

DELEGATED APPLICATION REPORT

Address: The Oracle Riverside, The Oracle Shopping Centre, Bridge Street, Reading

Application No: 151537

Proposal: Erection of a single storey restaurant unit (Class A3), Kiosk (Class A1) and public realm improvements to The Oracle Riverside.

Applicant: Oracle Shopping Centre Limited

Date received (valid from): 28/08/15

Target Decision date: Originally 23/10/15, but a formal extension of time was agreed with the applicant until 06/11/15. Beyond that, the applicant did not respond to requests to formally extend the application, but was advised on 10/08/16 to anticipate a decision by 17/08/16 (which received a positive reply).

26 week date: 25/02/16

Case officer: Jonathan Markwell

1. Site Description and Surrounding Area

- i. 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.
- ii. 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
 - 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 following:

- A single storey restaurant (Class A3) on the northern bank of the riverside, to the west of the existing pedestrian bridge over the River Kennet. The floorspace is 184.5sqm and an external terrace / biodiverse roof is also incorporated.
- A single storey kiosk (Class A1) adjacent to the main Riverside Oracle entrance. The floorspace is 9.75sqm in size. A green wall is proposed to cover an area 3.6m in height and 11m in width behind the proposed kiosk.
- Various public realm works, including remodelled spaces to the north and south of the river. The north bank is primarily for informal recreation, whereas the south bank would be designed to be more active in use. As part of this, hard and soft landscaping, new benches, lighting, way finding and associated works are also proposed.
- Swift boxes are proposed outside the red line of the application site (but on land within the ownership of the applicant) on a north facing aspect above the CAU restaurant.

ii. During the course of the application a number of changes to the scheme have been incorporated, mainly as a result of discussions with the Environment Agency and RBC Ecology. For example, originally proposed planters within the River Kennet have been omitted, the detail of the timber cladding below the building has been amended, the green wall / swift boxes incorporated. In addition, the red line of the application site has also been altered to omit the River Kennet. As such, the site area of the application is 0.88ha.

3. Public Consultation

i. External consultations

ii. The Environment Agency (EA) was formally consulted on the application.

Response 1

The first formal response from the EA was received on 02/11/15. A summary of the main issues raised were as follows:

EA have two objections to the proposed development; one on flood risk grounds and the other on nature conservation grounds.

1) The proposed development falls into a flood risk vulnerability category that is inappropriate to the Flood Zone in which the application site is located. The site lies within Flood Zone 3b (functional floodplain) The proposed development is defined as less vulnerable in accordance with Table 2 'Flood risk vulnerability classification' of the Planning Practice Guidance. In accordance with Table 3 'Flood risk vulnerability and flood zone 'compatibility' of the Planning Practice Guidance, less vulnerable development within Flood Zone 3b should not be permitted. Reference to Policy CS35.

2) EA object to the proposed development as submitted due to the failure to restore the ecological value of the river corridor / watercourse. While the proposed development includes a linear planter along the river frontage containing marginal plants, which may provide a minor improvement, a greater enhancement would be achieved by cutting the river wall down to around mean summer water level and creating a marginal shelf within the line of the existing bank. Additionally, the existing area of low level planting below the bridge opposite Jamie's

Italian is currently too high to provide any meaningful marginal habitat. It too should be lowered as part of these works and the overall improvements proposed. Engineered river channels are one of the most severe examples of the destruction of ecologically valuable habitat. We seek to restore and enhance watercourses to a more natural channel wherever possible. Reference to Policy CS36 and NPPF paragraphs 109 & 118.

On the basis of this response, the Council liaised with the EA to clarify some matters raised (including a request, notwithstanding objection 1), an assessment of the FRA itself to be made) and the applicant submitted a response/more information on 10/11/15.

Response 2a

The EA provided an updated response in respect of Flood Risk Matters on 17/12/15. A summary of the main issues raised were as follows:

EA maintain an objection to the proposed development on flood risk grounds because the proposed development falls into a flood risk vulnerability category that is inappropriate to the Flood Zone in which the application site is located and in addition to this the submitted food risk assessment does not satisfactorily assess the loss of floodplain storage.

1) Same as 1) received on 02/11/15, with the exception of additional detail (largely commenting on response from the applicant): Our detailed flood modelling also demonstrates that the entire site lies not only below the 5% AEP but also below the 20% AEP flood level which means the site will flood more frequently. We do not in agree with some of the statements detailed within the Technical Note (32704_Oracle Riverside_TN01_Flood Zoning_020715) concluding that this site is in Flood Zone 3a and are unclear how these statements have been compiled. Page 3 of the Technical Note is based on the consultant's opinion and not planning policy or evidence aligned with local planning policy. We advise that definitions of flood zones should be taken only from the NPPF, Planning Practice Guidance and Reading Borough Councils SFRA in relation to this development proposal. We also advise that the fact that our detailed modeling shows this site lies entirely below the 20% AEP flood level. The site has flooded on numerous occasions in the past should be evidence enough that this site should be defined as the functional floodplain (Flood Zone 3b) and not Flood Zone 3a.

2) FRA - Notwithstanding 1), EA are not satisfied that the FRA meets the requirements of paragraph 103 of the NPPF. EA not satisfied that this FRA assessment is robust in terms of impact flooding.

