

19 September 2024

Delivered via the Planning Portal

Planning Department
Reading Borough Council
Civic Offices
Bridge Street
Reading
RG1 2LU

Ref: HAMS3032

Dear Sir / Madam,

**NON-MATERIAL AMENDMENT SUBMISSION IN RESPECT OF CONDITION 38 – APPLICATION REF. 230682
AT THE ORACLE, BRIDGE STREET, READING.**

On behalf of our client, The Oracle Limited Partnership (hereafter referred to as “the Applicant”), we are instructed to submit an application for a Non-Material Amendment (NMA) under section 96A of the Town and Country Planning Act 1990 to application ref. 230682 granted on 22nd November 2023 the following development:

“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 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)”.

This submission seeks a non-material amendment to condition 38 (Pedestrian Routes to Car Parks) of the planning consent to capture changes required as a result of the following development subject to approval ref. 240520 (24th July 2024):

“Demolition of the glass atrium at rooftop level of Holybrook carpark and infilling of opening and minor external alterations to former House of Fraser unit”.

The approved plans linked with the above approval ref. 240520 permit the removal of the glass atrium and subsequent infilling of the existing escalator core associated with the former House of Former unit within the Oracle shopping centre.

The Pinnacle
20 Tudor Road
Reading
RG1 1NH

CONDITION 38

Condition 38 as listed on the Decision Notice (ref. 230682) is as follows:

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

Planning Application ref. 230682 sought the removal of condition 62 of planning permission ref. 970149 to allow for the sub-division of existing department store units within the Oracle Shopping Centre, in order to maintain the vitality and viability of the Oracle, and Reading Town centre as a regional destination of retail and leisure uses within the Thames Valley.

This planning application was subsequently approved in November 2023, and work has commenced in sub-dividing the unit and agreement reached with occupiers regarding occupation of the sub-divided floorspace.

As part of the sub-division works, the central escalator core within the former House of Fraser unit is being removed to maximise the efficiency of each individual floorplate, and enable the creation of 3 self contained units. These works also necessitated the removal of the redundant glass atrium at roof level, that provided shelter and cover for the escalator core and a roof level entrance point to the House of Fraser department store (and subsequently the Oracle Shopping Centre). These works were approved under planning application ref. 240520. The existing and approved plans associated with application ref. 240520 are enclosed in Appendix 1 and Appendix 2 for reference.

This escalator into the House of Fraser unit is identified on plan reference 2216-URB-OR-37-DR-A-208905 Rev P01 Car Park Access identified in condition no. 38 as a pedestrian route from the car parks into the shopping centre. The proposed non-material amendment, therefore, sought through this application seek the approval of an amended Pedestrian Access to Car Park Plan which removes the former House of Fraser rooftop pedestrian entrance.

PROPOSED CHANGES

This application seeks amendments to the approved plans as listed in the Decision Notice of 230682 and ensure consistency with approved plans shown in ref. 240520. This follows constructive discussions with Officers, who agree that the changes are required and necessary to ensure compliance with the original permission.

The changes propose the removal a single point of pedestrian entry currently shown on approved drawing ref. 2216-URB-OR-37-DR-A-208905-P01 Car Park Access to reflect the proposals approved under application 240520. This is shown on proposed drawing ref. 2216-URB-OR-DR-A-208905-P02 Car Park

Access. For ease, the table below shows plans to be superseded by this NMA and the plan reference to replace it.

Existing Drawing Ref.	Updated Drawing Ref.
2216-URB-OR-37-DR-A-208905-P01 Car Park Access	2216-URB-OR-37-DR-A-208905-P02 Car Park Access

COMMENTARY ON NMA CHANGES

Section 96A of the Town and Country Planning Act provides that a local planning authority in England may make a change to any planning permission relating to land in their area if they are satisfied that the change is not material. No definition of what constitutes a non-material change is provided in the legislation nor in the National Planning Practice Guidance which states:

“There is no statutory definition of ‘non-material’. This is because it will be dependent on the context of the overall scheme – an amendment that is non-material in one context may be material in another.”

Paragraph: 002 Reference ID: 17a-002-20140306z

The Planning Practice Guidance makes it clear that the Section 96A procedure is appropriate for dealing with non-material amendments to planning conditions. In this respect the amendments requested are not material and can be appropriately dealt with via this process.

In this case, the principle of the removal of this pedestrian access point has been considered by Officers through application ref. 240520. This access point is not currently in use following the closure of the House of Fraser unit, as it leads directly into the former department store. As demonstrated on the replacement plan, alternative pedestrian access points from the Holybrook rooftop car park are available. These are clearly identifiable within the car parking area, with pedestrian walkways provided within the car parking area. The closure of this pedestrian access point will not materially impact upon pedestrian accessibility to the shopping centre.

The proposed amendments are necessary to ensure consistency across planning permissions which seek to introduce additional retailers and occupiers within the flagship shopping centre in Reading, and the ongoing management of assets to secure long-term vitality and viability of the Oracle.

The alteration to the access points to the car park have been considered in terms of the context of the wider scheme. There is no material change in scale or layout and the changes would have no impact on economic performance of the centre, nor impact the wider accessibility of the Oracle Shopping Centre, with alternative access points to the car park available.

In the context of a complex and long-term permission, and subsequent changes proposed and approved by Reading Borough Council the proposed changes represent an appropriate use of the regulations enabling non-material amendments, in accordance with Section 96A of the Act.

INFORMATION SUBMITTED

This NMA application has been submitted via the Planning Portal under reference PP-13385302. To enable the Council to determine the application the submission comprises the following plans and documents:

- Completed Application Forms;
- Supporting Covering Letter (this letter);

- Accompanying Plans
 - 2216-URB-OR-37-DR-A-208905-P02 Car Park Access

We trust that there is sufficient information for both the validation and determination of this application within the 4-week determination period. Should you require any further information or clarification please do not hesitate to contact me or my colleague Cat White (cat.white@turley.co.uk).

Yours sincerely,

Peter Davis
Senior Planner