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Borough Council
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**TOWN AND COUNTRY PLANNING ACT 1990
PLANNING AND COMPENSATION ACT 1991
THE TOWN & COUNTRY PLANNING
(DEVELOPMENT MANAGEMENT PROCEDURE) ORDER 2010**

**APPLICATION TO VARY/REMOVE CONDITION UNDER SECTION 73 OF THE TOWN
AND COUNTRY PLANNING ACT 1990**

To: MWA
12 The Glenmore Centre
Jessop Court
Waterwells Business Park
Quedgeley
GL2 2AP

Application No: 131106
Application type: Variation of Condition

Applicant: B & M Retail Ltd

READING BOROUGH COUNCIL as local planning authority hereby **GRANT** planning permission for the development as described below:-

Proposal: Variation of planning permission 94/00443/FD to exclude Unit 1-2 (PC World) Brunel Retail Park, Rose Kiln Lane, Reading, RG2 0HS from complying with conditions 12 and 14.

At: PC World, Brunel Retail Park Rose Kiln Lane Reading RG2 0HS

Subject to such conditions and for such reasons as may be attached

**OTHER STATUTORY CONSENTS MAY BE REQUIRED
PLEASE READ THE NOTES ISSUED WITH THIS DECISION NOTICE**

Date: 18 October 2013

Head of Planning & Building Control 

Application At: PC World, Brunel Retail Park Rose Kiln Lane Reading RG2 0HS

Application No: 131106

Application type: Variation of Condition

1. The development to which this permission relates shall be begun not later than the expiration of five years beginning with the date on which the permission was granted. Reason: to prevent an accumulation of unimplemented planning permissions and in accordance with Section 91 (1) to the Town & Country Planning Act 1990.

2. The development hereby approved shall be carried out and completed in all respects in accordance with the submitted plans and details before the building(s) are occupied and open for trading, except as may be subsequently agreed in writing by the Local Planning Authority. Reason: to ensure the completion of the development in accordance with the approved plans and details before occupation of the building(s) takes place.

3. Before any development is commenced, space shall be provided within the site to accommodate:

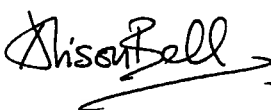
(i) parking of vehicles of site personnel, operatives and visitors; (ii) loading and unloading of plant and materials;

(iii) storage of plant and materials used in constructing the development;

and each facility shall be maintained throughout the course of construction of the development free from any impediment to its designated use. Reason: as the development without such facilities, would be likely to lead to parking, loading/unloading and storage of plant and materials on the public highway to the detriment of road safety. SDPD DM12 (Access, Traffic and Highway Related Matters)

4. The Local Planning Authority shall be given written notice of the intention to implement the permission hereby granted. Reason: to ensure that all obligations to be met prior to the commencement of development are met and to allow sufficient time for such matters as may remain outstanding to be resolved to the written satisfaction of the Local Planning Authority. RBCS CS9 (Infrastructure, Services, Resources and Amenities)

5. The areas, shown on the submitted drawings reserved for the parking of vehicles shall be constructed, surfaced and marked out and kept available or used for such purposes at all times to the satisfaction of the Local Planning Authority. No development, whether or not permitted by the Town and Country Planning General Development Order 1988, as amended, shall be carried out on such areas or in such a position as to restrict vehicular access to these reserved parking areas. Reason: as the



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development, without the provision of street parking facilities, would be likely to lead to vehicles parked on the public highway to the detriment of visual amenity and road safety. RBCS CS24 (Car / Cycle Parking)

6. Details, including samples, of all external materials and finishes to include bricks, roofing, cladding, colour and finish of mortar, glazing and joinery, to be used on the walls and roofs of the building shall be submitted to and approved in writing by the Local Planning Authority, before any development is commenced. Reason: as no such details have been submitted and in the interests of amenity. RBCS CS7 (Design and the Public Realm)

7. A detailed scheme of landscaping, including provision where appropriate for fencing, walling and other means of enclosure and screening; planting of trees, shrubs and grass; formation of banks terraces or other earthworks; laying of hard surfaces; and providing for the retention of as many existing trees as possible, shall be submitted to and approved in writing by the Local Planning Authority before any development is commenced. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation. Reason: in the interests of the amenities of the development and adjoining properties. RBCS CS7 (Design and the Public Realm)

8. This permission relates only to drawings 9357.21A received 11 August 1994; 9357.25 received 25 May 1994; 935722.1 and 935723.1 received December 1994 and 9357 51 received by the Local Planning Authority on 25 May 1994. Reason: as amended plans were submitted and to avoid confusion.

