

DELEGATED APPLICATION REPORT - Application No. 170665/FUL

Address: Unit 2 Zenith House 7 Cheapside

Proposal: Change of use from retail (Class A1) to a beauty salon (sui generis) at ground floor level.

Case officer: Matt Burns

Site Description and Surrounding Area: The application relates to a shop unit located on the western side of Cheapside in central Reading. The surrounding area comprises a mixture of commercial and residential uses. The site is located within the Reading Central Area, Central Core, Primary Shopping and Office Core as defined by the Reading Central Area Action Plan 2009, as well as within an air quality management area.

Proposal: Change of use of the ground floor unit from retail use (A1) to a beauty salon (sui generis). The proposal does not seek any external alterations to the building.

Plans and Documents Considered:

Drawing no. 127.01 - Ground Floor Plan

Block Plan ref. Unit 2, Zenith House, 7 Cheapside, Reading, RG1 7AG

Site Plan ref. Unit 2, Zenith House, 7 Cheapside, Reading, RG1 7AG

Received on 27th April 2017

Relevant Planning History:

150146/OPA: Change of use of first, second, third and fourth floors from Class B1(a) (offices) to C3 (dwellinghouses) to comprise 41 flats. Prior Approval Granted

161883/FUL: Change of use of ground floor unit 1 from retail (Class A1) to dental surgery (Class D1). Granted (Unit 1) 09/12/16.

Consultation Responses:

Transport - No objection.

Notification letters regarding the planning application were sent to Flats A-C 5 Cheapside, 5 Cheapside, Flats 1-40 Zenith House 7 Cheapside and Units 1, 3 and 4 Zenith House 7 Cheapside. A site notice was also displayed outside the site.

One letter of comment has been received raising concerns about potential later opening hours of a beauty salon use and potential noise and disturbance associated within this.

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
- 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

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 proposed sui generis beauty salon use is a 'Centre Use' and therefore its location within the Central Core and Primary Shopping Centre is considered acceptable and to respect the vitality and viability of the Reading Centre in the context of Policy 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. The proposed sui generis (beauty salon) use is a town centre use, whilst 2 of the 4 ground floor units of Zenith House would still be in A1 use. The site is located within the Primary Shopping area and it is not considered that the proposed would result in a 'significant grouping' of the non-retail uses in this part of the town centre.

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

Amenity

There are residential flats to the upper floors of Zenith House. It is not considered that the proposed beauty salon use would result in any significant harm to the amenity of surrounding occupiers above that of the existing A1 retail use.

No plant equipment is proposed as part of the application.

The letter of representation received raised concerns that the potential longer opening hours of a beauty salon use could result in increased noise and disturbance. The application proposes hours of use of 0900 - 1800 hours Monday to Friday, 0900 - 1730 hours Saturdays and 1100 - 1600 hours Sundays and Bank Holidays. The proposed hours of use are considered reasonable, but to prevent any undue disturbance to the residential flats above are considered necessary to be secured by way of a suitably worded condition (in line with Policy DM4 of the Sites and Detailed Policies Document 2012, 2015 and Policy CS34 of the Core Strategy 2008, 2015).

Transport

The site is located within the Reading Central Area and Reading's primary shopping area and within Zone 1 of the adopted Parking Standards and Design SPD. This is an area at the very heart of Reading Borough, consisting primarily of retail and commercial office developments, with limited residential.

No parking provision has been illustrated on the submitted plans; however it should be noted that the site is located adjacent to numerous bus services, multi storey car parks and paid on street parking; therefore the non-provision of car parking is acceptable given the sites town centre location. There are no transport objections to the proposal (Policy DM12 of the Sites and Detailed Policies Document 2012, 2015 and Policy CS20 of the Core Strategy 2008, 2015).

Other Issues

No external changes to the building are proposed as part of the application an informative is to be attached to this consent to advise of the likely requirement for any external alterations of proposed plant equipment.

RECOMMENDATION:

GRANT planning permission

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. 127.01 - Ground Floor Plan

Block Plan ref. Unit 2, Zenith House, 7 Cheapside, Reading, RG1 7AG

Site Plan ref. Unit 2, Zenith House, 7 Cheapside, Reading, RG1 7AG

Received on 27th April 2017

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

3. The use hereby permitted shall not operate outside the hours of 09:00-18:00 hours Monday to Saturday and 11:00-16:00 hours on Sundays and 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).

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 plant equipment would also likely require a planning application accompanied by an appropriate noise assessment.

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>
5.
 - i) The attention of the applicant is drawn to Section 59 of the Highways Act 1980, which enables the Highway Authority to recover expenses due to damage caused by extraordinary traffic.
 - ii) Any works affecting the Highway shall be in accordance with Reading Borough's Council's document "Guidance Notes for Activities on the Public Highway within the Borough of Reading". The applicant should note that compliance with this document is mandatory and licences to work on the Highway will only be issued if the requirements contained within it are met. A copy can be obtained from the Council's website.