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Our Ref: 220254

Your Ref: PP-11063622-v1

Direct: ☎ 0118 9373625

e-mail: Matthew.Burns@reading.gov.uk

17th August 2022

Your contact is: Mr Matt Burns, Planning

Dear Alex,

TOWN AND COUNTRY PLANNING ACT 1990

Application Reference: 220254

Application type: Approval of Conditions

Address: Hosier Street Reading RG1 7JL

Proposal: Application for approval of details reserved by conditions 9 - (Management Strategy), 11 - (Noise Assessment) 12 - (Odour Assessment), 13 - (Refuse and Recycling Stores), 14 - (Biodiversity Enhancements), 18 - (Security Strategy), 21 - (Hard and Soft Landscaping), 22 - (Delivery and Servicing Plan) of planning permission ref. 210540

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

Condition no. 9 (Management Strategy):

Condition no. 9 states that:

9. No development hereby permitted shall be occupied or use first commenced until a management strategy has been submitted to and approved in writing by the local planning authority. The strategy shall inter alia include management, patrolling and operational arrangements for the duration of the use. The development shall thereafter only be operated in accordance with the approved strategy for the duration of the use.

REASON: In the interests of ensuring the proper and safe operation of the use in accordance with Policies CC7

The following information has been submitted:

- Pegasus Group - Hosier Street Food and Drink Quarter - Security, Management & Licensing Strategy

Received by the Local Planning Authority on 22nd February 2022

The above details are considered to be acceptable. However, the confirmation in this letter cannot be taken that the condition is discharged given that the use has commenced and the development is occupied and the wording of the condition required details to be submitted prior to this occurring.

However, I can confirm that subject to the development being operated only in accordance with the approved details then there are considered to be no outstanding planning matters in relation to this condition, nor matters of enforcement.

Condition no. 11 (Noise Assessment)

Condition no. 11 states that:

11. No mechanical plant shall be installed until a noise assessment of the proposed mechanical plant has been submitted and approved by the Local Planning Authority. The assessment shall be carried out for in accordance with BS4142:2014 methodology. The predicted specific sound level (LAeq,TR) (with reference to BS:4142) as measured at a point 1 metre external to the nearest noise-sensitive facade shall be at least 10dB below the pre-existing background sound level, LA90,T when all plant/equipment (or any part of it) is in operation. The predicted rating level, LAr,Tr (specific sound level plus any adjustment for the characteristic features of the sound) as measured at a point 1 metre external to the nearest noise-sensitive façade (habitable window of a dwelling) shall not exceed the pre-existing background sound level, LA90,T when all plant/equipment (or any part of it) is in operation. The plant shall thereafter only be installed in accordance with the assessment and shall thereafter be maintained so that it operates to the same standard.

REASON: To safeguard the amenities of the adjoining premises and the area generally, in accordance with Policy CC8 and EN17 of the Reading Borough Local Plan 2019.

The following information has been submitted:

- Joynes Nash - Noise Assessment - Plant Noise Assessment - Land Off Hosier Street Reading Version 2.1 (February 2022)

Received by the Local Planning Authority on 22nd February 2022

The above details are considered to be acceptable. The condition shall have been considered to have been discharged, providing that the development is undertaken in accordance with the approved details.

Condition no. 12 (Odour Assessment)

Condition no. 12 states that:

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 has been submitted:

- Joynes Nash - Odour Management Plan - Evaluation of Site for Street Food Market Land Off Hosier Street Reading Version 1.1 (14th February 2022)
Received by the Local Planning Authority on 22nd February 2022

The above details have been reviewed by the Council's Environmental Protection Officers and are not considered to be acceptable for the following reasons:

The assessment has been made on the basis of there being no nearby receptors, unlike the noise assessment which has taken the new hotel and residents into account. It is stated that the assessment can be reviewed when the new receptors are in place. However, the assessment does not demonstrate whether there are actually any mitigation measures that could be put in place for the type of extraction systems being used should this be required. In addition, it is also not clear what process would be followed for review of the odour assessment, as once the condition is discharged there would be limited oversight. The submitted odour assessment is considered insufficient to demonstrate that the amenity of surrounding occupiers the general surrounding environment would be protected from odours associated with the development and therefore does not satisfy the requirements of condition no. 12.