9. Prior to the commencement of the development hereby permitted a scheme for the survey and treatment of any contaminated land on the site shall be submitted to, and approved in writing by the Local Planning Authority. The approved treatment of the site shall take place prior to any works permitted by this planning permission. Reason: in the interests of the health and safety of those employed during construction and future occupiers of the site. RBCS CS34 (Pollution and Water Resources)

10. Prior to the commencement of development a scheme for the survey and treatment of land fill gas shall be submitted and approved by the Local Planning Authority to the satisfaction of the Waste Regulation Authority. Reason: in the

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interests of the health and safety of those employed during construction and future occupiers of the site. RBCS CS34 (Pollution and Water Resources)

11. No sales shall take place until all the highway works indicated on drawing no 94136/6 have been completed to the satisfaction of the Local Planning Authority unless otherwise agreed by the Local Planning Authority. Reason: in the interests of highway safety. SDPD DM12 (Access, Traffic and Highway Related Matters)

12. Unit 3 hereby permitted shall not be used for the sale of goods other than: ambient food and drink goods; household goods; pharmaceutical goods and toiletries; DIY and garden goods; furniture and home furnishing; floor coverings; electrical and photographic goods; automotive parts and accessories; cycles, products for and including domestic pets, sports goods, leisure goods, clothing and footwear and ancillary items and for no other purpose within Class A1 of the Town and Country Planning (Use Classes) Order 1987. Unit 1-2 hereby permitted shall not be used for the sale of goods other than: DIY; furniture; home furnishings; floor coverings; electrical and photographic goods; automotive parts and accessories; cycles; products for and including domestic pets; sports goods; leisure goods; ambient food, drink and confectionary; toys; toiletries; clothing and footwear and ancillary items and for no other purpose within Class A1 of the Town and Country Planning (Use Classes) Order 1987. All other non-food retail premises hereby permitted shall not be used for the sale of goods other than DIY, furniture, home furnishings, floor coverings, electrical and photographic goods, automotive parts and accessories, cycles, products for and including domestic pets, sports goods, leisure goods, clothing and footwear and ancillary items and for no other purpose within Class A1 of the Town and Country Planning (Use Classes) Order 1987. Reason: as the site lies outside an existing shopping centre and to enable the local planning authority to control the range of goods to be sold to safeguard the vitality and viability of existing shopping centres. RBCS CS25 (Scale and Location of Retail, Leisure and Culture Development) RBCS CS26 (Network and Hierarchy of Centres)

13. The non-food retail premises hereby permitted shall not be subdivided to exceed 14 separate non-food retail units, none of which shall be less than 485m², not more than 6 of which shall be less than 900m², and not more than 3 of which shall be less than 700m². Reason: as the site lies outside an existing centre and to enable the Local Planning Authority to control the size of the retail units to safeguard the vitality and viability of existing shopping centres. RBCS CS25 (Scale and Location of Retail, Leisure and Culture Development) RBCS CS26 (Network and Hierarchy of Centres)

14. (1) Not more than 3 retail units shall be used for the sale of clothing and footwear.

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(2) Within Unit 3 hereby permitted, the sale of ambient food and drink shall not exceed 20% of the net sales area, the sale of household and health and beauty goods shall not exceed 20% of the net sales area, and the sale of clothing and footwear shall not exceed 5% of the net sales area.

(3) Within Unit 1-2 hereby permitted, the area of floorspace for the sale of food, drink and confectionary shall not exceed 150 sq m, the area of floorspace for the sale of toys shall not exceed 100 sq m and the area of floorspace for the sale of toiletries shall not exceed 80 sq m.

Reason: as the site lies outside an existing shopping centre and to enable the local planning authority to control the sale of these types of goods to safeguard the vitality and viability of existing shopping centres.

RBCS CS25 (Scale and Location of Retail, Leisure and Culture Development) RBCS CS26 (Network and Hierarchy of Centres)

15. The construction of the surface drainage system shall be carried out in accordance with details submitted to and approved in writing by the Planning Authority in consultation with the National Rivers Authority before the development commences.

Reason: to prevent pollution of the water environment.

