst restaurant / leisure uses are supported under policies RC6 and RC7.
- 6.4 Accordingly, the principle of the proposed development is considered to be established. The amenity section below considers the various potential impacts of the proposed uses in more detail.
- ii) Scale, appearance, design and effect on heritage assets
- 6.5 The extent of the external works associated with the change of use is fairly modest in scale and nature, being limited to replacing the shopfronts at ground floor level. The proposed largely glazed shopfronts (and tile cladding in the areas between the glazing) are contemporary in nature and align with the principles of both policies RC10 and DM23. The existing shopfront is considered to be in need of improvement and the proposed lightweight approach, with clear areas for future signage proposals (which would be subject to separate advertisement consent applications by future tenants), automatic sliding doors (meaning doors would not open inwards or outwards) and no recesses (thereby limiting the possibility of anti-social behavior / fear of crime) is welcomed. A condition is recommended to ensure the units retain active window displays along the length of the frontages (without the installation of window vinyls, roller shutters, or similar), to contribute to the vibrancy of the town centre and provide visual interest. With this secured the replacement shopfronts are welcomed by officers.
- 6.6 These external works, as already identified as modest in nature, are not considered to have any adverse impact on nearby heritage assets and will also suitably protect the setting of the nearby listed buildings as well. The proposals would not harmfully alter the character of the listed buildings. As such, the proposals are considered to comply with policy CS33 and associated national guidance.

iii) Amenity / Quality of proposed/reconfigured floorspace

- 6.7 In respect of the potential amenity impacts on nearby occupiers (such as residential occupiers on the upper floors of Oxford Road / Cheapside and hotel/student occupiers on Queens Walk) it is considered that the separate units proposed would not, individually or cumulatively result in a loss of amenity which would be significantly worse than that possible from the existing single unit at the site.
- 6.8 Although it is acknowledging that the subdivision of the unit may result in a more intensive use than when the unit was previously occupied, within this RCAAP / primary shopping area / central core location a degree of late-night noise/disturbance already occurs and the proposals would not substantially worsen this situation. Moreover, a number of conditions outlined elsewhere in this report (most substantially in the following paragraphs in relation to hours / services and deliveries / plant / extraction / noise) would assist in maintaining suitable amenity for existing/future occupiers.
- 6.9 Turning to consider the quality of space provided, the units are regularly shaped and of sufficient size to be capable of attracting a variety of potential future occupiers. In particular, the basement and first floor Class D2 units importantly also include generously sized reception spaces at ground floor level, giving these units a street level presence to assist in attracting passing custom. The Class A1 unit includes a wide frontage onto Oxford Road, while the two Class A1/A3 units would have prominent frontages onto Queens Walk.
- 6.10 In terms of opening hours, officers are minded to secure the following via condition:

Use	Monday-Saturday (unless where otherwise stated)	Sunday & Bank Holidays (unless where otherwise stated)
Class A1	8am – 11pm	8am – 10pm
Class A3	8am – 11pm	8am – 10pm
Class D2 Cinema	10.30am - midnight Monday-Thursday & Bank Holidays	10.30am – 2am Friday/Saturday/Sunday
Other Class D2 uses	8am – 11pm	8am – 10pm

- 6.11 In this regard it is considered that these hours of use strike an appropriate balance between providing flexibility for future occupiers and protecting nearby amenity. In particular, the applicant has specifically requested the hours specified for a potential Class D2 cinema use, which given the nature of this use is considered suitable until 2am at weekends. It is considered necessary to differentiate the Class D2 cinema use from other Class D2 uses (music and concert halls, bingo and dance halls [but not night clubs], swimming baths, skating rinks, gymnasiums or area for indoor or outdoor sports and recreations) with an earlier closing time for these other uses (in line with the Class A1 / A3 hours), as they have the potential to cause a level of noise and disturbance to nearby occupiers (such as hotel guests or student occupiers along Queens Walk) that would be significantly detrimental to amenity.
- 6.12 As outlined in the Transport observations at section 4i), a services and deliveries management plan will be secured by condition in relation to Unit 3. With regard to the other four units the servicing and delivery arrangements will be combined at basement level akin to other units within Broad Street Mall.
- 6.13 With specific regard to the Class D2 uses, given the wide variety of potential uses possible under this use class (each with its own potential noise/disturbance impacts) it is considered necessary to include specific conditions detailing that any

