

DELEGATED APPLICATION REPORT

Address: The Oracle Riverside, The Oracle Shopping Centre, Bridge Street, Reading
Application No: 181575/VARIAT

Proposal: Erection of a single storey restaurant unit (Class A3), Kiosk (Class A1) and public realm improvements to The Oracle Riverside without complying with condition 18 (Phase 2 public realm works) of planning permission 171531, namely to vary the condition by extending the timescale for submission and implementation of the phase 2 public realm works by 1 year.

Applicant: Oracle Shopping Centre Limited

Date received (valid from): 05/09/18

Target Decision date: 31/10/18

Case officer: Jonathan Markwell

1. Site Description and Surrounding Area

1.1 The application site comprises the Riverside area at the Oracle, bounded by Yield Hall Place to the north-east and Bridge Street to the south-west. The River Kennet runs through the site, although the majority of the river was excluded from the red-line of the application site during the course of the application. On this basis, the size of the site is 0.88ha (below the 1ha threshold which would constitute the application being a 'major development' - it is therefore not a major development). Either side of the River Kennet is the public realm space associated with the Oracle, with a variety of largely restaurants, retail shops, a cinema and entrances (some to the Oracle, others to the associated multi-storey car parks) beyond this.

1.2 The site is subject to the following site constraints / designations:

- The site is designated as an important area of open space (Policy RC14j)
- Inside the primary shopping area (RC6)
- Adjacent to 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.
- 2&4 London St (Brasserie) is Grade II listed (just outside the red line application site)
- 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

1.3 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 & procedural background

- i. The applicant is seeking to vary condition 18 (Phase 2 public realm works) of planning permission 171531, which granted the erection of a single storey restaurant unit (Class A3), Kiosk (Class A1) and public realm improvements to The Oracle Riverside. This permission was itself a variation of permission 151537, with the variation also relating to condition 18.
- ii. More specifically, the current application is seeking to extend the timescale for submission and implementation of the phase 2 public realm works by 1 year. The submission of details would alter from 1st September 2018 to 1st September 2019. The implementation of works would alter from 1st September 2021 to 1st September 2022. The original permission (151537) sought for the submission of details by 1st September 2017 (and implemented by 2020) and this was varied by 171531 to 1st September 2018 (and implemented by 2021)
- iii. From a procedural perspective, relevant guidance from PPG is reproduced below:

Paragraph: 015 Reference ID: 17a-015-20140306

What is the effect of a grant of permission?

Where an application under section 73 is granted, the effect is the issue of a new planning permission, sitting alongside the original permission, which remains intact and unamended.

A decision notice describing the new permission should be issued, setting out all of the conditions related to it. To assist with clarity decision notices for the grant of planning permission under section 73 should also repeat the relevant conditions from the original planning permission, unless they have already been discharged. Further information about conditions can be found in the [guidance for use of planning conditions](#).

As a section 73 application cannot be used to vary the time limit for implementation, this condition must remain unchanged from the original permission. If the original permission was subject to a planning obligation then this may need to be the subject of a deed of variation.

Paragraph: 019 Reference ID: 17a-019-20140306

What is the application considered against?

Development plan and material considerations, under section 38(6) of the 2004 Act, and conditions attached to the existing permission. Local planning authorities should, in making their decisions, focus their attention on national and development plan policies, and other material considerations which may have changed significantly since the original grant of permission.

In what form must the decision be issued?

Grant: new decision notice describing the whole development and listing all conditions.
Refuse: decision notice listing reasons for refusal. Original permission with existing conditions remains in place.

3. Public Consultation

i. Neighbour Consultation

2 site notices were erected on 19/09/18, expiring on 10/10/18. A press notice was published on 27/09/16, expiring on 18/10/17. No responses have been received.

4. Consultations

i. None considered to be required.

5. Plans Considered

i. The Council, in reaching its recommendation, has taken into consideration the following document, which will appear on the new decision notice:

Letter from Simply Planning, dated and received 05/09/2018.

6. Relevant Planning History

151537/FUL - Erection of a single storey restaurant unit (Class A3), Kiosk (Class A1) and public realm improvements to The Oracle Riverside. Granted 17/08/16.

161753/APPCON - Discharge of conditions 3b (materials for Class A3 unit), 14 (flood void maintenance) and 17 (landscape maintenance) of planning permission 151537 - Granted 9/11/16.

162008/APPCON - Discharge of condition 4 (Construction Method Statement) of planning permission 151537. Granted 20/12/16.

170110/NMA - Non-material amendments to planning permission 151537 for detailed design changes to the approved single storey restaurant unit. Granted 21/02/17.

171056/APPCON - Discharge of condition 15 (Bird boxes) of planning permission 151537, dated 17/08/2016. Granted 26/07/17.

171183/VARIAT - Variation of conditions 2 (approved plans) and 16 (landscaping) of planning permission 151537 (restaurant, kiosk & public realm works), namely for minor material amendments to the landscaping (retrospective). Granted 08/09/17.

