

DELEGATED APPLICATION REPORT

SITE ADDRESS: The Oracle, Reading, RG1 2AG

APPLICATION NUMBER: 240741/VARIAT

PROPOSAL: Application under Section 73 of Town and Country Planning Act (1990) to vary condition no. 80 (Opening Hours) of planning permission 230682 (Removal of condition 62 of permission 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 (2390 spaces) and community uses together with associated landscaping etc]) to allow the subdivision of 'department store' floorspace. Imposition of new planning condition(s) to restrict use of 'department store' floorspace within Use Class E(a)(b)(d)(e), with a minimum unit size of 1,000 sqm (GIA)) to allow Class E(d) uses at Riverside level within the former House of Fraser department store to extend opening hours from 00:00 to 00:30 Mondays to Saturdays, from 23:00 to 00:30 on Sundays and from 23:00 to 02:30 on New Years Eve.

DETERMINATION DATE: 02/08/2024

1. Site Description, application context and Surrounding Area

- 1.1 The application site comprises the Oracle Shopping Centre and some surrounding buildings and highways, consistent with the red-line application site boundary of the original permission from 1997. This extends from Broad Street in the north, Duke Street, Yield Hall Place and London Street in the east, Mill Lane to the south and Bridge Street to the west. This is shown below in figure 1 and is 8.6 hectares in area.

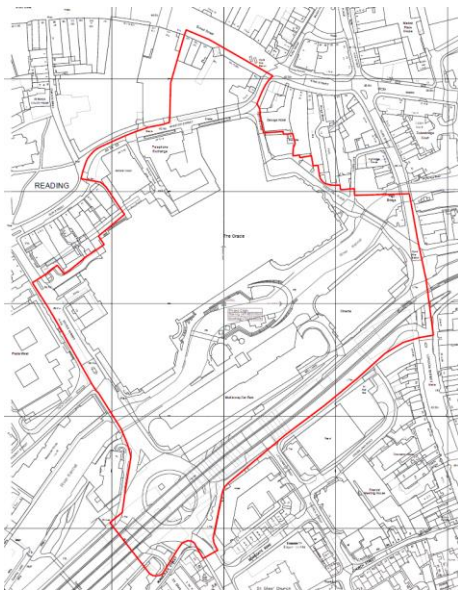


Figure 1 – Site Location Plan.

- 1.2 In practice however, these proposals relate to the riverside level of the former House of Fraser unit, at the western end of the main Oracle building, to the north of the River Kennet. As a whole, the Oracle opened in September 1999 and comprises a two level shopping centre, with further uses either side of the River Kennet riverside. The Oracle is managed by Hammerson (the applicant for these proposals) and consists predominantly of national retailers providing a variety of retail, restaurant and leisure uses. In 2023 (see relevant history below), a separate s73 application varied various conditions to enable the subdivision of the former House of Fraser and Debenhams

department stores at the building. This application seeks to vary one of the conditions included on that permission, as a result of the operational requirements of an intended occupier (Hollywood Bowl).

1.3 The local plan, at paragraph 5.1.4, specifies that the opening of the Oracle helped to establish Reading as one of the leading shopping locations in the UK. The application site is subject to the following site constraints / designations:

- Part of the site is allocated for development under Policy CR14g – The Oracle Extension, Bridge Street and Letcombe Street, which specifies development of the area between the River Kennet and Mill Lane for retail, with use of the site at Letcombe Street for a public car park.
- With the boundary of Reading Central Area (Policies CR1-10)
- Inside the primary shopping area (Policy CR1)
- Inside the central core (Policy CR1)
- Inside the office core (Policy CR1)
- The Riverside frontages are designated primary frontages in Central Reading (Policy CR7)
- The site is partly within two separate conservation areas (Policies EN1 & EN3), namely Market Place / London Street to the east and St Mary's Butts / Castle Street to the west.
- On site Grade II listed buildings, namely 2&4 London Street, Seven Bridges House (19 Bridge Street) and the Telephone Exchange at 41- 47 Minster Street
- On site Grade II* structure, namely the culvert on the Holy Brook to the rear of Gun Street / Castle Street
- High Bridge (Duke Street) is a scheduled ancient monument (Policy EN1)
- Within the viewing corridor of view 2 within Policy EN5 (Protection of Significant Views with Heritage Interest) – the view northwards down Southampton Street from Whitley Street towards St Giles Church, St Mary's Church and Greyfriars Church.
- Includes parts of the classified highway network and a series of cycle routes (e.g. Mill Lane is an orbital route, Bridge Street, Broad Street, Minster Street and Duke Street are local routes, the southern Riverside is a leisure route, all as per the Local Cycling and Walking Infrastructure Plan)
- The River Kennet is an area of identified biodiversity interest (Policy EN12) and waterspace (Policy EN11)
- A number of parts of the site are subject to potential contaminated land (Policy EN16)
- Within areas of Flood Zone 1, 2 and 3 (Policy EN18)
- Within an area with archaeological potential (Policy EN2)

- Within an air quality management area (Policy EN15)
 - Within a British Waterways consultation area
 - Within a smoke control area
 - Within a licensing cumulative impact area
- 1.4 In the surrounding area there are a wide mix of uses (both commercial and residential) and building types, including a number of other listed buildings (e.g. fronting Gun Street). As per the aerial view provided at figure 2 below, the site and surrounding area is within the heart of Reading town centre.



Figure 2: Aerial view (via Google Maps) looking north of the site and surrounding area

2. Proposal

- 2.1 This section 73 application seeks to vary condition 80 (Opening Hours) of planning permission 230682.

- 2.2 Permission 230682 approved the following on 22/11/2023:

Application under Section 73 of Town and Country Planning Act (1990) to remove condition no. 62 of planning permission ref. 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 (2390 spaces) and community uses together with associated landscaping etc) to allow the sub-division of 'department store' floorspace. Imposition of new planning condition(s) to restrict use of 'department store' floorspace within Use Class E(a)(b)(d)(e), with a minimum unit size of 1,000 sqm (GIA).

- 2.3 Condition 80 of permission 230682 was as follows:

No Class E(b) [sale of food and drink for consumption (mostly) on the premises] or Class E(d) [Indoor sport, recreation or fitness (not involving motorised vehicles or firearms or use as a swimming pool or skating rink)] unit hereby approved within the areas marked as 'application floor space' (as per approved plans B212392-01 Rev 00 – Riverside Level Existing GA, B212392-02 Rev 00 – Lower Mall Level Existing GA and B212392-03 Rev 00 – Upper Mall Level Existing GA, as all received on 28/07/2023) shall be used by members of the public outside the hours of 08:00 hours to 00:00 hours on Mondays to Saturdays and 08:00 hours to 23:00 hours on Sundays, Bank Holidays and other statutory holidays.

Reason: In order to protect local residents and users of the area in general from unreasonable disturbance arising from the use(s) in accordance with Policies CC7, CC8, EN16 and CR6 of the Reading Borough Local Plan 2019.

