

DELEGATED APPLICATION REPORT

Address: Anson Social Enterprises CIC, 67 London Street, Reading, RG1 4QA

Application Reference Number: PL/24/1418/FUL

Proposal: Installation of an external extraction ventilation system, enclosed by a brick surround, on the South Street (north) elevation (amended description).

Applicant: Miss Faiza Abdulla

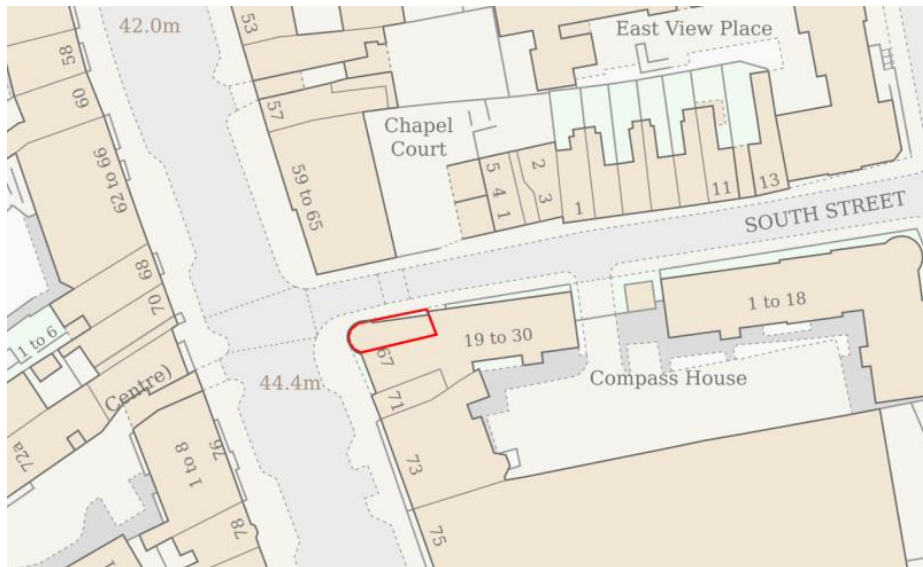
Date received (valid from): 07/12/2024

Target Decision date: Originally 01/02/2025, but an extension of time was agreed until 24/03/2025

Case officer: Jonathan Markwell

1. Site Description and Surrounding Area

- 1.1 The application site comprises the ground floor commercial unit on the corner of London Street (to the west) and South Street (to the north). The unit is presently vacant, having most recently been in use as a nail salon. Away from the junction and at upper floor levels are residential flats at Compass House, with the red line boundary solely being the space where the commercial unit is located. The building as a whole is 3 storeys in height at this point and dates from the early 2000's as part of a wider development at the time (see relevant history section below).



Extract of site location plan submitted with application



View of the application site building from London Street

- 1.2 The site is located within Market Place / London Street Conservation Area. The building is unlisted and, within the Conservation Area Appraisal (see extract of the map below), is not identified as a building of townscape merit. The surrounding area does however include a series of listed buildings, most prominently the Grade II* Addington House at 73 London Street (presently in the process of being converted for residential use).



- 1.3 The site is also within an Air Quality Management Area, an area of archaeological potential and the Reading Central Area Action Plan boundary. London Street is part of the classified highway network and is a designated cycle route. The surrounding area contains a mix of uses, predominantly commercial at ground floor level and residential on the upper floor levels.

2. The Proposal

- 2.1 Full planning permission is sought for the installation of an external extraction ventilation system, enclosed by a brick surround, on the South Street (north) elevation.



- 2.2 Prior to the validation of the application the exact nature and form of the proposals were clarified with the applicant. The application form specified that *"The building currently has class E use, which includes use of the premises as a cafe. This application is for a change of use from cafe (Class E) to include takeaway too. However if this is unacceptable, then use of an extraction ventilation system would be the minimum requirement that we have, as ventilation is still needed in a class E premises such as a café"*. Further information was sought in support of the validation of a proposal including a takeaway use (Sui Generis). The applicant subsequently confirmed *"I applied for permission for an extraction system, and was hoping to get takeaway permission off the back of that, but now I understand that there are other additional considerations when it comes to takeaways. So therefore I would like my application to remain as just permission for an extractor only, not for a change of use or class"*. The application has duly been validated, registered and assessed on this basis, with the proposals solely relating to the installation of an external extraction ventilation system.
- 2.3 During the application (subsequent to validation of the application) the proposals were revised with the introduction of a brick surround to enclose the originally proposed external extraction ventilation system. Furthermore, a noise assessment and odour assessment were submitted during the course of the application too. The submission of these additional

documents and revised proposals were not considered to be fundamental changes to the scheme which warranted any formal public re-consultation to take place.

