

DELEGATED APPLICATION REPORT

Address: The Oracle, Reading, RG2 2AG

Application No: PL/24/1283

Proposal: Non-material amendments to permission 230682 (granted on 22/11/2023) to alter the wording of condition 38 (pedestrian routes into and within the car parks) to remove the former House of Fraser escalator pedestrian entrances at Holybrook Car Park levels 6 and 7 following separate permission 240520 (granted on 24/07/2024).

Applicant: The Oracle Limited Partnership

Date received (valid from): 30/09/2024

Target Decision date: 28/10/2024

Case officer: Jonathan Markwell

1. Site Description and Surrounding Area

- 1.1 The application site comprises the Oracle Shopping Centre and some surrounding buildings and highways, as per 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.

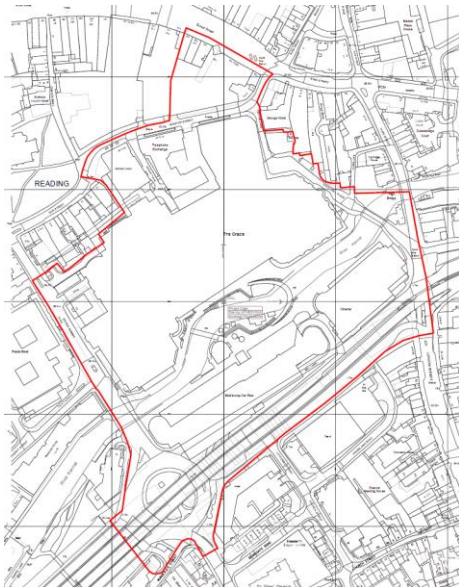


Figure 1 – Site Location Plan.

- 1.2 In practice however, these proposals relate to the 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 and consists predominantly of national retailers providing a variety of retail, restaurant and leisure uses. In 2023 (see relevant history below), 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 make non-material amendments to the wording of one of the conditions included on that permission, following a separate later application which granted permission for the demolition of the glass atrium at rooftop level and infilling of the opening (internally omitting the escalators), which results in changes being required to the previous condition (for accuracy purposes).
- 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 whole Oracle 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. The Proposal

- 2.1 Non-material amendments to permission 230682 (granted on 22/11/2023) are proposed, to alter the wording of condition 38 (pedestrian routes into and within the car parks) to remove the former House of Fraser escalator pedestrian entrances at Holybrook Car Park levels 6 and 7 following separate permission 240520 (granted on 24/07/2024) at the site.
- 2.2 More specifically, the applicant is seeking for the wording of the condition to be altered from (as stated in permission 230682):

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 Holybrook Car Park Level 6 - Setting Out; B151712-A02-66 Holybrook 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.

- 2.3 To the following alternative wording (as proposed by the applicant, as per an email received on 08/10/2024):

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 Holybrook Car Park Level 6 - Setting Out; B151712-A02-66 Holybrook Car Park Level 7 - Setting Out;~~ B151712- A02-65 Holybrook Car Park Level 6 - Setting Out-P01; B151712- A02-65 Holybrook Car Park Level 7 - Setting Out-P01 - as received on 08/10/2024; 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~~ ~~2216-URB-OR-37-DR-A-208905-P01 Car Park access~~, as received ~~17/11/2023~~ 08/10/2024, 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.

- 2.4 In short, the later permission in 2024 permitted the removal of the glass atrium at the top of the former House of Fraser unit, with that being infilled as part of the removal of central escalator access between the unit and the Holybrook car park at this point. As a consequence, the plans approved as part of condition 38 of the 2023 Section 73 application at the site, requiring the retention and maintenance of the pedestrian routes into and within the car parks will no longer be accurate (or, put another way, implementing the later permission would be contrary to the requirements of the earlier permission condition), given pedestrian access at this point is omitted through the 2024 permission. Accordingly, the applicant has submitted this s96a application, to amend the wording of this condition, with updated plans submitted to omit reference to the central escalator providing a pedestrian route into the car park at the site. The aim is to ensure that the condition, which is an on-going compliance condition, remains accurate. Below are the previously approved plans on the left, with the now proposed corresponding plans omitting reference to this access point on the right (omission of a green circle in each instance).



- 2.5 The supporting letter by the applicant also provides the following explanation:

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.

- 2.6 Prior to the registration of the application a number of clarifications were sought and further information was provided to clarify the exact nature and extent of the proposed changes, to enable the application to be assessed in full.

3. Public Consultation

- i. Neighbour Consultation
No statutory requirement for any for this type of application.

