

DELEGATED APPLICATION REPORT

Ward: Katesgrove Ward

App Ref: PL/26/0773 Lawful development: Existing use

Address: 75-77 LONDON STREET, READING

Proposal: Certificate of Lawfulness for Existing Use or Development confirming that Planning Permission PL/22/0244 has been lawfully commenced

Applicant: Woodside (Reading) Ltd

Received date: 11/06/2026

Target Decision date: Originally 06/08/2026 EOT agreed until 14/08/2026

Case Officer: Ethne Humphreys

1. SITE DESCRIPTION

The site as described within 22/0244:

“The application site comprises a three storey mid-terrace building with attached rear hall located on the east side of London Street, close to the junction with South Street to the north.

The site is located within the Market Place/London Street Conservation Area. No.75 London Street is Grade II* listed and No.77 London Street is Grade II listed. The listing descriptions are as follows:

No's 73 and 75 "LONDON STREET 1. 5128 (East Side) Nos 73 and 75 SU 7173 SE 3/195 22.3.75. II GV 2. 1748, house of Dr Addington, physician to George III, father of the later Prime Minister. (Lead rainwater head with initials AM and date 1748 removed since previous list). An imposing pair of houses of the same general design. 3 storeys and basement. Stucco plinth, red brick, header bond. Painted stone string at 1st floor level, and painted stone cills to 1st and 2nd floor windows. Moulded and painted stone cornice, plain brick parapet with stone coping. Old tile roof, taller hipped part to left with shaped chimney. Glazing bar sash windows (No 75 has a vent now to 2nd floor left hand window), scalloped blind boxes to No 75. Central doors with stone steps (only No 73 retaining moulded nosing). No 73 has 6 panelled door with radiating fanlight over deep plain painted wood architrave with ovolo moulding. Moulded open pediment on half scroll fluted brackets with acanthus ornament, repeated at right angles on wall face. No 75 has double 6 panelled door with rectangular fanlight (oval and star glazing pattern); wood case with panelled reveals, architrave surround, plain frieze, moulded cornice and half scroll fluted brackets with acanthus ornament. Recently a further door has been inserted to left of No 75, smaller with isolated brackets (probably intended for a flat hood). C18 or early C19 ramped spearhead cast-iron railings with panel standards topped with small urns and segmental bar and ball across front of both houses. No 73 retains a pair of sphinx footscrapers. Interior of No 75 altered to cinema. No 73 has original staircase with fluted balusters and plaster panelling in principal rooms, hall and staircase. Flagged hall with black diamond corners. Rear altered."*

No's 77 and 79 "LONDON STREET 1. 5128 (East Side) Nos 77 and 79 SU 7173 SE 3/194 22.3.57. II GV 2. Mid C18. 3 storeys, symmetrical pair. Silver grey brick headers with red quoins and dressings. Stucco strings at 1st and 2nd floors. Moulded stucco cornice, part over No 19 replaced by string. Parapet, now with concrete coping. Modern tile, concealed roof. Glazing bar sash windows, 5 on upper floors. Paired doorways in centre with 4 panelled doors, rectangular

fanlights (with rectangular glazing patterns) and plain wood surround with cornice on square console brackets, lost on No 77 (cinema)."

The Market Place/London Street Conservation Area Appraisal (2007) specifically refers to the wider terrace of buildings at No's 73-79 London Street within which the frontage buildings of the site form part of as being among the best examples of Georgian houses and as being a feature which contributes positively to the historic character and appearance of the conservation area. The appraisal document also notes that the London Street townhouses are devoid of their historic spacious gardens. The presence of vacant commercial space within the conservation area is also specifically identified as contributing negatively to its character and appearance, a situation which has worsened since the Conservation Area Appraisal was written in 2007.

The Olympia Hall is a 20th century steel-frame structure attached to the rear of the listed houses. It can be accessed from the front of the Georgian terrace as well as from the rear of the site from East Street, which also includes vehicular access and a small parking area.

The Olympia Hall sits on an area originally occupied by rear gardens of the Georgian terrace of buildings. It is vacant but has historically been used as a dance hall, concert hall, bingo hall and cinema and most recently as a private function venue.

The site is also within an Air Quality Management Area and the Reading Central Area. The surrounding area contains a mix of uses, predominantly commercial at ground floor and residential on the upper floor levels."

2. PROPOSAL AND SUPPORTING INFORMATION

A Certificate of Lawfulness (Existing) is submitted seeking confirmation that a material operation sufficient to implement 22/0244 has been undertaken. Condition 1 of planning permission 22/0244 detailed that the development must be carried out within 3 years of the original decision date (i.e by 2nd May 2026).

