

DELEGATED APPLICATION REPORT - Application No. 171414/FUL

Address: 106 Friar Street

Proposal: Proposed change of use of ground floor from Gymnasium (D2) to Restaurant (A3) and installation of new extract and air condenser plant equipment

Case officer: Matt Burns

Site Description and Surrounding Area: The application relates to an existing D2 gym unit located on the south side of Friar Street situated between an A1 shop unit and a Sui Generis betting shop.

The site is located within the Central Core of Reading Town Centre, the Primary Shopping Area and within an Active Frontage as designated by the Reading Central Area Action Plan 2009 as well as within an air quality management area.

Proposal: The application seeks planning permission for change of use of the ground floor only from Gymnasium (D2) to Restaurant (A3) and installation of new extract and air condenser plant equipment to the rear of the building.

The upper floors of the building would remain as D2 (Gymnasium) use with independent access from Friar Street at ground floor retained.

Plans Considered:

- Drawing no. E30817-1 – Proposed air conditioning & ventilation services for GDK, 106 Friar Street, Reading
- Drawing no. GDK-re-403-P:01 – Plans as existing ground floor
- Location plan ref. 471356 E, 173554 N

Received on 15th August 2017

Relevant Planning History:

071055 - Change of use from A1 (Shops) to A3 (Restaurants and Cafes) – Granted.

060671 - Change of use from A2 (Bookmakers) to D2 (gymnasium) – Granted.

Consultation Responses:

RBC Transport – No objection.

RBC Environmental Protection – No objection, subject to conditions.

RBC Licensing – Raises concerns regarding proposed opening hours.

Notification letters regarding the planning application were sent to no. 99-102, 107 and 108 Friar Street, no. 7 and no. 9 West Street and no. 61 – 64 Broad Street. A site notice was also displayed outside the site.

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 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'. However the NPPF does not change the statutory status of the development plan as the starting point for decision making (NPPF paragraph 12).

In this regard, the NPPF states that due weight should be given to the adopted policies of the Local Development Framework (LDF) (Core Strategy, Sites and Detailed Policies Document and Reading Central Area Action 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).

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)

- CS20 Reading Transport Strategy
- CS24 Parking
- CS26 Hierarchy of Centres
- CS27 Maintaining the Retail Character of Centres
- CS34 Pollution

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

- DM4 Amenity
- DM12 Access, Traffic and Highway Related Matters

Reading Central Area Action Plan (RCAAP 2009)

- RC6 Definition of the Centre
- RC10 Active Frontages

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.

The proposal seeks to replace an existing town centre use (D2 Gymnasium) with another town centre use (A3 Restaurant). This is considered acceptable given the 'Central Core' location of the site and is considered to respect the vitality and viability of the Reading Centre in the context of Policies CS26 and RC6.

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 specific policies to protect specified numbers of A1 uses in Reading Town Centre. This was confirmed in an 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 stated that the 50% monitoring target does not expressly apply to Reading Town Centre. She 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 one part of the town centre will not be allowed' - was material to her assessment. Replacing an existing 'non-retail' use the proposal would not alter the existing situation in terms of groupings of non-retail uses in this part of the town centre.

The proposal would also mean the site would continue to accord with Policy DM10 in providing an A3 use within a designated Active Frontage.

As such the proposal is not considered to materially impact on the vitality, viability or retail character of Reading Centre as a whole.

Amenity

The application proposes to install new air extraction/ventilation and new air condenser units following removal of existing units from the rear wall. Noise and odour assessments have been submitted along with specification details and control of the plant equipment proposed. Based on this information submitted and subject to conditions to ensure the development is carried out in accordance with the details submitted Environmental Protection Officers are satisfied that the plant equipment proposed would not result in any detrimental impact on surrounding occupiers in terms of noise and odour. The proposal is considered to accord with Policy CS34.