- 2.4 This application seeks to vary this so that any future Class E(d) occupier at Riverside level of the former House of Fraser unit can operate for further times beyond those permitted under 230682. More specifically, it is proposed to extend then opening hours from 00:00 to 00:30 Mondays to Saturdays, from 23:00 to 00:30 on Sundays and from 23:00 to 02:30 on New Years Eve.
- 2.5 During the course of the application, the applicant was sought to provide the exact amended wording being proposed, with the reply stating that the proposed wording of condition 80 would be as follows:

No Class E(b) [sale of food and drink for consumption (mostly) on the premises] or Class E(d) [indoor sport, recreation or fitness (not involving motorised vehicles or firearms or use as a swimming pool or skating rink)] unit hereby approved within the areas marked as 'application floor space' (as per approved plan, B212392-02 Rev 00 – Lower Mall Level Existing GA and B212392-03 Rev 00 – Upper Mall Level Existing GA, as all received on 28/07/2023), or Class E(b) uses within area marked as application floorspace on approved plan B212392-01 Rev 00 – Riverside Level Existing GA shall be used by member of the public outside the hours of 08:00 hours to 00:00 hours Monday to Saturdays and 08:00 hours to 23:00 hours on Sundays, Bank Holidays and other statutory holidays.

No class E(d) [indoor sport, recreation or fitness (not involving motorised vehicles or firearms or use as a swimming pool or skating rink)] unit hereby approved within the areas marked as 'application floor space' on approved plan B212392-01 Rev 00 – Riverside Level Existing GA shall be used by member of the public outside the hours of 08:00 hours to 00:30 hours Monday to Sundays and 08:00 hours to 02.30 hours on Ney Years Eve.

Reason: In order to protect local residents and users of the area in general from unreasonable disturbance arising from the use(s) in accordance with Policies CC7, CC8, EN16 and CR6 of the Reading Borough Local Plan 2019.

- 2.6 Following discussions with the applicant, the following wording has instead been agreed (given officers raised concerns with the exact wording proposed by the applicant not differentiating between the former Debenhams and former House of Fraser units, meaning the proposal would cover both areas, whereas elsewhere in the submission the

applicant made it clear that the proposal solely related to the former House of Fraser unit at riverside level, in association with the intended future occupier (Hollywood Bowl)

No Class E(b) [sale of food and drink for consumption (mostly) on the premises] or Class E(d) [Indoor sport, recreation or fitness (not involving motorised vehicles or firearms or use as a swimming pool or skating rink)] unit hereby approved within the areas marked as 'application floor space' (as per approved plans B212392-01 Rev 00 – Riverside Level Existing GA, B212392-02 Rev 00 – Lower Mall Level Existing GA and B212392-03 Rev 00 – Upper Mall Level Existing GA, as all received on 28/07/2023) shall be used by members of the public outside the hours of 08:00 hours to 00:00 hours on Mondays to Saturdays and 08:00 hours to 23:00 hours on Sundays, Bank Holidays and other statutory holidays, with the exception of any Class E(d) use within the '240741 application floor space' at Riverside level (as per approved plan Riverside Level Application Floor Space - Rev 00, received on 26/07/2024), which shall not be used by members of the public outside the hours of 08:00 hours to 00:30 hours on any day and 08:00 hours to 02:30 hours on New Years Eve.

2.7 During the course of the application, in addition to discussions with the applicant relating to the exact wording of the condition (which facilitated the submission of a marked up plan on 26/07/2024), more information has been sought and received in relation to the operational strategy and requirements of the intended occupier (based on information alluded to within the original submission).

2.8 Plans and documents considered:

TOR-CRL-ZZ-ZZ-DR-AR-0100005 – Department Store Sub-Division Application – Redline Plan

Letter from Turley 'S73 Application in relation to ref. 230682 to vary operating hours The Oracle, Bridge Street, Reading Ref HOLS3002 dated 31/05/2024

Technical Note 1 Re. Hollywood Bowl, Oracle, Ref 2422419 dated 19/04/2024

As all received on 07/06/2024

Email from Turley 'FW: Oracle, Reading (240741)', dated and received 24/06/2024

Letter from Hollywood Bowl Group 'RE: Oracle, Reading', dated 28/06/2024, as received 11/07/2024

Email from Turley 'RE: Oracle, Reading (240741)', dated and received 11/07/2024

Riverside Level Application Floor Space - Rev 00, received on 26/07/2024

2.9 CIL – A CIL form has been submitted with the application. It is agreed that this specific proposal is not CIL liable.

3. Relevant Planning History

3.1 There have been numerous planning applications at the wider Oracle site since the original permission to which this application relates. Those which are specifically relevant to this proposal are:

3.2 97/0017/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 (2390 spaces) and community uses together with associated landscaping etc. Granted following the completion of a s106 legal agreement 04/04/1997.

- 3.3 Former Debenhams Department Store, West of Yield Hall Place, The Oracle only: 221916/FUL - Mixed use development comprising part demolition of former department store and erection of new building comprising up to 202 no. build to rent residential dwellings (Class C3) and 1,209 sqm commercial uses within Use Class E and / or bar (Sui Generis Use). Reconfiguration and change of use of up to 5,866 sqm remaining department store floorspace (Class E) to uses within Use Class E and / or bar (Sui Generis Use) and / or experiential leisure use (Sui Generis Use). Associated public realm, infrastructure works and external alterations to shopping centre, including creation of new shopping centre entrance. Current application under consideration.
- 3.4 Existing Vue Cinema Complex, Land West of Yield Hall Place / London Road, The Oracle only: 221917/FUL - Mixed use development comprising demolition of existing buildings and erection of new building comprising up to 247 no. build-to-rent residential dwellings (Class C3) and up to 3,046 sqm commercial floorspace comprising cinema (Sui Generis) and ground floor commercial uses within Use Class E and /or Bar (Sui Generis Use). Associated public realm and infrastructure works. Current application under consideration.
- 3.5 230682/APPCON - Application under Section 73 of Town and Country Planning Act (1990) to remove condition no. 62 of planning permission ref. 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 (2390 spaces) and community uses together with associated landscaping etc) to allow the sub-division of 'department store' floorspace. Imposition of new planning condition(s) to restrict use of 'department store' floorspace within Use Class E(a)(b)(d)(e), with a minimum unit size of 1,000 sqm (GIA). Granted 22/11/2023.
- 3.6 231794/APPCON - Discharge of condition 59 (Construction Method Statement) of permission 230682 in respect of the sub-division of the former House of Fraser unit into 3 separate units on 3 levels. Discharged 25/01/2024.
- 3.7 240273/APPCON - Discharge of condition 78 (location of application floor space) of permission 230682. Discharged 08/04/2024.
- 3.8 240520/FUL - Demolition of the glass atrium at rooftop level of Holybrook carpark and infilling of opening, provision of 10 new car parking spaces and minor external alterations to former House of Fraser unit. Current application under consideration.