- There is a floodplain compensation scheme in section 5.2 of the FRA. However, ramps, steps and planters are the only part of the built development that are been considered. The raised pavilion area, decking and steps on the north bank and the raised exhibition area on the south bank have not been considered. It is understood that these will be designed on a void to provide resilience against flooding and to ensure there is no loss of floodplain storage. Section 5.2 of the FRA does not provide an assessment of the impact of supporting structures which are located within the void.

- expect voids to be designed so that they remain fully open up to the design flood level to ensure flood water enters and leaves the void effectively. There are timber steps on the west side of the proposed pavilion and also encasing the exhibition area. It is not clear how the mitigation measures will function based on the current design proposal.

- Regarding the new floating reed beds in the River Kennet we don't consider these to be appropriate as in high flows these could become detached and cause blockages downstream. This could lead to increased flood risk.

Response 2b

A further response on nature conservation grounds was sent on 29/12/15 (received on 04/01/16, but inadvertently dated 07/12/15). In this response the EA confirmed that they maintained an objection on nature conservation grounds.

- Clarity required regarding floating planters - risk to being struck and damaged by boats/floating debris.
- Timber would degrade over time = liable to washout - further details required.
- Request for opportunity to rectify the area originally built adjacent to Jamie's Italian (more meaningful/ecologically valuable marginal habitat)
- Unacceptable non-native species proposed - should be replaced with locally native species.
- Water Framework Directive... this site provides a good opportunity to achieve some meaningful mitigation, providing a true marginal edge to the river rather than a planter.

Further to the above, a response in relation to the matters detailed in 2a above was provided by the applicant on 13/01/16.

A site meeting was undertaken between the applicant (and representatives), the LPA and the EA in relation to 2b on 28/01/16.

Response 3

A further response regarding flood risk matters was received on 11/02/16, summarised as follows:

The information submitted by the applicant on 13/01/16 (and earlier information) was reviewed and EA specified that they "maintain our objection to the proposed development on flood risk grounds because the proposed development falls into a flood risk vulnerability category that is inappropriate to the Flood Zone in which the application site is located and in addition to this the submitted flood risk assessment does not satisfactorily assess the loss of floodplain storage". Reference to the site being within Flood Zone 3b, concerns with the PRA technical note dated 12 Jan 16, the FRA (practicalities of the guidance taken out of context by the applicant - and the proposed voids being so small they will slow the movement of water into the under building void) and the in channel planters & flood risk (need to be tapered or have rounded edges to ensure debris slides off and improving the flow of water).

Further to the above, the applicant submitted revised plans and information on 26/02/16.

Response 4

The EA provided a further substantive response on 08/04/16, summarised as follows:

Objection maintained in terms of flood risk vulnerability (same as previous responses)

Objection maintained on the basis of the PBA technical note (same as previous responses)

FRA - holding response received.

Nature conservation - biodiversity - clarification regarding swift boxes

Further to the above, the applicant provided more information on 14/04/16 responding to these points.

Response 5

The EA provided a further response on 09/05/16, summarised as follows:

Objection maintained in terms of flood risk vulnerability (same as previous responses)

Objection maintained on the basis of the PBA technical note (same as previous responses)

FRA: Whilst we maintain our objection on flood risk grounds because the proposed development falls into a flood risk vulnerability category that is inappropriate to the Flood Zone in which the application site is located, if the council is minded to approve this planning application then we would expect the following condition to be applied:

The development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment (FRA) Peter Brett Associates Project ref: 32704/4001/Rev:- Date: August 2015 and revised plans drawing numbers 97.301E, 97.302E and 97.304E 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 of River Kennet will be designed to be floodable as shown in drawing numbers. 97.301E, 97.302E and 97.304E

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.

Advice to local planning authority about voids

In our letter dated 11 February 2016 we said that the void openings were too small as they were designed to be only 15mm wide for every 60mm of timber slats. The applicant has revised the timber cladding design (as shown on drawing nos. 97.301E, 97.302E and 97.304E) for the Pavilion building so that the slats are 50mm x 35mm with a 25mm gap (i.e. an increase of 10mm). However the void openings for the exhibition centre and timber steps are not going to use the same measurements. They will still have gaps in them but will have smaller openings. The consultant has concluded that there will be no increase in flood risk due to the strict maintenance regime. The applicant needs to undertake a maintenance plan to ensure the void is kept open. This will have to be assessed and enforced by the local planning authority. We will not comment on this.

The Local Authority should be satisfied that the voids beneath the pavilion and exhibition area will be retained as open in perpetuity. This could be done either through a legal agreement or by imposing a condition to ensure the voids remain open for the lifetime of the development such as the example we have included below, whichever the local authority think is appropriate in this circumstance. We will not comment on the details of the condition or legal agreement for the voids. This will have to be assessed by the local planning authority.

Condition: No development shall commence until details of the maintenance of the flood voids have been 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. Any safety risks and visibility of the voids are not within our remit and we have only given our advice about flood risk concerning the voids.

In channel planters

The email dated 26 February 2016 from Rachel Jones explains that the developer is not going to go ahead with the planters within the channel.

Nature Conservation

Whilst we are disappointed that none of the proposed mitigation/enhancement measures relate to the river, we remove our objection on nature conservation grounds and defer to Reading Borough Council's ecologist on this point.