Policy DM4 seeks that proposals should not adversely affect the amenity of surrounding occupiers. There are residential occupiers in close proximity to the site around the corner on West Street and also student accommodation opposite the site on Friar Street itself. The application seeks opening hours of 10:00 – 02:30. Licensing officers have raised concerns that regarding the late night opening of the premises and the potential for the restaurant to become a late night bar towards the end of the night. The licensing officer has indicated that the site is located within a cumulative impact area where there are concerns regarding anti-social behaviour and disorder associated with late night vertical

drinking and hot food takeaway uses and based on the information submitted it would be unlikely a license would be granted to open beyond midnight.

The applicant has since confirmed that the premises would not serve alcohol or become a late night bar, albeit restrictions on alcohol cannot be secured by way of planning condition but would be covered by licensing requirements separate to the planning process. There are also other uses within Friar Street with hours opening beyond midnight, including the Hope Tap pub which is next door but one from the application site at 99-102 Friar Street which opens until 1am on Fridays and Saturdays, the Kinky Koala bar which opens until 3am on Fridays and Saturdays whilst McDonalds has opening hours until 3am every day of the week. Following discussions with the applicant the proposed hours of use have been changed to 10am – 1am Monday to Sunday. This is not considered unreasonable given the nature of the restaurant use (no alcohol proposed) or to result in any undue disturbance to surrounding occupiers given the existing uses operating nearby. The applicant would be required to go through the licensing process to operate beyond 11pm as well as if they did wish to serve alcohol and as such there would be separate controls in this respect. The proposed hours of use can be secured by way of a suitably worded condition.

On the basis of the above the proposal is considered to accord with Policy CS34 and Policy DM4.

Character and Appearance

The proposal does not seek any external alterations to the building other than the replacement and additional plant equipment to the rear elevation. To the rear of the building the proposed plant equipment would not be readily visible from the surrounding area and is not considered to result in any significant harm to the character and appearance of the building and is considered to accord with Policies CS7 and RC5.

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.

There is space for bin storage in the shared rear service yard as used by the existing occupiers.

It is considered that in this location the proposed change of use to a restaurant will have a negligible impact in terms of Transport and is considered to accord with Policies DM12 CS20 and CS24.

Other Issues

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

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 permission relates only to the following plans and documents:

- Drawing no. E30817-1 – Proposed air conditioning & ventilation services for GDK, 106 Friar Street, Reading
- Drawing no. GDK-re-403-P:01 – Plans as existing ground floor
- Location plan ref. 471356 E, 173554 N

Received on 15th August 2017

Reason: To clarify which plans / documents have been approved.

3. The use hereby permitted shall not operate outside the hours of 10:00-01:00 hours Monday to Sunday and on Bank/Other Holidays.

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

4. The specific sound level of the plant/equipment hereby approved, $LA_{eqr,T}$ 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 noise rating level of the plant/equipment hereby approved, $LA_{eqr,T}$ (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, $LA_{90,T}$ when all plant/equipment (or any part of it) is in operation.

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

5. The development hereby permitted shall not be carried out other than in accordance with 'High Level of Odour Control' details set out in the Design Specification Report by Purified Air ref, GDK, 106 Friar Street, Reading, RG1 1EP dated 9 August 2017 and received by the Local Planning Authority on 15th August 2017.

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

6. The hours of construction, demolition and associated deliveries shall be restricted to the hours of 08:00hrs to 18:00hrs Mondays to Fridays, and 09:00hrs to 13:00hrs on Saturdays, and not at any time on Sundays and Bank or Statutory Holidays without prior approval from the Local Planning Authority.

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

Informatives

1. The Local Planning Authority has been positive and proactive in dealing with this planning application by determining it in a timely manner.
2. Your attention is drawn to the terms and conditions of this planning permission. Any development which is carried out but which differs materially from the approved plans and details, or does not comply with any conditions 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.
3. The Applicant is advised that any proposed external alterations to the building would likely require a further application for planning permission whilst any signage would likely require additional advertisement consent.
4. The Applicant is advised of the requirement to obtain the appropriate licenses for such operations. More information is available on the Council website: <http://www.reading.gov.uk/licensing>