RBCS CS34 (Pollution and Water Resources) RBCS CS35 (Flooding)

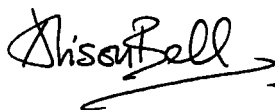
16. Before the development is commenced a detailed site investigation shall be carried out to establish if the site is contaminated, to assess the degree and nature of the contamination present, and to determine its potential for the pollution of the water environment. The method and extent of this investigation shall be agreed with the Planning Authority in consultation with the National Rivers Authority prior to the commencement of the work. Details of appropriate measures to prevent pollution of groundwater and surface water, including provisions for monitoring, shall then be submitted to and approved in writing by the Local Planning Authority in consultation with the National Rivers Authority, before the development commences. The development shall then proceed in strict accordance with the measures approved.

Reason: to prevent pollution of the water environment. RBCS CS34 (Pollution and Water Resources)

17. No soakaways shall be constructed in contaminated ground. Reason: to prevent pollution of groundwater.

RBCS CS34 (Pollution and Water Resources) RBCS CS35 (Flooding)

18. No development or raising of ground levels shall take place on that part of the site lying within the area of land liable to flood as shown on the maps held by the National Rivers Authority. Reason: to prevent the increased risk of flooding due to impedance of flood flows and reduction of flood storage capacity. RBCS CS35 (Flooding)



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19. No development shall take place within the site until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Local Planning Authority. RBCS CS33 (Protection and Enhancement of the Historic Environment)

20. Throughout the course of construction the pavement abutting the site shall be maintained free from any obstruction by vehicles, materials or construction refuse. Upon completion of the development the pavement shall be reinstated to the written satisfaction of the Local Planning Authority. The development shall not be occupied or used until such time as any reinstatement required by the Local Planning Authority has been so completed. Reason: to protect local residents, pedestrians and road users from inconvenience or nuisance arising from the implementation of development and to ensure that the site frontage is properly restored thereafter. SDPD DM12 (Access, Traffic and Highway Related Matters)

INFORMATIVES

1. The local planning authority has worked with the applicant in a positive and proactive manner in relation to issues that have arisen in relation to dealing with the planning application relating to the wording of conditions. The recommendation to grant permission is considered to be a positive result of these discussions.

2. All relevant conditions requiring submission of information have been satisfied: the LPA does not require any re-submission of such matters. Conditions 1, 2, 3, 4, 6, 7, 9, 10, 11, 15, 16, 19 and 20 have been complied with. Conditions which require ongoing compliance are 5, 8, 12, 13, 14, 17 and 18.

3. A Section 106 Agreement relates to permission 94/00443/FD covering this site. A full copy of the S106 legal agreement is available on the Public Register held at Reading Borough Council. Permission 94/00443/FD has been implemented, and none of the obligations within the Section 106 agreement are currently outstanding.

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NOTES

APPEALS TO THE SECRETARY OF STATE

If you are aggrieved by the decision of the Council to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990.

If this is a decision on a planning application relating to the same or substantially the same land and development as is already the subject of an enforcement notice, if you want to appeal against the Council's decision on the application you must do so within 28 days of the date of this notice.

If an enforcement notice is served relating to the same or substantially the same land and development as in your application and you want to appeal against the Council's decision on your application, you must do so within 28 days of the date of service of the enforcement notice, or within 6 months (or 12 weeks in the case of a householder appeal) of the date of this notice, whichever period expires earlier.

If the above circumstances do not apply, any appeal must be made within the following time limits. If this is a householder application and you want to appeal against the Council's decision then you must do so within 12 weeks of the date of this notice. If this is an advertisement application and you want to appeal against your local planning authority's decision then you must do so within 8 weeks of the date of this notice. If you want to appeal against your local planning authority's decision for any other type of application (which is not a householder or advertisement application, or an application for a Certificate of Lawfulness) then you must do so within 6 months of the date of this notice.

The Secretary of State can allow a longer period for giving notice of an appeal, but he will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal. The Secretary of State need not consider an appeal if it seems to him that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order. In practice, the Secretary of State does not refuse to consider appeals solely because the local planning authority based their decision on a direction given by him.

Appeals must be made using a form which you can get from the Planning Inspectorate at Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN, tel. 0303 444 5000, or online at www.planningportal.gov.uk/pcs.

Purchase Notices

If either the local planning authority or the Secretary of State refuses permission to develop land or grants it subject to conditions, the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted. In these circumstances, the owner may serve a purchase notice on the Council in whose area the land is situated. This notice will require the Council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.