171462/APPCON - Discharge of condition 11 (security and external lighting details) of planning permission 151537 (retrospective). The details submitted were considered to be acceptable. However, as the applicant was aware, confirmation could not be provided that the condition was discharged, as the Class A3 unit was in use before the condition was sought to be discharged (as per the wording of the condition). However, the applicant was advised that on the basis of the information provided there were considered to be no outstanding planning matters in relation to this condition, nor matters of enforcement. This was confirmed in writing, via a letter sent on 22/02/2018.

171531/VARIAT - Erection of a single storey restaurant unit (Class A3), Kiosk (Class A1) and public realm improvements to The Oracle Riverside without complying with condition 18 (Phase 2 public realm works) of planning permission 151537, namely to vary the condition by extending the timescale for submission and implementation of the phase 2 public realm works by 1 year. Condition varied / permission granted 27/10/2017.

172183/APPCON - Discharge of condition 12 (BREEAM) of planning permission 151537. The details submitted were considered to be acceptable. However, as the applicant was aware, confirmation could not be provided that the condition was discharged, as the Class A3 unit was occupied (in relation to condition 12a) and occupied for a period of more than 3 months (in relation to condition 12b) before the condition was sought to be discharged. However, the applicant was advised that on the basis of the information provided there were considered to be no outstanding planning matters in relation to this condition, nor matters of enforcement. This was confirmed in writing, via a letter sent on 19/02/2018.

7. 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.

8. Relevant Planning Guidance

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. The Development Plan for Reading relevant to the application site comprises the Reading Local Development Framework 'Core Strategy' 2008 (Altered 2015), Central Area Action Plan 2009 and 'Sites and Detailed Policies Document' 2012 (Altered 2015).

As per the PPG, the local planning authority should, in making their decisions, focus their attention on national and development plan policies, and other material considerations which may have changed significantly since the original grant of permission.

The 'National Planning Policy framework' ('NPPF') 2018 states clearly that its content is to be a material consideration in the determination of applications. The 'NPPF' states that due weight should be given to the adopted policies of the Local Development Framework (LDF) (Core Strategy and Sites and Detailed Policies Document) 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). Accordingly, the 'NPPF' and the following development plan policies and supplementary planning guidance are relevant:

9. Relevant Policies

The application has been assessed against the following policies:

National

National Planning Policy Framework 2018

National Planning Policy Guidance

Reading Borough Local Development Framework

Core Strategy (2008) (Altered 2015)

CS7 Design and the Public Realm

Reading Centre Area Action Plan (2009)

RC5 Design in the Centre

RC14 Public Realm

Sites and Detailed Policies Document (2012) (Altered 2015)

DM1 Adaptation to Climate Change

DM18 Tree Planting

10. Appraisal

Condition 18, as per permission 171531 states:

A public realm works strategy for Phase 2, as specified on approved plan RG-LAI18A - Phasing Plan, as received 27/08/15 and including a full programme of implementation of those works, shall be submitted by 1st September 2018 for approval by the Local Planning Authority. The approved works shall be provided in full by 1st September 2021 and be retained, as approved, at all times thereafter.

Reason: To ensure the provision of suitable hard & soft landscaping and public realm works, in the interests of enhancing the visual appearance of the development, the application site and in the interests of assisting the use and enjoyment by the public of the open space, in accordance with Policy CS7 of the Reading Borough LDF Core Strategy 2008 (Altered 2015),

Policies RC5 and RC14 of the Reading Borough LDF Reading Central Area Action Plan 2009 and Policies DM1 and DM18 of the Sites and Detailed Policies Document 2012 (Altered 2015).

The officer report for original permission 151537 explains the context and rationale for the condition, as follows:

It is also noted that public realm works are only proposed in parts of the application site. In this instance the applicant has outlined that the remaining part of the public realm will be subject to future works, with a 'phase 2' of public realm works scheduled to take place at a later date. In the supporting letter submitted by the applicant at the outset of the application, the applicant suggested this be secured via condition (with wording suggested). Subsequently the applicant questioned the necessity of this condition and sought for the time frame for submission of details to be extended from September 2016 to September 2017, if officers were still minded to include this condition. Officers consider that should the public realm works be carried out solely in the areas shown at this time (phase 1 of 2 in the phasing plan), this is likely to result in the public realm as a whole having a somewhat disjointed appearance, with the difference in quality between the 'new' and 'remaining existing' evident, to the detriment of the public enjoyment of the space as a whole. Put another way, this uneasy relationship would result in the overall positive contribution of the phase 1 works being diluted by such works not being applied to the entire area of open space. For these reasons, it is considered to be entirely necessary to secure via condition a public realm works strategy for phase 2. As suggested by the applicant, the condition will require details to be submitted by 1st September 2017, with a time period of 3 years from this date (1st September 2020) for these works to be carried out. With these conditions secured, it is considered that the proposals, on balance, accord with policy RC14.

A year ago application 171531 sought to extend the submission timescales by a year (from 2017 to 2018) and implemented timescales by a year as well (from 2020 to 2021). At that time the applicant specified that 'due to delays incurred during both the planning and construction phases of the Phase 1 public realm improvements, the works are only just being completed. Before the strategy for Phase 2 is finalised, it is considered important for these initial works to be allowed to become established and area where further improvements are needed identified. As such, the applicant is not yet in a position to submit the public realm works strategy for phase 2 and a variation is therefore sought to condition no.18 to extend the timescale... the public realm improvements remain an important part of the capital investment programme at the Oracle'.