Therefore condition no. 12 is not discharged.

The use of the development has commenced and therefore the development is in breach of this condition and is not operating in accordance with the terms of the planning permission. This matter will be passed over to Planning Enforcement Officers for further investigation/action as necessary.

Condition no. 13 (Refuse and Recycling Stores)

Condition no.13 states that:

13. No development hereby permitted shall be occupied or its use first commenced until details of refuse and recycling bin stores have been submitted to and approved in writing by the Local Planning Authority. The details shall include measures to prevent pests and vermin

accessing the bin stores. The approved bin storage, including pest and vermin control measures, shall be provided in accordance with the approved details prior to first occupation of the development and shall not be used for any purpose other than bin storage at all times thereafter.

REASON: To ensure that adequate provision is made for the storage and collection of refuse in accordance with Policy CC5 and EN16 of the Reading Borough Local Plan 2019.

The following information has been submitted:

- Pegasus Group - Refuse and Recycling Details - Food and Drink Quarter, Reading Market ref. P20-0271 (21st February 2022)

Received by the Local Planning Authority on 22nd February 2022

The above details are considered to be acceptable. However, the confirmation in this letter cannot be taken that the condition is discharged given that the use has commenced and the development is occupied and the wording of the condition required details to be submitted prior to this occurring.

However, I can confirm that subject to the development being operated only in accordance with the approved details then there are considered to be no outstanding planning matters in relation to this condition, nor matters of enforcement.

Condition no. 14 (Biodiversity Enhancements)

Condition no. 14 states that:

14. No development hereby permitted shall be occupied or its use first commenced until details of biodiversity enhancements, to include integrated bird and bat boxes on and around the new structures and native and wildlife friendly landscaping shall be submitted to and approved in writing by the Local Planning Authority. The approved biodiversity enhancements shall be installed in full prior to occupation of the development and retained as such thereafter for the lifetime of the development.

REASON: To incorporate biodiversity in and around developments in accordance with Policy EN12 of the Reading Borough Local Plan 2019.

The following information has been submitted:

- Drawing no. P20-0271_03 Rev A - Detailed Hard and Soft Landscape Proposals

Received by the Local Planning Authority on 22d February 2022

Having visited the site, it is unclear whether the bird and boxes have been installed. I emailed you on 1st April 2022 seeking clarification of this but received no response. Given the use of the development has commenced the development would be operating in breach of the planning permission if they have not been installed as per the approved plans. **This matter will be passed over to Planning Enforcement Officers for further investigation/action as necessary.**

Condition no. 18 (Security Strategy)

Condition no. 18 states that:

18. No development hereby permitted shall be occupied or its use first commenced until a security strategy has been submitted to and approved in writing by the Local Planning Authority. The details shall include CCTV (including the number of cameras to achieve full site coverage with confirmation of the monitoring and recording arrangements) and arrangements to secure all related street furniture (bins, planters, etc.) at night. The development shall thereafter only be undertaken in accordance with the approved strategy, which shall be retained for the duration of the development.

REASON: to ensure that the development is suitable in terms of on-site security and creates a safe and accessible environment and is subject to suitable levels of CCTV coverage in accordance with Policy CC7.

The following information has been submitted:

- Pegasus Group - Hosier Street Food and Drink Quarter - Security, Management & Licensing Strategy

Received by the Local Planning Authority on 22nd February 2022

The above details are considered to be acceptable. However, the confirmation in this letter cannot be taken that the condition is discharged given that the use has commenced, and the development is occupied and the wording of the condition required details to be submitted prior to this occurring.

However, I can confirm that subject to the development being operated only in accordance with the approved details then there are considered to be no outstanding planning matters in relation to this condition, nor matters of enforcement.

