

DELEGATED APPLICATION REPORT

Address: The Oracle Shopping Centre Units 16-18 & L12, Reading, RG1 2AG

Application No: 181301/FUL

Proposal: Installation of two windows at level 4 on south Yield Hall Lane elevation and 18 condenser units, service riser / exhaust duct, railing and acoustic screen at north-east corner roof level.

Applicant: Next PLC

Date received (valid from): 29/08/18

Target Decision date: Originally 24/10/18, but extensions of time subsequently agreed until 28/11/18 to enable more information to be submitted by the applicant

Case officer: Jonathan Markwell

1. Site Description and Surrounding Area

- i. The application site is a small area within the much wider Oracle Shopping Centre complex, with frontages onto Yield Hall Lane / Place (to the north-east, east and south-east) and Minster Street (to the north). The applicant is Next PLC, with the internal fit out of an amalgamated unit within the Oracle in the process of taking place at the time of writing (following 171726 - see relevant history below). The red line of the application site is next to the grade II listed The George Hotel and above the building on the south-east corner of Yield Hall Place (part of The George Hotel). It is also partly within Market Place / London Street Conservation Area.
- ii. The wider Oracle Shopping Centre and car park is bounded by Broad St / Minster Street / Gun St to the north, Yield Hall Place to the east, the IDR to the south and Bridge Street to the west. The River Kennet runs through the Oracle site, either side of which is the public realm space associated with the Oracle, with a variety of largely restaurants, retails shops, a cinema and entrances (some to the Oracle, others to the associated multi-storey car parks) beyond this.
- iii. The wider site is subject to the following site constraints / designations, including:
 - The site is designated as an important area of open space (Policy RC14j)
 - Inside the primary shopping area (RC6)
 - Active frontages (RC10)
 - Inside the central core (RC6)
 - Within an area with archaeological potential (DM19)
 - Within an Air Quality Management Area (DM19)
 - Within a green network (DM17)
 - Within a British waterways consultation area (CS8)
 - Eastern tip of the application site is within the Market Place / London Street Conservation Area (CS33) the Yield Hall Place bridge is identified as having an important view to the south-west (towards the site) and the Duke Street High Bridge (just outside the red-line boundary) is identified as having important views in both eastern and western direction, as well as itself being Grade II listed.
 - Parts of the northern area of the application site are within St. Mary Butts / Castle St Conservation Area and adjacent to Grade II listed buildings fronting onto Gun Street, beyond which is the Grade I listed Church of St Mary / Grade II listed Queen Victoria Jubilee Fountain.
 - Flood Zone 2&3a/b (CS35)
 - Potential contaminated land (CS34)
 - South side of the River Kennet through the Oracle is part of the designated National Cycle Route 4

- iv. To the south-east of the site, the land is designated under policy RC4i as 'the Oracle Extension, Bridge St & Letcombe St' for 'development of the area between the River Kennet and Mill Lane for retail, with use of site at Letcombe Street for public car park'.

2. The Proposal

- i. Full planning permission is sought for the installation of two windows at level 4 on south Yield Hall Lane elevation and 18 condenser units, service riser / exhaust duct, railing and acoustic screen at north-east corner roof level.
- ii. During the course of the application a noise report has been submitted and also a revised report following further officer comments. In addition, an acoustic screen has been introduced to the proposals during the course of the application, in order to ensure that the proposed plant meets the relevant noise standards.

3. Consultation

- i. Public Consultation
4 immediate neighbours were consulted by letter. In addition, a site notice was displayed at the site from 06/09/18, expiring on 27/09/18. A press notice was published on 13/09/18, expiring on 04/10/18. No responses have been received.
- ii. Reading CAAC was formally consulted on the application. No response has been received.
- iii. Internal consultation
Environmental Protection officers have been formally consulted on the application. The original observations received specified that (as advised prior to the validation of the application, but not taken up by the applicant) an acoustic assessment should be carried out in accordance with BS4142:2014 methodology. This is a town centre location within a shopping centre, however there are residents in the vicinity that may be affected by the noise from the plant - for example the George Hotel and residents on Minster Street. The application is for a large number of condenser units therefore the cumulative noise level may be significant depending on relative location of nearby receptors. A noise assessment has not been submitted with the application and therefore it cannot be determined what the likely noise impact of the proposal will be and whether the proposals are acceptable. Officers therefore recommended refusal unless a noise assessment can be submitted and considered by us before the application is determined.

