

EXTENSION OF OPENING HOURS At

**23 FRIAR STREET
READING
RG1 1DP**

PLANNING STATEMENT

Prepared on behalf of Mr N Chakal

by
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AG/7529 – EH 01

1. Introduction

- 1.1. This planning statement has been prepared by Agrarian Ltd following instructions from Mr. N Chakal to support a proposed extension of opening hours at a property with Use Class A3 & A5 at 23 Friar Street, Reading.
- 1.2. The current application for an extension of opening hours is to bring the current business opening hours in line with other businesses within the immediate vicinity.
- 1.3. The report provides a description of the site and surrounding area together with an overview of the current proposal. An assessment of the planning policy framework relevant; the statement concludes with an assessment of the proposal against the policy framework which demonstrates the acceptability of the proposal.

2. Site Description and Local Context

- 2.1. The subject site comprises a food outlet, located near the junction of Friar Street and Station Road, which forms part of the main shopping area within central Reading.
- 2.2. The property comprises a three storey building and forms part of a terrace of units which extend from Station Road along Friar Street. The unit is arranged over ground floor with offices over. At ground floor level, the unit occupies an open plan sales area of 59.29 sq.m with a glazed frontage together with rear storage/wc.
- 2.3. Access to the unit is from street level off Friar Street. Access to the upper floors is by an existing stairway accessed from Friar Street.
- 2.4. The unit is bounded by a mix of retail, fast food, Night Clubs, Bars and financial services on Friar Street, with adjoining occupiers comprised of a mix of A1 and A3 uses, including Burger King etc. The remaining uses in the area are characterised by mix of A1, A2 and A5 uses.

3. Proposal

- 3.1. The current proposal relates to the extension of the opening hours for the fast food outlet located within the ground floor of 23 Friar Street with a Class use of A3 & A5.
- 3.2. Against this economic background, the extension of the opening hours are being sought to provide greater flexibility in securing a beneficial and vibrant business that can secure further employment opportunities and sustain demand within the central Reading area.

4. National and Local Plan Policy Overview

- 4.1. The National Planning Policy Framework (NPPF) was adopted in March 2012. The document confirms that "the Government is committed to securing economic growth in order to create jobs and prosperity, building on the country's inherent strengths, and to meeting the twin challenges of global competition and of a low carbon future." (paragraph 18).
- 4.2. This is reinforced by paragraph 19, which states that "the Government is committed to ensuring that the planning system does everything it can to support sustainable economic growth. Planning should operate to encourage and not act as an impediment to sustainable growth. Therefore significant weight should be placed on the need to support economic growth through the planning system."
- 4.3. In order to help achieve growth, the document requires local planning authorities to plan proactively to meet the development needs of business and support an economy fit for the 21st century (paragraph 20)

- 4.4. Paragraph 21 confirms that investment in business should not be over-burdened by the combined requirements of planning policy expectations
- 4.5. The NPPF also highlights (at paragraph 187) that local planning authorities should approach decision-taking in a positive way to foster the delivery of sustainable development. It specifically states that: "Local planning authorities should look for solutions rather than problems, and decision-takers at every level should seek to approve applications for sustainable development where possible. Local planning authorities should work proactively with applicants to secure developments that improve the economic, social and environmental conditions of the area."

5. Local Planning Policy

- 5.1. The adopted development plan for Reading is comprised of the Core Strategy (adopted 2008), along with the Site and Detailed Policies Document (adopted 2012) and the Reading Area Action Plan (adopted 2009). The Proposals Map for the Borough indicates that the application site is located within the primary shopping area of Reading's Central Core, and falls within an "Existing Active Frontage". It also lies within an area of archaeological potential, but is not located within a Conservation Area.
- 5.2. Policies of relevance to the application proposals are set out below.

6. Core Strategy

- 6.1. Policy CS4 relates to accessibility and explains that the scale and density of development within the Borough will be related to its level of accessibility by walking, cycling and public transport to a range of services and facilities.
- 6.2. Policy CS25 explains that major retail and main town centre leisure and culture development will take place in, or as an extension to, the centre of Reading.
- 6.3. Policy CS26 sets out a hierarchy of centres within Reading Borough, and defines Reading Town Centre as a regional centre. The policy explains that the vitality and viability of these centres should be maintained and enhanced, which will include widening the range of uses.
- 6.4. The policy also notes that development for main town centre uses in or adjoining the Borough's centres should be of an appropriate scale for the centre in which the proposal will be located. The supporting text to the policy emphasises that Reading Town Centre will be the focus for major retail, leisure and culture provision, in line with its regional centre status. It also targets a vacancy rate of lower than 10% within defined Reading's defined centres.
- 6.5. Policy CS27 indicates that a strong retail character will be maintained in the centre's identified as being part of the network. Significant groupings of non-retail uses in one part of a centre will not be allowed. This policy sets a target for at least 50% of A1, A2, A3, A4, A5 and sui generis uses within each of Reading's centres. However it would appear that with regards to Reading town centre itself, greater reference is made to Policy RC10 from the Reading Central Area Action Plan. This is set out in detail later on.