Recent NMA application 26/0324 amended the trigger points for pre-commencement conditions to allow for construction of bin store building and service trench prior to submission of further details to discharged, to assist with the applicant being able to lawfully implement works within the 3 year period allowed by 22/0244.

A number of photographs have been submitted by the application dated 29th and 30th April 2026.

3. RELEVANT PLANNING HISTORY

26/0324 Application for a Non-Material Amendment Following a Grant of Planning Permission PL/22/0244 - to amend trigger points of conditions to allow for commencement of construction of bin store building and service trench. Agreed.

220244/FUL and 220245/LBC Full Planning Permission and Listed Building Consent for: Proposed demolition of buildings to rear (Olympia Hall) and erection of 12 flats with associated parking, landscaping and courtyard garden and conversion of ground floor of Nos. 75-77 to 3 flats. Permitted.

4. CONSULTATIONS

The following were consulted:

RBC Building Control – Confirmation that bin shed foundations works had commenced on site.

RBC Legal – Confirmed satisfied that the planning permission has been lawfully implemented, and the certificate can be granted.

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. RELEVANT PLANNING POLICY AND GUIDANCE

Town and Country Planning Act 1990 (as amended) Section 191

Section 191(1) of the 1990 Act enables anyone to apply to the local planning authority for a decision on whether a specified existing use, operation, or failure to comply with a planning condition or limitation, which has already been carried out on land, is lawful for planning purposes.

The onus of proof in a Lawful Development Certificate application is firmly on the applicant. Subsection (4) of Section 191 provides that if, on an application under the sections, the local planning authority are provided with information satisfying them of the lawfulness, at the time of the application, of the use, operations or other matter described in the application, or that description as modified by the local planning authority or a description substituted by them, they shall issue a certificate to that effect; and, in any other case, they shall refuse the application.

Paragraph 8.3 states, ‘by virtue of Section 191(2), uses and operations are “lawful” if no enforcement action may be taken against them and they are not in contravention of any enforcement notice which is in force.’ By virtue of Section 191(3), ‘a failure to comply with any condition or limitation subject to which planning permission has been granted is “lawful” if the time for taking enforcement action in respect of the failure has expired and it does not constitute a contravention of any enforcement notice or breach of condition notice which is in force.’

Town and Country Planning Act 1990 (as amended) Section 56

Section 56(1) of the 1990 Act states ‘development shall be taken to be initiated if the development consists of the carrying out of operations, at the time when those operations are begun. Subsection 4 clarifies “material operations” are defined as:

- a) “Any work of construction in the course of the erection of a building;
- aa) Any work of demolition of a building;

- b) The digging of trenches which is to contain foundations, or part of the foundations, of a building;
- c) The laying of any underground main or pipe to the foundations, or part of the foundations, of a building or to any such trench as is mentioned in Paragraph (b);
- d) Any operation in the course of laying out or constructing a road or part of a road;
- e) Any change in the use of any land which constitutes material development.”

The matter to be determined is solely on the basis of evidential fact and planning law. The planning merits of the use are not relevant and therefore are not considered in the assessment of this application.

6. APPRAISAL

In order for the Certificate to be granted, it needs to be demonstrated that planning permission 22/0244 has been lawfully implemented by the required date of 2nd May 2026.

With reference to the information submitted, it is clear that the applicant has taken the steps to implement the permission to a point where the permission is kept ‘alive’. This has been done through commencement of construction of bin store building.

The photos submitted are a clear record of this, and this has also been agreed by RBC Building Control Officers who attended the site.

This is a minimal start; however, it is within the scope of the works allowed by NMA application 26/0324 which allowed for limited works (construction of bin store) to take place without engaging any pre-commencement or other condition triggers.

It is evident that works to implement the permission have lawfully begun within the 3-year period as specified by Condition 1 of planning permission 22/0244.

As per NPPF Planning Practice Guidance – Lawful Development Certificates (Paragraph 004 ID:17c-004-20140306) this certificate applies only to the lawfulness of the development in accordance with planning legislation. It does not remove the need to comply with any other legal requirements such as Building Regulations.

7. CONCLUSION

The proposals has been assessed against the Town and Country Act 1990 (section 56) and on the basis of the available evidence and on the balance of probabilities, it can be confirmed that planning permission PL/22/0244 has been lawfully commenced with the construction of bin store building and service trench as agreed under PL/26/0324.

Sufficient evidence has been provided to demonstrate commencement of the development. Therefore, the Local Planning Authority can issue the application with a Certificate of Lawfulness for the commencement of development

8. RECOMMENDATION GRANT CERTIFICATE