At the time of application 171531 officers acknowledged the context described by the applicant and were therefore content for the condition to be varied to enable a further year for submission / implementation. The variation of the condition was not considered to dilute in any way the level/nature of information required to be submitted in the future, but enabled greater flexibility owing to the context referenced by the applicant. The decision notice was duly issued on 27/10/17.

This latest application seeks to extend the submission/implementation timeframes by a further year (i.e. submission from 2018 to 2019 and implementation from 2021 to 2022). The applicant specifies this is "as a result of wider strategic proposals for part of The Oracle, the applicant is not yet in a position to finalise and therein submit the public realm works strategy for Phase 2." The applicant goes on to state that "there is an ongoing programme of capital investment at The Oracle Shopping Centre and the public realm improvements remain an important part of that programme."

In this instance officers once again acknowledge the context described by the applicant. Although disappointing that there is now a significant delay in the delivery of public realm improvements (whilst at the same time the restaurant approved has been trading for in excess of a year now), it is considered satisfactory for the condition to be varied once again to enable a further year for submission / implementation. The variation of the condition is again not considered to dilute in any way the level/nature of information required to be submitted in the future, but again enables greater flexibility owing to the context referenced by the applicant.

Recommendation

Grant variation of condition 18.

In line with the PPG, all of the original conditions (as part of 151537) are reproduced below in blue, with the altered worded conditions (bearing in mind the PPG and subsequent applications / approvals since this point in time - as per the relevant history section above) in red. Omissions to the previous conditions are shown with a ~~strikethrough~~ (where there are only small changes in the wording). Where no red additions are stated, the condition will remain identical to that stated at the time of 151537/171183/171531 (as there has been no change in circumstances in the intervening period). Specific changes as a result of application 171531 are specified in purple. Specific changes as a result of this application are detailed in pink. Officer notes explaining the changes are also detailed in green.

1. The development to which this permission relates must be begun not later than the expiration of three years beginning with the date on which the permission was granted.

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

Condition 1 of the original planning permission (3 years for implementation - Ref 151537/FUL) is no longer relevant, as the permission has already been implemented. This was also detailed at the time of permission 171531/FUL, which this permission varies.

The altered condition is self-explanatory.

2. The development hereby permitted shall not be carried out other than in accordance with the following drawings;

RG-L-25 Rev B - Red Line Boundary, as received 01/02/16
200 Rev E - Proposed GA Plan, as received 27/08/15
201 Rev C - Proposed Roof Plan, as received 26/02/16
210 - Proposed Kiosk, Sheet 1, as received 27/08/15
211 - Proposed Kiosk, Sheet 2, as received 27/08/15

300 Rev E - Proposed Section AA, as received 26/02/16
 301 Rev E - Proposed South Elevation, as received 26/02/16
 302 Rev E - Proposed West Elevation, as received 26/02/16
 303 Rev B - Proposed North Elevation, as received 27/08/15
 304 Rev C - Proposed East Elevation, as received 26/02/16
 305 Rev D - Proposed Section BB, as received 26/02/16
 RG-L-20 Rev H - Masterplan, as received 27/08/15
 RG-L-23 Rev H - Landscape Hard and Soft Detailed Layout, as received 27/08/15
 RG-L-24-1 Rev 7 - Landscape Sections, as received 27/08/15
 RG-L-24-2 Rev B - Landscape Sections, as received 27/08/15
 RG-L-28 Rev 00 - Existing Site Layout, as received 27/08/15
 RG-L-A18A - Phasing Plan, as received 27/08/15
~~RG-L-29 Rev B - Landscape Phase 1 Gateway Areas, as received 04/12/15~~
~~RG-L-30 Rev B - Landscape Phase 1 Gateway Areas, as received 04/12/15~~
 RG-L-29 Rev D - Landscape Phase 1 Gateway Areas, as received 14/07/17
 RG-L-30 Rev D - Landscape Phase 1 Gateway Areas, as received 14/07/17
 RG-L-31 Rev A - Tree Pit Detail, as received 26/11/15
 RG-L-300-02 - Landscape Detail Typical Timber Clad Steps, as received 13/01/16
 RG-L-32 Rev D - Landscape Planting Plan, as received 14/04/16
 0511123-HL-XX-XX-DR-M-XXX-XXXX Rev P1 - Mechanical Engineering Systems Phase One Riverside Foul Drainage, as received 27/08/15
~~Letter from Simply Planning, dated and received 04/09/2017.~~
 Letter from Simply Planning, dated and received 05/09/2018

Reason: To clarify which plans have been approved and in the interests of proper planning.

Officer note: This condition has been updated to reflect the plans submitted in this application and the previous VARIAT granted at the site (in red for 171183 and in purple for 171531 and in pink for 181575).

3. Before the relevant parts [part a) the Class A1 unit; part b) the Class A3 unit] of the development commence, details (including samples) of all materials (including where relevant: cladding, glazing, curtain wall system, metal coping, door frames/surrounds, balustrade, guttering and downpipes) to be used in the construction of the external surfaces of the relevant unit hereby approved shall have been submitted to and approved in writing by the local planning authority. The development shall not be carried out other than in full accordance with the approved details.

