

COMMITTEE REPORT

BY THE DIRECTOR OF ENVIRONMENT & NEIGHBOURHOOD SERVICES

READING BOROUGH COUNCIL

ITEM NO.11

PLANNING APPLICATIONS COMMITTEE: 14 January 2015

Ward: Abbey
App No.: 141528/FUL
Address: 60 - 62 Friar Street, Reading
Proposal: Change of use from A1 (retail) to a flexible permission for A1 (retail) / A2 (financial and professional services) / A3 (restaurants and cafes) and/or A5 (takeaway) use (amended description).
Applicant: Aviva Investors
Date received: 21 November 2014
Other Applications: N/A
8 week target decision date: 16 January 2015

RECOMMENDATION

GRANT planning permission.

CONDITIONS to include

- Time limit - three years
- Plans approved
- Active frontage
- Hours of use will be 08:00 - 23:00 Sunday - Thursday and 08:00 - Midnight Friday & Saturday
- The A2 use hereby permitted shall not include betting shops or pay day loan shops
- Permitted development rights removed for change of use from an A3 or A5 use to a betting shop or pay day loan shop
- Kitchen extraction noise assessment shall demonstrate that the plant noise rating level will not cause an increase in the existing background noise level when measured / predicted in accordance with BS 4142:1997 methodology.
- No development shall take place until details of the odour abatement techniques of the kitchen extraction system have been submitted to and approved in writing by the RBC Environmental Protection Team
- Details of storage and collection of waste

INFORMATIVES

- Compliance with approved plans & details
- Positive and proactive

1.0 INTRODUCTION

1.1 The application site contains two vacant ground floor retail units with recently constructed student accommodation above, on the corner of Friar Street and Greyfriars Road. The units measure approximately 451sq m at ground floor level and have existing basements. The site is located within the Reading Central Area, the Primary Shopping Area and is an 'Active Frontage' as defined by Policy RC10.

1.3 Councillor Page has requested that this application be considered by PAC due to the proposed potential loss of retail space.





2.0 PROPOSAL

- 2.1 Planning permission is sought to change the use of the two ground floor units at 60 - 62 Friar Street from Use Class A1 (retail) to a flexible permission for Use Class A1 (Retail), Use Class A2 (Financial and Professional Services), Use Class A3 (Restaurants and Cafés) and/or Use Class A5 (Takeaway). The original description of the proposal also included a proposed A4 use (Drinking Establishments) but this use was removed from the proposed description by the agent on 10 December 2014. The proposal does not include any external works.

3.0 RELEVANT PLANNING HISTORY

- 3.1 12/00998/FUL Demolition of Samuel House and refurbishment and extension of Bridewell House to create a student hall of residence comprising 127 self-contained studios and 14 accessible self-contained studios with common room and ancillary facilities. Retention of ground floor of Bridewell House as retail use. Permitted 5/11/2012.

4.0 CONSULTATIONS

Consultees

- 4.1 **RBC Transport Strategy:** No objection and no RUAP contribution is required. 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.
- 4.2 It is considered that in this location, the proposed change of use to a flexible permission will have a negligible impact in terms of Transport and therefore there are no Transport objections to the proposed development.
- 4.3 **RBC Environmental Protection:** If a kitchen extraction is proposed, RBC Environmental Protection would have concerns about noise and odour from the kitchen extraction system causing nuisance to the surrounding residents/businesses.
- 4.4 RBC Environmental Protection have stated that kitchen extraction units are commonly sources of noise complaints and noise attenuators/silencers may be required, in addition to damped mounting points to reduce vibrations. Maintenance is essential to prevent noise and odour problems arising.

- 4.5 RBC Environmental Protection recommends that the applicant refer to the Defra Guidance on the Control of Odour and Noise from Commercial Kitchen Exhaust Systems (January 2005).
- 4.6 RBC Environmental Protection have detailed that odours can be dealt with by appropriate design, such as finishing at 1m above roof ridge height ideally or 1m above eaves height where the former is not possible to enable efficient dispersion of odours. Where neither is possible additional odour abatement measures are essential, such as filtration and de-odourisers and maintenance.
- 4.7 RBC Environmental Protection have requested that the applicant should complete a BS4142:1997 acoustic assessment to demonstrate that the plant noise rating level will not cause an exceedance of the existing background noise level (LA90) by more than 0 dB at any time, as measured from/prediction calculations carried out, at the nearest noise sensitive receptor (i.e. the nearest residential property window).