externally located plant noise and/or kitchen extraction system details (showing compliance with local policies) are submitted/approved prior to first use. Such conditions will also apply in relation to should such elements be included within the Class A1/A3 operations too. With specific regard to any possible future gym (Class D2) use, a separate condition will also be secured to require a noise assessment, including specific reference to structure borne noise, to be submitted and approved prior to the first use of the unit(s) for a gym use.

- 6.14 It is also recommended for an informative to be added to any permission denoting that if implemented, the permission would give flexibility for use within the two Class A1/A3 units for 10 years from the date of the permission. After 10 years the lawful use would revert to whichever of the permitted uses is taking place at the time within the units (or each unit should they subsequently be sub-divided in smaller separate units).

- 6.15 It is also noted that, as per section 4 above, the Crime Prevention Design Advisor at Thames Valley Police and Environmental Protection / Licensing colleagues are satisfied with the proposals from their perspectives. Therefore, in overall terms, with the recommended conditions secured the proposals are considered to provide a suitable standard of accommodation for a variety of potential occupiers whilst not significantly harming the amenity of existing nearby occupiers either.

iv) Transport

- 6.16 Section 4i) above details the Transport based observations on the application. In short, the proposals are considered appropriate from a transport perspective subject to conditions relating to a construction method statement, cycle parking for future staff and servicing/delivery details for Unit 3.

v) Sustainability

- 6.17 In line with the Sustainability SPD (which feeds into adopted policies CS1 and DM1) a BREEAM pre-assessment should have been submitted with the application. No details have been submitted and therefore it is considered necessary to secure two conditions to ensure the proposal contributes sufficiently to the aforementioned policy and guidance. The first, a pre-commencement condition, seeks an interim BREEAM certificate to demonstrate that the development would achieve the required 50% Very Good / 50% Excellent ratings. The second element, secured prior to first occupation, will secure a copy of the final BREEAM certificate of compliance, which shall demonstrate that the above ratings have been achieved.

- 6.18 Officers acknowledge that there may be inherent difficulties incorporating substantial sustainability improvements within schemes such as this, primarily owing to it predominantly involving the change of use of an existing building. As such, should there be shortfalls in the subsequent discharge of condition submissions (i.e. not in line with the wording of the condition), mitigating factors will be taken into account by officers when subsequently assessing such matters (i.e. a flexible approach to the stipulations of the BREEAM rating will be able to be applied by officers in the event that justifiable reasons for any shortfalls are put forward for consideration by the applicant). As such, the conditions are considered to be necessary in this case (and pass the other tests of a condition too), but a degree of flexibility will be able to be applied by officers (if applicable) in the future at the discharge of conditions stage.

- 6.19 In relation to energy matters, it is considered in this specific instance that such matters can be incorporated/considered within the scope of the sustainability conditions outlined above. This is without a specific energy report being required in this instance, owing to the nature of the proposal (change of use) and this being marginally above the Policy DM2 1000sqm threshold.

vi) Other matters –S106 & Equality

Section 106 Legal Agreement

- 6.20 Given the nature of the proposal (change of use over 1000sqm for commercial / employment generating uses – the applicant states at question 19 of the application form that the equivalent of 80 full-time employees will be created through the proposals) and as outlined in section 4v above, UK CIC recommends that an Employment, Skills and Training Plan (ESP) is secured via legal agreement. In line with the adopted SPD both a construction phase and end use phase ESP is sought and required in this instance.
- 6.21 It is considered that the obligation would comply with the National Planning Policy Framework and Community Infrastructure Levy (CIL) in that it would be: i) necessary to make the development acceptable in planning terms, ii) directly related to the development and iii) fairly and reasonably related in scale and kind to the development.