Reason: In the interests of ensuring the proposed development is of a suitable high quality design and to safeguard the character and appearance of the wider immediate area, in accordance with Policies CS7 and CS33 of the Reading Borough LDF Core Strategy 2008 (Altered 2015) and Policy RC5 of the Reading Borough LDF Reading Central Area Action Plan 2009.

A) Before the Class A1 unit of the development commences, details (including samples) of all materials (including where relevant: cladding, glazing, curtain

wall system, metal coping, door frames/surrounds, balustrade, guttering and downpipes) to be used in the construction of the external surfaces of the unit hereby approved shall have been submitted to and approved in writing by the local planning authority. The development shall not be carried out other than in full accordance with the approved details.

- B) The Class A3 unit has been carried out in accordance with the following materials approved by application 161753/APPCON on 09/11/16:

The Oracle Shopping Centre, Riverside by Barton Willmore, dated 13/09/16, as received 15/09/16;

Digital Sample Board, External Material Finishes Ref ORR/DSB-EMF Rev A, as received 15/09/16;

Oracle Riverside - Pavilion Finish Refs F3, F4 & F5, as received 15/09/16

Reason: In the interests of ensuring the proposed development is of a suitable high quality design and to safeguard the character and appearance of the wider immediate area, in accordance with Policies CS7 and CS33 of the Reading Borough LDF Core Strategy 2008 (Altered 2015) and Policy RC5 of the Reading Borough LDF Reading Central Area Action Plan 2009.

Details in relation to the original condition 3b have been submitted/discharged/implemented. The Class A1 unit associated with condition 3a has not yet been implemented, so this condition remains unchanged (but reworded accordingly).

4. No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted and approved in writing by the local planning authority to provide for:
- (A) The parking of vehicles and site operatives and visitors - to be shown on a Plan not less than 1.500.
 - (B) Loading and unloading of plant and materials used in constructing the development - Areas to be shown on a plan not less than 1.500
 - (C) Storage of plant and materials used in constructing the development - Areas to be shown on a plan not less than 1.500
 - (D) The erection and maintenance of security hoarding / scaffolding if required.
 - (E) Wheel washing facilities
 - (F) Measures on site to control the deposition of dirt / mud on surrounding roads during construction.
 - (G) Footpath Closures / Road Closures needed during construction
 - (H) Traffic Management needed during construction.
 - (I) Times, routes and means of access into and from the site for construction traffic and delivery vehicles (including the removal of waste from the site and methods of preventing deposition of materials on the public highway).
 - (J) A scheme specifying the provisions to be made for the control of noise and dust emanating from the site during the demolition and construction phase

The approved Construction Method Statement shall be adhered to throughout the development process unless agreed otherwise in writing by the Local Planning Authority.

Reason: In the interests of safety, protecting the amenity of local land uses, neighbouring residents and highway safety in accordance with Policies CS20 and CS34 of the Reading Borough LDF Core Strategy 2008 (Altered 2015) and Policies DM4 and DM12 of the Sites and Detailed Policies Document 2012 (Altered 2015).

The approved Construction Method Statement, as per Construction Traffic & Logistics Management Plan (Planning) Rev 2 - Addressing Comments from LPA regarding delivery times, dated April 2013 by Careys, as received 19/12/16 (and approved by Ref 162008/APPCON on 20/12/16), shall be adhered to throughout the development process unless agreed otherwise in writing by the Local Planning Authority.

Reason: In the interests of safety, protecting the amenity of local land uses, neighbouring residents and highway safety in accordance with Policies CS20 and CS34 of the Reading Borough LDF Core Strategy 2008 (Altered 2015) and Policies DM4 and DM12 of the Sites and Detailed Policies Document 2012 (Altered 2015).

The condition has been reworded so that it is a 'compliance' condition, in light of the CMS being approved by 162008/APPCON on 20/12/16. It is still required as the Class A1 Kiosk / all public realm improvement elements of the approval has not been implemented.

5. In the event that contamination is found at any time when carrying out the approved development not previously identified, development must be halted on that part of the site and it must:

- a) Be reported in writing to the Local Planning Authority;

- b) Following that an assessment of the nature and extent of contamination must be undertaken and where remediation is necessary a remediation scheme, together with a timetable for its implementation, must be submitted to and approved in writing by the Local Planning Authority;

- c) The measures in any approved remediation scheme must then be implemented in accordance with the approved timetable. Following completion of measures identified in the approved remediation scheme a validation report must be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure the development is suitable for its end use and the wider environment and does not create undue risks to occupiers of the site or surrounding areas in terms of contaminated land, in accordance with Policy CS34 of the Reading Borough LDF Core Strategy 2008 (Altered 2015) and Policy DM4 of the Sites and Detailed Policies Document 2012 (Altered 2015).

No changes necessary.

6. In connection with the implementation of this permission, no works shall take place outside the hours of 0600 to 2200 Mondays to Saturdays. Works shall not take place outside these hours or at anytime on Sundays and Bank Holidays without the prior written approval of the local planning authority.

Reason: To protect the amenity of occupiers of existing nearby properties from noise and disturbance from works connected with implementing this permission, in accordance with Policy CS34 of the Reading Borough LDF Core Strategy 2008 (Altered 2015) and Policy DM4 of the Sites and Detailed Policies Document 2012 (Altered 2015).

