

DELEGATED PLANNING APPLICATION REPORT

Ward: Abbey

App Ref: 221363/FUL

Address: 3-4 Kings Walk, King Street, Reading, RG1 2HG

Proposals: Commercial kitchen extract duct that horizontally protrudes out of the brick wall of unit 3-4 and extends vertically above the roof level.

Case Officer: Ryan Allen

Date received (valid from): 1 October 2022 **Revised Target Decision date:** 10 March 2023

1. SITE DESCRIPTION

The application site is a commercial unit situated within the Kings Walk shopping mall located on King Street, Reading. The site falls within the identified Primary Shopping area and while the building itself is not listed, it is within the Market Place/London Street conservation area.

2. PROPOSAL AND SUPPORTING INFORMATION

Planning permission is sought for the installation of a commercial kitchen extract duct. The duct would protrude horizontally out of the brick wall of unit 3-4 Kings Walk onto the southern elevation of the building to extend vertically above the roof level. The duct measures approximately 0.45m in width, 0.45m in width and 7m in height, with approximately 1m of the duct extending beyond the roof level.

Plans considered

Received 14/09/22

Location and Block Plan - Drawing No. 001 rev. A

Site Photos - Drawing No. 002 rev. B

Google Area 3D View - Drawing No. 003 rev. C

Ground Floor and Basement - Drawing No. 004 rev. C

First Floor and Roof Plan - Drawing No. 005 rev. A

Fan Specifications Document

Received 03/10/22

SLU Silencer Specifications Document

Carbon Filter Specifications Document

Planning Policy Statement, Sustainability Statement & Noise Statement rev. A

Received 06/10/22

Heritage Statement rev. B

Received 16/11/22

Plant Noise Assessment Report

Received 21/11/22

Odour Management Plan rev. C

Received 20/12/22
Odour Appraisal V.2

Received 21/02/23
Odour Appraisal V.3

3. RELEVANT PLANNING HISTORY

01/07/91 - 910126/FUL - Change of use from retail (Use Class A1) to cafe (Use Class A3) - Permitted

17/07/91 - 910128/FUL - Change of use from retail (A1) to Restaurant (A3) - Permitted

4. CONSULTATIONS

The following addresses were consulted by letter.

19/23 Kings Walk, King Street, Reading, RG1 2HG
20 Kings Walk, King Street, Reading, RG1 2HG
12 Kings Walk, King Street, Reading, RG1 2HG
16 Kings Walk, King Street, Reading, RG1 2HG
17 Kings Walk, King Street, Reading, RG1 2HG
15 Kings Walk, King Street, Reading, RG1 2HG

Letters of representation have been received as follows:

None.

Internal Consultees

Environmental Protection

As no noise or odour assessments were submitted with the initial application, Environmental Protection noted that determination on the likely impacts of noise/odour in reference to the proposal could not be made. Recommendations for ultimate refusal, the request for relevant assessments or the following conditions were made on 11/10/22:

➤ **N2 MECHANICAL PLANT (NOISE ASSESSMENT REQUIRED)**

No mechanical plant shall be installed until a noise assessment of the proposed mechanical plant has been submitted and approved by the Local Planning Authority. The assessment shall be carried out for in accordance with BS4142:2014+A1:2019 methodology. The predicted specific sound level (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 predicted 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 facade (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. The plant shall thereafter only be installed in accordance with the assessment and shall thereafter be maintained so that it operates to the same standard.

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.

➤ **N11 VENTILATION & EXTRACTION (TO BE SUBMITTED)**

No development shall commence on site until an odour assessment has been carried out and a detailed odour management plan to include scaled plans, odour control

specifications and a maintenance plan has been submitted to and approved in writing by the Local Planning Authority. Reference shall be made to the EMAQ guidance on the Control of Odour and Noise from Commercial Kitchen Exhaust Systems (Sept 2018) or the (withdrawn) DEFRA version (Jan 2005) when assessing potential odours and selecting appropriate odour control methods. When assessing potential odours, the assessment shall consider the full range of cooking types that may be conducted under the permitted use. Thereafter, the development shall not be carried out other than in accordance with the approved scheme unless otherwise agreed in writing by the Local Planning Authority.

REASON: *These details are required due to insufficient information being contained within this submission and to safeguard the amenity of adjoining properties and to protect the general environment in accordance with Policy CC8 of the Reading Borough Local Plan 2019.*

Upon submission of a noise assessment on 16/11/22, Environmental Protection confirmed the assessment established that noise levels would meet criteria and therefore no objects/concerns were raised in regards to noise. However, it was noted that an odour assessment was still required.

Initially, the planning statement submitted was amended to include a sub-section entitled 'Odour Management Plan'. This was deemed insufficient by EHOs due to a failure to demonstrate sufficient mitigation due to the scheme's 'high risk' nature in terms of odour emissions. It was advised that an assessment was carried out adhering to EMAQ/Defra guidance was needed in order to determine the proposals acceptability. Odour Appraisal V.2 was subsequently submitted. However, comments received determined that alterations were needed due to the proposal not complying with recommended EMAQ/Defra guidance. It was advised that this would require an upgrade to the carbon filter and confirmation that fine filtration was in place. An amended odour assessment was submitted, entitled 'Odour Appraisal V.3'. This revised assessments was considered to have taken concerns into consideration and followed the recommended EMAQ/Defra guidance, establishing compliance with policy CC8 of the Reading Borough Council Local Plan (2019).

CAAC
None.

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

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 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the local planning authority to have special regard to the desirability of preserving a listed building or its setting or any features of special interest which it possesses.

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 Policy and Guidance

National Planning Policy Framework

Reading Borough Local Plan (2019)

CC8: SAFEGUARDING AMENITY

EN3: ENHANCEMENT OF CONSERVATION AREAS

EN17: NOISE GENERATING EQUIPMENT

Other Local Documents

Relevant Conservation Area Appraisal

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.

APPRAISAL

The immediate surrounding area is wholly commercial and various food premises are present within the shopping mall in which the application site is housed. Although within a conservation area, the proposal is minor in scale and other commercial kitchen extracts are present at the property. The proposal would therefore not detract from the character of the local area. Various assessments submitted have been confirmed by EHOs to adhere to BS4142:2014+A1:2019 methodology and EMAQ/Defra guidance, respectively. All considered, the proposal is compliant with CC8, EN3 & EN17 of the Reading Borough Council Local Plan (2019).

RECOMMENDATION

Grant

Subject to the following conditions:

TL1

AP1

N8

N12