Condition no. 21 (Hard and Soft Landscaping)

Condition no. 21 states that:

21. No development hereby permitted shall be occupied or its use first commenced until a scheme of hard and soft landscaping has been submitted to and approved in writing by the Local Planning Authority. This scheme shall specify means of treatment for hard surfaced areas, means of enclosure including mammal gaps where appropriate, specify species, planting sizes, spacing and numbers of trees/shrubs to be planted tree pit and tree planter specifications, and must include a maintenance programme detailing all operations to be carried out in order to allow successful establishment and maintenance of planting covering a period of 5 years.

Planting shall be carried out in accordance with the approved details in the first planting and seeding seasons following the occupation of the building(s) or in accordance with a timetable agreed in writing with the Local Planning Authority. Any trees or plants which, within a period of 5 years from the date of planting, die, are removed or become seriously damaged

or diseased shall be replaced in the next planting season with others of similar size and species, to be agreed in writing by the Local Planning Authority.

REASON: In the interest of ensuring that the landscaping of the development enhances the visual local environment and in accordance with Policy CC7 of the Reading Borough Local Plan 2019.

The following information has been submitted:

- Drawing no. P20-0271_03 Rev A - Detailed Hard and Soft Landscape Proposals

Received by the Local Planning Authority on 22d February 2022

The above details are considered to be acceptable. However, the confirmation in this letter cannot be taken that the condition is discharged given that the use has commenced, and the development is occupied, and the wording of the condition required details to be submitted prior to this occurring.

Furthermore, having visited the site it is noted that not all of the landscaping has been implemented. In particular the screening to the site frontage to Hosier Street and surrounding the refuse/recycling store has not been provided. The wording of the condition requires the planting to be carried out in accordance with the approved details in the first planting season following occupation of the development and therefore you are advised that the landscaping planting should be completed and provided in full as a matter of priority to accord with the requirements of the condition and planning permission.

Failure to complete the landscaping and planting as approved would result in the matter being passed over to Planning Enforcements Officers for further investigation/action as necessary.

Condition no. 22 (Servicing and Delivery Plan)

Condition no. 22 states that:

22. No development hereby permitted shall be occupied or its use first commenced until a Delivery and Servicing Plan to manage how vehicles shall access the development without creating safety concerns and congestion based on the anticipated number of vehicle trips associated with delivery and servicing vehicles and details for the development has been submitted to the Local Planning Authority for approval in writing. The Delivery and Servicing Plan shall be based only upon vehicles no larger than 7.5 tonne panel vans servicing and delivering to the site. Thereafter deliveries and servicing will be carried out in accordance with the approved Delivery and Servicing Plan.

REASON: In the interest of the safety and convenience of all highway users in accordance with Policy TR3 and TR5 of the Reading Local Plan 2019

The following information has been submitted:

- Pegasus Group - Food and Drink Quarte and Reading Market - Delivery and Servicing Plan ref. P20-0271 (January 2022)

Received by the Local Planning Authority on 22nd February 2022

The above details are considered to be acceptable. However, the confirmation in this letter cannot be taken that the condition is discharged given that the use has commenced, and the development is occupied, and the wording of the condition required details to be submitted prior to this occurring.

However, I can confirm that subject to the development being operated only in accordance with the approved details then there are considered to be no outstanding planning matters in relation to this condition, nor matters of enforcement.

Other Outstanding Conditions

An application for approval of details reserved by condition no. 15 (External Lighting Scheme) has also not yet been received.

Condition no. 15 states that:

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. 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.

This condition required an external lighting scheme to be submitted prior to occupation of commencement of the use of the development.

The use of the development has commenced and therefore the development is in breach of this condition and is not operating in accordance with the terms of the planning permission. This matter will be passed over to Planning Enforcement Officers for further investigation/action as necessary.

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.

Your Client is strongly encouraged to urgently address the outstanding matters set out above in relation to the planning conditions. Unless confirmation/evidence of compliance with all outstanding matters is provided to me by 14th September 2022 these issues will be passed over to the Council's Planning Enforcement Team and may be subject to formal enforcement action.

Should you wish to discuss this matter further, please contact me via email address or the direct line as above.

Yours sincerely

Matt Burns

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://acp.planninginspectorate.gov.uk/>