Once the acoustic assessment was received (October 2018) the following observations were made:

I have reviewed the assessment. Whilst the introduction details the correct noise criteria (specific noise level of the plant to be 10 dB below background), the assessment then goes on to assess against the incorrect criteria (specific noise level equal to background). The predicted noise level at night is 9 dB below background therefore this should be acceptable taking into account margin of error in the predictions, however during the day the predicted level is only 1 dB below background therefore doesn't meet our criteria. I recommend that some mitigation e.g. acoustic screening is proposed, or quieter plant selected.

Once the revised acoustic assessment and acoustic screen was included in the proposals the following observations were received:

Confirmed that the proposals now meet our recommendations, subject to installation of the acoustic screen.

The following compliance conditions are recommended:

The specific sound level (LAeq,Tr) of the plant/equipment hereby approved, as measured at a point 1 metre external to sensitive facades, shall be at least 10dB below the existing background sound level, LA90,T when all plant/equipment (or any part of it) is in operation, as assessed according to BS4142:2014.

Reason: To safeguard the amenities of the adjoining premises and the area generally, in accordance with Policy CS34 of the Reading Borough Local Development Framework Core Strategy (2008, Altered 2015) and Policy DM4 of the Reading Borough Local Development Framework Sites and Detailed Policies 2012 (Altered 2015).

Prior to the first operation of the plant hereby approved, the acoustic screen shown on approved plans 02689-118-020-021 Existing and Proposed Roof Plans + Elevations & EEC Acoustic Screen specification sheet, as received 20/11/18, shall be installed in full. Thereafter the acoustic screen shall be retained and maintained as approved.

Reason: To safeguard the amenities of the adjoining premises and the area generally, in accordance with Policy CS34 of the Reading Borough Local Development Framework Core Strategy (2008, Altered 2015) and Policy DM4 of the Reading Borough Local Development Framework Sites and Detailed Policies 2012 (Altered 2015).

4. Plans & Documents Considered

- i. The Council, in reaching its recommendation, has taken into consideration the following plans & documents:

Site Location Plan, as received 26/07/18

02689-118-020-021 Rev BH - Existing and Proposed Roof Plans + Elevations, as received 20/11/18

02689-118-020-020 - Existing and Proposed Elevation of Bridge over Yield Hall Lane, Level 4

Upper Mall Plan and Site Plan, as received 26/07/18

Plant Noise Impact Assessment by EEC Ref EEC/EC16389-005 Version 2 Revision 1 dated & received 20/11/18

EEC Acoustic Screen specification sheet, as received 20/11/18

VES Technical Specification Sheet Ref Q1163274\Rev-00\, as received 29/08/18

Mitsubishi Electric unit - proposed condensing unit technical specification, as received 29/08/18

Aerial photograph, as received 29/08/18

The Oracle, Reading - Proposed air conditioning units, as received 29/08/18

5. Relevant Planning History

Although the Oracle as a whole has a long and extensive history, only the following are considered to be specifically relevant to the future unit at this part of the site:

171530 - Construction of a new fire escape stair enclosure at car park levels 1 and 2. Granted 15/11/17.

171726/CLP - Internal alterations associated with amalgamation of units L12 & LX, Yield Hall East Mall internal access space (all at Level 2) and units U16, U17 and U18 (all at Level 4 on Town Mall East) into a single retail unit (Class A1). Certificate of Lawfulness granted 15/11/17.

6. 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.

7. Relevant Planning Guidance

- i. Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the local planning authority to have special regard to the desirability of preserving a listed building or its setting or any features of special interest which it possesses.