Advice to LPA and applicant

With regard to the proposed bird boxes, the position of the swift boxes may need to be reviewed. Currently, they are shown on drawing number RG-L-40 Rev A as 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. 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. Further details with regard to location and design will be required, and we suggest that this is covered within a suitable condition.

Informative - Environmental Permit

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>.

iii. Canal & River Trust

After due consideration of the application details, the Canal & River Trust has no comments to make.

iv. Thames Water Utilities

No response received.

v. Berkshire Archaeology

The application includes a letter from the archaeological practice and project manager who carried out the archaeological investigations on The Oracle site prior to construction. The letter confirms that the proposed restaurant is within an area of a previous gasworks and that substantial remediation work was carried out in this area. The gasworks and the remediation work are likely to have severely disturbed, if not completely removed, any archaeology within this area. The remaining proposals are unlikely to have an impact on archaeological remains. Therefore, in this instance, Berkshire Archaeology does not feel that there is any merit in requesting any archaeological investigations if planning permission is granted.

vi. Internal consultations

a) **Natural Environment - Trees**

Original comments 08/10/15

The level of landscaping, in particular tree planting, included is disappointing compared to that shown at pre-application. The proposed Pavilion on the north side of the river requires the removal of one semi-mature established tree which is probably the biggest along the riverside; the two on the north side being noticeably bigger and healthier than the two on the south side.



The loss of this tree, whilst unfortunate, was accepted at the pre-app stage as 6 new trees were proposed immediately east of the curved bridge (3 on each side of the river). The proposals now only indicate one replacement tree located at the east end of the riverside and that appears to be in a planter/planting bed - if in the ground with a proper tree pit then this needs to be clarified with a tree pit specification (drawing) provided specific to that location. This leaves the north side of the main riverside with only one tree - the area described in the DAS as having 'limited soft landscaping' and an area which (having sat there in the summer) is in need of further shading, not less. I note the additional of timber benches on the north side both at the top of the steps and by the riverside, which is positive as seating on this side is in demand in good weather. Timber is also of benefit as the stone becomes far too hot and radiates too much heat to use during the summer, although it is disappointing that innovative seating as indicated in the 'Activity Precedents' page of the DAS have not been incorporated. I note that the existing stone steps on the masterplan are indicated (point 1) as 're-clad seating step', however I can't find any more details of this on other plans.

In relation to the soft landscaping, the addition of planters at the east and west ends (Gateway Areas) is positive and I have no objections to the shrub planting. However, it seems that the details of two sections of landscaping are not included on the various plans: riverside planting (point 21 on the masterplan) and the planters (point 15 on the masterplan) - clarification is required. The riverside planting is positive to soften the river edge - I will leave Giles Sutton to comment on this. I note that tree planting is indicated in the Gateway Areas, however these trees appear to be in planters approx. 1m square which will seriously limit their growth hence these will not reach their full potential and are likely to seem little more than big shrubs. In addition, planters require more intensive management (watering and fertilisation) and if used, an automated drip irrigation system should be considered. Has tree planting in the ground been explored, as shown at pre-app, and if so why has this been dismissed?

The green roof on the pavilion is noted and will help to soften the hard environment - I have no objections to the sedum roof proposed.

In terms of maintenance, the details given in the DAS are acceptable but only in principle - more specific details would need to be secured.

Whilst outside of the proposals, it would be prudent whilst 'upgrading' the riverside to consider dealing with current landscape issues. In particular, there are several trees at the east end, on the south side, that are being damaged by the tree grille which could compromise the tree if left. I did bring this to the attention of Oracle Management 12-18 months ago but nothing has been done:



In conclusion, the application is currently unacceptable in relation to the landscaping - further details are required to respond to the questions within this memo and demonstrate that an adequate level of successful long-term landscaping can be achieved.

Revised observations 16/11/15

Further to the additional/revised information submitted on 10/11/15, the following observations were made:

There are still reservations about the tree planting in planters. As per my memo of 8 October, this will limit their growth. No comment on this is provided. Could the applicant consider several larger planters for the trees to allow a greater soil volume for greater potential growth - shrubs could be incorporated in these too.

With regard to Tree Pit drawing RG-L-31, I think that this drawing needs to show some context to the location of planting in this location, i.e. locations of existing planter and street furniture (lighting, bollards etc).

The proposed tree species is acceptable as is the fairly standard tree pit detail for hard surface area. I note the use of permeable resin bound gravel in the tree pit and assume this means within a tree grille structure as per other trees within the Oracle. Maintenance should deal with the long term checking of this ref my comments on lack of maintenance of these elsewhere in the Oracle leading to trunk damage.

The email from the agent of 10 November indicates that the position of services has been established and the position of the new tree based on this. The tree pit details on drawing RG-L-31 and in the DAS addendum are therefore slightly confusing in that they refer to use of root barrier if services are within 3m (not relevant on top of the Greenleaf root director specified in the tree pit); location of tree to be confirmed once services are established and contractor to establish position of services.

As previously stated, more detailed landscape management details will be required. Given the failure of recent new trees adjacent to the Holybrook (r/o Gun Street), 'watering as required' does not appear to be sufficient as a specification.