Equality

- 6.22 In determining this application the Council is required to have regard to its obligations under the Equality Act 2010. The key equalities protected characteristics include age, disability, gender, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sexual orientation. It is considered that there is no indication or evidence that the protected groups have or will have different needs, experiences, issues and priorities in relation to this particular application.

vii) Advertisement Consent application

- 6.23 As with all advertisement consent applications the main issues are considered to be amenity and public safety. Considering amenity first, the NPPG (Paragraph: 079 Reference ID: 18b-079-20140306) provides clarification as to the exact context amenity should be considered with regard to advertisement consent applications. In short, it includes aural and visual amenity and factors relevant to amenity include the general characteristics of the locality, including the presence of any feature of historic, architectural, cultural or similar interest. Furthermore, at the local level, policies CS7, DM22 and RC5 require that development be compatible with the character and appearance of the surrounding environment in order to maintain the visual amenities of the area. In particular, policy DM22 states:

“Advertisements will respect the building or structure on which they are located and/or their surroundings and setting in terms of size, location, design, materials, colour, noise, lettering, amount and type of text, illumination and luminance, and will not have a detrimental effect on public safety. The cumulative impact of adverts will be taken into account, and a proliferation of advertisements that detrimentally affects visual or aural amenity or public safety will not be acceptable”.

- 6.24 In these regards no concerns are raised, as the proposals represent a comprehensive response to the units at this part of Broad Street Mall, providing a degree of uniformity (providing all are implemented) and in-turn helping improve (rather than detract) the visual amenity at this point of Queens Walk, which is welcomed by officers. The awnings have been shown in both an open and retracted form, with the coverage of lettering on the awnings considered to be respectful. The proposals also align with awnings granted advertisement consent in 2017 further to the south on Queens Walk (and continuing onto Dusseldorf Way), thereby providing further uniformity should both schemes be implemented (the 2017 consent has not yet been implemented).
- 6.25 Turning to consider public safety matters, 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 for advertisement consent applications. These are detailed below (in *italics*), together with officer responses in relation to the proposal (in **bold**). In most cases, owing to the location of the site within a pedestrianised area, no or little impact is anticipated.

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

- (a) those which obstruct or impair sight-lines at corners, bends or at a junction, or at any point of access to a highway; **No - although Queens Walk is not a public highway, a sufficient gap between other structures (e.g. bollards/street furniture) is considered appropriate for continued emergency vehicle access at this point.***
- (b) 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; **No***
- (c) 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); **No - same response as a) above.***
- (d) those externally or internally illuminated signs (incorporating either flashing or static lights) including those utilising light emitting diode technology: **N/A - the awnings are non-illuminated.***
 - i. where the means of illumination is directly visible from any part of the road; **N/A***
 - ii. which, because of their colour, could be mistaken for, or confused with, traffic lights or any other authorised signals; **N/A***
 - iii. which, because of their size or brightness, could result in glare and dazzle, or distract road-users, particularly in misty or wet weather; **N/A***
 - iv. which are subject to frequent changes of the display; **N/A***
- (e) those which incorporate moving or apparently moving elements in their display, or successive individual advertisements which do not display the whole message; **No***
- (f) 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; **No.***
- (g) those which resemble traffic signs, as defined in section 64 of the Road Traffic Regulation Act 1984, and may therefore be subject to removal by the traffic authority under section 69 of that Act, for example:*

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; **No – brown / red awnings with white lettering would not arise such issues** or

ii. 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. **No such elements proposed**

(h) 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. contain a large arrow or chevron (or have a pointed end and have only a few words of message); **No**

ii. invite drivers to turn right on a main road, or where there is fast moving traffic; **No**

iii. invite drivers to turn, but are sited so close to the turning that there is not enough time to signal and turn safely; **No** or

iv. 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. **No**

*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. **No – it was seen during the officer site visit that an existing CCTV camera is currently placed at a higher level than the proposed awnings, potentially reducing coverage underneath the area of the awnings. However, the coverage of such an area is small and it would be anticipated that future occupiers would include their own CCTV systems covering these areas. The proposal would not reduce/block CCTV coverage for other nearby sites, such as the neighbouring Penta Hotel.***

- 6.26 In light of the above it is confirmed that the advertisement proposals are considered to be satisfactory on public safety grounds. Therefore, having regard to the material considerations and all matters raised in relation to the proposed adverts, officers consider that the balance of considerations consequently weigh in favour of granting advertisement consent subject to conditions.

