

DELEGATED APPLICATIONS REPORT

Address: Unit R15, The Oracle Riverside, Bridge Street, Reading

Application No's: A) 180303/FUL & B) 180304/ADV

Proposals: A) Replacement shopfront

B) 1 x internally illuminated fascia sign

Agent: MRPP

Date received (valid from): A) 23/02/18; B) 01/03/18

End of consultation period: A) & B) 22/03/18

Target Decision date: A) 20/04/18; B) 26/04/18

26 week date: 24/08/18

Case officer: Jonathan Markwell

1. Site Description and Surrounding Area

- i. The application site is located on the northern side of the riverside at the Oracle Shopping Centre, close to one of the main entrances to the centre (to the west). The unit was most recently in use as a Class A1 unit occupied by Krispy Kreme, who vacated the unit in early 2017. At present the unit is vacant. It is relevant to note that prior approval from Class A1 to A3 was granted in January 2017 (see relevant history below).
- ii. The application site is located within the designated Reading Central Area Action Plan area, whereby the site forms part of an existing active frontage, as well as being within the primary shopping area, the central core, an area of archaeological potential, flood zone 2, an area of potential contaminated land and an air quality management area. The external area immediately to the south of the application site is designated as an important area of open space. The northern side of the riverside is characterised by a variety of shops / restaurants and drinking establishments.

2. The Proposal

- i. Full planning permission is sought for a replacement shopfront. In comparison with the existing shopfront, the position of the entrance door is changing to a single leaf inward opening door from a double leaf outward opening door. The remainder of the shopfront will be a combination of non-reflective glass and stainless steel.
- ii. Advertisement consent is sought for the display of 1 x internally illuminated fascia sign. This will be positioned above the shopfront, against the existing protruding balcony at this point. It is specified as being 0.9m high, 3.7m in width and 0.1m in depth, located a minimum of 3.4m above the ground and include a static luminance level of 300cd/m.
- iii. The plans also detail an awning is proposed, with this specifying the business name of the operator. Accordingly, such a feature would fall under advertisement consent rather than planning permission. The applicant considers that this falls under deemed consent, under Part 2, Paragraph 6 of The Town and Country Planning (Control of Advertisements) (England) Regulations 2007 as amended (deemed consent class 2, type 2B). As the applicant has therefore not applied for this element, it is not referenced in the description of development (although it is shown on the proposed plans).

iv. The applicant has described the proposals as follows:

The new frontage will be of a contemporary design and will be primarily glass. Materials will be of a high quality, including heat resistant, transparent, non-reflective glass. Stainless steel panels will be part of the frontage itself where the cooking range and ventilation hood will be. The cooking range, while visible, will remain behind sealed glass. The door will also be glass.

Facing the building, the entrance will be on the right, and the view of the cooking range will be on the left. To the right and left of the glass frontage, existing columns will be painted black and adorned with hanging planters. Above the glass portion of the frontage, a small awning, similar in size and character to the awning over the frontage of the adjacent restaurant, Café Rouge.

The fascia advertisement will be centered on the frontage above the awning. It will be attached to the first floor balcony structure, in a manner consistent with the advertisement for Café Rouge, next door. It will feature the text "WOK TO WALK" in orange branded font with a black background.

3. Internal Consultations

None required.

4. Public Consultation

i. Neighbour Consultation

One-off site notices (rather than individually consulting numerous Oracle operators) for both applications was erected on 05/03/2018, expiring on 26/03/2018.

No responses received.

5. Plans / Documents Considered

i. The Council, in reaching its recommendation, has taken into consideration the following documents:

Site Location Plan and location plan 3932/001/A, as received 16/02/18

Existing External Elevations 3932/02-1/C, as received 23/02/18

Proposed External Elevations 3932/02-2/D, as received 23/02/18

Existing and Proposed Plan 3932/01/C, as received 23/02/18

Letter from MRPP Ref 2991/AZ/LT20180216, dated and received 16/02/18

Emails from MRPP 'RE: Unit R15, Riverside Oracle, Reading (180303/FUL / 180304/ADV)', dated and received 23/02/18 & 26/02/18

The following plan was submitted for information only (approved plant at time of 162173/SRP):

Ventilation Proposals Hollybrook Road Car Park Level 2 - 0511971-HL-XX-07-DR-U-500-0001 Rev P1, as received 16/02/18

6. Relevant Planning History

- i. 162173/SRP - Change of use from Class A1 (shops) to Class A3 (restaurants). Prior Notification under Class C, Part 3 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 (as amended). Prior approval granted 16/01/17.

7. 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.

8. Relevant Planning Guidance

- i. 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), the Reading Central Area Action Plan (2009) and the 'Sites and Detailed Policies Document' 2012 (Altered 2015).
- ii. The '*National Planning Policy framework*' ('NPPF') 2012 states clearly that its content is to be a material consideration in the determination of applications. The 'NPPF' states that due weight should be given to the adopted policies of the Local 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).
- iii. 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.
- iv. Factors relevant to public safety include highway safety and whether the advert would hinder security or surveillance devices, including speed cameras.

