

Delegated application report

PL/24/1084 112 London Street

Change of use from existing sui generis night-club to community use class F

Introduction

The application site is the former After Dark nightclub, located to the rear of Listed Buildings on London Street and also fronts St. Giles Close to the rear, within the Market Place/London Street Conservation Area. It is accessed via an undercroft entrance from London Street. The area is mixed in character, with offices, retail and significant residential all in close proximity.

Proposal

The application seeks to change the use of the vacant former nightclub to a community use for religious purposes, in this instance an Islamic education centre. No physical works are proposed. The controls that such a use, if permitted, have been the subject of discussion in terms of their suitability, see Appraisal below.

CIL is not chargeable on this use, or changes of use applications.

Planning history

Various although none directly relevant to this proposal.

Planning policy

National planning policy framework updated December 2024 (and Feb 25)

This includes reference to town centre uses and supports community facilities at paragraphs

Reading borough local plan 2019: policies

CC1 Presumption in Favour of Sustainable Development

CC2 Sustainable Design and Construction

CC7 Design and the Public Realm

CC8 Safeguarding Amenity

EN16 Pollution and Water Resources

TR3 Access, Traffic and Highway-Related Matters

TR5 Car and Cycle Parking and Electric Vehicle Charging

RL6 Protection of Leisure Centres and Public Houses

OU1 New and Existing Community Facilities

Partial update of the RBLP: pre-submission draft November 2024: none of the policies above are considered to be significantly affected by the proposed Partial Update.

SPDs

Market Place/London St Conservation Area Appraisal (although no external works, so not relevant)

Revised Parking Standards and Design SPD (2011).

Consultation

RBC Transport Strategy no objection, subject to provision of 8x cycle parking spaces.

RBC Environmental Protection no objections received. Email response from EHO indicates no concerns for the planning officer's suggestion to control occupancy, opening times and plant noise [this would include any kitchen extraction]. Subsequently raised concerns in respect of amplified sound/music, condition recommended, see Appraisal below.

RBC Licensing advises the [nightclub] licence was revoked on 18/06/2019. The premises appealed and the appeal was dismissed on 05/01/2021. They had a condition as follows: 'The permitted numbers for the premise are 200 persons in the main hall, 100 persons in the rear hall 300 persons in the whole building.'

Public consultation

A site notice was displayed.

Letters were sent to: 114, 110, 106, 110 London st

all flats at 118-128 London St

All flats at Alder House, London st.

The garden flat r/o 104 London St

Flat 3 106 london st

Prince regent house flats 1-4

108 london st flats 1-3

One letter of objection has been received, raising the following issues (summarised):

Block plan/location plan considered inaccurate as it encloses part of adjacent property at 114 London Street. **Officer response: noted and the applicant has since updated the Block Plan/Location Plan.**

The wrought Iron gates that form the entrance to the corridor of 112 belong to us at 114 London street and the porch area is part of the listing of the frontal property along with the fan light above, and neighbour at 110. Therefore, request conditions regarding the protection and maintenance of the wrought iron gates. **Officer**

response: these aspects are not affected by this proposal for a change of use, which includes no external works. However, given the separate ownerships involved, it would be useful to highlight to the new owner that the gates and fanlights are part of the Heritage Asset. An informative could be added.

Suggests restrictions on the times and days of use of the property to minimise disturbances to residents in the area and business operations also. **Officer comment: see Appraisal below.**

Prior occupants of the property of 112 (nightclub) had no or limited management, and the large industrial bins stored by them repeatedly damaged the walls of the two listed buildings and we would ask they relocate this to the rear of their property in St Giles close. **Officer comment: see Appraisal below.**

The alleyway that runs to the side of the application [site] grants access to 110 and 114 who should be able to get out into St Giles close. There is a wooden doorway installed unlawfully by the prior occupants that prohibits this emergency access route this should be left available and open for its intended purpose as a fire escape. **Officer comment: this is essentially a Civil matter, but an informative can advise of the need to maintain routes clear/unobstructed.**

There have been repeated attempts to break into the frontal property and we shall need a shared security measure at the gate, which we recently locked with codes/keys provided to all owners, this would need to be available at all times as a fire exit and entrance to both 110 and 114 and 112. We would need some agreement to this measure to prohibit further issues as well ensure the alleyway does not return to its previous use as a public convenience.

The corridor to 112 has only ever been decorated by the owners of 110 and 114 and an increase in traffic will mean an increase in dirt, marks, scuffs and damage to the wood panels and walls of a listed buildings and the respective fire doors of 114 and 110 who both have access through this alleyway to the front London street pavement and should also be (although blocked at present) to the rear St Giles close. The ancient Yorkshire stones laid along the alleyway should be cleaned and repaired and the ground level shows signs of collapse which also needs attention these are owned by 112 as far as we know.

Officer comment: the above are considered to be matters to be addressed by the respective landowners and effectively involve established access rights over Third Party land. The arrangement of the properties is a very longstanding arrangement and the concern from the objector is considered to be lessened, not worsened, by this planning application proposal. Any works affecting the fabric of the Listed structures may require separate Listed Building Consent, however.

