

DELEGATED APPLICATION REPORT

Ward: Whitley

App Ref: PL/25/0916 Full planning permission

Address: UNIT 3, PROC, READING, RG2 0GG

Proposal: External alterations and replacement of existing plant (Part retrospective).

Applicant: PLK Chicken UK Ltd

Received date: 26/06/2025

Target Decision date: 04/09/2025

Case Officer: Gary Miles

1. SITE DESCRIPTION

The site consists of a Class E restaurant and takeaway trading as Popeyes. The address occupies one unit located on the Reading Gateway development. Reading Gateway is home to a number of food outlets including Nando's, Burger King and the Beefeater. The unit itself is positioned adjacent to the A33 Reading Relief Road to the south-westerly elevation, along with a hotel (Premier Inn) positioned to the south-easterly elevation. Hotel bedrooms are positioned no more than 9m from the proposed rear louvre and replacement plant associated with the activities of the restaurant - mainly managing the odours of fried chicken.

At the time of the site visit it was apparent that additional plant and extraction systems were in situ but were not included on the submitted documents and plans. Officers raised this with the agent and subsequently advised that the application should be amended to Part retrospective.



Image showing proximity of Popeyes (former Schmidt unit) to the adjacent hotel and bedrooms.

Site visit date: 29th July 2025



Unit in a state of near completion at the time of my site visit (4 weeks after receiving application).



2. PROPOSAL AND SUPPORTING INFORMATION

The application is for the approval of an extraction system and the replacement of existing plant in association with the use of the site – part retrospective. The application will ensure the plant, and the extraction equipment is fit for purpose, and that noise and odour can be suitably controlled as a result of the proposed plant presented for review. The application process will determine whether the proposal is compliant with policies set out in the Reading Borough Local Plan 2019.

It should be noted that the LPA is not disputing the restaurant use in terms of planning.

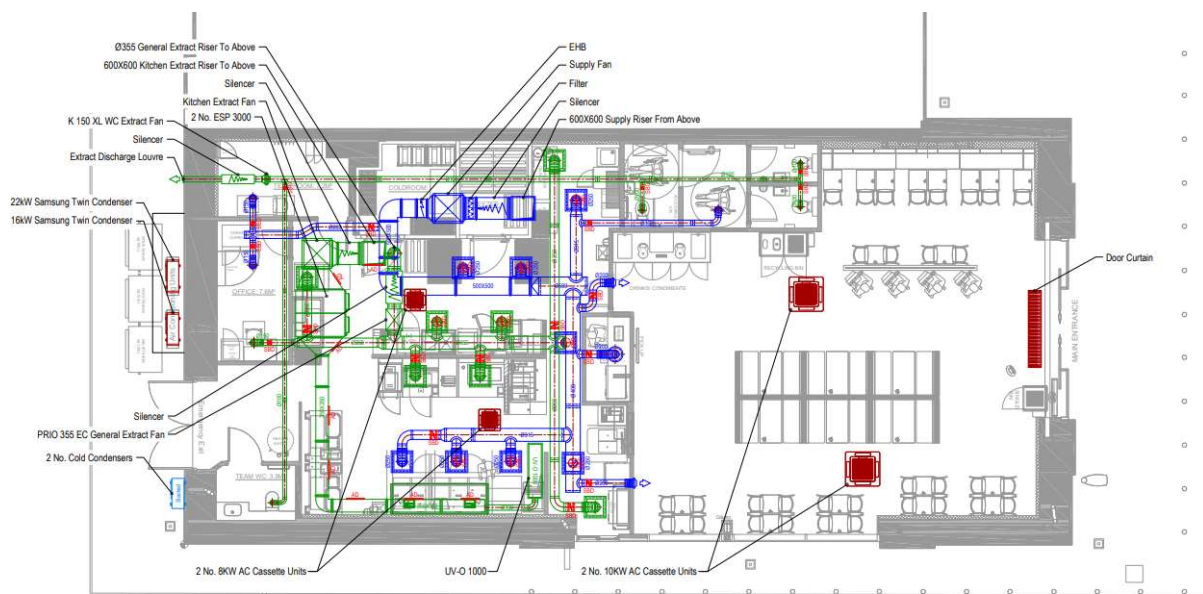
Plans and documents considered:

Covering Letter (Montague Evans) dated 26/06/2025
 Climate Solutions (CAC) brochure
 Drawing no: A000-Site Location Plan, dated May 2025
 Drawing no: A001-Block Plan, dated May 2025
 Drawing no: A003-Unit Elevations As Existing, dated May 2025
 Drawing no: 001-1415-01-HVAC Layout, dated 21/05/2025 (superseded)
 Received by the LPA on 26th June 2025