9. Relevant Policies

- i. The proposals have been assessed against the following policies:

National

National Planning Policy Framework (NPPF) 2012
National Planning Policy Guidance (NPPG) 2014 onwards

RBC Local Development Framework

Core Strategy 2008 (Altered 2015)

CS7 Design and the Public Realm
CS8 Waterspaces
CS20 Implementation of the Reading Transport Strategy
CS26 Hierarchy of centres

Reading Centre Area Action Plan (2009)

RC5 Design in the Centre
RC10 Active Frontages

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

10. Appraisal

- i. The main issues are considered to be:
 - Design (180303/FUL only)
 - Amenity (both applications)
 - Public Safety (predominantly 180304/ADV)
 - Other matters (180303/FUL only)

ii. Design

The alterations to the shopfront are considered satisfactory within the context of site and surrounding area of the Riverside Oracle. Largely glazed shopfronts are typical in the area and the alterations to the entrance, in particular for the door to open into the unit (rather than out as existing) is a positive step in terms of pedestrian safety in the highway. In pure design terms the proposed shopfront is considered to comply with policies CS7, CS8, RC5 and DM23. It is however considered necessary for a condition to be included to retain active window displays in the future. This is to ensure that the unit (part of an existing active frontage within the primary shopping area) preserves and enhances the vitality and viability of the centre, and to provide visual interest (in line with policies CS26 and RC10 in particular and the aforementioned policies too).

iii. Amenity

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”.

In these regards no concerns are raised in respect of the proposed fascia sign, owing to the presence of similar existing signage along this frontage (and the previous occupier of the unit, as recently as 2017, previously included signage at this level). This is subject to the standard advertisement consent conditions. A further condition is also recommended, specifying that the illumination will not exceed 300cd/m, as specified on the application form. This is also within the limits for this zone (E4 - core of the centre), as per paragraph 10.3.8 of the supporting text to policy DM22).

In terms of amenity matters for the shopfront, this is considered satisfactory for the reasons outlined in the design section above.

iv. Public Safety

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***
- (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***
- (d) those externally or internally illuminated signs (incorporating either flashing or static lights) including those utilising light emitting diode technology: **No***
 - i. where the means of illumination is directly visible from any part of the road; **No***
 - ii. which, because of their colour, could be mistaken for, or confused with, traffic lights or any other authorised signals; **No***
 - iii. which, because of their size or brightness, could result in glare and dazzle, or distract road-users, particularly in misty or wet weather; **No***
 - iv. which are subject to frequent changes of the display; **No***

*(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** or*

*ii. those incorporating large arrows or chevrons with only the arrow or chevron made of retroflective material or illuminated, causing confusion with similar signs in use at, or approaching roundabouts. **No***

(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***

In light of the above it is confirmed that the advertisement proposal is considered to be satisfactory on public safety grounds.

v. Other matters

The proposals will not be CIL liable.

11. Conclusion

- i. 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 and advertisement consent subject to conditions.

Recommendation

Grant full planning permission subject to conditions

Grant advertisement consent subject to conditions

12. Conditions and informatives:

180303/FUL

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 as amended by the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall not be carried out other than in accordance with the following plans:

Proposed External Elevations 3932/02-2/D, as received 23/02/18
Existing and Proposed Plan 3932/01/C, as received 23/02/18

Reason: To clarify which plans/documents have been approved and in the interests of proper planning.

3. 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 replacement shopfront hereby approved shall retain 'active window displays' along the length of the 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 Policies CS7 and CS26 of the Reading Borough LDF Core Strategy 2008 (Altered 2015), Policies RC5 and RC10 of the Reading Central Area Action Plan 2009 and Policy DM23 of the 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. The determination of this planning application required no issues to be resolved subsequent to the validation of the application, so officers have worked positively and proactively to provide a recommendation for approval within the statutory timescale.
3. These works may require separate approval under the Building Regulations. Please contact the Council's Building Control service for further advice on (0118) 937 2449.

Conditions

1. THE STANDARD CONDITIONS:

- i. No advertisement is to be displayed without the permission of the owner of the site or any other person with an interest in the site entitled to grant permission.
- ii. No advertisement shall be sited or displayed so as to:
 - a) endanger persons using any highway, railway, waterway, dock, harbour or aerodrome (civil or military);
 - b) obscure, or hinder the ready interpretation of, any traffic sign, railway signal or aid to navigation by water or air; or
 - c) hinder the operation of any device used for the purpose of security or surveillance or for measuring the speed of any vehicle.
- iii. Any advertisement displayed, and any site used for the display of advertisements, shall be maintained in a condition that does not impair the visual amenity of the site.
- iv. Any structure or hoarding erected or used principally for the purpose of displaying advertisements shall be maintained in a condition that does not endanger the public.
- v. Where an advertisement is required under these Regulations to be removed, the site shall be left in a condition that does not endanger the public or impair visual amenity.

Reason: In accordance with Schedule 2, Regulation 2(1) of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.

2. The advertisements hereby approved shall be displayed in accordance with the following approved drawings only:

Proposed External Elevations 3932/02-2/D, as received 23/02/18

Reason: To clarify which drawings are approved.

3. The maximum luminance from the fascia signs hereby approved shall not exceed 300 cd/m².

Reason: To avoid glare, which could lead to danger to highway users and in the interests of visual amenity in accordance with Policy CS20 of the Reading Borough LDF Core Strategy 2008 (Altered 2015) and Policies DM12 and DM22 of the Sites and Detailed Policies Document 2012 (Altered 2015).

Informatives:

- 1. Your attention is drawn to the terms and conditions of this consent. Any advertisement displayed which differs materially from the approved plans and details,

or does not comply with any condition(s) attached to the consent may result in the Council taking action to remedy the breach of advertisement control. If you are in any doubt please contact the Council.

2. The decision to grant consent follows the positive and proactive consideration of the application, including issuing the decision within the recommended eight week time period.