No changes necessary.

7. Noise levels at a point 1 metre external to sensitive facades of the Class A3 unit hereby approved shall be at least 5dB(A) less than the existing background measurement (LA90), expressed in dB(A) when all plant/equipment (or any part of it) is in operation unless the plant/equipment will have a noise that has a distinguishable, discrete continuous note (whine, hiss, screech, hum) and/or if there are distinct impulses (bangs, clicks, clatters, thumps), then the noise levels from that piece of plant/equipment at any sensitive façade shall be at least 10dB(A) below the LA90, expressed in dB(A).

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

No changes necessary.

8. The Class A3 use hereby permitted shall not operate outside of the hours of 0800 - 0030 Mondays to Saturdays and 0800 - 2330 on Sundays, Bank Holidays and other statutory holidays.

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

No changes necessary.

9. The use of any external area associated with the Class A3 use hereby permitted shall not operate outside of the hours of 0800-2300 each day.

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

No changes necessary.

10. No music shall be played on/at the Class A3 premises in such a way as to be audible within any nearby premises or on the nearby highway.

Reason: To safeguard the amenities of the nearby premises and the area generally from noise disturbance in accordance with Policy CS34 of the Reading Borough LDF Core Strategy 2008 (Altered 2015) and Policy DM4 of the Sites and Detailed Policies Document 2012 (Altered 2015).

No changes necessary.

11. Prior to the first use of the Class A3 premises hereby approved, full details of a) security measures, including CCTV b) external lighting (including design, materials and illumination levels) shall be submitted to and approved, in writing, by the Local Planning Authority. The approved details shall be provided in full prior to the first use of the Class A3 premises hereby approved and retained thereafter.

Reason: To protect the amenity of future occupants of the proposed premises and in the interests of safeguarding the character and appearance of the building and the wider immediate area, in accordance with Policy CS7 of the Reading Borough LDF Core Strategy 2008 (Altered 2015), Policy RC5 of the Reading Borough LDF Reading Central Area Action Plan 2009 and Policy DM4 of the Sites and Detailed Policies Document 2012 (Altered 2015).

The security and external lighting measures shall be retained as per GM 15-14-009 Rev B door schedule and security as proposed, as received 26/10/17; PN0394-E-60-00-001 Rev D north side & south side LV distribution schematic, as received 26/10/17; PN0394-E-60-00-002 Rev B south side lighting control schematic principles, as received 26/10/17; PN0394-E-60-00-003 Rev B north side lighting control schematic principles, as received 26/10/17; PN0394-E-63-00-030 Rev B external lighting layout, as received 26/10/17; PN0394-E-96-00-090 Rev E south side external duct & trench layout, as received 26/10/17; PN0394-E-96-00-091 Rev E north side external duct & trench layout, as received 26/10/17; PN0394-ESK-100 Rev C typical stair handrail lighting detail, as received 26/10/17; PN0394-ESK-1200 Rev A curved cladding & LED profile detail, as received 26/10/17; PN0394-ESK-200 Rev C luminaire 'type C1' lighting column & lighting detail, as received 26/10/17; PN0394-ESK-300 Rev B typical bench lighting detail, as received 26/10/17; PN0394-ESK-400 Rev B typical tree lighting detail, as received 26/10/17; PN0394-ESK-500 Rev B typical luminaire 'type L1' stair lighting detail, as received 26/10/17; PN0394-ESK-600 Rev B typical bridge bench lighting detail, as received 26/10/17; PN0394-ESK-700 Rev B typical pavilion timber cladding lighting detail, as received 26/10/17; PN0394-ESK-800 Rev C typical landscape stair handrail lighting detail, as received 26/10/17; 3257-001, as received 05/12/17; 3257-002, as received 05/12/17; 3257-003, as received 05/12/17; 3257-004, as received 05/12/17; 3257-005, as received 05/12/17; 3257-006, as

received 05/12/17; Email from Simply Planning 'RE: Oracle Riverside, Reading (171462), dated and received 12/02/18; ORR/EDP Rev O - Electrical draw pit and cable feed duct in proximity of existing tree, as received 12/02/18; Photograph of rubber ties attached to tree, as received 12/02/18 (as considered acceptable by 171462/APPCON, as per the letter issued on 22/02/18).

Reason: To protect the amenity of future occupants of the proposed premises and in the interests of safeguarding the character and appearance of the building and the wider immediate area, in accordance with Policy CS7 of the Reading Borough LDF Core Strategy 2008 (Altered 2015), Policy RC5 of the Reading Borough LDF Reading Central Area Action Plan 2009 and Policy DM4 of the Sites and Detailed Polices Document 2012 (Altered 2015).

Wording altered to align with the details considered acceptable by Ref 171462/APPCON on 22/02/18).

12. (a) The Class A3 premises shall not be occupied until a copy of an interim BREEAM certificate in accordance with the BREEAM Sustainability Standard demonstrating compliance with a minimum standard of BREEAM 'Very Good' has been submitted to and approved, in writing, by the Local Planning Authority.

