

**TOWN AND COUNTRY PLANNING ACT 1990
PLANNING AND COMPENSATION ACT 1991
THE TOWN & COUNTRY PLANNING
(DEVELOPMENT MANAGEMENT PROCEDURE) (ENGLAND) ORDER 2015**

**APPLICATION TO VARY/REMOVE CONDITION UNDER SECTION 73 OF THE TOWN
AND COUNTRY PLANNING ACT 1990**

To: Simply Planning Limited
15 Buckingham Gate
London
SW1E 6LB

Application No: 171183
Application type: Variation of Condition

Applicant: Oracle Shopping Centre Limited

READING BOROUGH COUNCIL as Local Planning Authority hereby **GRANT** planning permission for the development as described below:-

Proposal: 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).

At: Riverside The Oracle Bridge Street RG1 2AG

Subject to such conditions and for such reasons as may be attached

**OTHER STATUTORY CONSENTS MAY BE REQUIRED
PLEASE READ THE NOTES ISSUED WITH THIS DECISION NOTICE**

Date: 8 September 2017



Head of Planning, Development & Regulatory Services *RE*

Application At: Riverside The Oracle Bridge Street RG1 2AG

Application No: 171183

Application type: Variation of Condition

CONDITIONS & REASONS

1. 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.
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-A118A - Phasing Plan, as received 27/08/15
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

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



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3. 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.

4. 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).

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



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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).

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).

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).

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.



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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).

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).

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).

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).

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'.



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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 Policies Document 2012 (Altered 2015).

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).

14. 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).

15. 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



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Strategy 2008 (Altered 2015) and Policies RC5 and RC14 of the Reading Borough LDF Reading Central Area Action Plan 2009.

16. 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 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)

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).

17. 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).



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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 for approval by the Local Planning Authority. The approved works shall be provided in full by 1st September 2020 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).

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.

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



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in the Council taking action to remedy the breach of planning control. If you are in any doubt please contact the council.

4. 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/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. The Environment Agency advises that this development may require an Environmental Permit from the Environment Agency under the terms of the



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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>.

10. You are advised that approval of details applications in respect of pre-occupation conditions 11 and 12a have not been submitted to, or 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. Furthermore, approval of details application submissions are due shortly in relation to conditions 12b (by 17th October 2017) and 18 (by 1st September 2017).



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NOTES

APPEALS TO THE SECRETARY OF STATE

If you are aggrieved by the decision of the Council to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990.

If this is a decision on a planning application relating to the same or substantially the same land and development as is already the subject of an enforcement notice, if you want to appeal against the Council's decision on the application you must do so within 28 days of the date of this notice.

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 this is 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 this is 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 for 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 www.planningportal.gov.uk/pcs.

Purchase Notices

If either the Local Planning Authority or the Secretary of State refuses permission to develop land or grants it subject to conditions, the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted. In these circumstances, the owner may serve a purchase notice on the Council in whose area the land is situated. This notice will require the Council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.