7. CONCLUSION

- 7.1 The proposals seeking full planning permission are considered to be acceptable within the context of national and local planning policies, as detailed in the appraisal above. As such, full planning permission is recommended for approval, subject to the recommended conditions and completion of the S106 Legal Agreement.

- 7.2 Similarly, the advertisement consent proposals are also considered to be acceptable and are recommended to be granted subject to conditions.

Drawings/information:

180823/FUL:

0360 Rev P-01 –Existing Oxford Road Corner Site Location Plan, as received 18/05/18

0361 Rev P-01 –Existing Oxford Road Corner Site Plan, as received 18/05/18

0362 Rev P-01 -Existing Oxford Road Corner Basement Plan, as received 18/05/18
0363 Rev P-01 -Existing Oxford Road Corner Ground Floor Plan, as received 18/05/18
0364 Rev P-01 -Existing Oxford Road Corner First Floor Plan, as received 18/05/18
0366 Rev P-01 -Proposed Oxford Road Corner Basement Plan, as received 18/05/18
0367 Rev P-01 -Proposed Oxford Road Corner Ground Floor Plan, as received 18/05/18
0368 Rev P-02 -Proposed Oxford Road Corner First Floor Plan, as received 29/05/18
0370 Rev P-02 - Existing and Proposed Elevations Oxford Road Corner, as received 29/05/18
8001 Rev P-01 - Existing Area Schedule (GIA), as received 29/05/18
8002 Rev P-01 - Proposed Area Schedule (GIA), as received 29/05/18

Letter from DP9 Ref DP4003 dated 17/05/18, as received 29/05/18

Email from DP9 'RE: Broad St Mall, 47 Oxford Rd, Reading (180823 / 180824)', dated and received 29/05/18

180824/ADV:

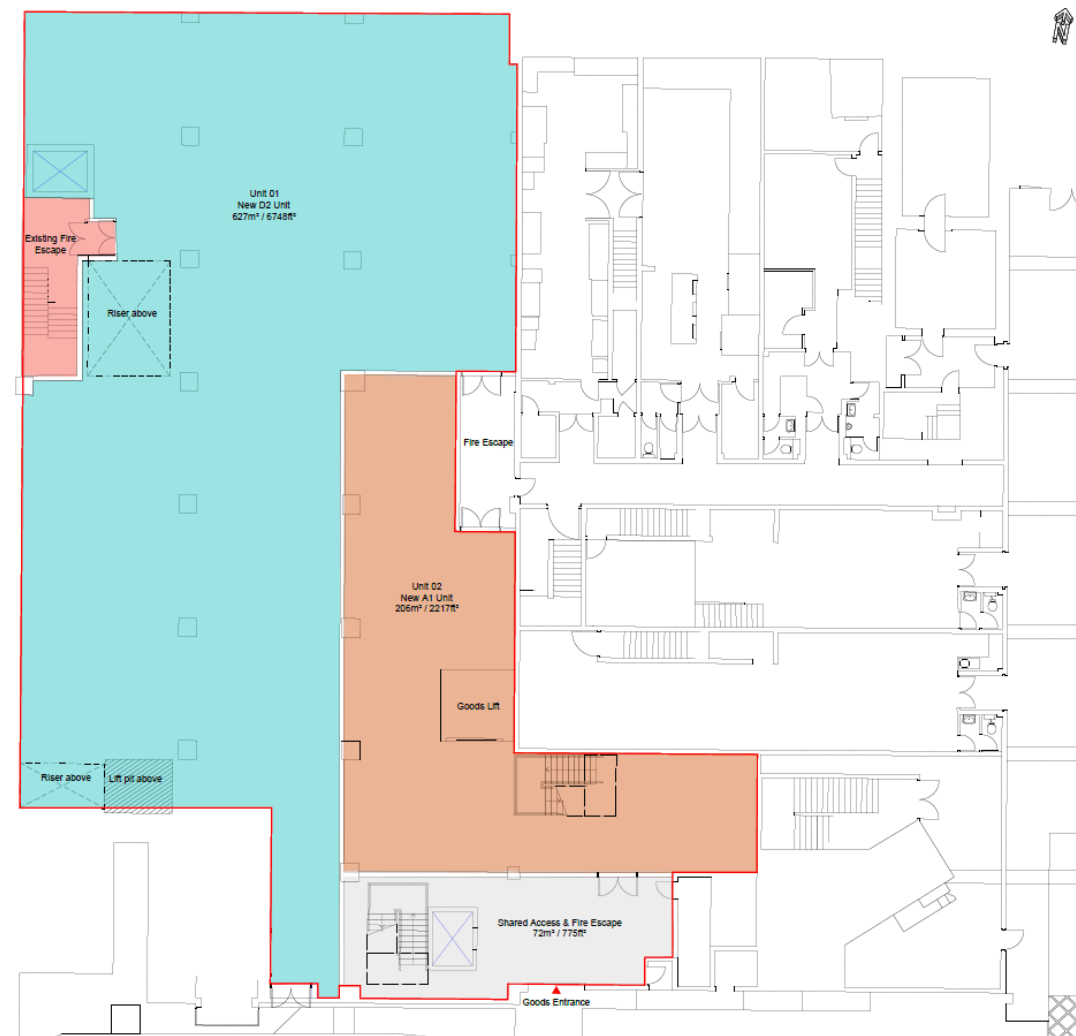
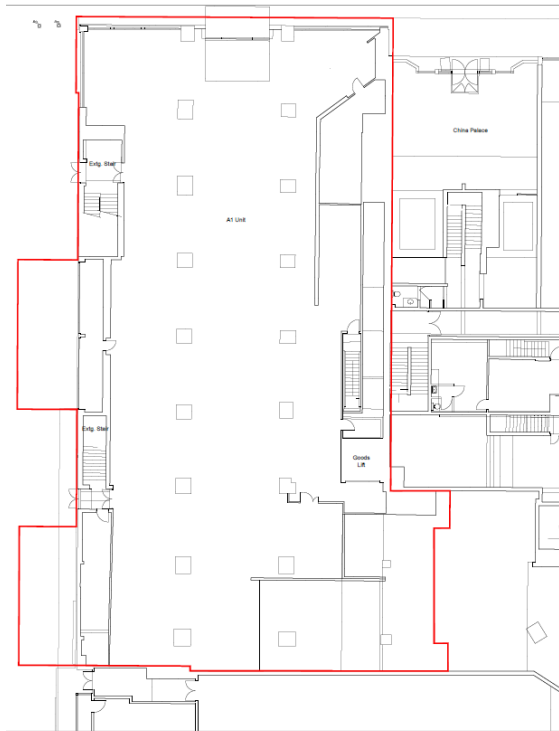
0360 Rev P-01 -Existing Oxford Road Corner Site Location Plan, as received 18/05/18