7. Reading Area Action Plan

- 7.1. Policy RC8 relates specifically to drinking establishments, and explains that a range of complementary evening and night-time uses that appeal to all sections of Reading's society, and contribute to the 18-hour welcome, will be provided. Such uses should not give rise to adverse impacts on the amenity of nearby residents and other town centre users.
- 7.2. The policy states that the location of drinking establishments (including pubs, bars and nightclubs) will be limited to Reading's Central Core. It also states that proposals for pubs, bars and clubs should be accessible to current and proposed night-time public transport services.
- 7.3. The supporting text to the policy notes that Reading in terms of its evening economy, Reading's diversity of offer is continuing to increase. However, it is important that the Central Area remains

attractive to a range of age and social groups in the evening, both in terms of leisure and entertainment activities, and drinking uses. A well-used centre makes a positive contribution to its vitality and viability, improves safety and reduces the fear of crime, and encourages a wider range of groups to visit and reside within the Central area. For this reason, it is important that Reading continues to appeal to a range of users.

- 7.4. In addition the supporting text to the policy also makes a very valid point that an increasing residential population in the centre raises the issue of conflict with alternative uses, particularly in the evening. However research suggests that, far from being conflicting uses, a busy evening economy is a major attractor of potential residents, who are often young and childless.
- 7.5. Policy RC10 relates to active frontages, and explains that uses on the ground floor along the designated active frontages will be within one of the following uses classes: A1, A2, A3, A4, A5, C1, D1, D2 or related sui generis uses. New developments that front onto any of the designated active frontages will provide an active building frontage with a display window or glazed frontage at ground floor level, in order to contribute to the vibrancy of the Town Centre, and provide visual interest. The policy also notes that frontages should be of a high visual quality.

8. Overview

- 8.1. There is a clear national planning policy objective to support the needs of businesses and encourage sustainable economic development wherever possible. Local authorities should proactively work with applicants and look for solutions rather than problems in order to enable them to approve applications wherever possible.
- 8.2. At a local level, the Council has adopted a strong policy emphasis on supporting and enhancing Reading's thriving night-time economy. The importance of food outlets to the town's overall economy is noted.
- 8.3. The current proposal is considered a small proposal which seeks to enhance the area through the provision of a takeaway and restaurant; thereby supporting the wider vision for the area, including the attraction and retention of local shoppers in the area through new complementary uses.
- 8.4. With regards to Sites and Detailed Policies Document (2012), within a previous application reference was made to Policy DM4 as a reason for refusal for the extension of operating hours. We would wish to address this as follows:

8.5. DM4: SAFEGUARDING AMENITY

Development will not cause a significant detrimental impact to the living environment of existing or new residential properties, in terms of:

- 8.5.1. Privacy and overlooking;
We would respond that proposed extended hours of operation would not create any additional overlooking issues as currently the hours of operation are up to 2.00 in the morning which was deemed acceptable and that there would be no Privacy or overlooking issues
- 8.5.2. Access to sunlight and daylight;
Given that the application is for an extension of opening hours up to 5.00am there cannot be an issue with Access to sunlight and daylight
- 8.5.3. Visual dominance and overbearing effects of a development;
There are no proposals to alter the visual appearance, therefore rendering this particular concern to be not valid.
- 8.5.4. Noise and disturbance;
With regards to noise and disturbance we would respectfully refer to the comments of Jodie Wilson (Senior Environmental Health Officer – Reading Borough Council) who confirmed in her email regarding the extension of operating hours as: *'..Noise is not a major concern for premises such as these and particularly in the location. I therefore have no objection to the application.'*

Given these comments from Reading Borough Councils Senior Environmental Control Officer surely there cannot be an issue with noise.

8.5.5. Artificial lighting;

Once again if there was an issue with regards to lighting which was not considered an issue when the premises was approved to open until 2.00am, however if it is now considered an issue then this could be conditioned that external lighting was dimmed at a certain time.

8.5.6. Vibration;

Given the type of operation undertaken by our clients this is not a realistic concern.

8.5.7. Dust and fumes;

There is currently a fully approved extraction system that ensures that there are no onerous fumes exhausted from the premises.

8.5.8. Smell;

Once again we would reiterate that the approved extraction system installed ensures that there are no onerous fumes exhausted from the premises.

8.5.9. Crime and safety;

There was no apparent objection from Thames Valley Police with regards to the previously approved application. And that we are not aware of any response to crime at the premises for the period of operation to date.