Public/local consultation and comments received

- 4.8 The properties at 52 - 55 and 99 - 102 Friar Street have been consulted by letter, and two site notices have been displayed in the communal areas of the Central Studios student accommodation in Greyfriars Road. At the time of drafting this report, no letters of representation have been received.

5. RELEVANT PLANNING POLICY AND GUIDANCE

Legal and Planning Policy Context

- 5.1 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).
- 5.2 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).
- 5.3 Accordingly, the National Planning Policy Framework and the following development plan policies and supplementary planning guidance are relevant:
- Chapter 2: Ensuring the vitality of town centres
 - National Planning Practice Guidance - Annexe 2: Glossary
- 5.4 **Reading Borough LDF Core Strategy (Adopted January 2008)**
CS7 Design and the Public Realm
CS26 Network and Hierarchy of Centres
CS34 Pollution and Water Resources
- 5.5 **Sites and Detailed Policies Document (Adopted October 2012)**
DM4 Safeguarding Amenity
DM23 Shopfronts and Cash Machines
- 5.6 **Reading Central Area Action Plan (Adopted January 2009)**

RC5 Design in the Centre
RC6 Definition in the Centre
RC10 Active Frontages

6. APPRAISAL

The main issues that will be addressed in this appraisal are:

- i. Principle of the change of use to A2, A3 and A5
- ii. Residential amenity

Principle of the change of use to A2, A3 and A5

- 6.1 Policy CS26 (Network and Hierarchy of Centres) of the Core Strategy (2008) seeks to maintain and enhance the vitality and viability of centres, as well as widen the range of uses. The proposed change of use will provide a flexible A class use (with the exception of an A4 use) for the two currently vacant ground floor units on the corner of Friar Street and Greyfriars Road, which do not currently contribute towards the vitality or viability of the town centre.
- 6.2 The application site is designated as an 'Active Frontage' as defined by the Reading Central Area Action Plan (RCAAP) proposals Map and Policy RC10. Policy RC10 states that uses should be within A1, A2, A3, A4, A5, C1, D1 or D2, or related sui generis uses, unless it would be an entrance to upper floors. As such, the proposal would comply with the use aspects of Policy RC10.
- 6.3 This section of Friar Street has a mixture of uses including A1, A2, A3, A4 and A5, and it is considered that none of the proposed uses would have a detrimental impact on the character of the surrounding area. The proposed flexible use will contribute to the town centre vitality by widening the range of prospective occupiers which the units could accommodate and will increase the chances for the long-term occupation of both units. Furthermore, the proposed flexible use includes A1 so there may not be a loss of retail space if the units are occupied by A1 tenants.
- 6.4 Policy RC10 also seeks to maintain an active building frontage where it fronts onto a designated 'active frontage' by securing a display window or glazed frontage at ground floor level. It is considered reasonable and necessary to impose a condition requiring this to be retained as clear glazing, allowing views into the building in order to comply with Policy RC10.
- 6.5 On 31 July 2014, the Department for Communities and Local Government (DCLG) consulted on plans to broaden the shops use class (A1) to incorporate the majority of uses currently within the financial and professional services use class (A2). However, the consultation contains plans to require a planning application for any change of use to a betting shop or a pay day loan shop, and states that under the plans, betting shops and pay day loan shops would not form part of the wider A1 retail use class, but would remain within the A2 use class.
- 6.6 The government has also recently proposed to make changes to the General Permitted Development Order 1995 to remove the existing permitted development rights for change of use to the A2 use class, thereby requiring a planning application for a change of use to a betting shop or pay day loan shop. Following the DCLG announcement on 31 July 2014 and due to the large number of existing betting shops (10) in Reading Town Centre, it is considered necessary to place a condition on any permission to exclude betting shops and pay day loan shops from the A2 use permitted, and to remove the permitted development

rights for the units to change from an A3 or A5 use to a betting shop or pay day loan shop. The agent confirmed via e-mail on 17 December 2014 that he accepted that such a condition to be included with any permission, to omit betting shops and pay day loan shops from the A2 category for this site.