The waste and fresh water supply to the application property has been an ongoing

issue with the current occupants for many years and we at 114 have raised multiple issues over the new water supply they installed that runs adjacent to the perimeter of our basement and water ingress issues which have been ignored by the occupants of 112. An increase in footfall will create an increase in water processing this needs urgent attention. Only last year we had Thames Water shut off a main service pipe that was leaking into our basement under 112 stones which went to their property causing damage to ours. **Officer comment: these are considered to be matters to be resolved between the respective landowners and the water provider, these are not material planning considerations to the assessment of this planning application.**

The owners of the property 112 have carried out very minimal maintenance and cleaning to their land and is currently subject to piles of dirt, detritus, pests and other issues, which affect others we would need some conditions that they will manage and eliminate such issues going forward. **Officer comment: with the new owner and new use, these matters are likely to be attended to by the new occupant. However, if they are not, the Council has powers under s215 of the Town and Country Planning Act to order that a site's condition be attended to, if considered expedient and in the public interest to do so.**

The previous owner ran a nightclub, and we operated a business from our property and each day were subject to plastic glass waste, empty beer bottles, vomit and urine including one particular morning urination through our letterbox. If this community use involves any alcohol or drug or food related services, provision or supply, we would strongly object to this application in its entirety as this causes more issues for the listed buildings and residents living in what has now become primarily a residential street in a conservation area adjacent to listed buildings. **Officer Comment: see Appraisal section below, but this is considered to be a more suitable/compatible use to this mixed use area (particularly given the opportunity to be able to impose planning conditions where there were none previously), which is becoming increasingly residential in nature. The matters referred to are controllable under other legislation.**

APPRAISAL

Principle, noise, disturbance, traffic

The former nightclub use was a well-known operation at this site, having formerly been a dance hall since at least the 1950s and this is therefore the lawful planning use of the site.

A nightclub has very specific disturbance and trip generation patterns therefore the impact of this established use (potentially re-emerging) is a significant material planning consideration in this instance. The applicant's planning statement suggests the maximum capacity of the nightclub was/is 350 people (Licensing confirm it was 300, but has since been revoked). The planning statement describes the nightclub as a 'non-conforming use' and this is accurate, it is there as a result of historical

accident, it would be unlikely to gain planning permission due to its unsympathetic arrangement with existing residential properties. Whilst the nightclub provided a leisure/community function, overall it is considered that the nightclub use is not suitable to the area and its loss would not be harmful in terms of policies OU1 or RL6.

Use Class F2 refers to 'recreational uses including indoor/outdoor swimming pools, ice skating rinks, outdoor sports facilities and community halls'. It is possible that some of the uses covered in this use class may have different or potentially more intensive uses than the current use. The planning statement advises that only the community hall use part of Class F2 is sought and that pedestrian access would be retained from London Street and St. Giles Close. Use as a community hall for the purposes of (need to make sure it is not religious worships or instruction as that is F1). The specific use applied for is considered to be suitable and could be conditioned. It could therefore be controlled to be Use Class F2(b) ie. "a hall or meeting place for the principal use of the local community".

The applicant's agent advises that the proposed opening hours would be 0900-2200 7 days a week. Given the nightclub had much more unsociable hours (mid evening until the early hours several times a week), this is considered to be suitable and a condition can require this.

In terms of capacity, the applicant's agent suggests that the maximum proposed occupancy would be 200 persons. The former nightclub capacity was 300 people, so this is acceptable and can be conditioned to maintain control over noise/disturbance. Overall, this is a more suitable use, although technically, arguably still non-conforming, but with suitable controls is considered on balance to be acceptable.

Conditions are also recommended for controlling noise from electronic tannoy, etc. systems and also for plant noise, were anything to be proposed to be installed.

As stated above, general disturbance will be less than the established/current use as a nightclub. The EP Team is not raising objections, providing that conditions are attached. These are set out in the recommended conditions.

In terms of disturbance via trips and comings and goings, the application site is in a very accessible location, with on-street parking controls, on bus routes, walkable from the town centre and with no cycle parking. Given this situation and the less intensive use of the site, no transport concerns are raised. Cycle parking is recommended by Transport Strategy. However, it is clear that this cannot be accommodated outside the building (lack of space) so Transport Strategy suggests it may need to be inside the building. Officers advise that this can be an informal arrangement if required and not subject to a specific condition.

Refuse would be kept in the small space between the main entrance and the rear of the buildings on London Street. Transport Strategy has not raised a concern with this arrangement, and again, the impact of waste from the proposed use is likely to be significantly less than from the nightclub (significant amounts of bottles and cans). As with the cycle parking situation above, the main issue is the large site coverage of the building, which is not proposed to change in this proposal. Therefore if waste

storage could be undertaken inside the building, even, that would be satisfactory from a planning point of view.

However, it is considered important that the proposed use is controlled for the type of activity proposed, in order for the Local Planning Authority to maintain control over activities which may lead to unacceptable levels of disturbance, particularly to neighbouring residential properties, including the immediate neighbouring Listed Building occupiers. It is clear that the arrangement of the access and ownerships (flying freehold situation at the entranceway) is unusual, but most of the objector's concerns are largely to do with the outgoing use and not the incoming one; which subject to control via planning conditions, would be more suitable.

Impacts on heritage asset(s)

These considerations are not relevant to this proposal which is for a change of use of the site only and no building works (which would affect either the conservation area or Listed Buildings). Previous planning history has established that the present building is not considered to be 'curtilage listed'. The other issues raised by the objector are all largely not germane to the application proposal, although as mentioned above, some informatives for the new owner would be helpful, given the slightly unusual access arrangement which passes through/under the Listed Buildings to the front.

Energy

This is a change of use application only and no alterations to the building are being presented in this planning application, therefore it is not considered appropriate to apply energy/sustainability requirements. However, this is likely to qualify as a change of use under the Building Regulations and upgrades to the building may be required accordingly. An informative is recommended.

Equality Act and disabled access

1. 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.

In terms of equality of access, whilst access to the building is reasonably level and public access is on one floor any particular issues would be covered under the Building Regulations.

Conclusion/Recommendation

On the basis that the proposal would represent a less disturbing use than the present lawful nightclub use, and providing it is controlled with the conditions

recommended, the proposed community use is considered to be supportable and therefore the recommendation is to **GRANT** planning permission.