0370 Rev P-02 - Existing and Proposed Elevations Oxford Road Corner, as received 29/05/18

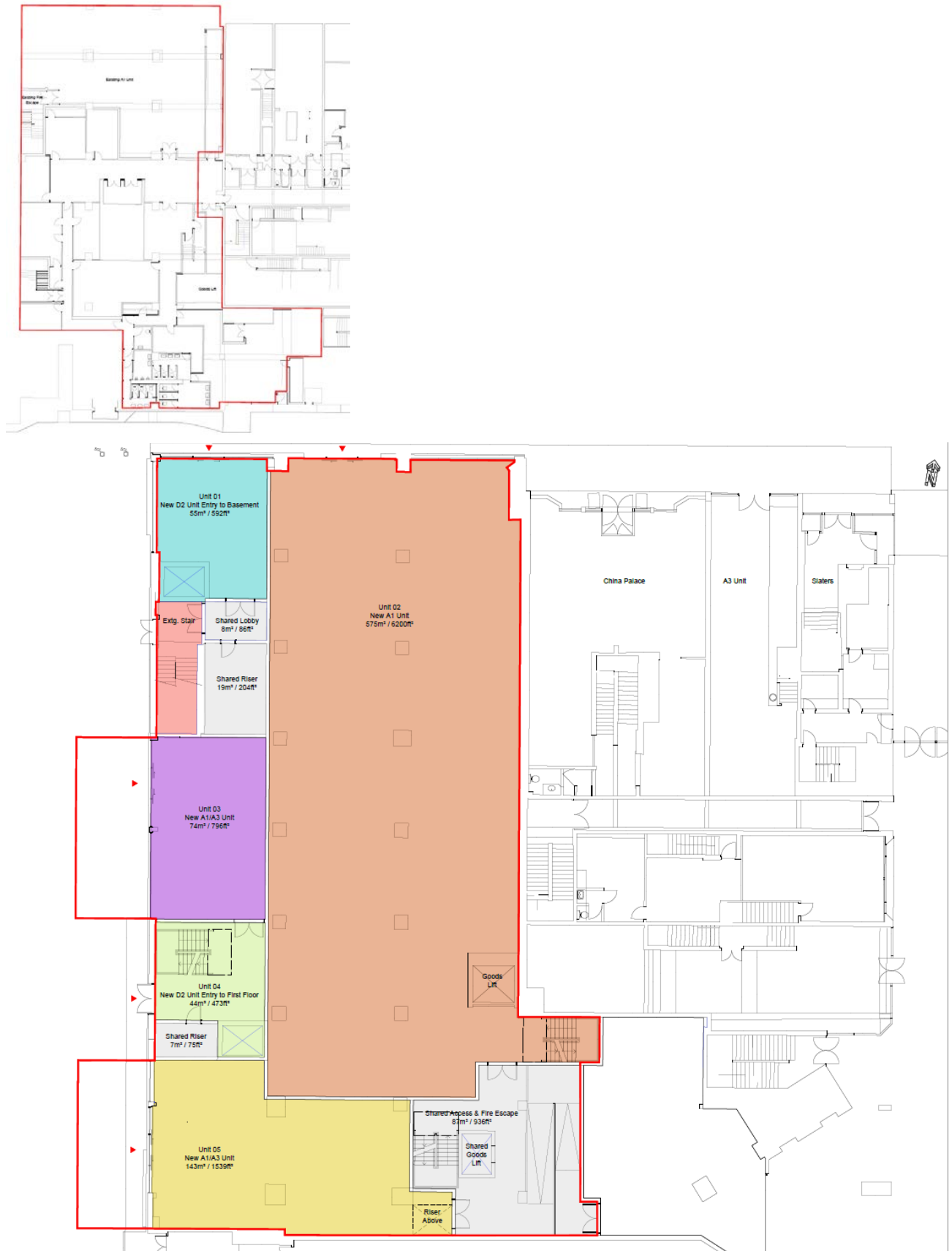
Letter from DP9 Ref DP4003 dated 17/05/18, as received 29/05/18

Email from DP9 'RE: Broad St Mall, 47 Oxford Rd, Reading (180823 / 180824)', dated and received 29/05/18

