

DELEGATED APPLICATION REPORT

Ward: Tilehurst Ward

App Ref: PL/26/0627 Removal/variation of conditions

Address: 100 SCHOOL ROAD, TILEHURST, READING, RG31 5AU

Proposal: Application for variation of Condition 3 (noise emissions) attached to planning permission reference: PL/26/0284 for Change of use at ground floor from a former bank (Class E(c)(i)) to an educational use (private tuition centre) (Class F1).

Applicant: Kumon Reading Tilehurst Study Centre

Received date: 11 May 2026

Target Decision date: 7 July 2026

Case Officer: Anthony Scholes

1. SITE DESCRIPTION

The application site is a two-storey, semi-detached building located within the Tilehurst District Centre, on the northern side of School Road. The site was last in use as a Bank by the 'Nationwide' building society (Class E (c)(i)).

Above ground floor, is a recently approved residential dwelling (PL/24/1703 (FUL)). The flat is accessed via an independent access from the rear of the building through a shared access between the property and no.98. The shared access also provides a courtyard for the dwellings to the rear of both properties.

2. PROPOSAL AND SUPPORTING INFORMATION

Application for variation of Condition 3 (noise emissions) attached to planning permission reference: PL/26/0284 for Change of use at ground floor from a former bank (Class E(c)(i)) to an educational use (private tuition centre) (Class F1).

3. CONSULTATIONS

The following were consulted, with responses summarised below:

RBC's Environmental Protection Officer

- The supporting information demonstrates that whilst the 55dB criteria could be met, due the application of 'penalties' associated with the proposed use, the actual performance would actually fall to 51dB. This is considered a reasonable level of noise protection for residents above the education use.

A site notice was displayed 27 May 2026, with a 21 day consultation period expiring on 17 June 2026. No comments were received at the time of writing.



Figure 1 - Site notice photo

4. LEGAL AND PLANNING POLICY CONTEXT

Section 73 of the Town and Country Planning Act allows persons to apply for to applications for planning permission for the development of land without complying with conditions subject to which a previous planning permission was granted.

S73(2) states: “On such an application the local planning authority shall consider only the question of the conditions subject to which planning permission should be granted, and—

- (a) if they decide that planning permission should be granted subject to conditions differing from those subject to which the previous permission was granted, or that it should be granted unconditionally, they shall grant planning permission accordingly, and
- (b) if they decide that planning permission should be granted subject to the same conditions as those subject to which the previous permission was granted, they shall refuse the application.”

In a recent high court appeal case, it was noted that “section 73 cannot be used to alter the operative part of a permission in any way unless the change is de minimis (Test Valley Borough Council v Fiske [2024] EWCA Civ 1541 (10 December 2024)).

As such, it is clear that the application cannot, in varying the conditions of an approval vary the operative components contained within the description of the development.

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. APPRAISAL

Requirements under s.73

As outlined above, a 73 application can only vary conditions of a permission. It cannot change the operative component of the development originally approved.

In this instance the proposal seeks to justify an alternative noise insulation performance level for the separating floor than what was required under the condition on the original permission. This reflects the achievable levels of the existing floor. The applicant has demonstrated that the existing dividing floor provides an acoustic performance of 51dB between the ground and first floor based on the proposed use.

Though the higher level of acoustic attenuation was sought, it is considered that in this limited instance, the applicant has demonstrated that whilst a 57dB level was achieved, the penalties applied within the noise assessment mean that the ceiling would only technically achieve 51dB noise attenuation.

The report states that the existing ceiling meets the 51dB level, as such, condition 3 has been deleted given no further works are required.

7. CONCLUSION

The sound levels achieved are in excess of the requirements under Building Regulations and would protect residents of the upper floors to a suitable degree, this is in tandem with the limited hours of operations. As such, the condition can be amended to reflect the levels achievable.

8. RECOMMENDATION

Grant variation of condition 3 (deletion).

In line with the PPG, all of the original conditions (as part of PL/26/0284) are reproduced below in blue, with the altered worded conditions (bearing in mind the PPG) in red. Officer notes explaining the changes are also detailed in green.

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

The development hereby permitted shall begin no later than three years from the date of the original planning permission (original permission given 29 April 2026).

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.

Officer Note: A s73 application cannot alter the timeframe to implement a planning permission, therefore the condition has been updated to reflect the original 3 year date for implementation from the original permission.

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

Location Plan

As received by the Local Planning Authority on 3 March 2026

Drawing No: 02 B – Plans & Elevations

As received by the Local Planning Authority on 23 March 2026

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. The use hereby approved shall not commence until a detailed scheme for protecting the above dwelling from noise emissions from the commercial use hereby approved, informed by an assessment of the likely noise emissions from the approved commercial use, has been submitted to and approved in writing by the Local Planning Authority. The scheme itself shall be designed, specified and constructed so that the sound insulation performance of the separating floor/ceiling between the uses achieves a minimum airborne sound insulation performance of greater than or equal to 55 dB (Dntw +Ctr) and ensures that the noise levels within the property do not exceed the values specified in BS8233:2014 with appropriate penalties and adjustments for the character of the noise. The scheme shall make suitable provision for insulation from structure borne noise. The scheme shall be implemented in full prior to the commencement of the use.

Thereafter, the development shall not be carried out other than fully in accordance with the approved scheme which shall be completed before any part of the accommodation hereby approved is first occupied and shall be retained and maintained as such at all times thereafter.

REASON: In order to safeguard the amenity of occupiers of the residential accommodation in accordance with Policies CC8 and EN16 of the Reading Borough Local Plan 2019.

Condition Deleted.

Officer Note: As above, the information provided demonstrates a suitable noise attenuation from the existing ceiling/floor, and therefore no additional works are required.

4. Prior to first occupation of the development hereby approved, the refuse and recycling storage facility as shown on the approved plans in Condition 2 above shall be implemented fully in accordance with those details shown on the approved plans and thereafter retained for use by occupiers of the use at all times.

REASON: In the interests of the visual amenity of the area and to ensure that suitable on-site bin storage is provided and bins can be easily accessed when required in accordance with Policy CC7 of the Reading Local Plan 2019.

5. The premises shall not be used by members of the public outside the hours of 0800 to 2000 Monday to Saturday and not at all on Sundays.

REASON: In order to protect local residents from unreasonable disturbance arising from the use in accordance with Policy CC8 of the Reading Borough Local Plan 2019.

6. Notwithstanding the provisions of Class 12 of Schedule 3 of the Town and Country Planning (Control of Advertisements) Regulations 2007 (as amended), the shopfront windows (including the glazed door) shall retain clear glazing along the length of the frontage without the installation of window vinyls, roller shutters, or similar which would obscure visibility between the public realm and the building.

Reason: In the interests of retaining a vibrant and attractive streetscene and improving active surveillance, in accordance with Policies CC7 and OU5 of the Reading Borough Local Plan 2019.

7. Notwithstanding the provisions of the Town and Country Planning (Use Classes) (England) Order 2020 (or any Order revoking and/or re-enacting that Order), the use of the ground floor unit hereby permitted shall only be Class F1 (a) Provision of education (unless an application for express planning permission is submitted to the Local Planning Authority).

Reason: Another alternative use of the premises which may otherwise be permitted by virtue of the above Orders could be harmful to the amenities of residents contrary to Policy CC8 of the Reading Borough Local Plan 2019.