

DELEGATED PLANNING APPLICATION REPORT

Ward: Abbey

App Ref: 231249/ADV

Address: 80 Oxford Road, Reading, RG1 7LJ

Proposals: Retrospective replacement shop signage, proposed to be illuminated, with a change in colour, logos and shopfront redecoration.

Case Officer: Nathalie Weekes

Date received (valid from): 27 September 2023

Target Extended Decision date: 22 December 2023

1. SITE DESCRIPTION

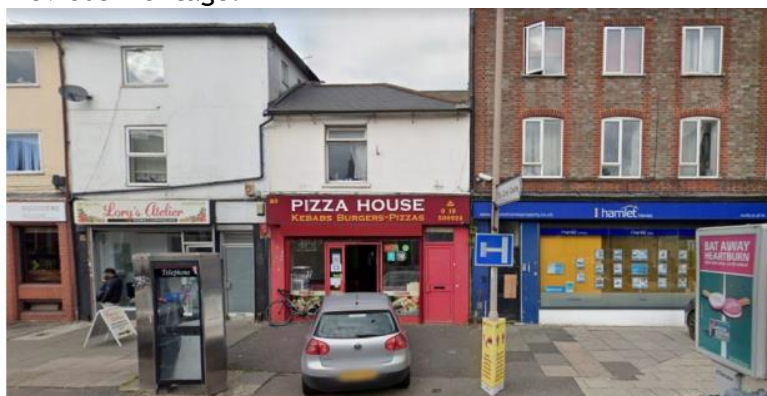
The development site relates to a take away pizza restaurant with front roller shutter, on the ground floor of a two-storey terraced building on the Oxford Road located within the Castle Hill/Russell Hill/Oxford Road Conservation Area, in the Reading Central Area, Primary shopping area, central core and major opportunity area. It is also within the reading High Street Heritage Action Zone and opposite Grade II listed Rox Borough House at 101 Oxford Road.

Site visit date: 08/11/2023

Site photos from Planning and Heritage statement submitted:



Previous frontage:



2. PROPOSAL AND SUPPORTING INFORMATION

The application seeks permission for a retrospective replacement shop signage, proposed to be internally illuminated, with a change in colour, logos and shopfront redecoration. The shopfront has also been painted black (previously red).

The retrospective signage is to be assessed by an application for consent to display an advertisement. The shopfront redecoration is not relevant to this application.

Plans considered

Planning and Heritage Statement, Rammurti Design Ltd, August 2023

OXR80-001 REV1 Location Plan & Block Plan

OXR80-002 As built elevation

Signage details

CIL

As received 31/08/2023

3. RELEVANT PLANNING HISTORY

101502/VAR Change of use from shop (A1) to sandwich bar and takeaway (A3 and A5) without complying with condition 5 of Planning Application Reference 07/01321/FUL to allow outdoor tables and chairs to be placed at the rear. Permitted 9/12/2010

071016/FUL Change of use from shop (A1) to sandwich bar and takeaway (A3&A5). Permitted 24/04/2008

07-01320/ADV Fascia sign and projecting sign for sandwich bar and takeaway. Permitted 05/12/2007

4. CONSULTATIONS

A site notice was displayed at the premises for application 231249/ADV for the statutory consultation period and a notice was printed in the local newspaper on 5 October 2023.

Correspondence with agent

The agent was asked to amend plans to comply with the Local Plan or to withdraw. The agent has asked for the application to be determined.

RBC Transport

Illumination levels are in excess for a sign under 10m. 900cd/m is too high. The maximum luminance from the signs as detailed in the application form should not exceed the levels detailed in the Professional Lighting Guide - Brightness of illuminated Advertisements. (The submitted application states 900cd/m² which is in excess of the standard). This is to protect the visual amenity and avoid excessive glare that could lead to a danger to highway users in accordance with Policy CC7 and OU4 of the Reading Borough Local Plan 2019. The illuminance level should be reduced to at least 600cd/m.

RBC Conservation Officer

The proposed illuminated sign would result in less than substantial harm at a moderate level to the character and appearance of the conservation area. Due to the fact that this area could be the most neglected historic environment of Reading does not mean that the proposal can be supported.

From the conservation area appraisal (which is a material consideration), it is noted that “Regrettably, a combination of modern ad-hoc alterations with the poorly maintained public realm along the road strikes a distracting discordance. Many modern alterations are out of keeping with the historic environment. Some modern builds have failed to respect the Conservation Area’s character. Much of the residential accommodation, including above the shops, tends to be poorly maintained. Along with the exciting and vibrant nature of Oxford Road, the clash of modern and historic materials and poor maintenance makes it difficult to fully appreciate the street’s historic character.”

The proposed fascia sign should be integral to the shopfront design, not over-clad, with a modern sign on a large backing board. The use of plastic for fascia or internally illuminated signs is not appropriate or acceptable either. Shopfronts on both sides of the subject property are more acceptable as they have minimal impact due to their simple design and lettering.