No responses received.
- ii. Chair & Vice Chair of the Planning Application Committee and Whitley Ward Councillors

Not required following changes to the scheme of delegation in April 2020.

4. Internal / External Consultations

RBC Transport Planning: there are no objections to the replacement drawings.

5. Plans Considered

- i. The Council, in reaching its recommendation, has taken into consideration the application form submitted by the applicant, together with the following plans and documents:

2216-URB-OR-37-DR-A-208905 Rev P02 Car Parks Pedestrian Access / Fire Escape Points, as received 30/09/2024

Letter by Turley 'NON-MATERIAL AMENDMENT SUBMISSION IN RESPECT OF CONDITION 38 – APPLICATION REF. 230682 AT THE ORACLE, BRIDGE STREET, READING' Ref HAMS3032 dated 19/09/2024, as received 30/09/2024

B151712- A02-65 Hiolybrook Car Park Level 6 - Setting Out, as received 08/10/2024
B151712-A02-66 Hiolybrook Car Park Level 7 - Setting Out, as received 08/10/2024

2216-URB-LR-58-DR-A-208150 Gen Arrange - Appendix to covering letter - plan 1 associated with application 240520, as received 08/10/2024

2216-URB-LR-XX-DR-A-208250 Elev as Pro Appendix to covering letter - plan 2 associated with application 240520, as received 08/10/2024

2216-URB-LR-XX-DR-A-208350 Sections as Prop Appendix to covering letter - plan 3 associated with application 240520, as received 08/10/2024

2216-URB-OR-37-DR-A-208905-P01 Car Park Access - originally received 17/11/23 - Approved plan at time of application 230682 - submitted for information purposes only, as received 08/10/2024

6. Relevant Planning History

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:

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.

230682/VARIAT - 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.

240520/FUL - 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 (Amended description). Granted 24/07/2024.

7. Equality Act 2010:

- i. 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 that the protected groups identified by the Act have or will have different needs, experiences, issues and priorities in relation to this particular planning application. Therefore in terms of the key equalities protected characteristics it is considered there would be no significant adverse impacts as a result of the development.

8. Relevant Planning Guidance

- i. Whilst there is no statutory definition of what constitutes a 'non-material' amendment, Section 96A, part 2 of the Town and Country Planning Act 1990 (as amended) states that, *"In deciding whether a change is material, a local planning authority must have regard to the effect of the change, together with any previous changes made under this section, on the planning permission as originally granted."*

