

DELEGATED APPLICATION REPORT

Application No: 230518/FUL

Address: Reading Link Retail Park, Rose Kiln Lane, Reading

Proposal: Installation of HVAC condensing units within protective cages (Retrospective)

Case Officer: David Brett

Applicant: 23.5 Degrees Limited

Received on: 18/04/2023

Valid from: 19/05/2023

Target Date: 14/07/2023

Site Description and Surrounding Area

The application site comprises a Starbucks to the northeast corner of Reading Link Retail Park. The Starbucks is a recent addition to the retail park and includes a drive-thru. The surrounding area is considered predominantly commercial, with residential to the north of the site on the north side of Holy Brook at Admirals Court.

The proposal site is not within a Conservation Area or Listed. A site visit was carried out on 21/06/2023.



Fig 1. HVAC Condensing Unit to the rear of Starbucks. Photo taken by case officer on 21/06/2023

Proposal

This application for full planning permission seeks the following:

- The installation of x2 HVAC condensing units with protective cages.

As the HVAC condensing units have already been installed and are in use, this applications seeks retrospective planning permission.

Plans/Documents Considered

The following plans and documents have been supplied for this application:

- Proposed Mechanical Layout Plan - P1

- Location and Block Plans - 39.90/01.1
- ~~Site Plan - 39.90/02.1~~
- Front and Rear Elevations - 39.90/02.2

Received on 18/04/2023

- Plant Noise Impact Assessment - 91530/NIA

Received on 19/05/2023

- Site Plan - 39.90/02.1A

Received on 26/06/2023

Relevant Planning History

230519/ADV - (1) 9m totem, (2) directional sign, (3) directional sign, (4) clearance bar, (5) menu board, (6) order canopy, (7) menu board, (9) directional sign, (10) 1500mm fascia roundel, (11) 1500mm fascia roundel, (12) 305mm fascia wordmark, (13) 750mm fascia roundel, (15) banner frame - To be determined.

230067/APC - Application for approval of details reserved by condition 11 (Lighting Plan) of Application 220737 - Conditions Discharged on 23/03/2023

230068/NMA - Non-Material Amendment to vary the wording of Condition 16 (BREEAM) - Non-Material Amendment Agreed on 24/02/2023

230027/APC - Application for approval of details reserved by condition 22 (Building Services Plant Noise Assessment) of application 220737 - Conditions Discharged on 24/02/2023

221721/APC - Application for approval of details reserved by condition 15 (BREEAM) of Application 220737 - Conditions Discharged on 12/12/2022

221712/NMA - Non-Material Amendment to Permitted Application 220737 to amend the approved plans (condition 5), s278 (condition 7), Tree Protection (condition 14), Footpaths (condition 19), Height Barrier (condition 20) and Dragon's Teeth (condition 21) - Non-Material Amendment Agreed on 12/12/2022

221159/NMA - Non-Material Amendment to permitted Application 220737 to amend the wording of condition 15 (BREEAM Certification) and 16 (BREEAM Certification) - Application Permitted on 07/11/2022 - Non-Material Amendment Agreed on 07/11/2022

220737/VAR - Outline application for a drive-thru coffee shop of 189sqm and a new access at Reading Link Retail Park, Rose Kiln Lane (appearance, layout, scale and landscaping reserved for future consideration). - Application Permitted on 05/08/2022

220736/REM - Application for approval of reserved matters following outline approval. (220737) - Application Permitted on 06/12/2022

220711/APC - Discharge of conditions 4 (materials), 8 (EV Charging points), 10 (Construction Environmental Management Plan) and 12 (Ecological Management Plan) of planning permission 220737/VAR - Conditions Discharged on 06/12/2022.

220506/APC - Application for approval of details reserved by conditions 9 CMS), 13 (Air Quality Assessment) and 18 (Delivery Servicing Plan) of application 201558 - Conditions Discharged on 12/08/2022

201558/OUT - Outline application for a drive-thru coffee shop of 189sqm and a new access at Reading Link Retail Park, Rose Kiln Lane (appearance, layout, scale and landscaping reserved for future consideration) - Application Permitted on 22/07/2021

Internal Consultations

Reading Borough Council, Environmental Protection - Response received on 08/06/2023

- The noise assessment submitted has been carried out in accordance with BS4142:2014+A1:2019 and the methodology has been correctly applied. The assessment concludes that the specific noise level of the proposed plant will not exceed -10dB below the background noise and the rating level does not exceed the background noise so adverse impact on the local noise climate is unlikely. I therefore have no objections to the proposed plant subject to the following condition:

External Consultees

40 Admirals Court, Reading, RG1 6SW - No response received.
41 Admirals Court, Reading, RG1 6SW - No response received.
42 Admirals Court, Reading, RG1 6SW - No response received.
43 Admirals Court, Reading, RG1 6SW - No response received.
44 Admirals Court, Reading, RG1 6SW - No response received.
45 Admirals Court, Reading, RG1 6SW - No response received.
46 Admirals Court, Reading, RG1 6SW - No response received.
47 Admirals Court, Reading, RG1 6SW - No response received.
49 Admirals Court, Reading, RG1 6SW - No response received.
50 Admirals Court, Reading, RG1 6SW - No response received.
51 Admirals Court, Reading, RG1 6SW - No response received.
52 Admirals Court, Reading, RG1 6SP - No response received.
54 Admirals Court, Reading, RG1 6SP - No response received.
55 Admirals Court, Reading, RG1 6SP - No response received.
41 Admirals Court, Reading, RG1 6SP - No response received.
Matalan Retail Ltd, Rose Kiln Lane, Reading, RG2 0SN - No response received.
Unit 3, Rose Kiln Lane, Reading, RG2 0SN - No response received.
Poundworld, Rose Kiln Lane, Reading, RG2 0SN - No response received.
C1, Reading Link Retail Park, Reading - No response received.
Kiln Brook House, Rose Kiln Lane, Reading, RG2 0BY - No response received.