With regard to the north side riverside, I can only reiterate what I mentioned in my memo in that this location is not pleasant in hot weather due to the hard surfacing becoming too hot to sit on, the reflected heat making it a worse environment. Whilst I understand that the proposals will unfortunately require the removal of one of the trees and that underground conditions make it unfeasible to plant another tree in the ground, could the applicant consider planters to allow some planting of height to give further shade?

Further correspondence and conversations occurred between the Natural Environment officer and Landscaping consultant.

At each end of the Oracle (gateway) there are now 5 larger planters with trees instead of 12 - I think this is acceptable on the basis that the larger planters will allow the trees to achieve a greater ultimate size. Due to the larger planters, fewer of these can be accommodated than small ones due to the surrounding street furniture.

The tree pit details have been amended and the questions over additional root barriers clarified. With regard to potential planter provision on the north riverside, lower level, I understand this is not feasible as this lower level needs to accommodate a certain volume of flood water which is currently acceptable. Any larger planter would take up some of this volume.

In conclusion, the details are now acceptable, subject to any further comments from RBC Ecology and Landscape Architect. In relation to soft landscaping, I believe these are the relevant plans for development to be in accordance with:

Landscape Phase 1 Gateway Areas RG-L-30B rec.03/12/15
Landscape Phase 1 Gateway Areas RG-L-29B rec.03/12/15
Tree Pit Detail drawing RG-L-31 A - rec. 26.11.15
Hard & Soft Detailed Layout RG-L-23 H
Landscape Planting Plan RG-L-32 - rec 10.11.15
Oracle Riverside Addendum dated Nov 2015 (except the maintenance).

A pre-completion condition should be attached to require submission and approval of landscape maintenance and aftercare, covering a minimum of 5 years and thereafter implementation of approved details.

b) Ecology

The Council's Ecologist has commented as follows:

- Agreement with the Natural Environment officer comments (detailed above)
- Agreement with the EA response 1 comment that the proposals should be seeking to further restore the river corridor.
- Provided input as part of the site meeting with EA and the applicant on 28/01/16
- Based on the information provided by the applicant on 26/02/16, it is advised that should the local planning authority be minded to approve the development, then the ecological/ landscape enhancements are as good as they can reasonably be within the constraints of the scheme, as long as the calculations about the in stream planting are considered robust. Recommend conditions for the implementation of the recently submitted plans (landscaping, green roof, woodland wall [full details still to be provided at the time of

writing - 31/3/16] and swift/ house martin nesting sites [details still to be provided - at the time of writing - 31/3/16]).

- Following the submission of information by the applicant in April 2016 (which included details of the green wall) and the EA response dated 09/05/16, the Ecologist confirmed that subject to a condition requiring the agreed landscaping to be implemented, and a separate one requiring revised details of the location of nest boxes, that addresses the EA's concerns, RBC Ecology have no objections to this application.

c) Landscape Architect in the Parks / Leisure team

Concurs with comments made by the Natural Environment officer. An additional comment is that shrub planting traps litter. This should be problematic, because the Oracle maintain the site, but regular clearance of the shrubbery will need to be included in the management plan.

d) Environmental Protection (EP)

There are potential EP concerns with regard to:

- Contaminated Land including land gas
- Odour and noise - kitchen extraction - informative
- Construction and Demolition phase

Contaminated Land including land gas

The development lies on the site of historic industrial use, which has the potential to have caused contaminated land. The applicant has also identified ground gas as being a potential risk. See recommended conditions below, these are required to ensure that future occupants are not put at undue risk from contamination.

Recommended conditions

1. Site Characterisation

No development shall take place until an assessment of the nature and extent of contamination has been submitted to and approved in writing by the Local Planning Authority. This assessment must be undertaken by a competent person, and shall assess any contamination on the site, whether or not it originates on the site. Moreover, it must include:

(i) a survey of the extent, scale and nature of contamination;

(ii) an assessment of the potential risks to:

- human health,
- property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
- adjoining land,
- groundwaters and surface waters,
- ecological systems,
- archaeological sites and ancient monuments;

2. Submission of Remediation Scheme

No development shall take place until a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment has been submitted to and approved in writing by the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, an appraisal of remedial options, and proposal of the preferred option(s), and a timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated

land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

3. Implementation of Approved Remediation Scheme

The remediation scheme shall be implemented in accordance with the approved timetable of works. A validation report (that demonstrates the effectiveness of the remediation carried out) must be submitted to and approved by the Local Planning Authority prior to construction of the development.

4. Reporting of Unexpected Contamination

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 be reported in writing to the Local Planning Authority.

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.

The measures in the 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.

Land Gas

Recommended Conditions -

- a. Site investigation
- b. Remediation scheme to be submitted
- c. Implementation of Approved Remediation Scheme

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 due to the presence of land gas.

Response from the applicant to the above observations: The applicant replied acknowledging that the site was in historic industrial use; it was, however, fully remediated pursuant to condition no.70 of the original Oracle planning consent (97/0017/FD). Ground gas is not considered to be a potential risk (this is not identified by the Applicant, as suggested) and we do not, therefore, consider it necessary to impose conditions 1,2 and 3 (or the Land Gas conditions) as suggested in the Environmental Health Officers consultation response. The applicant outlines that the Ground Contamination Statement prepared by CNM Engineers, details that the applicant will undertake their own due diligence as part of the development process and imposing condition no.4 (only) would be a pragmatic approach to this site.