Therefore, the proposal is contrary to

Policy EN3, *‘Enhancement of conservation areas’ of the Reading Borough Local Plan requires that development proposals within Conservation Areas contribute positively to local character and distinctiveness.*

And Policy OU4, criterion (c) states, *“Advertisements on listed buildings or in Conservation Areas will respect or enhance the building or area, and will respect the key features of the special historic interest;”*

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.

5. LEGAL AND PLANNING POLICY CONTEXT

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.

NPPG: Advertisements - [Considerations affecting 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

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'. The following local and national planning policy and guidance is relevant to this application:

Section 72 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the local planning authority in the exercise of its functions to pay special attention to the desirability of preserving or enhancing the character or appearance of a conservation area.

National Planning Policy Framework (Dec 2023).

National Policy and Guidance

National Planning Policy Framework
National Planning Practice Guidance

Reading Borough Local Plan (2019)

CC7: DESIGN AND THE PUBLIC REALM

CC8: SAFEGUARDING AMENITY

EN1: PROTECTION AND ENHANCEMENT OF THE HISTORIC ENVIRONMENT

EN3: ENHANCEMENT OF CONSERVATION AREAS

TR3: ACCESS, TRAFFIC AND HIGHWAY-RELATED MATTERS

OU4: ADVERTISEMENTS

OU5: SHOPFRONTS AND CASH MACHINES

CR2: DESIGN IN CENTRAL READING

SPG/SPD

Design Guide to Shopfronts (2022)

Other Documents

Russell Street/Castle Hill/Oxford Road Conservation Area Appraisal

Professional Lighting Guide - Brightness of illuminated Advertisements

Equality Act 2010:

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APPRAISAL

Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that in the exercise of any functions, with respect to any buildings or other land in a conservation area, under or by virtue of any of the provisions mentioned in this Section, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.

Impact of the design and signage on the Conservation area

Policy CC7 of the Reading Borough Local Plan (2019) requires development to be of a high design quality that maintains and enhances the character and appearance of the area in Reading in which it is located. Policy OU5 provides further clarity to high design quality as it relates to shopfronts and cash machines; specifically that they must respect the character of the building and surroundings in terms of design, materials, lighting and location.

Policy EN1 of the Reading Borough Local Plan (2019) requires that historic features, areas of historic importance and other elements of the historic environment including their settings will be protected and where possible enhanced.

Policy EN3 of the Reading Borough Local Plan (2019) that the special interest, character and architecture of Conservation Areas will be conserved and enhanced and that signage is improved.

Policy OU4 states that, '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...-advertisements on listed buildings or in Conservation Areas will respect or enhance the building or area, and will respect the key features of the special historic interest' and that 'Illumination should not detract from the amenity of the area or pose a safety hazard to users of the highway'

In addition the Reading High Street Heritage Action Zone in which it is located is a 'programme based around areas on the Oxford Road, Castle Street, Gun Street, the southern end of St Mary's Butts and Market Place. One of the major objectives of the programme is: "To improve the physical condition and the viability of the high streets within the three conservation areas by identifying those properties most at risk and engaging with property owners to help them to restore the building, to show them how to maintain the building and to share best practice.' The site is also located opposite Grade II listed Rox Borough House at 101 Oxford Road.

The Shopfronts SPD states that 'Modern framing materials such as aluminium or UPVC will not be acceptable on historic buildings or within conservation areas.' And that 'High-quality materials should be used. Glossy, reflective or plastic/acrylic fascias are rarely acceptable and materials should employ a matte finish, where possible. In historic areas or on historic buildings, traditional materials are most appropriate.'

Requirements are highlighted for conservation areas, including to 'employ discrete downlighting as the preferred choice, avoid lettering which is internally illuminated and comply with the illumination requirements of the Local Plan (Policy OU4 and paragraphs 4.7.24 - 4.7.31);' and 'avoid excessive use of bright or fluorescent colours (bright colours and reflective materials such as mirrored lettering should be avoided entirely on traditional shopfronts and historic buildings).'

The specifications are further outlined stating, 'Text should not occupy the entire fascia and should be well-proportioned. As a guide, text should occupy no more than half the width and half the height of the fascia.' And that 'Fascias should clearly incorporate the house number according to the Council's Street Naming and Property Numbering Protocol.'

The proposed change in signage does not result in an enhanced appearance for 80 Oxford Road. The retrospective changes to the front elevation, the change in fascia on the shop frontage and rebranding have resulted in the redecoration of a shop unit that has a detrimental impact on the area in which it is located. The shop units on either side have more conservative signage that is not internally illuminated. The Planning statement submitted acknowledges the requirements for advertisements in a Conservation area, noting '*illuminated signage and ad hoc, ill-advised renovations*', yet the changes were made without planning consent and do not comply with the Reading plan Policies CC7 for the design and appearance in the public realm or OU4 advertisements. The signage does not respect the site in which it is located or its surroundings and setting in terms of the materials, colour of the logo, large lettering. Illumination and luminance which are considered by the RBC

Transport team to have a detrimental impact on public safety. *‘Advertisements on listed buildings or in Conservation Areas will respect or enhance the building or area, and will respect the key features of the special historic interest.’*

NPPF 2023

In relation to ‘substantial harm’ and ‘less than substantial harm’ the NPPF provides the following guidance

207. *Where a proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:*

- *the nature of the heritage asset prevents all reasonable uses of the site; and*
- *no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and*
- *conservation by grant-funding or some form of charitable or public ownership is demonstrably not possible; and*
- *the harm or loss is outweighed by the benefit of bringing the site back into use.*

208. *Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.*

In defining the level of harm the PPG provides the following advice -

What matters in assessing if a proposal causes substantial harm is the impact on the significance of the heritage asset. As the National Planning Policy Framework makes clear, significance derives not only from a heritage asset’s physical presence, but also from its setting.