- 2.4 An unaccompanied officer site visit was undertaken on 12/12/2024 to the external areas around the site only. Additional site photographs are provided below:



View from South Street looking west (left) and London Street looking east (right)

3. Public Consultation

i. Public Consultation

A site notice was erected on 12/12/2024, expiring on 02/01/2025. A press notice was published on 19/12/2024, expiring on 09/01/2025. No responses have been received.

ii. Reading Conservation Area Advisory Committee (CAAC)

Reading CAAC was formally consulted on the application. No response has been received.

4. Internal / External Consultations

i. RBC Environmental Protection Officer:

Original comments sought for separate noise and odour assessments to be submitted.

Revised comments (following the submission of noise and odour assessments) confirmed that both assessments are acceptable and meet RBC requirements. It is recommended that conditions requiring the proposed mitigation to be implemented, in terms of odour control, noise mitigation of the kitchen extraction system, and noise attenuation between ground and first floor.

5. Plans Considered

- i. The Council, in reaching its recommendation, has taken into consideration the following:

PP-13441719v1 – Site Location Plan
TQRQM24276215234701 - Block Plan
2407/01 – Existing Floor Plan and Elevation
~~2407/02 – Proposed Floor Plan and Elevation~~ (superseded 06/02/2025)
Ground Floor Plan 'Extract 1'
Company registration overview of Anson Social Enterprises CIC
Application form
CIL form
As all received on 24/10/2024

RY2500B Electrostatic Air Cleaner (without blower) specification details
Systemair MUB/T 042 400D4 specification details

6. Relevant Planning History

Wider site at 67-73 London Street

PL/99/00973 (alternative ref 00/00052/LBC) - Demolition within a conservation area of 67 London Street, 10-24 (inclusive) South Street and 30-36 (inclusive) East Street. Listed Building Consent Granted 11/04/2001.

PL/99/0970 (alternative ref 00/00047/FUL) - Erection of 29 apartments, ground floor A1,A2 or B1(a) unit, associated car parking and landscaping, demolition of Listed Building at 69 London St and removal of all other unlisted buildings from the site. Planning Permission Granted 15/06/2001.

7. 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 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.

8. Relevant Planning Policies and Guidance

- i. 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 (2019).
- ii. 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.
- iii. 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.
- iv. The National Planning Policy Framework ("NPPF") 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). Accordingly, the NPPF, together with the NPPG and the following development plan policies and supplementary planning guidance are relevant:
- v. National Policy and Guidance

National Planning Policy Framework 2024

National Planning Practice Guidance (NPPG)

vi. Reading Borough Local Plan (2019)

CC1: Presumption in Favour of Sustainable Development
CC3: Adaptation to Climate Change
CC7: Design and the Public Realm
CC8: Safeguarding Amenity
EN1: Protection and Enhancement of the Historic Environment
EN2: Areas of Archaeological Significance
EN3: Enhancement of Conservation Areas
EN6: New Development in a Historic Context
EN12: Biodiversity and the Green Network
EN15: Air Quality
EN16: Pollution and Water Resources
EN17: Noise Generating Equipment
TR3: Access, Traffic and Highway-Related Matters
CR2: Design and Central Reading

vii. Other relevant documentation

Reading Borough Local Plan Pre-Submission Draft Partial Update, November 2024
Market Place / London Street Conservation Area Appraisal (2008)
Historic Environment Good Practice Advice in Planning Note 2: Managing Significance in Decision-Taking (Historic England, 2015)
Historic Environment Good Practice Advice in Planning: 3 (2nd Edition) The Setting of Heritage Assets (Historic England, 2017)

viii. Local Plan Update

The current version of the Local Plan (adopted in November 2019) turned five years old on Tuesday 5th November 2024. The Local Plan was reviewed in March 2023 and around half of the policies in the plan are considered still up to date. However, the rest need to be considered for updating to reflect changing circumstances and national policy. A consultation version of the draft updated version of the Local Plan was published on 6th November 2024.