4 CONSULTATION AND PUBLICITY

- 4.1 Environmental Protection – Having reviewed this application including the noise technical note, there are no objections to the condition being amended as proposed.
- 4.2 Thames Valley Police, RBC Licensing, CCTV at Thames Valley Police and RBC Community Safety were formally consulted. No responses have been provided.
- 4.3 Public Consultation – 4 site notices were erected by the case officer on 20/06/2024, expiring on 11/07/2024. A press notice was published on 27/06/2024, expiring on 18/07/2024.

4.4 One objection has been received from a nearby residential occupier at Riverside House, summarised as follows:

- the noise analysis submitted focuses on ambient noise egress from the Bridge Street facade, but does not cover external seating along the Riverside, which means people talking, yelling and singing outside until 00:30.
- Operational strategies considered to be insufficient.
- Disturbance historically associated with other late-opening establishments such as Yates, After Dark and Matchbox should be noted.
- Suggestion for Hollywood Bowl to submit evidence as to the amount of disruption near other Hollywood Bowl locations and what hours they are open until.

4.5 Reading CAAC was formally consulted – no response has been received.

5 Equality Act 2010:

5.1 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.

6 Relevant Planning Policy and Guidance

6.1 Section 16(2) and 66(1) 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.

6.2 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.

6.3 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that proposals be determined in accordance with the development plan unless material considerations indicate otherwise. Material considerations include relevant policies in the National Planning Policy Framework (NPPF) - among them the 'presumption in favour of sustainable development'. However, the NPPF does not change the statutory status of the development plan as the starting point for decision making (NPPF paragraph 12). In this case the development plan consists of the Reading Borough Local Plan 2019.

6.4 The National Planning Practice Guidance (NPPG) confirms that for s73 proposals the application should be considered against Development plan and material considerations, under section 38(6) of the 2004 Act, and conditions attached to the existing permission. Local planning authorities should, in making their decisions, focus their attention on national and development plan policies, and other material considerations which may have changed significantly since the original grant of permission (Paragraph: 019 Reference ID: 17a-019-20140306).

6.5 In this regard, the NPPF states that due weight should be given to the adopted policies of the Local Plan 2019 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).

6.6 Accordingly, the National Planning Policy Framework and the following development plan policies and supplementary planning guidance are relevant:

6.7 National Policy and Guidance

National Planning Policy Framework 2023

2. Achieving sustainable development

4. Decision-making

6. Building a strong, competitive economy

7. Ensuring the vitality of town centres

9. Promoting sustainable transport

11. Making effective use of land

16. Conserving and enhancing the historic environment

National Planning Practice Guidance (2014 onwards)

6.8 Reading Borough Local Plan 2019

CC1: Presumption in Favour of Sustainable Development

CC2: Sustainable Design and Construction

CC3: Adaptation to Climate Change

CC4: Decentralised Energy

CC5: Waste Minimisation and Storage

CC6: Accessibility and the Intensity of Development

CC7: Design and the Public Realm

CC8: Safeguarding Amenity

EN1: Protection and Enhancement of the Historic Environment

EN2: Areas of Archaeological Significance

EN3: Enhancement of Conservation Areas

EN5: Protection of Significant Views with Heritage Interest

EN6: New Development in a Historic Context

EN11: Waterspaces

EN12: Biodiversity and the Green Network

EN15: Air Quality

EN16: Pollution and Water Resources

EN17: Noise Generating Equipment

EN18: Flooding and Drainage

TR1: Achieving the Transport Strategy

TR3: Access, Traffic and Highway-Related Matters

TR4: Cycle Routes and Facilities

TR5: Car and Cycle Parking and Electric Vehicle Charging

RL1: Network and Hierarchy of Centres

RL2: Scale and Location of Retail, Leisure and Culture Development

OU5: Shopfronts and Cash Machines

CR1: Definition of Central Reading

CR2: Design in Central Reading

CR3: Public Realm in Central Reading

CR4: Leisure, Culture and Tourism in Central Reading
CR7: Primary Frontages in Central Reading
CR14: Other Sites for Development in Central Reading

- 6.9 Relevant Supplementary Planning Documents (SPD) are:
Revised Parking Standards and Design SPD (2011)
Sustainable Design and Construction SPD (2019)
- 6.10 Other relevant guidance
Market Place/London Street Conservation Area Appraisal (2007)
St Mary's Butts / Castle Street Conservation Area Appraisal (March 2008)
Local Cycling and Walking Improvement Plan 2020-2030 (LCWIP) (November 2019)

7 APPRAISAL

- 7.1 The main considerations are:

- Quality of accommodation
- Amenity impacts on neighbouring / nearby occupiers and users of the area
- Other matters

Quality of accommodation

- 7.2 The proposed extended hours would offer greater flexibility for future occupiers, solely at Riverside level within the former House of Fraser unit in the westernmost part of the main Oracle building – as per the proposal. Policy CR4 is clear in specifying that the central core, which the site is within, will be the prime focus for major leisure, cultural and tourism development, which any Class E (d) use would fall into. The policy continues by stating that these uses, that would attract a wide range of people into the centre, will be encouraged. The proposals as previously approved comply with this policy, as do the now sought proposals, with this reinforced by the extended opening hours sought.
- 7.3 The applicant's supporting statement advises Hollywood Bowl intends to occupy the riverside level in the former House of Fraser unit, as a bowling alley and ancillary food and drink and entertainment uses. The extended hours are stated to meet Hollywood Bowl's operational requirements. During the course of the application, the agent advised, more specifically, that:
- 15% of Hollywood Bowls total estate trade is between 8pm and 12 pm, with 65% of total estate trade is Friday through Sunday. Whilst it is not possible to break it down further to identify the specific proportion of trade drawn between the additional hours sought, it is clear that this is critical to Hollywood Bowls business model.*
- 7.4 Accordingly, it would appear to be evident that the proposed extended hours would improve the quality of accommodation for the anticipated future occupier, in the context of the currently permitted hours.

- 7.5 Officers however are mindful that planning permission runs with the land and not specific occupiers, who may change over time. Accordingly, Officers consider that the expanded opening hours would generally improve the quality of accommodation for any future Class E (d) use.

Amenity impacts on neighbouring / nearby occupiers and users of the area

- 7.6 The reason for condition 80, as per permission 230682, was as follows:

Reason: In order to protect local residents and users of the area in general from unreasonable disturbance arising from the use(s) in accordance with Policies CC7, CC8, EN16 and CR6 of the Reading Borough Local Plan 2019.