Residential Amenity

- 6.7 Policy DM4 (Safeguarding Amenity) of the Sites and Detailed Policies Document (2012) states that development shall not cause a significant detrimental impact to the living environment of existing or new residential properties, in terms of noise and disturbance, and smell. The proposed hours of use of the two units are 08:00am - 11:30pm on Sunday to Thursday and, 08:00am - midnight on Friday and Saturday. The proposed hours of use of the units are considered acceptable for a site in this location and the proposed hours of use are similar to those of the A4 use opposite the application site (The Hope Tap). It is considered that the hours of use of the proposal would not result in an unacceptable level of disturbance to the neighbouring residential properties.
- 6.8 The Central Studios student accommodation is located directly above the application site and RBC Environmental Protection have raised concerns about noise and odour from potential A3 and A5 uses which could cause a nuisance to the surrounding residents. It is therefore considered necessary to place a condition on any permission regarding kitchen extraction noise to protect the amenity of neighbouring residents of the proposed development. The condition will require a noise assessment which shall demonstrate that the plant noise rating level will not cause an increase in the existing background noise level when measured/predicted in accordance with the relevant British Standards methodology and the noise levels shall be determined at the nearest noise-sensitive premises.
- 6.9 It is also considered necessary to place a condition on any permission regarding kitchen extraction odour to protect the amenity of neighbouring residents of the proposed development. The condition will state that no development shall take place until details of the odour abatement techniques of the kitchen extraction system have been submitted to and approved in writing by the Environmental Protection Team of Reading Borough Council. Thereafter, the development shall not be carried out other than in accordance with the approved details.

Equality Act 2010

- 6.10 In determining this application the Committee is required to have regard to its obligations under the Equality Act 2010. The key equalities protected characteristics include age, disability, gender, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sexual orientation.
- 6.11 There is no indication or evidence (including from consultation on the application) that the protected groups have or will have different needs, experiences, issues and priorities in relation to the particular planning application. In terms of the key equalities protected characteristics it is considered there would be no significant adverse impacts as a result of the development.

Positive and Proactive Working

- 6.12 The local planning authority have worked with the applicant in a positive and proactive manner based on seeking solutions to problems arising in relation to dealing with a

planning application. These proposals have been the subject of discussions with the applicant at the application stage in respect of the issues set out above. The recommendation to grant permission is considered to be a positive result of these discussions.

7.0 CONCLUSIONS

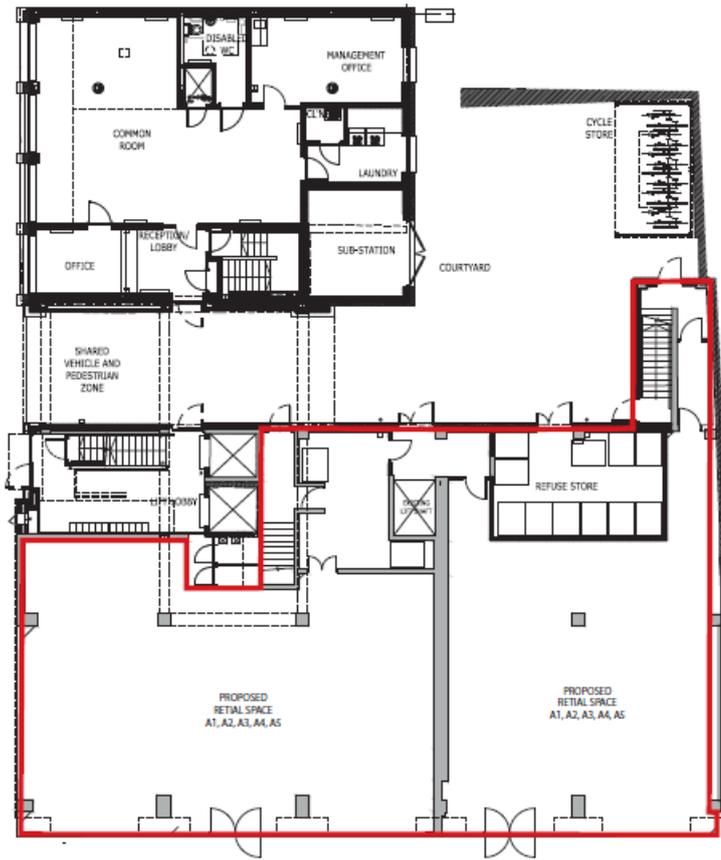
- The proposed flexible change of use will provide an appropriate town centre use and an active frontage.
- In order to maintain a broad range of retail opportunities in Reading town centre, the flexible permission should exclude betting shops and pay day loan shops.
- Any potential kitchen extract noise and odour impacts will be conditioned to protect the amenity of neighbouring residents of the proposed development.