(b) No later than 3 months after the Class A3 premises is first in use a copy of a Final BREEAM Certificate, in accordance with the BREEAM Sustainability Standard following a post-construction stage review carried out by a licensed assessor, shall be submitted to and approved, in writing, by the Local Planning Authority demonstrating that the development has attained as a minimum the standard of BREEAM 'Very Good'.

Reason: To ensure that the development contributes adequately towards environmental sustainability, in accordance with Policy CS1 of the Reading Borough LDF Core Strategy 2008 (Altered 2015) and Policy DM1 of the Sites and Detailed Polices Document 2012 (Altered 2015).

The BREEAM condition included on permissions 151537 and 171531 is no longer necessary as the details considered acceptable by Ref 172183/APPCON on 19/02/18 have satisfied this sustainability condition.

13. The development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment (FRA) 'Oracle Riverside, Reading Flood Risk Assessment by PBA Ref 32704/4001 dated August 2015, as received 27/08/15'; revised plans 301 Rev E - Proposed South Elevation, 302 Rev E - Proposed West Elevation & 304 Rev C - Proposed East Elevation, as all received 26/02/16; and the following mitigation measures detailed within the FRA:

- The voids in the pavilion building, the exhibition area and the associated timber steps on either side of the River Kennet will be designed to be floodable as shown

in drawing numbers 301 Rev E - Proposed South Elevation, 302 Rev E - Proposed West Elevation & 304 Rev C - Proposed East Elevation, as all received 26/02/16

Reason: To prevent flooding elsewhere by ensuring that the flow of flood water is not impeded and the proposed development does not cause a loss of floodplain storage, in accordance with Policy CS35 of the Reading Borough LDF Core Strategy 2008 (Altered 2015).

No changes necessary.

14. Prior to the commencement of development associated with the Class A3 unit hereby approved, details of the maintenance of the flood voids shall be submitted to and approved in writing by the Local Planning Authority. The voids and openings shall be maintained in accordance with the approved details for the lifetime of the development and kept open and free from obstructions.

Reason: To ensure that the risk of flooding is not increased both on and off site, in accordance with Policy CS35 of the Reading Borough LDF Core Strategy 2008 (Altered 2015).

The voids and openings shall be maintained in accordance with the approved details specified on Landscape Management Plan by Barton Willmore, ref 19699/A5/LMP 1 Rev B, dated & received 09/11/16 (and approved by Ref 161753/APPCON on 09/11/16), for the lifetime of the development and kept open and free from obstructions.

Reason: To ensure that the risk of flooding is not increased both on and off site, in accordance with Policy CS35 of the Reading Borough LDF Core Strategy 2008 (Altered 2015).

Wording altered to align with the details approved by Ref 161753/APPCON on 09/11/16).

15. Prior to the first use of the Class A3 unit hereby approved, details of the location, design and specifications of at least 12 bird boxes shall be submitted to and approved in writing by the local planning authority. The approved bird boxes shall be provided in full prior to the first use of the Class A3 premises hereby approved and retained thereafter.

Reason: To ensure that the proposed development incorporates appropriate opportunities for biodiversity enhancements at the site and in the interests of the visual amenities of the area, in accordance with Policies CS7 and CS36 of the Reading Borough LDF Core Strategy 2008 (Altered 2015) and Policies RC5 and RC14 of the Reading Borough LDF Reading Central Area Action Plan 2009.

The approved bird boxes shall be retained as per Landscape Bird Box Location Plan RG-L-40 Rev B, as received 28/06/17 & Reading Oracle, Riverside: Location

of bird boxes by EPR, dated 23/06/17, as received 28/06/17 (as approved by Ref 171056/APPCON on 26/07/17).

Reason: To ensure that the development incorporates appropriate opportunities for biodiversity enhancements at the site and in the interests of the visual amenities of the area, in accordance with Policies CS7 and CS36 of the Reading Borough LDF Core Strategy 2008 (Altered 2015) and Policies RC5 and RC14 of the Reading Borough LDF Reading Central Area Action Plan 2009.

Wording altered to align with the details approved by 171056/APPCON on 26/07/17.

~~16. Prior to the first use of the Class A3 unit hereby approved, all hard and soft landscaping and public realm works shall be carried out~~ The hard and soft landscaping shall be retained, as approved, at all times in full accordance with:

RG-L-23 Rev H - Landscape Hard and Soft Detailed Layout, as received 27/08/15

RG-L-24-1 Rev 7 - Landscape Sections, as received 27/08/15

RG-L-24-2 Rev B - Landscape Sections, as received 27/08/15

~~RG-L-29 Rev B - Landscape Phase 1 Gateway Areas, as received 04/12/15~~

~~RG-L-30 Rev B - Landscape Phase 1 Gateway Areas, as received 04/12/15~~

RG-L-29 Rev D - Landscape Phase 1 Gateway Areas, as received 14/07/17

RG-L-30 Rev D - Landscape Phase 1 Gateway Areas, as received 14/07/17

RG-L-31 Rev A - Tree Pit Detail, as received 26/11/15

RG-L-32 Rev D - Landscape Planting Plan, as received 14/04/16

RG-L-300-02 - Landscape Detail Typical Timber Clad Steps, as received 13/01/16

Oracle Riverside, Reading Landscape Material Sample Board, as received 19/10/15

Oracle Riverside Landscape Addendum, dated Nov 2015, as received 10/11/15 (except the Landscape Management and Maintenance details on page 15 (of 16) of the document, which are not approved)

~~The hard and soft landscaping shall be retained, as approved, at all times thereafter.~~

Reason: To ensure the provision of suitable hard & soft landscaping and public realm works, in the interests of enhancing the visual appearance of the development, the application site and in the interests of assisting the use and enjoyment by the public of the open space, in accordance with Policy CS7 of the Reading Borough LDF Core Strategy 2008 (Altered 2015), Policies RC5 and RC14 of the Reading Borough LDF Reading Central Area Action Plan 2009 and Policies DM1 and DM18 of the Sites and Detailed Policies Document 2012 (Altered 2015).