- 7.7 The proposals would allow the Riverside level of the former House of Fraser unit to operate for 30 additional minutes on Mondays to Saturdays (from 00:00 to 00:30), a further 90 minutes on Sundays (from 23:00 to 00:30) and 150 additional minutes on New Years Eve (from 23:00 to 02:30).
- 7.8 In support of the proposals the applicant has submitted a noise technical note which considers the impact of the intended occupier, Hollywood Bowl. This technical assessment has been considered by the Council's specialist Environmental Protection Team, who confirm that there are no objections to the proposals as a result of the information submitted. Accordingly, officers are satisfied that the proposals will not result in noise disturbance at a significant level.
- 7.8 In support of the proposals the agent has also submitted (in summary):
- A supporting letter from Hollywood Bowl advising that their 73 UK centres all operate until midnight or 1am on Fridays and Saturdays.
 - This includes 8 other alleys within shopping centres in a similar manner to this proposals and the applicant has specified that "*we have had no issues or complaints regarding noise or nuisance*" (this statement was provided following a request by the Planning Officer regarding arrangements at other sites).
 - Hollywood Bowl's operational management system includes a statement specifying "*We control all music levels, and do not play any music in outside areas, neither do we have any live music such as bands or DJ's. Our management teams are trained to control the environment including regular walks of the centre to check for cleanliness, noise and health & safety*".
- 7.9 This commentary is considered to provide a degree of comfort that the intended occupier appears to already operate from numerous other locations, seemingly without significant issues arising (albeit the level and nature of information submitted is not wholly robust).
- 7.10 It is, however, fully acknowledged by Officers that noise and disturbance could arise from wider sources, beyond those of the assessment submitted with the application. However, ultimately, it is not considered that the amount of noise and disturbance would be tangibly greater and discernibly worse for local residents / the area in general than that possible through the already permitted hours. Put simply, the additional hours proposed are fairly limited in nature (in the context of the permitted hours) and would be

unlikely to give rise to noise and disturbance over and above the permitted hours, so significant, to warrant the refusal of this application on that basis.

- 7.11 Again, officers are also mindful that it could be that Hollywood Bowl does not in-fact occupy the unit, or only occupies the unit for a short period of time, with the proposed extended hours being applied for by any Class E (d) use (again, the terms of the permission run with the land, rather than any specific occupier). Furthermore, officers are also mindful, as per the terms of condition 77 (minimum 1000sqm floorspace), that the Riverside level space within the former House of Fraser unit could (in a worst case scenario) be occupied by 4 separate Class E (d) uses (as the riverside level floorspace is 4,357sqm), each which would be able to occupy the space for the proposed extended hours. When these factors are all considered, it is considered unlikely that the extended hours proposed for any Class E (d) use(s) would result in any significant additional adverse amenity impacts than those presently possible through the permitted hours. Whilst there could be small increases in noise and disturbance, these are considered unlikely to be at a level which would lead to a different conclusion as has been previously reached. The proposals are considered to continue to adhere to Policy CC8.

Other matters

Other considerations

- 7.12 As already referenced, government guidance for s73 applications states that Local planning authorities should, in making their decisions, focus their attention on national and development plan policies, and other material considerations which may have changed significantly since the original grant of permission. The original grant of permission was in November 2023. Since that point in time the NPPF was further revised in December 2023, but none of those changes are considered to be specifically relevant to this proposal. With the above in mind, it is not considered necessary or relevant to return back to consider any other specific matters associated with permission 230682, which itself was a s73 application of the original 1997 permission, with the condition now applied to be varied being one of the additional conditions included as a result of the assessment of the 230682 scheme.

Interaction with other applications

- 7.13 It is acknowledged that the site has been subject to numerous recent applications. It is clarified that each application is being judged on its own merits and in accordance with the relevant legislation in each specific instance.

Scope and extent of changes in line with case law

- 7.14 The changes are such to require any alteration to the original description of development, which still suitably reflects the proposed development. Accordingly, the proposals are not impacted by the Finney ruling, regarding changes to the description of development (operative wording) falling outside of the scope of s73 applications. The proposals have also been considered within the context of other relevant case law on s73 applications, such as the separate Armstrong and Fiske cases. Whilst material (therefore beyond a s96a application) changes are proposed, in overall terms they are relatively modest in the context of the original permission and planning practice guidance

/ case law. This accords with the July 2023 updated planning practice guidance on flexible options for planning permissions, which specifies:

There is no statutory limit on the degree of change permissible to conditions under s73, but the change must only relate to conditions and not to the operative part of the permission. (Paragraph: 013 Reference ID: 17a-013-20230726)

Impacts on other conditions of the original permission

- 7.15 Given that permission granted under section 73 takes effect as a new, independent permission to carry out the same development as previously permitted subject to new or amended conditions, the other conditions as part of the 230682 permission have been considered. In short, the vast majority remain unaltered from the previous permission, with there being no change as a result of these specific proposals.
- 7.16 Whilst it is acknowledged that parts of conditions 59 (CMS) and 78 (location of application floor space) have been discharged in the intervening time (see relevant history section above), these relate to the future use of the part of the site subject to this application and remain relevant in relation to other parts of the site, together with a long-term future requirements with the part of the site this proposal relates to as well, which means there is no need to alter the existing wording in those cases either. All of the conditions are specified at the end of this report, for completeness.
- 7.17 The following conditions are altered in wording to take account of specific circumstances, as discussed below:
- Condition 3 (approved plans), wording altered to reference permission 230682, rather than “as part of this application”, as that would no longer be factually correct
 - Condition 62 shall be reworded from “Condition 62 is hereby granted to be removed” to “Condition 62 was removed under application 230682 on 22/11/2023”
- 7.18 The wording of all other conditions remain unchanged.

8 Conclusions & planning balance

- 8.1 As confirmed above, section 73 applications are required to be considered against the development plan and material considerations, under section 38(6) of the Planning and Compulsory Purchase Act 2004, and conditions attached to the existing permission, with a particular focus on national and development plan policies, and other material considerations which may have changed significantly since the original grant of permission. This has been evidenced in the above assessment, with it concluded that firstly the changes can be considered as a s73 proposal and, moreover, in themselves and in the context of the original permission are considered to be acceptable, enabling the wording of condition 80 to be varied in line with the wording negotiated with the applicant during the course of the application.

Conditions:

1. Condition 1 of the original planning permission (5 years for implementation) is no longer relevant, as the permission has already been implemented.

2. Condition 2 of the original planning permission (development to be carried out in accordance with the approved plans and details) is no longer relevant, as the various buildings associated with the permission have been implemented.

3. This permission relates only to the plans and drawings included as Schedule 1 in 97/0017/FD / 970419 and the following plans approved as part of application 230682:

B212392-01 Rev 00 – Riverside Level Existing GA
B212392-02 Rev 00 – Lower Mall Level Existing GA
B212392-03 Rev 00 – Upper Mall Level Existing GA
As all received on 28/07/2023.

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

4. Condition 4 of the original planning permission (phasing of the proposed development) is no longer relevant, as the condition was confirmed as being satisfied through a letter from RBC dated 17/12/1997 (Ref BJC/KC/PD.5189) and the development was subsequently completed.

5. Condition 5 of the original planning permission (notification of commencement of a phasing of development) is no longer relevant, as the condition has already been satisfied and relates to the construction stage of the original development.

6. Condition 6 of the original planning permission (completion of phase prior to first trading of any floorspace) is no longer relevant, as the development has been completed and trading since 1999.

7. Condition 7 of the original planning permission (archaeology) is no longer relevant, as the condition has already been satisfied.