Update from EP: EP has responded to the above and confirmed: It appears from the ground contamination statement that the applicant will be carrying out the works that would be required under the conditions suggested anyway. However, due to the fact that remediation was carried out for the original Oracle development, I agree that condition 4 regarding unexpected contamination would be sufficient. I know I stated that land gas was considered a

risk by the applicant but I cannot now find reference to that so I am not sure where that came from and therefore it is confirmed that these conditions are not required.

Kitchen Extraction - noise and odour

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. Because there are no nearby residents, and the nearby businesses are tenants of the Oracle I believe this issue can be addressed via an informative rather than a condition.

Recommended informative:

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.

It is recommended that the applicant 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.

EP recommend that the applicants 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. The applicant should also ensure that suitable odour control measures are in place.

Construction and demolition phases - extensions / renovations

EP commonly receive complaints about noise and dust caused by construction and demolition works, particularly working outside reasonable hours and about smoke from bonfires associated with the burning of waste on site of minor developments. EP recommends the following informatives are attached to help prevent complaints.

Recommended Informatives

Noisy construction, demolition and associated activities should be restricted to between the hours of 08:00hrs to 18:00hrs Mondays to Fridays, and 09:00hrs to 13:00hrs on Saturdays, with no noisy works taking at any time on Sundays and Bank or Statutory Holidays.

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-and-protection/construction-demolition/>

Construction and demolition phases

EP have concerns about potential dust associated with the construction of the proposed development and possible adverse impact on local air quality. There is also potential for noise from the works to impact on nearby Oracle businesses therefore EP recommend the following condition.

Recommended condition

Control of Noise and Dust - CMS to be submitted

No development shall take place before a scheme has been submitted to and approved in writing by the Local Planning Authority, which specifies the provisions to be made for the control of noise and dust emanating from the site during the demolition and construction phase. Thereafter, the use shall not commence until the approved scheme has been fully implemented.

Reason: To protect the occupants of nearby residential properties from noise and dust during the development of the site.

e) Access Officer

Original comments queried the access arrangements to the proposed Class A3 unit; this was clarified by the applicant in an addendum statement.

f) Thames Valley Police Crime Prevention Design Advisor

No response received.

g) Emergency Planning & Lead Local Flood Authority

This is one of the very few occasions where Emergency Planning *won't* be objecting to a development in Flood zone 3b as its location is relatively unique.

Although the development isn't water compatible (i.e. a boat yard) Emergency Planning have no objection on the basis of :-

- 1) The development is within what is known as the bandstand area of the Oracle. This is a hard standing area that is designed to flood. It is accessed via a set of steps. As such you do not have to travel through significant distances of flood zone 3A to reach the development; instead it is just one step (this is relatively unique and removes large amounts of risk, as no travel on foot or in vehicle is needed through flood water).
- 2) The development will be on stilts and as such only the small stilts themselves appear to displace flood water (this is a negligible amount of displaced floodwater). The cavity below the building also allows for the free flow of floodwater.
- 3) The footprint of the building will not flood (in EA predicted 1 in 100 and 1 in 1000) events as it is elevated and dry access to the building will exist.

Therefore, Emergency Planning main concerns:-

- a) Internally flooded property
- b) Stranded residents that require evacuation and sheltering
- c) Residents placing themselves at risk travelling through floodwater and encountering submerged hazards

Are not present within the development

Emergency Planning therefore have no objections.

This response is fully endorsed by the Highways Streetcare Services Manager, who is the Lead Local Flood Authority representative for the Council. The response from Emergency Planning is outlined to be practical and appropriate in this case.

h) Transport

Transport have no objections to this proposal given that this does not impact on footfall and deliveries will be to an detached delivery area within the Oracle site and transport in smaller batches to the proposed restaurant / kiosk. There are therefore no objections subject to the below condition.

Construction Management Statements

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).

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 Core Strategy Policy CS20 and Sites and Detailed Policies document Policy DM12.

It is shown that the existing cycleway part of National Cycle Route 4, which runs along the south side of the River Kennet through the Oracle, is maintained.

i) Townsafe

No response received.

vii. Neighbour consultation, site notices and press notice

Owing to the expanse of the application site, it was considered most appropriate for a series of site notices to be erected around the site, rather than consult individual occupiers themselves. As such, 10 site notices were erected on 17/09/2015, with the statutory 21-day consultation period expiring on 08/10/2015. A press notice was published on 24/09/15, expiring on 15/10/15. No responses were received.