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. The Development Plan for Reading relevant to the application site comprises the Reading Borough Local Plan (adopted November 2019).

The 'National Planning Policy Framework' ('NPPF') 2021 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 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).

Relevant Policies

The application has been assessed against the following policies:

National

National Planning Policy Framework 2021;
National Planning Policy Guidance 2014 onwards;

Reading Borough Local Plan (November 2019)

CC1: Presumption in favour of sustainable development
CC2: Sustainable Design and Construction
CC7: Design and the Public Realm
CC8: Safeguarding amenity
CC9: Securing infrastructure
EN15: Air quality
EN17: Noise generating equipment

Other documents

Sustainable Design & Construction SPD (2019)

Appraisal

The main issues considered for these three separate applications are as follows:

- a) Design and Access
 - b) Safeguarding Amenity
 - c) Air Quality
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- a) Design & Access

Policy CC7 of the Reading Borough Local Plan requires all development to be of high-quality design and maintain and enhance the character and appearance of the surrounding area. In this specific case, this concerns the following components:

- Layout
- Landscape
- Density and mix
- Scale: height and massing; and
- Architectural detail and materials

The condensing units are located to the rear of Starbucks, kept in a grey protective cage and stacked against the grey panel exterior wall. The condensing units are not readily visible from the highway and would only be visible to those using the drive-thru or walking across the pedestrian footbridge to the north of the proposal site across Holy Brook.

The condensing units are considered to have a neutral impact on the existing building and the character and appearance of the surrounding area. The proposed development is therefore considered in accordance with Policy CC7 of the Reading Borough Local Plan.

- b) Safeguarding Amenity

This proposal has also been assessed against Reading Borough Local Plan policy CC8: Safeguarding Amenity, which states that proposals are acceptable where they will not cause a

detrimental impact on the living environment of existing residential properties with regard to various factors, including (amongst others):

- Noise and disturbance

A Noise Impact Assessment (NIA) has been submitted for this application. In accordance with Policy EN17 of the Reading Borough Local Plan; “Where noise generating equipment is proposed, the noise source specific¹ level (plant noise level) should be at least 10dBA below the existing background level as measured at the nearest noise sensitive receptor.” The NIA confirms that the condensing units will meet the requirement of Policy EN17 of the Reading Borough Local Plan and is therefore acceptable.

The proposal was further considered against the criteria specified within Policy CC8 of the Reading Borough Local Plan. The proposed development would not harm the amenity of the surrounding area in accordance with Policy CC8 of the Reading Borough Local Plan.

c) Air Quality

This proposal has been considered against Reading Borough Local Plan policy EN15, as the proposal site is within an Air Quality Management Area (AQMA). As demonstrated in the policy, this proposal does not meet the requirements for an Air Quality Assessment (AQA) and is considered not enough of a detrimental impact air quality.

Conclusion

The development has been assessed and the works are considered to be in accordance with the above relevant policies and planning permission can be granted.

Recommendation

GRANT

Conditions

AP1: Approved Plans

The development hereby permitted shall ONLY be carried out in accordance with the following approved plans:

- Proposed Mechanical Layout Plan - P1
- Location and Block Plans - 39.90/01.1
- Front and Rear Elevations - 39.90/02.2

Received on 18/04/2023

- Plant Noise Impact Assessment - 91530/NIA

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- Site Plan - 39.90/02.1A

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REASON: For the avoidance of doubt and to ensure that the development is carried out and adhered to in accordance with the application form and associated details hereby approved.

N2: Mechanical Plant (Noise Assessment Required)

¹ The noise source specific level is the measured noise level, as opposed to the rating level, which is the specific level with correction factors included.

The specific sound level of the equipment hereby approved, (LAeq,TR) (with reference to BS:4142) as measured at a point 1 metre external to the nearest noise-sensitive facade shall be at least 10dB below the pre-existing background sound level, LA90,T when all plant/equipment (or any part of it) is in operation. The rating level, LAr,Tr (specific sound level plus any adjustment for the characteristic features of the sound) as measured at a point 1 metre external to the nearest noise-sensitive façade (habitable window of a dwelling) shall not exceed the pre-existing background sound level, LA90,T when all plant/equipment (or any part of it) is in operation.

REASON: To safeguard the amenities of the adjoining premises and the area generally, in accordance with Policy CC8 and EN17 of the Reading Borough Local Plan 2019.

Informatives

IF1: Positive and Proactive Working - approval

The Local Planning Authority has worked positively and proactively with the applicant to resolve relevant matters to allow permission to be granted within the agreed timescale for the decision to be issued.

IF5: Terms

Your attention is drawn to the terms and conditions of this permission. Any development which is carried out but which 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.