- ix. Although there is a five-year period for carrying out a review of a plan after it is adopted, nothing in the NPPF or elsewhere says that policies automatically become “out of date” when they are five years old. It is a matter of planning judgement rather than legal fact whether a plan or policies within it are out-of-date. This will depend on whether they have been overtaken by things that have happened since the plan was adopted, either on the ground or through changes in national policy, for example.
- x. Officer advice in respect of the Local Plan policies pertinent to this application is that they remain in accordance with national policy and that the objectives of those policies remains very similar in the draft updated Local Plan. Therefore, they can continue to be afforded weight in the determination of this planning application and are not considered to be ‘out of date’.

9. Appraisal

9.1 The main issues are considered to comprise:

- Land use clarifications
- Design and impact on heritage assets
- Amenity
- Other matters – archaeology, biodiversity net gain

9.2 Land use clarifications

9.3 As per the proposals section above, the application does not involve any proposal to alter the use of the ground floor unit the scheme relates to. As per the planning history section above, the unit has flexible A1,A2 or B1(a) use (dating back to the original permission from 2001), which following the updates to the Use Classes on 1 September 2020 are all within Class E. By consequence, the unit can effectively lawfully operate for any Class E use (for which there are 11 parts) without the need for permission from the local planning authority. This is the approach the applicant appears to be taking in this instance, with the applicant clarifying prior to the registration of the application the extent of the proposals as *“just permission for an extractor only, not for a change of use or class”*. Accordingly, given the proposals do not involve any change of use, such matters are outside the scope of the assessment of the proposals. Put another way, no land use issues are engaged.

9.4 It is however noted that the proposed ground floor plan does include an annotation specifying “Takeaway”. A takeaway in this instance is anticipated to be a hot-food takeaway, which as per the 2020 changes to Use Classes is a Sui Generis use. In these circumstances it is considered necessary to include an informative on the decision notice specifying that *“In line with original permission PL/99/0970 (alternative ref 00/00047/FUL) granted 15/06/2001 and subsequent changes to the Use Classes Order, the ground floor commercial unit has lawful Class E use. Mindful that an annotation on the proposed floor plan references ‘Takeaway’, please note that a hot-food takeaway is a Sui Generis Use, which is not permitted under Class E and for which a separate planning permission would be required from the Local Planning Authority. This application, at the applicant’s explicit request, does not involve any change of use proposal”*. This is considered to sufficiently clarify matters.

9.5 It is also acknowledged that the existing commercial unit is vacant. Through the proposed development it is anticipated that this will increase the scope for the unit to be occupied, which would be considered a tangible planning benefit of the proposal. This would be through introducing a functioning use to the benefit of the local economy, potentially increasing footfall and natural surveillance in the area and activating the frontage along the mixed character (combination of commercial and residential ground floor uses) along this part of London Street.

9.6 Design and Impact on Heritage Assets

9.7 Policy CC7 of the Reading Borough Local Plan requires all development to be of high quality design that maintains and enhances the character and appearance of the area of Reading in which it is located. Policy CR2 also echoes this in the context of the Central Reading location. In addition, the site is within the Market Place / London Street Conservation Area. Whilst the application site building is not listed or identified as being a building of townscape merit, within the conservation area appraisal the site is next door to and opposite (on the west side of London Street) are series of listed buildings. As per Policy EN1, listed buildings and conservation areas will be protected and where possible enhanced. Furthermore, Policy EN3 states that the special interest, character and architecture of Conservation Areas will be conserved and enhanced. In addition, development proposals within Conservation Areas must make a positive contribution to local character and distinctiveness. Measures to enhance conservation areas include removing reducing visual clutter and removing inappropriate additions and alterations to buildings.

9.8 Set within this policy context, initial concerns were raised by officers in respect of the original proposals for the provision of an external extraction ventilation system on the South Street (north) elevation of the building. In short, concerns were raised that the proposals would not comply with Policies CC7, EN1 or EN3, by adding visual clutter and being an inappropriate addition, with the ventilation system effectively introducing an alien feature to this part of the streetscene, visible in public views from South Street and London Street. The applicant was advised that the original proposals were contrary to established policy.