Whether a proposal causes substantial harm will be a judgment for the decision taker, having regard to the circumstances of the case and the policy in the National Planning Policy Framework. In general terms, substantial harm is a high test, so it may not arise in many cases. For example, in determining whether works to a listed building constitute substantial harm, an important consideration would be whether the adverse impact seriously affects a key element of its special architectural or historic interest. It is the degree of harm to the asset’s significance rather than the scale of the development that is to be assessed. The harm may arise from works to the asset or from development within its setting.

While the impact of total destruction is obvious, partial destruction is likely to have a considerable impact but, depending on the circumstances, it may still be less than substantial harm or conceivably not harmful at all, for example, when removing later inappropriate additions to historic buildings which harm their significance. Similarly, works that are moderate or minor in scale are likely to cause less than substantial harm or no harm at all. However, even minor works have the potential to cause substantial harm.

In paying ‘special attention’ in relation to the Castle Hill/Russell Hill/Oxford Road Conservation Area and setting the Grade II listed Rox Borough House at 101 Oxford Road, the retrospective signage is considered to result in ‘less than substantial harm’ to the setting of the Conservation area and setting of the a Listed Building, informed by an analysis of the design, materials and illumination by the case officer and by the expert advice of the RBC Conservation Officer.

The poor signage design, materials, internal illumination and luminance level results in material harm to the immediate character or appearance of the shop of and the wider terrace of properties in which it is located. As such, the proposal for replacement signage is

considered contrary to Policies CC7, EN1, EN3, TR3, OU4 and OU5 of the Local plan 2019 and Shopfront Design SPD. There are no public benefits arising from the proposal which outweigh this less than substantial harm. The reasons for refusal relate to the retrospective signage assessed by the advertisement consent. The shopfront redecoration is not relevant to this application.

Impact on highway safety

Policy OU4 of the Reading Local Plan 2019 requires that advertisements ‘will not have a detrimental effect on public safety’, or pose a safety hazard to users of the highway. Furthermore, it states and that illuminated advertisements should remain within appropriate light levels.

Regulation 3 of the Town and Country Planning (Control of Advertisements) (England) regulations 2007 requires that advertisements do not cause a danger to road users.

The proposed illumination is directly visible from the pavement and the Oxford Road, it exceeds maximum lighting guide levels and is considered too bright for the location and height at which the signage is proposed. The brightness may interfere with CCTV camera images within the vicinity given its position and light levels. The signage would lead to a danger to highway users, both pedestrian and vehicular, due to its excessive brightness. Given this, the proposal is considered unacceptable due to the impact on the safety of highway users as a result of the excessive illumination proposed and would be likely to distract road users creating glare and dazzle.

Conclusion

In light of the above assessment the proposed internally lit fascia is not considered to accord with the requirements of the development plan or Design Guide to Shopfronts Supplementary Planning Document (Jan 2022) and is therefore recommended for refusal for the following reasons:

1. The proposal, by virtue of its poor design, materials that are out of keeping with the Castle Hill/Russell Hill/Oxford Road Conservation Area and internally lit illumination result in an overly prominent and visually dominant development which fails to respect the existing streetscene or the setting of Rox Borough House Listed Building. The signage is detrimental to the activity of the street frontage and the brightness of the illumination has a harmful impact on the character of the street scene. The fascia is overlarge obscuring corbels and pilasters and other detailing, harmful to the character and appearance of the host building.

As a consequence the development fails to maintain or enhance the character and appearance London Road, contrary to Policy CC7 (Design and the Public Realm), Policy OU4 (Advertisements), OU5 (Shopfronts and Cash Machines), EN1 Protection and Enhancement of the Historic Environment and EN3 Enhancement of Conservation Areas of the Reading Borough Local Plan (2019), the Design Guide for Shopfronts (2022) and National Planning Policy Framework (Dec 2023) Chapter 12, Paragraph 141, Chapter 16, Paragraph 212 and Paragraph 207-208.

2. The proposal would result in a safety hazard for users of the highway due to its excessive illumination levels resulting in an advertisement which would distract drivers and interfere with pedestrian routes, contrary to Local Plan Policies Policy CC7, TR3 and OU4 of the Reading Borough Local Plan 2019, National Planning Policy Framework (Dec 2023) Chapter 9, Paragraph 114 d), 115, 116 c) and Chapter 12 Paragraph 141 and NPPG Advertisements Paragraph: 068 Reference ID: 18b-068-20140306.

RECOMMENDATION
231249 ADV Refuse