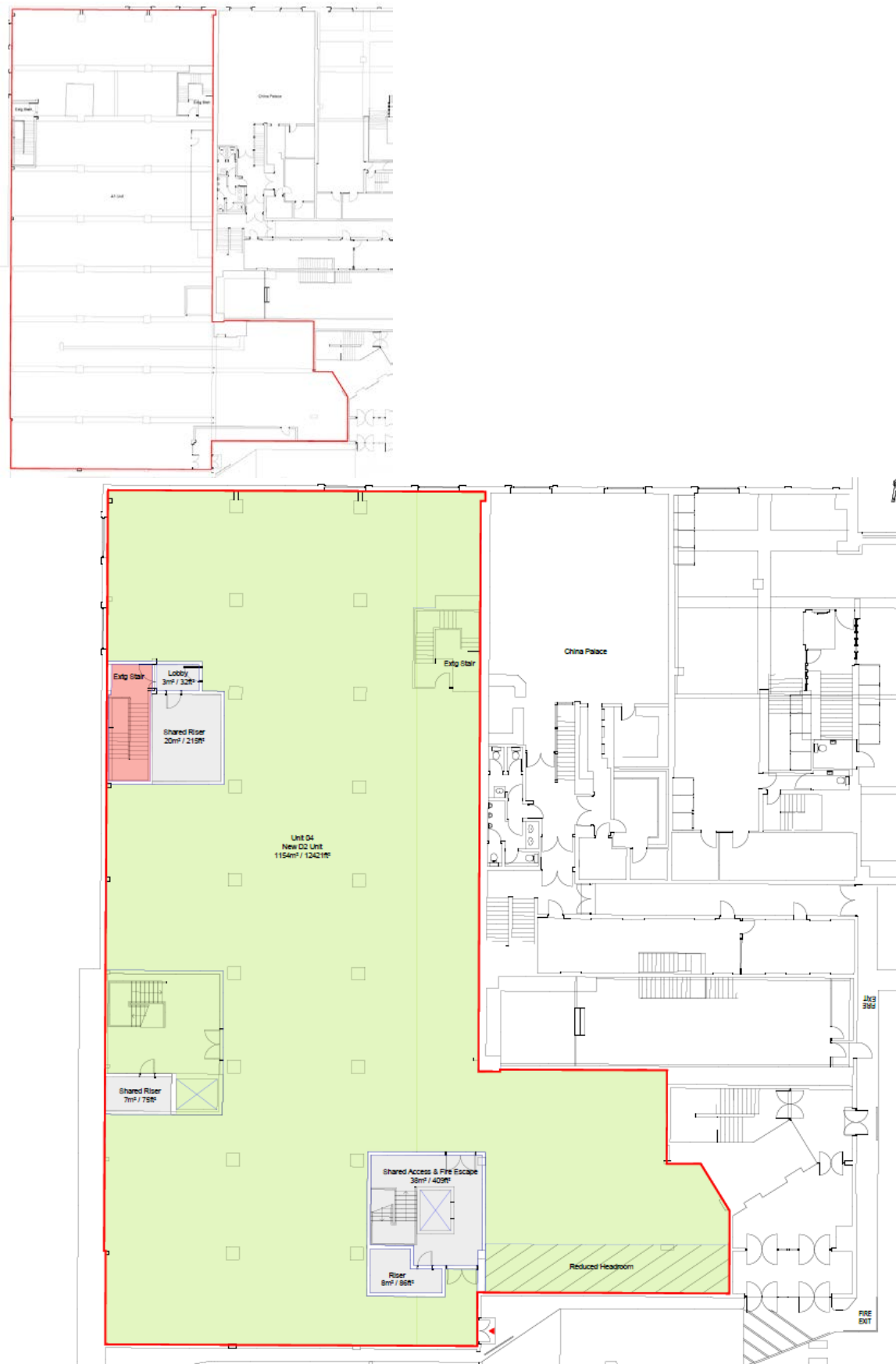
Case Officer: Jonathan Markwell



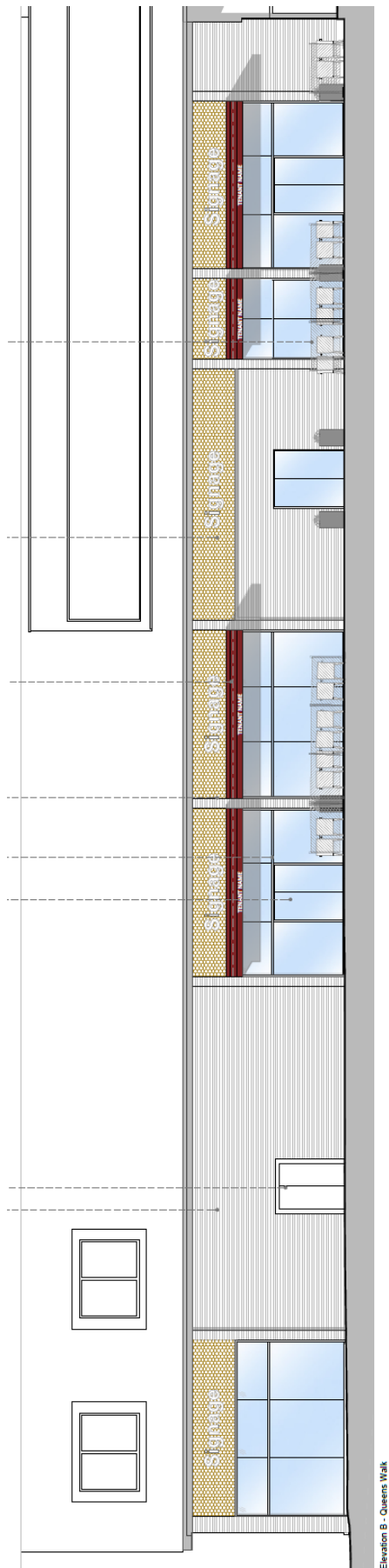
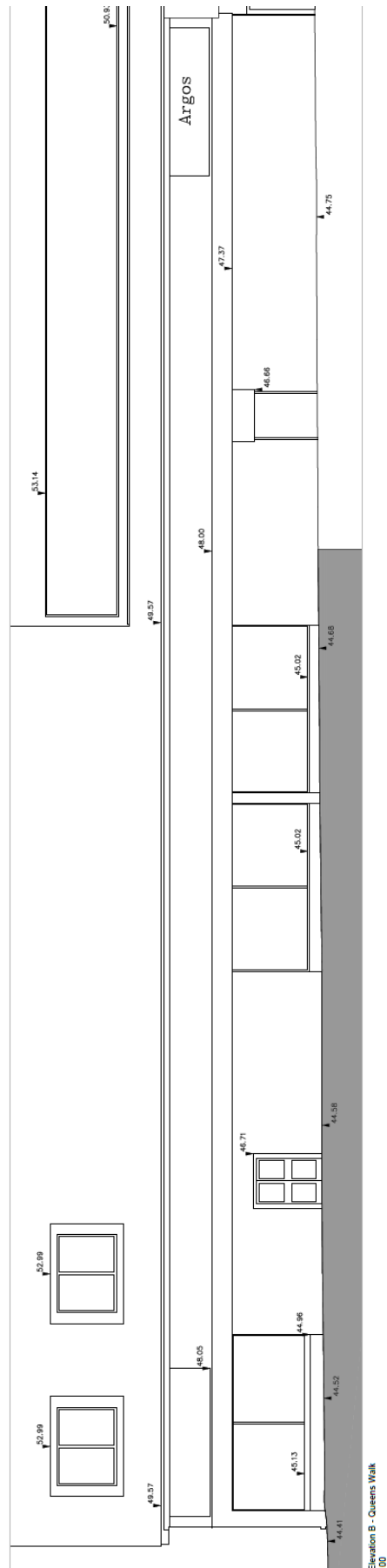
Existing and Proposed basement floor plan



Existing and Proposed ground floor plan



Existing and Proposed first floor plan



Existing and Proposed Queens Walk elevations



Existing Queens Walk frontage looking south



Existing Oxford Road frontage looking east

Next page: Existing and Proposed Oxford Road elevations & side elevation of awnings