Left: the originally proposed scheme, now superseded; Right: the now proposed scheme

9.9 Accordingly, the applicant has altered the proposals, with the external ventilation now proposed to be enclosed by a brick surround (see a comparison of the original and revised proposal above). The annotation on the plan clarifies that these will be brick slips to match the existing building materials. Officers consider that the now proposed approach is a more sympathetic response to the character and appearance of both the host building, the wider conservation area and nearby designated heritage assets. It is recognised that in this specific case, owing to the internal layout of the building, that there is limited practical scope for any extraction to be located to the rear or solely at roof level, which is typically the preferred approach to minimise the visual impact of these utilitarian structures from the public realm. The position of the new feature, away from the prominent corner elevation and partly enclosed by a recess, count in favour of the proposal, with the amended proposal considered to have a neutral impact on the conservation area (it is notable that a number of air-conditioning units are located on the building to the north for example) and nearby heritage assets. The provision of matching

materials, as specified by the applicant, is crucial in ensuring that the special interest, character and architecture of the conservation area is conserved in this instance (as per Policy EN3). Accordingly, a planning condition will seek to secure exact details of the proposed materials, in order to ensure that they assimilate satisfactorily with the existing building. In addition, the condition will secure exact details as to how the brick slips will be affixed to the structure beneath. It is critical that this element of the proposals is executed successfully, or otherwise the finished appearance of the bricked-in element could be undermined and harmful to the character and appearance of the host building, wider conservation area and setting of nearby heritage assets.

9.10 The wording of the condition will also seek to ensure that the bricked in element is completed in full prior to the first use of the ventilation system and retained/maintained as such thereafter, to ensure this critical element of the proposal is provided in full. Whilst it is acknowledged that the proposals would not necessarily make a positive contribution to local character and distinctiveness, as required by Policy EN3, in the context of the nature of the proposals and the site constraints/circumstances, the proposal is considered to represent the best possible outcome in bringing forward this type of proposal, with such characteristics sufficiently protected as required by Policy EN1.

9.11 Amenity

9.12 The provision of an external extraction ventilation system raises immediate possible issues in respect of noise and odour matters. During the course of the application reports in respect of both separate matters have been submitted, at the request of Environment Protection officers. As per section 4 above, both assessments have been carefully considered and have been verified as being acceptable, subject to compliance conditions to ensure the mitigation measures stated are secured in respect of odour control, noise mitigation of the kitchen extraction system and noise attenuation between ground and first floor. Two planning conditions will secure these measures, in order to protect the amenity of future customers, staff, nearby residents (in particular those on the floors above the proposed unit – noting that upper floor residential windows are in close proximity to the proposed ventilation system) and members of the public passing the site.

9.13 Given the proposals do not seek any change of use from the permitted Class E use, it is difficult to justify the inclusion of any conditions specifically limiting hours of use or requiring specific details in respect of proposed servicing for example. A commercial use at this point of the site was part of the original permission and has been operated as such in the past. Accordingly, a degree of noise and disturbance to any existing / future nearby residential occupiers can be anticipated whoever operates the unit in the future. No other significantly detrimental amenity issues are considered to arise from the scope of this application (the proposed extraction ventilation system itself), as per the elements detailed at policy CC8.

9.14 Other matters

9.15 In terms of biodiversity net gain, the proposals are subject to the de minimis exemption, so are exempt from being required to provide biodiversity net gain in this instance.

9.16 The application site is located within an area of archaeological importance, but the proposed works are all above ground level, so no impact is envisaged.

9.17 The nature and extent of the proposals means they will not be liable to the Reading Community Infrastructure Levy (CIL).

10. Conclusion

- i. The proposed development will help to facilitate a presently vacant unit coming back into active use, which is considered to be a benefit of the proposals. Following revisions during the course of

the application, the bricked in ventilation system is considered to have a neutral impact on the conservation area and nearby heritage assets. The submitted noise and odour assessments have been shown to be acceptable, minimising any detrimental impacts on nearby occupiers, subject to conditions. Set within this context the benefits of the proposals are considered to outweigh all harmful impacts, thereby allowing planning permission to be recommended to be granted.

Recommendation

Grant Planning Permission, subject to conditions.

11. Conditions:

1. The development hereby permitted shall begin no later than three years from the date of this planning permission.

Reason: In pursuance of Section 91 of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004) in order to prevent an accumulation of unimplemented planning permissions.

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

TQRQM24276215234701 - Block Plan
As received on 24/10/2024

2407/02 Rev C – Proposed Floor Plan and Elevation
As received on 06/02/2025

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.