8. Condition 8 of the original planning permission (archaeology scheme implemented prior to commencement of development) is no longer relevant, as the condition has already been satisfied.

9. Condition 9 of the original planning permission (pre-commencement public viewing archaeology scheme and related compliance matters) is no longer relevant, as the condition has already been satisfied.

10. Condition 10 of the original planning permission (public art and related matters) is no longer relevant, as the condition was confirmed as being satisfied in full through a letter from RBC dated 10/10/2000 (Ref OR/Cond10/dis/KM). Previously, specific details associated with 'The Beacon' were approved under application 98/00144/RM on 17/04/1998. In addition, the pedestrian bridges details were approved under application 98/00138/RM on 17/04/1998.

11. Condition 11 of the original planning permission (details of pedestrian bridges and the Millennium Tower) is no longer relevant, as the condition has already been satisfied.

12. The security measures and associated works relating to those elements of the scheme adjoining or abutting the British Telecom buildings in Minster Street shall be maintained as implemented, as per the details previously approved, which facilitated the letter dated 13/10/1997 Ref BJC/1283.AN/PD.5289 by RBC which approved details associated with the original permission.

Reason: In the interests of protecting the amenity of nearby occupiers and the wider public, in accordance with Policies CC7, CC8 and CR2 of the Reading Borough Local Plan 2019.

13. Condition 13 of the original planning permission (material details) is no longer relevant, as the condition has already been satisfied.

14. The lighting and associated structures located within all public internal and external sites, including car parks, at the application site shall be maintained and operated as implemented and existing.

Reason: In order to protect the amenity of adjoining and future occupiers and maintain the on-going appearance of the development in accordance with Policies CC7 and CC8 of the Reading Borough Local Plan 2019.

15. The Tramways Generating Station date plate and surround, located on the south elevation of the existing cinema building fronting Mill Lane, shall be retained and maintained as existing.

Reason: In the interests of industrial heritage, in accordance with Policy EN1 of the Reading Borough Local Plan 2019.

16. The public toilets, including fully accessible facilities, located at Riverside level as existing as shown on plans 2216-URB-OR-37-DR-A- 208900 Rev 00 Public Toilet Facilities Location Plan and 2200/C1 (95)310 Rev F01 Substructure Drainage Area C Public Utility, both received on 30/10/2023, shall be retained and maintained as existing.

Reason: In the interests of amenity, in accordance with Policy CC8 of the Reading Borough Local Plan 2019.

17. Condition 17 of the original planning permission (shopfront and signage along the Riverside) is no longer necessary.

18. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and/or re-enacting that Order) or the provisions of Class 12 of Schedule 3 of the Town and Country Planning (Control of Advertisements) Regulations 2007 (as amended), prior to the first occupation, or re-occupation as appropriate, of any unit which includes an externally facing elevation onto either Riverside level or at ground floor level, details of the window displays and glazing associated with that unit shall be submitted to and approved in writing by the Local Planning Authority. The displays and glazing shall be carried out in accordance with the approved details prior to first occupation/re-occupation and be retained and maintained as such thereafter.

Reason: In the interests of retaining a vibrant and attractive streetscene, maintaining and enhancing the character and appearance of the area and improving active surveillance, in line with Policies CC7, OU5 and CR7 of the Reading Borough Local Plan 2019.

19. An active window display shall be maintained at all times in all retail display windows and shopfronts on external pedestrian routes.

Reason: In the interests of retaining a vibrant and attractive streetscene and improving active surveillance, in line with Policies CC7, OU5 and CR7 of the Reading Borough Local Plan 2019.

20. Condition 20 of the original planning permission (landscaping, surface treatments and all external works) is no longer relevant, as the condition has already been satisfied.

21. The access to and design of the service area turning head to the rear of Gun Street shall be kept free of obstructions at all times.

Reason: In the interests of pedestrian and road safety and to maintain the character and appearance of the area, in accordance with Policies CC7, CC8, TR1, TR3 and CR2 of the Reading Borough Local Plan 2019.

22. Condition 22 of the original planning permission (realignment of the River Kennet) is no longer relevant, as the condition has already been satisfied.

23. Condition 23 of the original planning permission (finished levels of the River Kennet banks) is no longer relevant, as the condition has already been satisfied.

24. The railings and other safety measures along the River Kennet and Holy Brook banks, as implemented following the approval of details agreed by Planning Committee on 10/12/1997 and 8/3/2000 and as existing as shown on plan 2216-URB-OR-37-DR-A-208902 Rev P01 Riverside Fall Protection and Life Safety Plan, as received 30/10/2023, shall be maintained at the site.

Reason: To protect the amenity of users of the both the pedestrian routes and the River Kennet and Holy Brook, in accordance with Policies CC7, CC8, EN11, TR1, CR2 and CR3 of the Reading Borough Local Plan 2019.

25. Condition 25 of the original planning permission (River works) is no longer relevant, as the condition has already been satisfied.

26. Condition 26 of the original planning permission (Sewerage works) is no longer relevant, as the condition has already been satisfied.

27. Condition 27 of the original planning permission (surface water) is no longer relevant, as the condition has already been satisfied.

28. Condition 28 of the original planning permission (oil/grit interceptor) is no longer relevant, as the condition has already been satisfied.

29. Condition 29 of the original planning permission (Off-site highway works) is no longer relevant, as the condition has already been satisfied.

30. Condition 30 of the original planning permission (car park signage) is no longer relevant, as the condition has already been satisfied.

31. All deliveries and servicing will be carried out in accordance with the Delivery and Servicing Plan details within '9 Deliveries and Servicing', as received 15/08/2023 and as detailed on plan

2216-URB- OR-37-DR-A-208901 Rev P01 Service and Delivery Location Plan, as received 30/10/2023.

Reason: In the interests of safety and convenience of all highway users, in accordance with Policies TR3 and TR5 of the Reading Borough Local Plan 2019.

32. There shall be no delivery vehicles servicing the site between the hours of 11am and 4pm on Saturdays and Sundays.

Reason: In the interests of highway and pedestrian safety and to be consistent with other pedestrianised areas of the town centre, in accordance with Policies TR1 and TR3 of the Reading Borough Local Plan 2019.

33. Condition 33 of the original planning permission (temporary parking during construction) is no longer relevant, as construction has taken place and permanent parking is now provided.

34. Condition 34 of the original planning permission (various design details) is no longer relevant, as the condition has already been satisfied.

35. The areas shown on approved plan 2216- Rev 00 Early Place Car Parking Areas, as received 17/11/2023, reserved for the parking of cars and cycles by occupiers of the adjoining residential units south of Minster Street shall be maintained as such and shall not be used for any other purpose.

Reason: As the lack of on-site parking would lead to hazardous or inappropriate use of adjacent streets for parking purposes, in accordance with Policies TR3 and TR5 of the Reading Borough Local Plan 2019.

36. All parking for motor cars, service and other vehicles, motorcycles, cycles, including accessible spaces, shall be constructed, surfaced and marked out and kept available or used for parking at all times. No development, whether or not permitted by the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking or re-enacting that order with or without modification) shall be carried out on such areas or in such a position as to restrict access to these reserved parking areas.