Plans submitted as part of application 171183 included and wording altered to reflect that the A3 use is underway.

17. Prior to the first use of the Class A3 unit hereby approved, details of the landscape maintenance and aftercare, covering a minimum five year period, shall

be submitted to and approved in writing by the local planning authority. The approved landscape maintenance and aftercare details shall be adhered to thereafter. Any soft landscaping as part of the approved landscaping that within a period of five years after planting are removed, die, or in the opinion of the Local Planning Authority become seriously damaged or defective, shall be replaced as soon as is reasonably practicable with others of the species, size and number as originally approved.

Reason: To ensure the long term management and maintenance of landscaped areas on the site, in the interests of the appearance of the development, the application site and in the interests of assisting the use and enjoyment by the public of the open space, in accordance with Policy CS7 of the Reading Borough LDF Core Strategy 2008 (Altered 2015), Policies RC5 and RC14 of the Reading Borough LDF Reading Central Area Action Plan 2009 and Policies DM1 and DM18 of the Sites and Detailed Policies Document 2012 (Altered 2015).

The approved landscape maintenance and aftercare details shown on Landscape Management Plan by Barton Willmore, ref 19699/A5/LMP 1 Rev B, dated & received 09/11/16 (and approved by Ref 161753/APPCON on 09/11/16) shall be adhered to. Any soft landscaping as part of the approved landscaping that within a period of five years after planting are removed, die, or in the opinion of the Local Planning Authority become seriously damaged or defective, shall be replaced as soon as is reasonably practicable with others of the species, size and number as originally approved.

Reason: To ensure the long term management and maintenance of landscaped areas on the site, in the interests of the appearance of the development, the application site and in the interests of assisting the use and enjoyment by the public of the open space, in accordance with Policy CS7 of the Reading Borough LDF Core Strategy 2008 (Altered 2015), Policies RC5 and RC14 of the Reading Borough LDF Reading Central Area Action Plan 2009 and Policies DM1 and DM18 of the Sites and Detailed Policies Document 2012 (Altered 2015).

Wording altered to align with the details approved by Ref 161753/APPCON on 09/11/16).

18. A public realm works strategy for Phase 2, as specified on approved plan RG-LAI18A - Phasing Plan, as received 27/08/15 and including a full programme of implementation of those works, shall be submitted by 1st September 2017 ~~8 9~~ for approval by the Local Planning Authority. The approved works shall be provided in full by 1st September 2020 ~~4 2~~ and be retained, as approved, at all times thereafter.

Reason: To ensure the provision of suitable hard & soft landscaping and public realm works, in the interests of enhancing the visual appearance of the development, the application site and in the interests of assisting the use and enjoyment by the public of the open space, in accordance with Policy CS7 of the Reading Borough LDF Core Strategy 2008 (Altered 2015), Policies RC5 and RC14 of

the Reading Borough LDF Reading Central Area Action Plan 2009 and Policies DM1 and DM18 of the Sites and Detailed Policies Document 2012 (Altered 2015).

The additional year for submission and implementation has been altered in line with this application proposal.

Informatives:

1. The conditions above have been worded with reference to the original permission (Ref 151537/FUL) and the following subsequent applications determined at the site:

161753/APPCON - Discharge of conditions 3b (materials for Class A3 unit), 14 (flood void maintenance) and 17 (landscape maintenance) of planning permission 151537 - Granted 9/11/16.

162008/APPCON - Discharge of condition 4 (Construction Method Statement) of planning permission 151537. Granted 20/12/16.

170110/NMA - Non-material amendments to planning permission 151537 for detailed design changes to the approved single storey restaurant unit. Granted 21/02/17.

171056/APPCON - Discharge of condition 15 (Bird boxes) of planning permission 151537, dated 17/08/2016. Granted 26/07/17.

171183/VARIAT - Variation of conditions 2 (approved plans) and 16 (landscaping) of planning permission 151537 (restaurant, kiosk & public realm works), namely for minor material amendments to the landscaping (retrospective). Granted 08/09/17.

171531/VARIAT - Erection of a single storey restaurant unit (Class A3), Kiosk (Class A1) and public realm improvements to The Oracle Riverside without complying with condition 18 (Phase 2 public realm works) of planning permission 151537, namely to vary the condition by extending the timescale for submission and implementation of the phase 2 public realm works by 1 year. Condition varied / permission granted 27/10/2017.