4. Plans Considered

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

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 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-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

Oracle Riverside, Reading Flood Risk Assessment by PBA Ref 32704/4001 dated August 2015, as received 27/08/15
Oracle Riverside Design and Access Statement, dated August 2015, as received 27/08/15
Supporting Statement by Simply Planning, dated 26/08/15, as received 27/08/15
Oracle Shopping Centre, Reading Riverside Development Ground Contamination Statement by CNM Ref 1035505/MPD dated 02/08/15, as received 27/08/15
Summary of previous archaeological work at the Oracle Shopping Centre Site, by Oxford Archaeology, as received 27/08/15
Flooding Sequential Test by Simply Planning Ref SP15-1028 dated August 2015, as received 27/08/15
Proposed Riverside Works The Oracle Centre Reading by Envision Sustainability Ltd, dated 17/07/15, as received 27/08/15
Riverside Kiosk Visual, as received 21/09/15
Ref: The Oracle Riverside - Pavilion Access - Response to consultation, dated & received 12/10/15
Oracle Riverside, Reading Landscape Material Sample Board, as received 19/10/15
Letter from PBA Ref 32704/CBH/SCD/RMF dated 03/11/15, as received 10/11/15
Oracle Riverside Landscape Addendum, dated Nov 2015, as received 10/11/15
Letter from PBA Ref 32704/CBH/SCD/RMF dated 12/01/16, as received 13/01/16
19699-RG-L-A117 FLOOD DIAGRAM, as received 13/01/16
Oracle Riverside Floodplain Areas, as received 13/01/16
Oracle - Riverside Cost Options for Additional Planting Rev A, dated 17/02/16, as received 26/02/16
Reading Oracle Riverside Advice Pertaining to the Environment Agency's Objection by EPR, as received 26/02/16
Letter from Barton Willmore, Ref 19699/A1/JH/PF, dated 24/02/16, as received 26/02/16

Email from Simply Planning, dated and received 14/04/16

Letter from Envision Sustainability, Ref - 151537 - Condition 12- BREEAM, Oracle Riverside, Reading, dated & received 25/07/16.

Information submitted on a private and confidential basis:

Oracle Riverside Project Investment Valuation, as received 21/09/15

Other plan submitted during the application:

RG-L-40 Rev A - Landscape Bird Box Location Plan, as received 14/04/16

5. Relevant Planning History

97/00017/FD (970419) - Demolition of existing buildings, redevelopment and change of use to provide: shopping centre (Class A1,A2 & A3), 41 residential units, leisure facilities including multi screen cinema (Class D2), car parking and community uses together with associated landscaping etc. Granted 4 April 1997.

140469 - Erection of a two-storey restaurant (Class A3) as an extension to the Oracle Shopping Centre, including the part change of use of an existing ancillary storage area, and associated external works. Granted 04/08/2014.

There have been numerous other planning applications associated with the Oracle since the original permission from 1997 (stated above), but the vast majority are not relevant to this application.

150856/PREAPP - Pre-application enquiry relating to a proposed new pavilion (Class A1, A3 and/or A4), kiosk and improvements to the public realm at the Oracle Riverside. Pre-application advice issued August 2015.

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. The Development Plan for Reading relevant to the application site comprises the

Reading Local Development Framework 'Core Strategy' 2008 (Altered 2015), the Reading Central Area Action Plan (2009) and the 'Sites and Detailed Policies Document' 2012 (Altered 2015).

- iv. The '*National Planning Policy framework*' ('NPPF') 2012 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:

8. Relevant Policies

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

National

National Planning Policy Framework (NPPF);

National Planning Policy Guidance (NPPG);

RBC Local Development Framework

Core Strategy 2008 (Altered 2015)

- CS1 Sustainable Construction and Design
- CS2 Waste Minimisation
- CS4 Accessibility and the Intensity of Development
- CS5 Inclusive Access
- CS7 Design and the Public Realm
- CS8 Waterspaces
- CS20 Implementation of the Reading Transport Strategy
- CS24 Car / Cycle Parking
- CS25 Scale and Location of Retail, Leisure and Culture
- CS26 Hierarchy of centres
- CS28 Loss of Open Space
- CS33 Protection and Enhancement of the Historic Environment
- CS34 Pollution and Water Resources
- CS35 Flooding
- CS36 Biodiversity and Geology
- CS38 Trees, Hedges and Woodlands

Reading Centre Area Action Plan (2009)

- RC5 Design in the Centre
- RC6 Definition of the Centre
- RC7 Leisure, Culture and Tourism in the Centre
- RC10 Active Frontages
- RC14 Public Realm

Sites and Detailed Policies Document 2012 (Altered 2015)

- SD1 Presumption in Favour of Sustainable Development
- DM1 Adaption to Climate Change
- DM4 Safeguarding amenity
- DM12 Access, Traffic and Highway Related Matters
- DM17 Green Network
- DM18 Tree Planting
- DM19 Air Quality

RBC Supplementary Planning Documents

Sustainable Design and Construction SPD (2011)

Revised Parking Standards and Design SPD (2011)

Other relevant guidance

St Marys Butts / Castle Street Conservation Area Appraisal 2008

Market Place / London Street Conservation Area Appraisal

Reading Tree Strategy 2010

9. Appraisal

i. The main issues are considered to be:

- Land use principles
- Flood Risk
- Landscape and ecology / nature conservation
- Design & impact on Conservation Areas / Listed Buildings / other heritage assets
- Amenity & related matters
- Sustainability
- Transport
- Other matters

ii. *Land use principles*

The proposal seeks to provide a Class A3 restaurant on the north riverbank and a small Class A1 kiosk adjacent to the main riverside entrance to the Oracle shopping centre. The site is designated in the Reading Central Area Action Plan as an area of public open space (Policy RC14). The policy states that the Oracle Riverside is an important area of public open space which will be protected from development. "Proposals that would result in the loss of any of these areas of open space, or jeopardise their use or enjoyment by the public will not be permitted". Furthermore, the policy also continues by stating "Proposals for new development will need to make a positive contribution towards the quality of the public realm", with a criteria of i. - iv. then specified (i. contribute to public realm improvements; ii. Imaginative uses of open space - flexible - water features / trees / planting / hard landscaping to create high quality spaces; iii. Continuous public access; iv. enhance the appearance of waterways (also picked up in policy CS8). As such, in addition to the aforementioned Class A1 and A3 units, the applicant is proposing a range of public realm works, including replacement. In overall terms therefore, the applicant is seeking to justify that although the proposal will result in a reduction in the overall area of open space (given the footprint of the Class A1 and A3 units), given the wider works proposed the overall quality of the open space will make a positive contribution towards the quality of the public realm.