Reason: As the development without these facilities would be likely to lead to vehicles being parked on the public highway to the detriment of road safety and to ensure the development is accessible for all types of transport and to all potential visitors in accordance with the relevant approved standards within Policies TR3 and TR5 of the Reading Borough Local Plan 2019.

37. The measures to control access to and from the public highway and circulation within areas of the car parks shall be maintained as specified on approved plan 2216-URB-OR-37-DR-A-208904 Rev P02 Pedestrian Access Points, as received 10/11/2023, and document F601- 2216 Oracle Access Point Photos.doc Condition 37 Access Points 1-19 by Urban Edge, as received 13/11/2023.

Reason: In the interests of safety and convenience of all highway users and general amenity, in accordance with Policies CC8, TR3 and TR5 of the Reading Borough Local Plan 2019.

38. The pedestrian routes into and within the car parks shall be retained and maintained as specified on the following approved plans: B151712- A02-65 Hiolybrook Car Park Level 6 -

Setting Out; B151712-A02-66 Hiolybrook Car Park Level 7 - Setting Out; B151712-A02-55 Riverside Car Park Level 1 - Setting Out; B151712-A02-56 Riverside Car Park Level 2 - Setting Out; B151712-A02-57 Riverside Car Park Level 3 - Setting Out; B151712-A02-58 Riverside Car Park Level 4 - Setting Out; B151712-A02-59 Riverside Car Park Level 5 - Setting Out; B151712-A02- 53 Riverside Car Park Level 6 - Setting Out; B151712-A02-52 Riverside Car Park Level 7 - Setting Out Plan, as all received on 10/11/2023, and: 2216-URB-OR-37-DR-A-208905 Rev P01 Car Park Pedestrian Access / Fire Escape Points, as received 17/11/2023, and kept clear of permanent obstruction at all times.

Reason: In the interests of road and pedestrian safety in accordance with Policies TR3 and TR5 of the Reading Local Plan 2019.

39. Pedestrian access shall be maintained through the malls in the shopping centre between the Riverside entrance (adjacent to unit R16 on approved plan B212392-01 Rev 00 – Riverside Level Existing GA received on 10/11/2023) and the junction of Gun Street, Minster Street and Chain Street (adjacent to unit L30 on approved plan B212392-02 Rev 00 – Lower Mall Level Existing GA received on 10/11/2023) for eighteen hours a day between the hours of 7.00am and 1.00am throughout the year.

Reason: In the interests of the vitality and viability of the town centre and pedestrian convenience, in accordance with Policies TR1, RL1, CR3 and CR4 of the Reading Borough Local Plan 2019.

40. The approved cycle routes, as shown on approved plan 2216-URB-OR-37-DR-A-208903 Rev P02 Cycle and Pedestrian Access, as received 10/11/2023, shall be retained and kept open and clear of obstruction at all times.

Reason: In the interests of protecting cycle routes through the scheme that link with other town centre or waterway cycle routes, in accordance with Policies TR1 and TR4 of the Reading Borough Local Plan 2019.

41. The approved external pedestrian routes around the scheme as shown on approved plan 2216-URB-OR-37-DR-A-208903 Rev P02 Cycle and Pedestrian Access, as received 10/11/2023, shall remain open and unimpeded for use by the general public for no less than 24 hours a day throughout the year.

Reason: In the interests of the vitality and viability of the town centre and pedestrian safety, in accordance with Policies TR1, RL1, CR3 and CR4 of the Reading Borough Local Plan 2019.

42. Condition 42 of the original planning permission (All public entrances to department stores to remain open when trading) is no longer necessary or relevant.

43. All parts of the development, including the car parks, shall be maintained to be designed to be fully accessible.

Reason: In the interests of the amenities of future occupants, employees and visitors and in accordance with Policies CC7, CC8, TR1, CR2 and CR3 of the Reading Borough Local Plan 2019.

44. Condition 44 of the original planning permission (areas with gradients exceeding 1:20) is no longer relevant, as the condition has already been satisfied.

45. Condition 45 of the original permission (Shopmobility units) is no longer relevant, as the condition is no longer necessary.

46. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking or re-enacting that order with or without modification) no external telecommunications equipment, incorporating distribution poles or overhead cables, aerials or satellite dishes shall be erected.

Reason: As the site is between a significant waterway and two conservation areas and such facilities need to be judged in that context, in accordance with Policies CC7, EN1, EN3, EN5, EN11 and CR2 of the Reading Borough Local Plan 2019.

47. The approved measures to ventilate the basement and south bank car parks to remove vehicle exhaust fumes and enable the control of fumes in periods of high concentrations shall be maintained in accordance with the approved details for as long as the basement and car parks remain in use.

Reason: To ensure that vehicle emissions are controlled in the interests of public health and safety, in accordance with Policies EN15 and CC8 of the Reading Borough Local Plan 2019.

48. No external terminating kitchen extraction system shall be installed until an odour assessment has been carried out and a detailed odour management plan to include scaled plans, odour control specifications and a maintenance plan has been submitted to and approved in writing by the Local Planning Authority. Reference shall be made to the DEFRA guidance on the Control of Odour and Noise from Commercial Kitchen Exhaust Systems (Jan 2005) when assessing potential odours and selecting appropriate odour control methods. Thereafter, the development shall not be carried out other than in accordance with the approved scheme and be maintained as such thereafter.

Reason: To safeguard the amenity of adjoining properties and to protect the general environment in accordance with Policies CC8, EN15 and EN16 of the Reading Borough Local Plan 2019.

49. The Closed Circuit Television cameras covering the interior and exterior of the development, as shown on the following approved plans: Upper Mall; HBCP L1; HBCP L2; Service areas Lower Mall; Lower Mall; RSCP; Service Yard; Upper Mall service corridors; Upper Mall, as all received on 18/10/2023, and: External cameras, as received 30/10/2023, shall be maintained and be in use at all times at the site.

Reason: To safeguard the amenities of the site and the area generally, in accordance with Policies CC7, CC8 and CR2 of the Reading Borough Local Plan 2019.

50. Condition 50 of the original planning permission (no more than 10 Class A2 units) is no longer relevant.

51. Condition 51 of the original planning permission (siting of Class A2 units) is no longer relevant.

52. Condition 52 of the original planning permission (removal of permitted change of any unit from Class A3 to Class A2) is no longer relevant.

53. Condition 53 of the original planning permission (removal of permitted development right for any riverside unit be used solely for the sale of hot food for consumption off the premises) is no longer relevant, given the now lawful Sui Generis hot food takeaway use, as per The Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020.

54. Condition 54 of the original planning permission (cinema used for that purpose only unless otherwise agreed) is no longer relevant given the now lawful Sui Generis cinema use, as per The Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020.