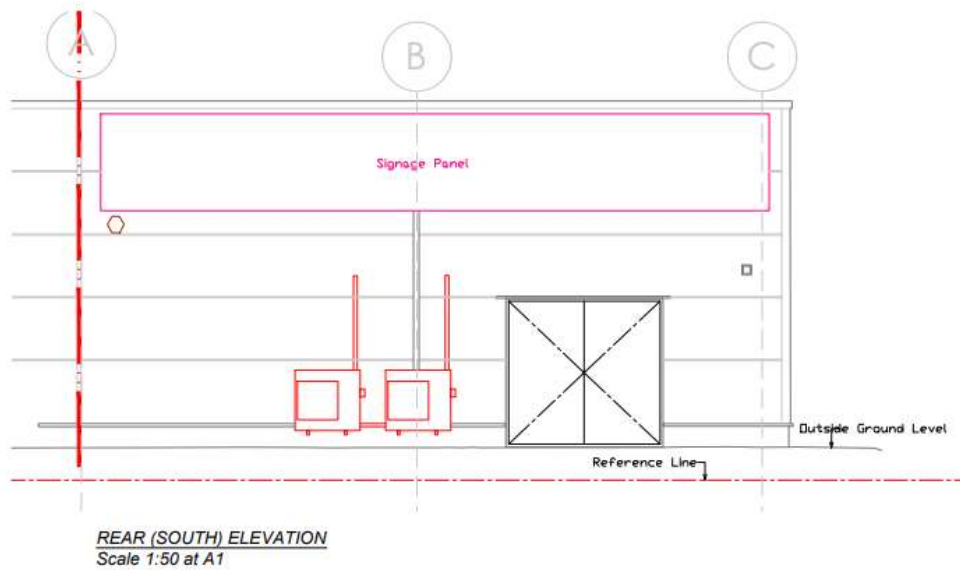
Drawing no: 001-1415-02-Side & Rear Elevations, dated 23/06/2025 (superseded)
 Received by the LPA on 10th July 2025

Drawing no: 001-1415-02 Rev A-Side & Rear Elevations, dated 23/06/2025 (Fridge condenser locations added)
 Drawing no: 001-1415-01 Rev C-HVAC Layout, dated 21/05/2025 (Fridge condenser locations added) (superseded)
 Received by the LPA on 30th July 2025

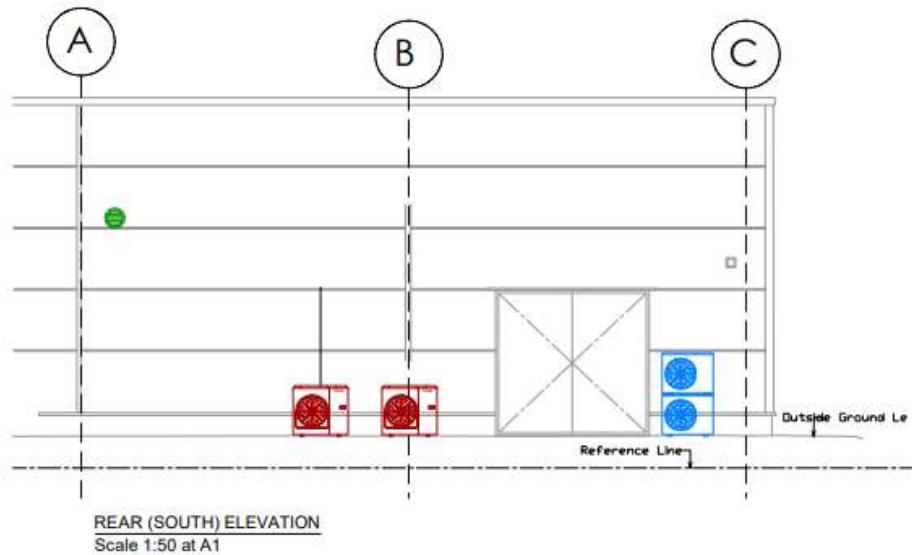
Drawing no: 001-1415-01 Rev D-HVAC Layout, dated 18/06/2025
 ESP Range (purified air) extraction specification document.
 Received by the LPA on 12th August 2025



HVAC Layout



Existing HVAC Rear Elevation



HVAC Proposed Rear Elevation

3. RELEVANT PLANNING HISTORY

None of relevance.

4. CONSULTATIONS

The following were consulted:

Internal

- The Environment Protection Officer (EPO) was consulted due to the introduction of plant and equipment. The EPO has been consulted for matters relating to noise and odour.

External

- A planning notice was attached to an adjacent lamp column on 29th July 2025 and left in place for 21 days.

No letters of representation have been received.

5. 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.

6. 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.

