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23 January 2023

Your contact is: Mr Matt Burns, Planning

Dear Alex,

**TOWN AND COUNTRY PLANNING ACT 1990**

**Application Reference:** 221367

**Application type:** Approval of Conditions

**Address:** Reading Market, Hosier Street, Reading

**Proposal:** Application for approval of details reserved by conditions 12 (Odour Assessment) and 15 (Lighting Scheme) of planning permission ref. 210540

I refer to your Approval of Conditions application as described above.

Condition 12 (Odour Assessment)

Condition 12 states:

*12. No development hereby permitted shall be occupied or its use first commenced until an odour assessment has been carried out and a detailed odour management plan to include scaled plans, odour control specifications and a maintenance plan has been submitted to and approved in writing by the Local Planning Authority. Reference shall be made to the DEFRA guidance on the Control of Odour and Noise from Commercial Kitchen Exhaust Systems (Jan 2005) when assessing potential odours and selecting appropriate odour control methods. Thereafter, the development shall not be carried out other than in accordance with the approved scheme unless otherwise agreed in writing by the Local Planning Authority.*

*REASON: These details are required due to insufficient information being contained within this submission and to safeguard the amenity of adjoining properties and to protect the general environment in accordance with Policy CC8 of the Reading Borough Local Plan 2019*

The following information was submitted:

- Joynes Nash Odour Management Plan ref. Land off Hosier Street Reading Version 1.2 (September 2022)

Received by the Local Planning Authority on 14<sup>th</sup> September 2022

Although the above submission has been reviewed, the condition requires the details to be submitted prior to first occupation or use of the development. The development is already in use and therefore it is not possible to formally discharge this condition.

However, I can confirm that had these details been received at the relevant time they would have been considered acceptable. Subject to the development being operated fully in accordance with the submitted odour details there are considered to be no outstanding planning matters in relation to this condition, nor matters of enforcement.

### Condition 15 (Lighting Scheme)

Condition 15 states:

*15. No development hereby permitted shall be occupied or its use first commenced until an external lighting scheme for the development and how this has been designed to not adversely affect wildlife has been submitted to and approved in writing by the Local Planning Authority. The report shall include the following:*

- a) a plan indicating the locations of the lights, specifications, height, luminance; lens shape/beam pattern and orientation and any hoods/shades and hours of operation*
- b) a report detailing how the lighting scheme has been designed to not adversely affect wildlife including a layout plan with beam orientation, schedule of equipment, measures to avoid glare and an isolux contour map showing light spillage to 1 lux onto the adjacent areas*

*The approved external lighting scheme shall be implemented in full prior to occupation of the development and the external lighting shall thereafter be maintained and operated in accordance with the approved details only and retained as such thereafter for the lifetime of the development.*

*REASON: To ensure that wildlife is not adversely affected by the proposed development and to provide suitable levels of surveillance in line with Policies EN12 and CC7 of the Reading Borough Local Plan 2019.*

The following information was submitted:

- Strenger Ecological Light Survey ref. Market Hosier Street, Reading (14<sup>th</sup> September 2022)
- Drawing no. SK-01 - Light Monitoring Location Plan
- Pegasus Group Letter ref. P20-0271 (13<sup>th</sup> September 2022)

Received by the Local Planning Authority on 14<sup>th</sup> September 2022

- Email ref. 221367 - Hosier Street Reading - Condition 15 (External Lighting)

Received by the Local Planning Authority on 8<sup>th</sup> December 2021 at 14:34

Although the above submissions have been reviewed, the condition requires the details to be submitted prior to first occupation or use of the development. The development is already in use and therefore it is not possible to formally discharge this condition.

However, I can confirm that had these details been received at the relevant time they would have been considered acceptable. Subject to the development being operated fully in accordance with the light mitigation measures as contained within email ref. 221367 - Hosier Street Reading - Condition 15 (External Lighting) received by the Local Planning Authority on 8<sup>th</sup> December 2021 at 14:34 there are considered to be no outstanding planning matters in relation to this condition, nor matters of enforcement

Please note that it is the responsibility of the developer to ensure that all relevant conditions are complied with during the construction and/or subsequent use of the development.

Yours sincerely

*Matt Burns*

Mr Matt Burns  
Principal Planner

## NOTES

### APPEALS TO THE SECRETARY OF STATE

If you are aggrieved by the decision of the Council to refuse to grant approval for details submitted pursuant to a condition, then you can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990.

If an enforcement notice is served relating to the same or substantially the same land and development as in your application and you want to appeal against the Council's decision on your application, you must do so within 28 days of the date of service of the enforcement notice, or within 6 months (or 12 weeks in the case of a householder appeal) of the date of this notice, whichever period expires earlier.

If the above circumstances do not apply, any appeal must be made within the following time limits.

If the condition(s) relate to a householder application and you want to appeal against the Council's decision then you must do so within 12 weeks of the date of this notice. If the condition(s) relate to an advertisement application and you want to appeal against your local planning authority's decision then you must do so within 8 weeks of the date of this notice. If you want to appeal against your local planning authority's decision relating to any other type of application (which is not a householder or advertisement application, or an application for a Certificate of Lawfulness) then you must do so within 6 months of the date of this notice.

The Secretary of State can allow a longer period for giving notice of an appeal, but he will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal. The Secretary of State need not consider an appeal if it seems to him that the Local Planning Authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order. In practice, the Secretary of State does not refuse to consider appeals solely because the Local Planning Authority based their decision on a direction given by him.

Appeals must be made using a form which you can get from the Planning Inspectorate at Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN, tel. 0303 444 5000, or online at <https://www.gov.uk/appeal-planning-decision>