

# EASTERN AREA PLANNING COMMITTEE

## 04 OCTOBER 2023

### UPDATE REPORT

**Item No:** (2)      **Application No:** 23/00879/FUL      **Page No.** 47-57

**Site:** 6A Victoria Road, Mortimer Common, Reading, RG7 3SE

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#### 1. Registered Speakers

Please refer to List of Speakers provided under separate cover.

#### 2. Points of clarification

Following the site visit, officers would like to make the following points of clarification:

Odour is considered to have the potential to be a Statutory Nuisance under the Environmental Protection Act 1990. This legislation is separate from the principal planning legislation and falls outside of the remit of planning. Planning includes consideration of sensible measures for control of odour when considering a new development. Such measures were considered when granting planning permission for the bistro on the site, including those referred to below.

Environmental Health report that they have investigated three reports of odour nuisance originating from the bistro on the site. Their investigations resulted in the installation of odour filters that were required to be provided under the original planning permission for the bistro use and had not been installed. This was accompanied with a schedule for the maintenance and cleaning of these filters. Environmental Health confirmed the outcome of their investigations on the 15<sup>th</sup> of August, and have not received further complaints since.

This application does not include any proposal to alter the filters that were required to be provided and maintained on the site as part of that extant planning permission. The proposal is purely for external works to provide a flu to improve the existing system by diverting the filtered emanations.

In the event that further odour nuisance is detected from the site, it falls within environmental health's remit to investigate. Such action as can be taken in respect of an identified odour nuisance, including service of an Abatement Notice, falls under the remit of environmental health.

Officers would also like to clarify that the second floor of the building (currently unbuilt) has approval to be an additional bedroom serving the existing first floor flat, and your officers advice is that the matter of placement of the flu in this location is therefore a commercial concern between the building owner and occupants.

#### 3. Updated Recommendation

The recommendation remains as set out in the agenda committee report.