The proposal is therefore recommended for approval.

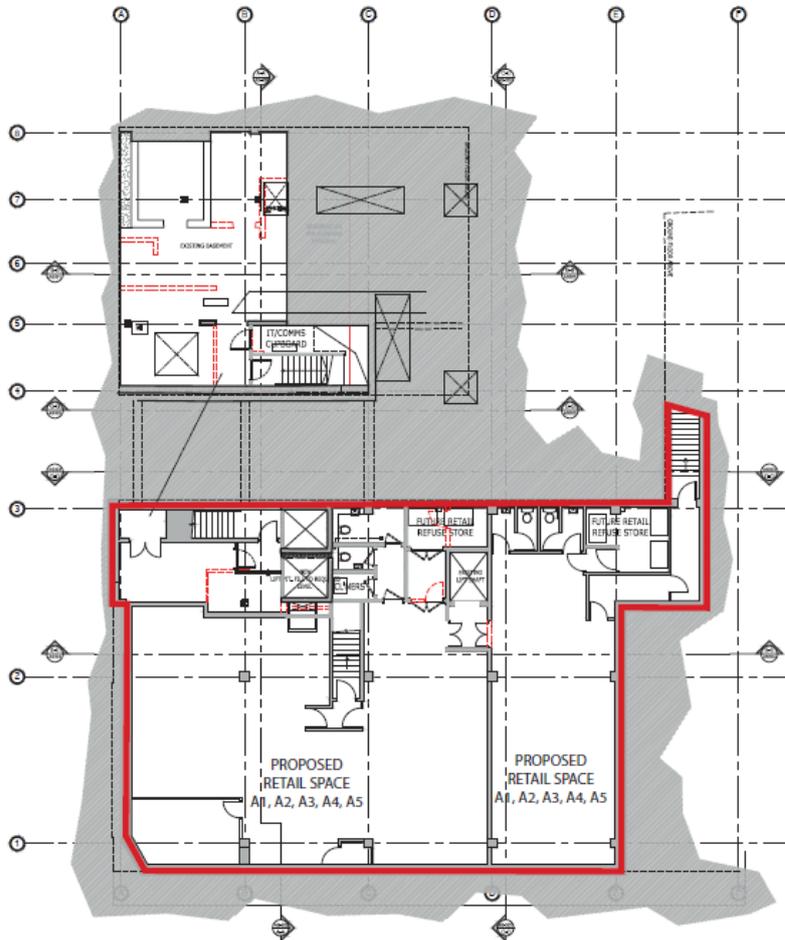
Supported plans and documents:

- 08450029/01 Site Location Plan
- 08450029/02 Existing Ground Floor Plan
- 08450029/03 Proposed Ground Floor Plan
- 08450029/04 Existing Basement Plan
- 08450029/05 Proposed Basement Plan
- 5644-(21)-AE-400 Elevations - Friar Street Elevation
- 5644-(90)-D-05 External Works Courtyard
- Supporting letter

Case Officer: Gary Crawford



Proposed Ground Floor Plan



Proposed Basement Plan