With regards to this point I would respectfully draw the attention to another application (Ref 141673) For a Bar in Friar Street to be open late where there was concern regarding the selling of alcohol, our client is not seeking to sell alcohol so surely this is of less concern which seems to be concluded by the comments by Thames Valley officers response within that particular report. (Extract within the Appendix One)

- 8.6. A key issue for determination in the consideration of this planning application may be the impact of the application proposals on the amenity of the area;
- 8.7. Having regard to amenity, it is first relevant to emphasise that the nature of the area and its role as the region's primary night-time entertainment and leisure location mean that high levels of activity in the area, during the evening and into the early hours of the night, are a common feature. Permitted opening hours sought will be up until 5am. This is considered to be entirely appropriate in this location and in common with other nearby establishments including Q Club, Yates, The Bowery, and the applicant's Vodka Revolution bar on Station Road. The proposed change in opening times will not, therefore, materially change the nature or character of the area.
- 8.8. Indeed, it is considered that the proposed will complement the character of the area, resulting in an improvement in the provision of food facilities in this established and recognised location for such uses. As demonstrated by the current operation on site the applicant is an experienced and established operator.
- 8.9. The applicant will also impose a strict management plan and regime to ensure that the operation is appropriately controlled and undertaken to protect the amenity of the area. These measures will be controlled by licensing restrictions.
- 8.10. In assessing the change of use to A3 & A5 use, the national and local policy framework seeks to protect the vitality and viability of the city centre.
- 8.11. In terms of the frontage to Friar Street, the balance of uses in the area is predominantly A1 uses but also includes a number of A3 and A5 occupiers. Examples include Burger King and KFC together with Pizza and Pasta, and Chicken Base.
- 8.12. It is apparent that the principle of complimentary non A1 uses, including A3 and A5 uses, has been accepted in the Friar Street area notwithstanding their location within the same frontage designation as the subject site. However, if approved it remains that the balance of uses within the parade of units adjoining the subject site will remain primarily A1.

- 8.13. The current proposal seeks to broaden the range and offer of complementary uses within the Friar Street area of the city centre. This will enable the enhancement of the independent offer of the area, as reflected in its restaurants, cafes and shops together with the improvement in the attraction of the area. The promotion of an A3 & A5 use is also considered important when viewed in the context of the promotion of the evening economy and leisure attractions in the wider area.
- 8.14. Whilst looking at other operations within the area it became apparent that there are a number of venues that are allowed to operate extended hours to the early morning.
- 8.15. It is envisaged that no deliveries would occur outside of opening hours although given the city centre location, access and amenity considerations are not problematic. Refuse storage is located within the rear of the unit.

9. Conclusion

- 9.1. In conclusion, it is considered that an A3 & A5 use in this location offers potential for daytime and evening trade but also broadens the marketing flexibility to attract an end user. This supports objectives to enhance and support the vitality and viability of the city centre through an active frontage
- 9.2. This planning statement has been prepared in support of a proposed change to the opening hours at 23 Friar Street, Reading.
- 9.3. The current proposal seeks to support the vitality and viability of the city centre.
- 9.4. Consideration should also be given to the fact that there are other food outlets that are open until 5.00am and even 24 hours, therefore surely the precedent has been set.
- 9.5. It is considered the proposal fully accords with national guidance and will deliver positive benefits for this area of the city centre. And that the development actually does not conflict with Policy DM4 as has been demonstrated within this report, we therefore respectfully request that the proposal is recommended for approval.

APPENDIX ONE

Extract from Planning application Ref 141673 – Planning Report

Neighbourhood Initiatives Officer, Thames Valley Police/RBC:

I discussed this with the Inspector for the town. We share (RBC) Licensing's views and would be concerned about seeing another bar opening up in town. Friar Street is an area where the police see a lot of problems. Although I don't have exact figures for the location and only up until November, violence against the person has been increasing in the town centre since September compared to last year.

If in planning terms this is supportable, then we would certainly be in favour of earlier closing times, this may go some way to alleviating member concerns about it being a nightclub. I assume the applicant has been advised about licensing comments.

Licensing Officer, Thames Valley Police:

There are other late night venues in this location, I cannot see it not being in the right area. 2.00 a.m. is not a concern to me as there are other venues which open later than that already. Of greater concern is when a premises which is granted a licence is sold on to a less careful operator that can turn the venue into a vertical drinking establishment.

Crime Prevention Design Advisor, Thames Valley Police

No response received at time of writing

APPRAISAL

The above responses indicate that the Police appear to have slightly differing views on the matter. This part of Friar Street already has a number of bars, pubs and similar establishments. Whilst the building would introduce another premises for the police to have to control, it is within the same general area.

CONCLUSION

- 7.1 This is considered to be a suitable town centre use in an appropriate location, which will contribute positively to the evening economy. Disturbance from the use can be controlled by planning conditions. The external alterations to facilitate the use are considered to be minor and acceptable. Although this is a major planning application, the extent of the works is minimal and in this instance, officers recommend that the usual sustainability policies should not apply. The recommendation is to GRANT planning permission.

Case Officer: **Richard Eatough**

Appendix 1 - Committee report to 14 January 2015 Planning Applications Committee