National Policy

National Planning Policy Framework
National Planning Practice Guidance

Reading Borough Local Plan (2019)

CC7 (Design and the Public Realm)
CC8 (Safeguarding Amenity)
EN15 (Air Quality)
EN17 (Noise Generating Equipment)

7. APPRAISAL

The main issues to be considered are:

- a) Principle of development
- b) Design and impact on the character of the area
- c) Impact on amenity
- d) Noise
- e) Odour

a) Principle of development

In principle the proposed external alterations and replacement of existing plant (Part retrospective) to the existing structure is acceptable, as the proposals are a requirement in respect of a commercial kitchen and restaurant facility. However, the LPA must assess whether the proposed plant and extraction systems are suitable for the job in hand. On this occasion this has not been possible.

It should be noted that the LPA is not disputing the lawfulness of the restaurant use as part of this application, or that some form of extraction is inherent to the normal operation of this type of use. However the need for some form of extraction in general does not necessarily justify the specific proposals or their noise and odour characteristics.

b) Design and Impact on the Character or the Area

The proposed external alterations and replacement of existing plant (Part retrospective) is largely positioned in the roof space and at ground level along the rear south-westerly elevation. Hedging provides additional screening from view of the road.

In terms of character and appearance, the proposal is considered acceptable and complies with policy CC7 of the Reading Borough Local Plan 2019.

c) Impact on Residential Amenity

The proposed external alterations and replacement of existing plant (Part retrospective) will be fully screened from view of nearby residential properties however, whilst the nearest residential property is located approximately 200m away in a south-easterly direction, a hotel with bedrooms are located less than 9m away.

For the reasons outlined above, the application is not supported in planning terms. The External alterations and replacement of existing plant (Part retrospective) is contrary to policies CC8, EN15 & EN17 of the Reading Borough Local Plan 2019.

d) Odour

The EPO was consulted on noise matters and subsequently the agent was requested to submit an odour assessment to understand how the extraction system would work and how the odour associated with fried chicken will be mitigated.

No odour management documents were provided with the original application. The agent was requested (on 5th August) to submit information on how odour will be controlled.

The agent responded "*planning permission is not required to change the use to a restaurant - it benefits from in effect, unfettered Class E use and therefore I'm struggling to see why this would be a relevant consideration on an external alterations application?*"

A revised HVAC plan and a PA-ESP brochure was submitted on 12th August, but fell short of submitting an odour assessment as originally requested. The agent reiterated how he felt it is not standard practice for new restaurants or drive thru's to be supported by odour assessments. The agent went on to say that Premier Inn (the hotel next door) have not objected, and that there are no windows for habitable rooms on the western elevation closest to the Popeyes restaurant.

At the time of preparing this report officers are still not in receipt of the requested Odour Assessment.

The Environmental Protection officer objected to the proposal based on the grounds of failing to receive adequate odour assessment as requested by the planning officer. Officers are unable to determine if the extraction system and external plant is adequate for controlling the smell of fried chicken and cooking odours associated with the new restaurant and takeaway.

For the reasons outlined above, the application is not supported in planning terms. The External alterations and replacement of existing plant (Part retrospective) in contrary to policies CC8 & EN15 of the Reading Borough Local Plan 2019.

e) Noise

The EPO was consulted on noise matters and subsequently the agent was requested to submit a noise assessment to understand how the plant noise would be mitigated.

The agent responded questioning the reasons for the noise assessment and quoting how the application is for proposed external alterations and the installation of plant. It does not relate to the use of the restaurant and associated considerations.

The agent went on to say "the relevant considerations are; the appearance of the unit as proposed which are retrospective in nature and the appearance of the plant as proposed. We cannot retrofit considerations that are frankly not relevant in the context of an unfettered Class E use"

At the time of preparing this report officers are still not in receipt of the requested Noise Assessment.

The Environmental Protection officer objected to the proposal based on the grounds of being unable to assure that noise from the plant will be mitigated to adequate levels to not cause unnecessary harm or disturbance to nearby residential properties and the adjacent hotel and bedrooms.

For the reasons outlined above, the application is not supported in planning terms. The External alterations and replacement of existing plant (Part retrospective) in contrary to policies CC8 & EN17 of the Reading Borough Local Plan 2019.

8. CONCLUSION

The proposed External alterations and replacement of existing plant (Part retrospective) has been assessed as set out above and is considered harmful to the amenity of the area in terms of noise and odour.

9. RECOMMENDATION

REFUSE

1. The application fails to demonstrate that the development is not harmful in terms of increased odour, harmful to the amenity of the adjacent hotel bedrooms, nearby residential properties and the area in general. The development is therefore contrary to policies CC8 & EN17 of the Reading Borough Local Plan 2019.
2. The development fails to demonstrate that the development is not harmful in terms of increased noise, harmful to the amenity of adjacent hotel bedrooms, nearby residential properties and the area in general. The development is therefore contrary to policies CC8 & EN15 of the Reading Borough Local Plan 2019.