55. The Citizens Advice Bureau identified as 'CAB' on approved drawing B212392-02 Rev 00 – Level 2 Existing GA, as received on 28/07/2023, shall be used for those purposes only and for no other purpose, including any other purpose in the same Use Class as defined by The Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020, or in any provision equivalent to that Class in any statutory instrument revoking or re-enacting that order with or without modification.

Reason: In the interests of the vitality of the town centre, to ensure town centre community facilities are appropriately located, in accordance with Policies RL1 and OU1 of the Reading Borough Local Plan 2019.

56. Condition 56 of the original planning permission (retention of south bank gallery) is no longer relevant.

57. Condition 57 of the original planning permission (Construction Ecology action plan) is no longer relevant, as the condition has already been satisfied.

58. The waste recycling facilities and strategy referenced in the Site Specific Waste Management Plan The Oracle Shopping Centre By Mitie Version 06 dated 27/04/2023, as received 15/08/2023 and email from Turley Ref 'RE: 230682 - S.73 The Oracle, Reading' (confirming waste collection also takes place from the same storage locations identified in the document) dated 17/10/2023, shall be maintained at the site.

Reason: In the interests of protecting the amenity of local land uses or neighbouring residents, the character of the area and highway safety in accordance with Policies CC7, CC8 and TR3 of the Reading Borough Local Plan 2019.

59. Prior to any sub-division of any part of the 'application floor space' (as per approved plans B212392-01 Rev 00 – Riverside Level Existing GA, B212392-02 Rev 00 – Lower Mall Level Existing GA and B212392-03 Rev 00 – Upper Mall Level Existing GA, as all received on 28/07/2023) to create a new planning unit, a future unit specific Construction Method Statement shall be submitted to and approved in writing by the Local Planning Authority. The Statement shall provide for where required:

- a) Space on site where vehicles of site operatives and visitors can be parked with details of how site operatives and visitors will be required to make use of the parking area provided;
- b) Location on site for storage of plant and materials used in constructing the development;
- c) The erection and maintenance (including removal of any graffiti or fly posters) of security hoarding around the site;

- d) Identification of any footpath closures or road closures needed during construction;
- e) Required wheel washing facilities on site;
- f) A scheme for recycling waste resulting from the construction works.
- g) Measures for controlling the use of site lighting whether required for safe working or for security purposes;
- h) Required measures to control the emission of dust, dirt and other airborne pollutants during demolition and construction;
- i) Provisions to be made for the control of noise coming from the site during demolition and construction;
- j) Full details of pest control measures following any demolition required. Where necessary, capping of drains/sewers and baiting arrangements.

The measures within the approved Statement shall be adhered to throughout the demolition and construction period.

Reason: These details are required due to insufficient information being contained within this submission and in the interests of protecting the amenity of local land uses or neighbouring residents, the character of the area and highway safety in accordance with Policies CC8, EN15, EN16 and TR3 of the Reading Borough Local Plan 2019.

60. Condition 60 of the original planning permission (programmes and schedules of works for Nos 2/4 London Street and 19 Bridge Street) is no longer relevant, as the condition has already been satisfied.

61. Condition 61 of the original planning permission (no development until Reading Transport vacates its depot) is no longer relevant.

62. Condition 62 was removed under application 230682 on 22/11/2023.

63. Condition 63 of the original planning permission (residential sound attenuation) is no longer relevant.

64. Condition 64 of the original planning permission (noise report) is no longer relevant.

65. Condition 65 of the original planning permission (open storage of materials, products, plant or equipment) is no longer relevant.

66. Condition 66 of the original planning permission (Minimum of 4 Class A3 uses within the covered mall) is no longer relevant.

67. Condition 67 of the original planning permission (details of entrance area from Minster Street south to the proposed department store) is no longer relevant.

68. The number of cycle parking spaces on the development site provided for the public shall not fall below 230 spaces and for the staff below 30 spaces. The cycles/motorcycles spaces provided at the site shall be maintained.

Reason: To encourage travel by sustainable alternatives to driving a motorcar, in accordance with Policies TR1 and TR5 of the Reading Borough Local Plan 2019.

69. Condition 69 of the original planning permission (Bailey Bridge details) is no longer relevant.

70. Condition 70 of the original planning permission (decontamination works and proposed remediation) is no longer relevant.

71. There shall be no contract parking in the North (Holy Brook) and south bank (The Riverside) car parks.

Reason: In the interests of the vitality of the town centre and the Council's transport strategy, in accordance with Policies TR1, TR5 and RL1 of the Reading Borough Local Plan 2019.

72. Condition 72 of the original planning permission (replacement planting for three years) is no longer relevant.

73. The landscape areas around the application site shall be maintained in accordance with the Grounds Maintenance Specification report by Mulberry Grounds Maintenance, contract letter dated 02/04/2007 by Mulberry and email from Ciaran Kiely at RPS dated 24th November confirming that trees that are dead, diseased or vandalised will be replaced and plants and trees will be watered as necessary (all approved as part of 08/01140/APPCON / 081664 on 02/12/2008).

Reason: In order to ensure the satisfactory maintenance of the approved landscaping scheme, in accordance with Policies CC7, EN12, EN14, CR2 and CR3 of the Reading Borough Local Plan 2019.

74. Condition 74 of the original planning permission (ground floor parking layout) is no longer relevant.

75. Condition 75 of the original planning permission (details of the east end leisure development) is no longer relevant.

76. Notwithstanding the provisions of Schedule 2, Part 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking or re-enacting that Order with or without modification), no unit created within with the areas marked 'application floor space' on plans B212392-01 Rev 00 – Riverside Level Existing GA, B212392-02 Rev 00 – Lower Mall Level Existing GA and B212392-03 Rev 00 – Upper Mall Level Existing GA, as all received on 28/07/2023, hereby approved shall only be used for any of following uses only

- Class E(a) Display or retail sale of goods, other than hot food
- Class E(b) Sale of food and drink for consumption (mostly) on the premises
- Class E(d) Indoor sport, recreation or fitness (not involving motorised vehicles or firearms or use as a swimming pool or skating rink)

- Class E(e) Provision of medical or health services (except the use of premises attached to the residence of the consultant or practitioner)

and for no other purpose (including any other purpose in the same Use Class of the Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020, or in any provision equivalent to that Class in any statutory instrument revoking or re-enacting that Order with or without modification.

Reason: Other alternative uses of the units which may otherwise be permitted by virtue of the above Orders have not been assessed as part of this application and could be harmful to the vitality or viability of the wider regional centre of Reading and/or could have adverse transport or amenity implications which have not been demonstrated as part of this proposal, in accordance with Policies CC8, TR1, TR3, RL1 and CR1 of the Reading Borough Local Plan 2019.

77. No unit created within with the areas marked 'application floor space' on plans B212392-01 Rev 00 – Riverside Level Existing GA, B212392-02 Rev 00 – Lower Mall Level Existing GA and B212392-03 Rev 00 – Upper Mall Level Existing GA, as all received on 28/07/2023, hereby approved shall include a Gross External Area (GEA) floorspace of less than 1000 square metres (sqm).