In short, it is considered on balance that these wider works would result in an overall increase in quality of the space, which mitigates the loss of part of the open space through the provision of the Class A1 and A3 units. In particular, the proposed remodelled 'south bank' creates an open space which could provide a range of flexible future uses, while hard and soft landscaping improvements in the central area and at the eastern and western entrances will retain and improve public access and enhance the appearance/setting of the river. To ensure that these works are implemented (in order for the proposals to comply with policy), it is recommended that the landscaping condition specifies that the approved works shall be completed prior to the first occupation of the Class A3 unit (the substantive element of the new development).

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.

The proposed Class A1 and Class A3 units would comply with the principles of policy RC6 and RC10, in addition to policies CS25 and CS26, by providing additional floorspace within the designated primary shopping area. Hence, the principle of the proposed uses are considered appropriate, with more detailed commentary specified in the amenity section below concerning the potential impacts of the proposed use.

iii. Flood Risk

As outlined in the EA response above (section 3ii), the flood risk implications of the proposed development (more specifically the Class A3 unit) has been subject to considerable input and correspondence over a prolonged period of time. In short, the EA object to the proposals on flood risk grounds because the proposed development falls into a flood risk vulnerability category (3b) that is inappropriate to the Flood Zone in which the application site is located. Furthermore, the EA are not satisfied with the PBA technical note provided which seeks to address this (i.e. re-categorise the flood risk vulnerability).

Officers fully recognise and acknowledge the various points raised by the EA. However, bearing in mind the consultation responses from Emergency Planning and the Lead Local Flood Authority (Section 3vi g)) it is considered by officers that despite the site evidently being within flood zone 3b (and not 3a as the applicant - through the PBA technical note - is seeking to claim), in this particular case (owing to the nature of the proposal and its specific location), a more flexible approach than the rigid stipulations of table 3 of the flooding PPG can be applied by officers.

On this basis, the EA were sought to provide input on the FRA provided, on a notwithstanding basis to their in-principle concerns about the proposals. Following the submission of various revised /additional information (regarding flood risk matters and ecological enhancements), the EA confirmed in consultation response 5 (see section 3ii above) in May 2016 that notwithstanding their in-principle objection, if the local planning authority were nevertheless minded to recommend approval of the application, then the FRA was satisfactory subject to conditions. These conditions have been tweaked in order to relate to the actually submitted plans/documents referenced by EA.

It is also recognised that for such development it is necessary to carry out a sequential test of other potential sites with the aim of steering new development to areas at the lowest probability of flooding (Zone 1). The applicant has submitted a Sequential Test to consider other sites within Flood Zone 2 and 3 (no options are available within Flood Zone 1) that are not considered suitable. In short, it is considered that the application site represents, sequentially, the preferable site for further restaurant use and no objection is raised to the location of the development.

Thus, although it is considered that the site is located within flood zone 3b (whereby only essential infrastructure and water-compatible uses should be located, in line with the NPPG), owing to the specific characteristics of this particular site, a more flexible approach is able to be applied by officers. Moreover, the FRA, following revisions is considered appropriate subject to conditions (FRA measures and voids maintenance details) and therefore the applicant has satisfactorily demonstrated that the proposed development would be designed and constructed to: remain operational and safe for users in times of flood; result in no net loss of floodplain storage; not impede water flows and not increase flood risk elsewhere.

On the basis of the above, the proposals are considered, on balance, to comply with policy CS35 and the relevant sections of the NPPF/NPPG.

iv. *Landscape and Ecology / nature environment*

As outlined in the EA, Natural Environment and Ecology officer comments above, both external and internal consultees are satisfied with the proposed landscaping proposals and ecological enhancements proposed as part of the scheme. This is following the submission of revised/further information during the course of the application. This is also subject to conditions, including that the hard and soft landscaping details considered appropriate are carried out prior to the first use of the Class A3 use. This is to ensure that these works, considered to be tangible planning benefits of the proposals, are implemented as well as the built form elements of the proposals. Further conditions will also secure details of the proposed bird boxes and landscaping maintenance details, in addition to the aforementioned condition concerning further details of the wider public realm works.

v. *Design and impact on the character/appearance of the conservation area and setting of nearby listed buildings / other heritage assets*

In short, it is considered that the proposed design and appearance of the proposed buildings and hard landscaping/public realm works are acceptable in themselves and cumulatively. The proposed buildings are considered to complement and improve the existing site and surrounding area (including the setting of the nearby conservation area and listed buildings). The Class A3 unit is single storey in height, and owing to its proposed location, is not considered to be unduly dominating in the Riverside setting, nor compromise the main frontage of units which already existing along the riverside (for example, the scale of the building is considerably less than the 'Jamie's Italian' building in the opposite corner of the central area of the Riverside. The proposed materials result in a simple and lightweight appearance, with the glazing and curved nature of the building aligning satisfactorily with the riverside setting. In terms of the Class A1 unit, this is modest in nature and raises no design based concerns. Furthermore, the proposed green wall at this point will also help soften the appearance of this addition.