- ii. Section 72 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the local planning authority in the exercise of its functions to pay special attention to the desirability of preserving or enhancing the character or appearance of a conservation area.
- iii. 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'. However the NPPF does not change the statutory status of the development plan as the starting point for decision making.
- iv. In this regard, the NPPF states that due weight should be given to the adopted policies of the Local Development Framework (LDF) (Core Strategy, Sites and Detailed Policies Document and Central Area Action Plan) according to their degree of consistency with the NPPF (the closer the policies in the plan to the policies in the NPPF, the greater the weight that may be given).
- v. Accordingly, the National Planning Policy Framework (2018), Planning Practice Guidance (2014 onwards) and the development plan policies and supplementary planning guidance noted in the following section are relevant.

8. Relevant Policies

- i. The application has been assessed against the following policies:

National

National Planning Policy Framework;
National Planning Policy Guidance;

RBC Local Development Framework

Core Strategy 2008 (Altered 2015)

CS7 Design and the Public Realm
CS33 Protection and Enhancement of the Historic Environment
CS34 Pollution and Water Resources

Reading Centre Area Action Plan (2009)

RC5 Design in the Centre

Sites and Detailed Policies Document 2012 (Altered 2015)

DM4 Safeguarding amenity
DM12 Access, Traffic and Highway-Related Matters
DM19 Air Quality

Other relevant documents/guidance

Market Place / London Street Conservation Area Statement
Historic Environment Good Practice Advice in Planning Note 2: Managing Significance in Decision-Taking (Historic England, 2015a)
Historic Environment Good Practice Advice in Planning Note 3: The Setting of Heritage Assets (Historic England, 2015b).

9. Appraisal

- i. The main issues are considered to be:
 - Design

- Amenity

ii. Design and impact on the character of the surrounding area

The proposed two additional windows at level 4 of the building would be located in between the existing circular feature, which is the sole existing feature to break up a mass of brickwork above the Yield Hall Lane archway. The windows are considered to be welcome additions to the façade in design terms (enlivening the elevation) and will provide access to natural light outlook within the store at this point. On the surrounding elevations there are already a variety of windows and this proposal would simply add to this prevailing character, with the applicant confirming that matching materials will be used (this will be secured via compliance condition). The provision of windows at this point is not considered to negatively impact on the setting of any nearby heritage assets nor the character / appearance of the conservation area, given the existing context.

In terms of the plant, although numerous in nature and extent, are positioned on an area of flat roof previously used for plant and have been positioned as discretely as possible, away from the very edge of the façade. With these factors in mind, the proposals would not be highly (or harmfully) visible in long views at street level. Some views will be possible from high level car parking areas and the rear upper levels of nearby buildings, but the acoustic screen incorporated in the proposals during the lifetime of the application assist in reducing the impact to a negligible level. Again, the proposals are not considered to negatively impact on the setting of any nearby heritage assets nor the character / appearance of the conservation area, given the location of the proposed works and existing context.

With the above in mind the proposal is considered to comply with policies CS7, CS33 and RC5.

iii. Amenity

As mentioned in the design section above, the provision of windows will add natural light to the unit inside, which will improve the shopping experience. Furthermore, the plant will assist the functional use of the unit. As noted in the consultations section above, detailed guidance and negotiations have taken place with Environmental Protection officers to ensure that the noise levels of the plant are within the prescribed limits. Following the submission of a revised acoustic report, together with an acoustic screen closest to the boundary with the upper floors of The George Hotel, officers are content that the applicant has now satisfactorily demonstrated this. This is subject to two compliance conditions, relating to:

- 1) the acoustic screen actually being provided (and maintained), as the original report showed the plant not to be in line with the noise levels - thereby indicating that the provision of the screen is essential in maintaining amenity; and,
- 2) that the noise levels of the plant shall remain within the required noise levels - so that should the plant actually be noisier than anticipated, or in time become noisier, then the Council has a means of taking enforcement action to remedy this possible future submission

With these two conditions secured, the proposals are considered satisfactory from a noise and disturbance perspective. Given the high level of the works, within the context of the existing Oracle structures, no loss of outlook or day/sunlight is envisaged. Standard informatives are recommended in terms of building control and noise/disturbance during construction. A construction method statement for these works is not considered necessary in this specific instance.