172183/APPCON - Discharge of condition 12 (BREEAM) of planning permission 151537. The details submitted were considered to be acceptable. However, as the applicant was aware, confirmation could not be provided that the condition was discharged, as the Class A3 unit was occupied (in relation to condition 12a) and occupied for a period of more than 3 months (in relation to condition 12b) before the condition was sought to be discharged. However, the applicant was advised that on the basis of the information provided there were considered to be no outstanding planning matters in relation to this condition, nor matters of enforcement. This was confirmed in writing, via a letter sent on 19/02/2018.

171462/APPCON - Discharge of condition 11 (security and external lighting details) of planning permission 151537 (retrospective). The details submitted were considered to be acceptable. However, as the applicant was aware, confirmation could not be provided that the condition was discharged, as the Class A3 unit was in use before the condition was sought to be discharged (as per the wording of the condition). However, the applicant was advised that on the basis of the information provided there were considered to be no outstanding planning matters in relation to this condition, nor matters of enforcement. This was confirmed in writing, via a letter sent on 22/02/2018.

2. These works will require separate approval under the Building Regulations. Please contact the Council's Building Control service for further advice on (0118) 937 2449.
3. 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 conditions 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.
4. ~~Officers have worked positively and proactively with the applicant to address and satisfactorily resolve various matters which have arisen as part of the assessment of the application, in order to provide a recommendation for approval.~~ The Local Planning Authority has worked positively and proactively with the applicant to determine the application in a timely manner.
5. You are advised that this application solely relates to an application for planning permission. Separate advertisement consent may be required for any fascia, projecting or other signs which may be proposed in the future for the approved Class A1 / A3 units for example.
6. With regard to condition No. 7, there is potential for noise and odour from the kitchen extraction system causing nuisance to the surrounding businesses and also to create an unpleasant environment for the public. Kitchen extraction units are commonly source of noise complaints and noise attenuators / silencers may be required, in addition to damped mounting points to reduce vibrations. Maintenance is essential to prevent noise and odour problems arising. To ensure that condition No. 7 is complied with, it is recommended that you refer to the Defra Guidance on the Control of Odour and Noise from Commercial Kitchen Exhaust Systems (January 2005). Odours can be dealt with by appropriate design, such as finishing at 1m above roof ridge height ideally or 1m above eaves height where the former is not possible to enable efficient dispersion of odours. Where neither is possible additional odour abatement measures are essential, such as filtration and de-odourisers and maintenance. It is recommend that you may wish to carry out a noise assessment and put in suitable mitigation to ensure that the noise from the kitchen extraction and any other plant will not have a negative

impact on surrounding businesses (in accordance with the wording of condition No. 7). You should also ensure that suitable odour control measures are in place.

7. There should be no burning of waste on the site. For further information about construction and demolition nuisance law the applicant is referred to:
~~<http://www.reading.gov.uk/residents/environmental-health-andprotection/construction-demolition/>~~ <http://www.reading.gov.uk/environmentalprotection>
8. The Environment Agency advises the following in terms of the need for Flood defence consent: Under the terms of the Water Resources Act 1991 and the Land Drainage Byelaws 1981, the prior written consent of the Environment Agency is required for any proposed works or structures in, under, over or within 8 metres of the brink of the Kennet main river. Please contact the West Thames consents team for further information at westthamesconsents@environment-agency.gov.uk
- ~~9. In terms of condition 15 (bird boxes), the Environment Agency advises that the position of the swift boxes may need to be reviewed. At the time of the application, they were shown on drawing number RG- L-40 Rev A Landscape Bird Box Location Plan, as received 14/04/16as being above the roof of the CAU restaurant, and close to the covered walkway into the Oracle. Given that swifts require a clear drop of 5m or so, this may not offer enough space. The EA considers it may be better to locate these on the part of the building currently earmarked for the sparrow boxes, although potentially higher up the building. As such, RG-L-40 Rev A – Landscape Bird Box Location Plan, as received 14/04/16, is not approved as part of this application and instead further details are to be secured via condition 15.~~

No longer relevant as condition 15 has subsequently been discharged.

10. The Environment Agency advises that this development may require an Environmental Permit from the Environment Agency under the terms of the Environmental Permitting (England and Wales) (Amendment) (No. 2) Regulations 2016 for any proposed works or structures, in, under, over or within 8 metres of the top of the bank of designated 'main rivers'. This was formerly called a Flood Defence Consent. Some activities are also now excluded or exempt. An environmental permit is in addition to and a separate process from obtaining planning permission. Further details and guidance are available on the GOV.UK website: <https://www.gov.uk/guidance/flood-risk-activities-environmental-permits>.
- ~~11. You are advised, for the avoidance of doubt, that the following are pre-commencement conditions which require details to be submitted to and approved by the local planning authority: 3, 4, 14. The following are pre-occupation conditions: 11, 12a, 15, 17. Various other conditions may require submissions to the local planning authority, if applicable.~~

~~You are advised that approval of details applications in respect of pre-occupation conditions 11 and 12 have not been approved by the local planning authority.~~

~~However, the Class A3 unit has evidently been in use since July 2017. Accordingly, you are advised to submit these applications shortly to avoid the Council taking action to remedy the breaches of planning control.~~

No longer necessary as these conditions were satisfied in the time between 171531 being approved and this application being submitted.