Reason: As a large number of units below 1000sqm in size has not been assessed as part of this application and could be harmful to the vitality or viability of the wider regional centre of Reading and could have adverse transport or amenity implications which have not been demonstrated as part of this proposal, in accordance with Policies CC8, TR1, TR3, RL1 and CR1 of the Reading Borough Local Plan 2019.

78. Prior to the first occupation of any 'application floor space' unit a plan specifying the location of the unit in the context of the remainder of the 'application floor space' (as per approved plans B212392-01 Rev 00 – Riverside Level Existing GA, B212392-02 Rev 00 – Lower Mall Level Existing GA and B212392-03 Rev 00 – Upper Mall Level Existing GA, as all received on 28/07/2023) shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that the unit is maintaining and enhancing the vitality and viability of the wider regional centre of Reading, to ensure that the unit is of sufficient size in respect of the nature of these proposals and to enable the uses to be actively monitored by the Local Planning Authority, in accordance with Policies RL1 and CR1 of the Reading Borough Local Plan 2019.

79. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking or re-enacting that Order with or without modification) no further extension or enlargement (including alterations to the roof or the inclusion of mezzanine floor levels within the building), within the areas marked as 'application floor space' (as per approved plans B212392-01 Rev 00 – Riverside Level Existing GA, B212392-02 Rev 00 – Lower Mall Level Existing GA and B212392-03 Rev 00 – Upper Mall Level Existing GA, as all received on 28/07/2023) shall be carried out without the express planning permission from the Local Planning Authority.

Reason: Justification has been provided and an assessment made on the basis of the proposed amount of floorspace specified and any increase in floorspace would require a separate justification and assessment in respect of its accordance with relevant policies such as the

transport and amenity implications, which have not been demonstrated as part of this proposal, in accordance with Policies CC7, CC8 and TR3 of the Reading Borough Local Plan 2019.

80. No Class E(b) [sale of food and drink for consumption (mostly) on the premises] or Class E(d) [Indoor sport, recreation or fitness (not involving motorised vehicles or firearms or use as a swimming pool or skating rink)] unit hereby approved within the areas marked as 'application floor space' (as per approved plans B212392-01 Rev 00 – Riverside Level Existing GA, B212392-02 Rev 00 – Lower Mall Level Existing GA and B212392-03 Rev 00 – Upper Mall Level Existing GA, as all received on 28/07/2023) shall be used by members of the public outside the hours of 08:00 hours to 00:00 hours on Mondays to Saturdays and 08:00 hours to 23:00 hours on Sundays, Bank Holidays and other statutory holidays, with the exception of any Class E(d) use within the '240741 application floor space' at Riverside level (as per approved plan Riverside Level Application Floor Space - Rev 00, received on 26/07/2024), which shall not be used by members of the public outside the hours of 08:00 hours to 00:30 hours on any day and 08:00 hours to 02:30 hours on New Years Eve.

Reason: In order to protect local residents and users of the area in general from unreasonable disturbance arising from the use(s) in accordance with Policies CC7, CC8, EN16 and CR6 of the Reading Borough Local Plan 2019.

81. Prior to the first occupation of any Class E (d) use incorporating a gym use, as hereby approved, a noise assessment shall be submitted to and approved, in writing, by the Local Planning Authority. The noise assessment shall include an assessment of the noise environment within the unit and inclusion of any required mitigation measures (including to the internal structure of the unit itself) to protect nearby occupiers from noise and disturbance, including structure borne noise. The scheme itself shall be designed, specified and constructed so that the sound insulation performance of the resultant structure is such that the indoor ambient noise levels within adjoining and nearby premises do not exceed the appropriate values for the use of the premises detailed in Table 4 of BS 8233:2014 as a result of noise from the gym and the impact noise does not cause disturbance to occupiers. Thereafter, the development shall not be carried out other than in accordance with the approved scheme which shall be completed before the first occupation of any gym use within the relevant unit, and retained/maintained as such thereafter.

Reason: To protect the amenity of future occupants/users of the buildings at the application site, in accordance with Policies CC8 and EN16 of the Reading Borough Local Plan 2019.

Informatives:

1. The Local Planning Authority has worked positively and proactively with the applicant to resolve relevant matters to allow permission to be granted within the statutory timescale for the decision to be issued.

2. i) The attention of the applicant is drawn to Section 59 of the Highways Act 1980, which enables the Highway Authority to recover expenses due to damage caused by extraordinary traffic.

ii) Any works affecting the Highway shall be in accordance with Reading Borough's Council's document "Guidance Notes for Activities on the Public Highway within the Borough of Reading". The applicant should note that compliance with this document is mandatory and licences to

work on the Highway will only be issued if the requirements contained within it are met. A copy can be obtained from the Council's website.

3. Your attention is drawn to the terms and conditions of this permission. Any development which is carried out but which differs materially from the approved plans and details, or does not comply with any condition(s) or planning obligation(s) attached to the permission may result in the Council taking action to remedy the breach of planning control. If you are in any doubt please contact the Council.

4. Your attention is drawn to the possible requirement for submission of a Building Regulations application for the proposed development. Please contact RBC Building Control on Building.control@reading.gov.uk OR telephone 0118 9372449 9.00am to 1.00pm Monday to Friday

5. Complaints are commonly received about noise and dust caused by construction and demolition works, particularly working outside reasonable hours and smoke from bonfires associated with the burning of waste on site. The developer is reminded that construction and demolition associated with the approved development will be subject to environmental health law.

6. The Council introduced the Community Infrastructure Levy (CIL) on 1st April 2015. CIL is a way of securing financial contributions towards infrastructure from new development, and partially replaces the Section 106 planning obligation regime. It is a set charge per sq m of floorspace for different uses, and, unlike Section 106, it is non- negotiable. It applies to developments which result in at least one dwelling; where the space has not been in lawful use for 6 months within the last 3 years or 100 sq m of new floorspace. For this approved development the CIL status is not applicable. If chargeable you will be sent a CIL Liability Notice with the calculated amount soon. CIL becomes payable on commencement of the development or by instalments.

For more information go to:

http://www.reading.gov.uk/media/2791/Community-Infrastructure-Levy-Advice-to-Applicants/pdf/CIL_Advice_to_Applicants.pdf

7. The applicant is advised to be mindful of the impact of condition 77 (minimum 1000sqm floorspace) in the context of the existing (now closed as of September 2023) Riverside units ('Franco Manca' and 'The Real Greek') within the former Debenhams unit shown on the proposed floorplans submitted with this application. The applicant is advised to consider paragraphs 7.1.16 - 7.1.19 of the officer committee report in relation to application 230682 in this regard.

8. No advertisement consents are approved as part of this planning permission and you are advised that this permission is granted without prejudice to the possibility of requiring consent under the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (as amended).

9. With regard to condition 18, for the avoidance of any possible future doubt, the applicant is advised that there is no requirement to submit details of the external glazing at Lower Mall or Upper Mall Level for the approval of the Local Planning Authority, nor glazing details associated with any window display or glazing located internally within the shopping centre either.