Although the applicant has provided full details of the proposed hard landscaping details during the course of the application, which is welcomed and are considered to be of a suitably high quality, insufficient details of the materials associated with the Class A1 and A3 units have been provided. As such, in this instance, it is considered necessary and appropriate to secure these

details via condition (including samples). The public realm works shown are considered to represent an improvement on the existing context, indicate sufficient scope for creating adaptable spaces, while also protecting community safety (although a condition will secure lighting and full security measures). Furthermore, bearing in mind the condition outlined above in respect of the wider public realm works at the site, this is considered to be a policy compliant proposal. As such, the proposals in overall terms are considered to comply with policies CS7, CS8, CS33, RC5 and RC14.

vi. *Amenity and related matters*

No loss of amenity would occur in respect of overlooking and outlook/sense of enclosure and day/sunlight, given the location of the Class A3 and the Class A1 kiosk and the existing surroundings.

With regard to the Class A3 unit, a number of conditions are recommended in order to assist in maintaining amenity in the vicinity of the site. These relate to:

- Restricting the opening hours to 0800 - 0030 Mondays to Saturdays and 0800 - 2330 on Sundays, Bank Holidays and other statutory holidays. These hours are considered to be appropriate in this specific location.
- 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.
- 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.
- Standard noise levels condition to ensure any external plant does not harm nearby amenity (as per the EP comments above).

Such conditions are considered to be necessary and appropriate in this instance. As outlined in the design section above, full details regarding lighting and security measures will be secured via condition.

In terms of the Class A1 unit, given its limited size and the use class involved, it is not considered necessary to impose any operating hours condition. Furthermore, for similar reasons, it is not considered necessary to secure details about potential noise/disturbance/odours or servicing for this unit.

In terms of the amenity impacts during the course of the construction of the development, this is considered to be particularly pertinent in this instance owing to the wide area the site covers and that it attracts significant footfall / serves as access to multiple riverside premises. As such, a CMS is to be secured via pre-commencement condition. Furthermore, the hours of construction condition is also recommended. In this specific instance, it is considered that earlier and later times than those usually specified (0800 - 1800) are able to be specified (0600 - 2200) to enable greater flexibility for the applicant to implement the scheme outside of 'peak' hours. Given the overwhelming character of the immediate area is commercial (and not residential), there is considered to be no substantial loss of amenity to existing occupiers or the wider public as a result of the widening of hours in this specific instance.

Turning to consider the quality of accommodation proposed, both the Class A1 and A3 units are considered to be of an appropriate quality for future patrons and staff. The spaces are suitably sized and flexible, with the full range of associated facilities expected for units of the sizes proposed. More specifically, the Class A3 unit provides DDA access from the existing bridge and toilet facilities, external seating areas and sufficient spaces for kitchen/plant.

In relation to the other amenity matters detailed by policy DM4, no significant impacts in these regards are anticipated with this proposed development. Thus, In overall terms with the conditions recommended, no significant loss of amenity would occur as a result of the proposed development.

vii. Sustainability

The applicant has submitted a BREEAM pre-assessment, given policy CS1 states that all new commercial developments are required to meet the BREEAM 'Very good' standard. In this instance the applicant has indicated, through a pre-assessment, that a 'Very Good' rating will be able to be achieved (55.5%). This is welcomed, with a condition securing a final design stage and post-construction assessment/accreditation. The applicant has provided written justification as to why the usual time triggers for the submission of information in these regards cannot be followed in this instance. On balance, officers are able on this specific occasion to provide the flexibility the applicant requires in this instance, with the accreditations timing of these details being submitted/approved prior to first occupation and then subsequently within 3 months of occupation. With the recommended condition secured, the proposal will align with the principles of policies CS1, SD1 and DM1.

viii. Transport

As detailed at section 3vi h) above, transport officers are content that the proposals would not result in any harmful transport related implications, subject to a CMS being secured via pre-commencement condition.

ix. Other matters

Contaminated land

As per the comments from Environmental Protection officers in section 3vi d) above, it is considered that a condition can secure further details in this regard, over and above the information submitted with the application.

Archaeology

As per the comments from Berkshire Archaeology in section 3v above, no condition is considered necessary in this instance from an archaeological perspective.

CIL

The applicant has submitted a completed CIL form. The Class A1 element is CIL liable, but the charge in this Central Reading location is £0, so no charge is required.

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.

Recommendation

Grant Planning Permission subject to conditions;

11. Conditions:

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.

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 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-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.

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.

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).

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).

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.

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'.

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. 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).

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.

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 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-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).

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).

18. A public realm works strategy for Phase 2, as specified on approved plan RG-L-A118A - 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. 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.
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 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.
3. 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.
4. 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.
5. 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 recommended 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.
6. 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-and-protection/construction-demolition/>
7. 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

8. 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 14/04/16 as 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.
9. 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>.
10. 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.