In overall terms the proposals are therefore considered to align with policies DM4 and CS34.

10. Conclusion

- i. Having regard to the material considerations and all matters raised, the Local Planning Authority considers that the balance of considerations therefore weigh in favour of granting planning permission subject to conditions.
- ii. It is also confirmed that the proposals are not CIL liable.

Recommendation

Grant Planning Permission subject to conditions;

11. Conditions:

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

Reason: to prevent an accumulation of unimplemented planning permissions, and in accordance with Section 91 of the Town & Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

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

02689-118-020-021 Rev BH - Existing and Proposed Roof Plans + Elevations, as received 20/11/18

02689-118-020-020 - Existing and Proposed Elevation of Bridge over Yield Hall Lane, Level 4 Upper Mall Plan and Site Plan, as received 26/07/18

Reason: because permission is granted in respect of the development as detailed in the approved plans only.

3. The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used on the existing building.

Reason: in the interests of ensuring that the new development appears in keeping with the existing building in accordance with Policy CS7 of the Reading Borough LDF Core Strategy 2008 (Altered 2015) and Policy RC5 of the Reading Borough Central Area Action Plan 2009.

4. The specific sound level (LAeq,Tr) of the plant/equipment hereby approved, as measured at a point 1 metre external to sensitive facades, shall be at least 10dB below the existing background sound level, LA90,T when all plant/equipment (or any part of it) is in operation, as assessed according to BS4142:2014.

Reason: To safeguard the amenities of the adjoining premises and the area generally, in accordance with Policy CS34 of the Reading Borough Local Development Framework Core Strategy (2008, Altered 2015) and Policy DM4 of the Reading Borough Local Development Framework Sites and Detailed Policies 2012 (Altered 2015).

5. Prior to the first operation of the plant hereby approved, the acoustic screen shown on approved plans 02689-118-020-021 Existing and Proposed Roof Plans + Elevations & EEC

Acoustic Screen specification sheet, as received 20/11/18, shall be installed in full. Thereafter the acoustic screen shall be retained and maintained as approved.

Reason: To safeguard the amenities of the adjoining premises and the area generally, in accordance with Policy CS34 of the Reading Borough Local Development Framework Core Strategy (2008, Altered 2015) and Policy DM4 of the Reading Borough Local Development Framework Sites and Detailed Policies 2012 (Altered 2015).

Informatives:

1. These works may require separate approval under the Building Regulations. Please contact the Council's Building Control service for further advice on (0118) 937 2449.
2. Your attention is drawn to the terms and conditions of this permission. Any development which is carried out but differs materially from the approved plans and details, or does not comply with any condition (s) or planning obligation (s) attached to the permission may result in the Council taking action to remedy the breach of planning control. If you are in any doubt please contact the council.
3. The Local Planning Authority has worked positively and proactively with the applicant to resolve relevant matters to allow permission to be granted within the agreed extended timescale for the decision to be issued.
4. Complaints are commonly received about noise and dust caused by construction and demolition works, particularly working outside reasonable hours and smoke from bonfires associated with the burning of waste on site. The developer is reminded that construction and demolition associated with the approved development will be subject to environmental health law.
- 5.i) The attention of the applicant is drawn to Section 59 of the Highways Act 1980, which enables the Highway Authority to recover expenses due to damage caused by extraordinary traffic.

ii) Any works affecting the Highway shall be in accordance with Reading Borough's Council's document "Guidance Notes for Activities on the Public Highway within the Borough of Reading". The applicant should note that compliance with this document is mandatory and licences to work on the Highway will only be issued if the requirements contained within it are met. A copy can be obtained from the Council's website.