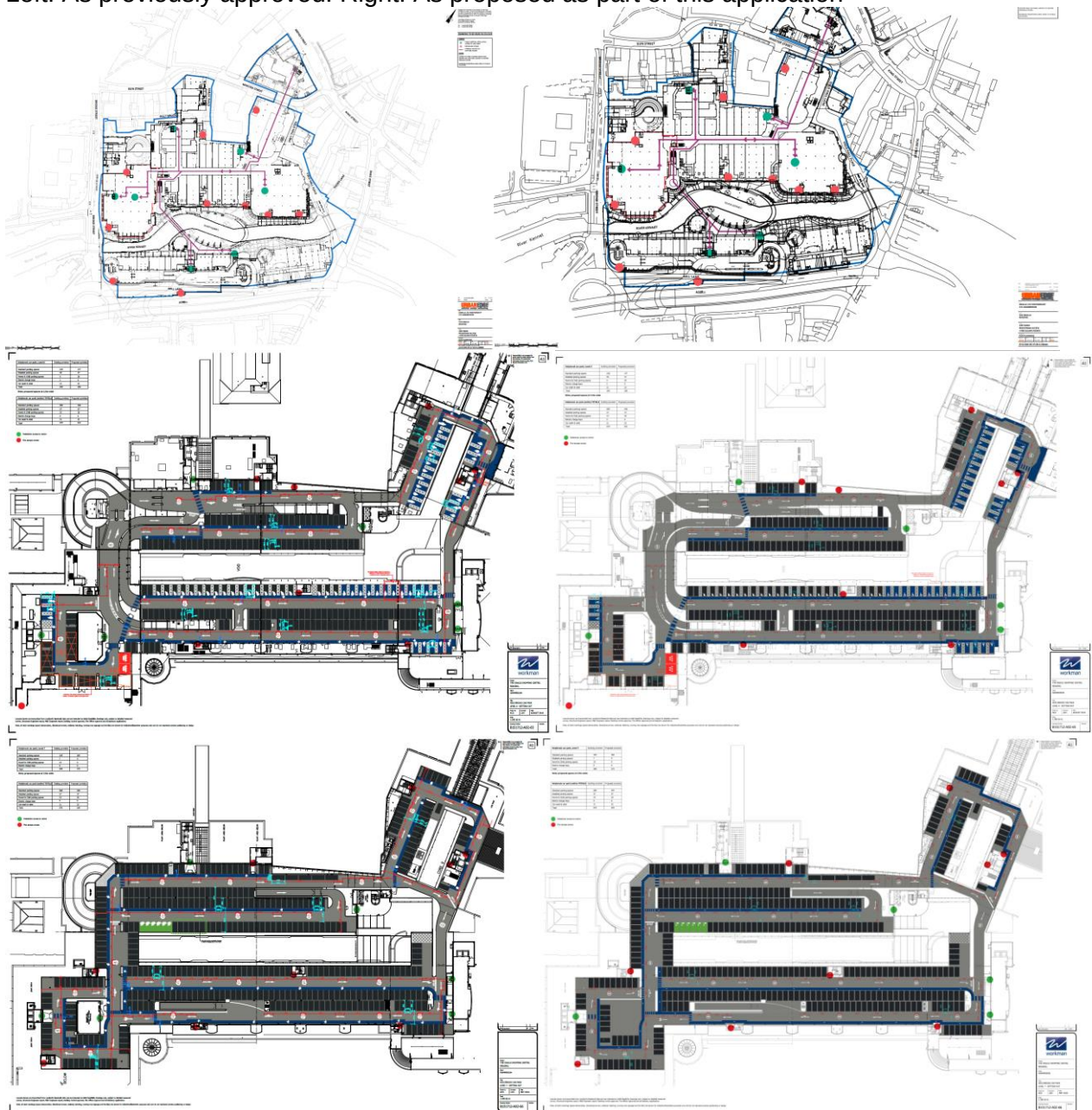
9. Relevant Policies

- i. The proposed amendments are assessed for materiality – not on the basis of their planning merits. Planning policies therefore do not apply.

10. Appraisal

- i. The alterations to the condition are considered to be appropriate in maintaining consistency between separate permissions and ensuring that the terms of the original condition remain up to date and accurate. Whilst this will reduce the number of different access points between the car park and the lower floors of the Oracle Shopping Centre, it will not negatively impact on access, with nearby alternatives remaining available.
- ii. Both Planning and Transport Officers are content that the proposed changes are acceptable, in themselves and collectively as part of the original application. This is the first s96a application associated with the 2023 permission, albeit that itself was a s73 application and the original 1997 Oracle permission was subject to numerous amendments, albeit these were agreed prior to the s96a process. Set within this context, the cumulative impacts are taken into account, but it is not considered that this application and previous amendments, when considered together, amount to tip the balance beyond what are considered to be non-material changes of the original permission.

Left: As previously approved. Right: As proposed as part of this application



- iii. The proposed changes, within the context of the wider development as a whole, relate to a relatively minor component of the development and follow good practice in seeking to regularise a matter which has arisen as a result of a separate later application at the site. Officers therefore consider that the changes can be made through the non-material amendment procedure.
- iv. An informative is recommended which states that this agreed NMA relates only to the changes highlighted. It will also be acknowledged that the agreed NMA shall only be read in the context of the substantive permission, and is bound by all the conditions and obligations attached to the substantive permission. A further informative is recommended which states: *In reaching this decision, the local planning authority is satisfied that the changes proposed by this application do not constitute material changes to the approved planning permission.*

11. Conclusion

- i. The local planning authority is satisfied that the changes proposed by this application do not constitute material changes to the approved original planning permission.

Recommendation

Grant non-material amendments

12. Conditions:

REPLACEMENT CONDITION 38

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 **and** B151712-A02-66 Hiolybrook Car Park Level 7 - Setting Out, **as both received on 08/10/2024**; 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 P02 Car Park Pedestrian Access / Fire Escape Points, as received **30/09/2024**, 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.

Informatives:

1. This permission relates only to the non-material amendments sought and described above. Furthermore, it shall only be read in the context of the substantive planning permission granted on 22/11/2023 under reference number 220682, and is bound by all the conditions and obligations attached to that permission (which itself was a s73 application in respect of original planning permission 970419 at the site). That permission still stands and this notice (and any other notices issued under section 96a) for this development should be read together.
2. In reaching this decision, the local planning authority is satisfied that the changes proposed by this application do not constitute material changes to the approved planning permission.
3. The Local Planning Authority has worked positively and proactively with the applicant to determine the application under the non-material amendment procedure within the statutory timeframes.