3. Prior to the first use of the external extraction ventilation system hereby approved, a schedule of all materials to be used in the construction of the external surfaces of the development shall be submitted to and approved in writing by the Local Planning Authority. Details shall include manufacturer's specification details of all external facing materials (to be submitted to the Local Planning Authority), details of the methodology of fixing the brick slips to the structure and samples of those materials (to be provided on site - approved details to then be retained on site throughout the duration of the construction of the development). The approved details shall be completed in full prior to the first use of the external extraction ventilation system hereby approved and thereafter maintained in accordance with the details approved.

Reason: These details are required due to insufficient information being contained within this submission and in the interests of visual amenity and ensuring the new development responds positively to the local context and character, including the setting of nearby listed buildings and the character and appearance of the Market Place / London Street Conservation Area, in accordance with Policies CC7, EN1, EN3, EN6 and CR2 of the Reading Borough Local Plan 2019.

4. The noise, ventilation, vibration, sound insulation and any other mitigation specified shall be installed in advance of the first occupation of the use, in accordance with the specifications recommended within the Noise Assessment submitted with the application: Noise Impact Assessment by DAA Group Issue 01 dated 04/02/2025, as received 17/02/2025, and shall thereafter be permanently retained and maintained in accordance with the approved specifications.

Reason: In order to protect the amenity of future and nearby occupants of the proposed development in accordance with Policies CC8 and EN16 of the Reading Borough Local Plan 2019.

5. Prior to the first occupation of the use the extract/ventilation systems shall be installed in accordance with the approved plans and specifications submitted with the application: Odour Assessment / EMAQ (2018) Control of Odour and Noise from Commercial Kitchen Exhaust Systems Study by Nendle Manufacturing Ltd, dated 04/02/2025, as received 17/02/2025. Thereafter, the extract/ventilation systems shall be permanently retained and maintained in accordance with the approved specifications.

Reason: To safeguard the amenity of nearby premises and the area generally in accordance with Policy CC8 and EN16 of the Reading Borough Local Plan 2019.

Informatives

1. In line with original permission PL/99/0970 (alternative ref 00/00047/FUL) granted 15/06/2001 and subsequent changes to the Use Classes Order, the ground floor commercial unit has lawful Class E use. Mindful that an annotation on the proposed floor plan references 'Takeaway', please note that a hot-food takeaway is a Sui Generis Use, which is not permitted under Class E and for which a separate planning permission would be required from the Local Planning Authority. This application, at the applicant's explicit request, does not involve any change of use proposal".

2. 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 extended timescale for the decision to be issued.

3. i) The attention of the applicant is drawn to Section 59 of the Highways Act 1980, which enables the Highway Authority to recover expenses due to damage caused by extraordinary traffic.

ii) Any works affecting the Highway shall be in accordance with Reading Borough's Council's document "Guidance Notes for Activities on the Public Highway within the Borough of Reading". The applicant should note that compliance with this document is mandatory and licences to work on the Highway will only be issued if the requirements contained within it are met. A copy can be obtained from the Council's website.

4. 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.

5. Your attention is drawn to the requirement for submission of a Building Regulations application for the proposed development. Please contact RBC Building Control on Building.control@reading.gov.uk OR telephone 0118 9372449 9.00am to 1.00pm Monday to Friday

6. Complaints are commonly received about noise and dust caused by construction and demolition works, particularly working outside reasonable hours and smoke from bonfires associated with the burning of waste on site. The developer is reminded that construction and demolition associated with the approved development will be subject to environmental health law.

7. During the course of construction, the developer should take care to ensure that no part of this development (foundations, eaves, guttering, etc.) would encroach on, under or across the boundary line with the adjoining property, as the requisite Notice has not been served on the owner of that property. This permission does not confer any right of access onto land that is not under the developer's control. The developer should also be mindful of the obligations and requirements

of the Party Wall Act (1996) details of which can be found at:
www.communities.gov.uk/publications/planningandbuilding/partywall

8. In relation to condition 3, in respect of the details of the methodology of fixing the brick slips to the structure, it is critical for it to be demonstrated how the brick slips are to be applied to the structure in this instance, in order to maintain the character and appearance of the host building within the setting of the conservation area and nearby heritage assets. It is anticipated that either some form of trellising system will be required, or possibly the brick slips will need to be applied to a render and grout/mortar for them to remain in place. Detailed sections and information as to how this will be provided will be expected at the time of your future application to discharge condition 3 of this permission.