



Reading
Borough Council
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**TOWN AND COUNTRY PLANNING ACT 1990
PLANNING AND COMPENSATION ACT 1991
THE TOWN & COUNTRY PLANNING
(DEVELOPMENT MANAGEMENT PROCEDURE) (ENGLAND) ORDER 2015**

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

To: Solve Planning Ltd
Sentinel House
Ancells Business Park
Harvest Crescent
Fleet
GU51 2UZ

Application No: 211418
Application type: Variation of Condition

Applicant: Sorbon Estates Ltd

READING BOROUGH COUNCIL as Local Planning Authority hereby **GRANT** planning permission for the development as described below:-

Proposal: Operation of outline permission for Residential and Retail and retail development on land west of Rose Kiln Lane without complying with condition 12 of 01/00873/VARIAT (as amended by 11/00983/VARIAT, 141216/VAR and 210406/VAR) to enable the operation of a 24 hour gym at Unit 1A Reading Link Retail Park.

At: B1 Bensons For Beds Reading Link Retail Park Rose Kiln Lane Reading RG2 0SN

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: 6th April 2022

Head of Planning, Development
& Regulatory Services

Application At: B1 Bensons For Beds Reading Link Retail Park Rose Kiln Lane Reading RG2 0SN

Application No: 211418

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CONDITIONS & REASONS

1. a) approval of the details of siting, design and external appearance of the buildings, drainage and the landscaping of the site thereafter referred to as 'the reserved matters' shall be made to the local planning authority;
- b) application for approval of the reserved matters shall be made to the local planning authority not later than the expiration of 4 years beginning with the date (18 August 1988) on which the original appeal permission (72919 and 73220/P3 for applications 87/TP/536 and 87/TP/537) was granted.

NOTE: The Local Planning Authority can confirm that this condition either has been met or is no longer relevant.

2. The development to which this permission relates must be begun not later than the expiration of three years beginning with the date on which the permission was granted.

NOTE: The Local Planning Authority can confirm that this condition either has been met or is no longer relevant.

3. The means of vehicular access to the site shall be from Rose Kiln Lane only in accordance with drawings reference 6194/00/06 and 6194/01/15A.

Reason: In the interests of road safety.

RBLP 2019 Policy TR3 Access, Traffic and other Highways Related Matters

4. The existing accesses to the site shall be stopped up and abandoned and footway and verge crossings shall be reinstated immediately after completion of the new access.

NOTE: The Local Planning Authority can confirm that this condition either has been met or is no longer relevant.

5. Access to the site shall be provided in accordance with the approved drawings before any buildings are occupied.

NOTE: The Local Planning Authority can confirm that this condition either has been met or is no longer relevant.

6. The landscaping scheme approved under condition no. 1 shall be implemented in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; any trees or plants which,

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within a period of 5 years from the completion of the development, die, are removed or become seriously 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.

NOTE: The Local Planning Authority can confirm that this condition either has been met or is no longer relevant.

7. No buildings or structures shall be erected within 15m of the southern boundary of the Holy Brook.

Reason: to protect the waterway from contamination.

RBLP 2019 Policy EN16 Pollution and Water Resources

8. No buildings shall be occupied until the associated areas indicated on the approved plans for servicing and car parking are available for use.

NOTE: The Local Planning Authority can confirm that this condition either has been met or is no longer relevant.

9. Servicing of the commercial buildings hereby permitted shall not take place outside the hours of 07.30 to 2000 Mondays to Fridays or 08.00 to 20.00 Saturdays and Sundays.

RBLP 2019 Policy CC8 Safeguarding Amenity

10. The developer shall afford all access at all reasonable times to any archaeologist nominated by the local planning authority and shall allow him to observe the excavations and record items of interest and finds.

NOTE: The Local Planning Authority can confirm that this condition either has been met or is no longer relevant.

11. None of the buildings shall be occupied until the drainage works have been completed in accordance with the scheme required under condition 1.

NOTE: The Local Planning Authority can confirm that this condition either has been met or is no longer relevant.

Amended Condition 12:

12. The retail premises hereby permitted shall not be open for business between the hours of 2000 and 0700 Mondays to Sundays (inclusive) with the exception of Unit 1A, whilst this unit is in use as a 24 hour gym. When the use of the premises as a 24 hour gym ceases the premises shall revert back to not opening for business between the hours of 2000 to 0700 Mondays to Sundays (inclusive).

Reason: to protect the amenity of nearby residents as another alternative use of the premises may result in unreasonable disturbance.

RBLP 2019 Policy CC8 Safeguarding Amenity

RBLP 2019 Policy EN16 Pollution and Water Resources

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13. Unit C1 hereby permitted shall not be used for the sale of goods other than food and drinks and ancillary products.

Units 1B and C2 hereby permitted shall not be used for the sale of goods other than: ambient food and drinks goods; health and beauty products, books and stationary, DIY and garden goods, furniture and home furnishings, beds, carpets and floor coverings, electrical and photographic goods, auto parts and accessories, cycles, products for and including domestic pets, sports and leisure goods, clothing and footwear, household products and goods, toys and seasonal items and ancillary items and for no other purpose within Class A1 of the Town and Country Planning (Use Classes) Order 1987.

Condition 13a: Within Units 1B and C2 hereby permitted, the sale of ambient food and drink shall not exceed 30% of the net sales area, the sale of household and health and beauty goods shall not exceed 20% of the net sales area, the sale of home furnishings shall not exceed 15% of the net sales area, the sale of toys shall not exceed 10% of the net sales area, the sale of books and stationary shall not exceed 10 % of the net sales area, the sale of garden products shall not exceed 5% of net sales area and the sale of clothing and footwear shall not exceed 5% of the net sales area.

Condition 13b: For the purposes of the sale of clothing, household goods and textiles, china, glassware, pottery and seasonal items Unit C3 shall not be occupied independently of adjacent Unit D.

Condition 13c: Unit D hereby permitted shall not be used for the sale of goods other than non-food retail goods and for no other purpose within Class A1 of the Town and Country Planning (Use Classes) Order 1987.

Condition 13d **as amended**: Unit 1A shall only be used for display or retail sale of goods (other than food sales and hot food sales (Class E(a)), indoor sport, recreation or fitness (Class E(d)) and creche, day nursery or day centre (Class E(f)) and for no other purpose within Class E of The Town and Country Planning (Use Classes) Order 1987 (as amended).

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 and uses taking place to safeguard the vitality and viability of existing local centres.

RBLP 2019 Policy RL2 (Scale and Location of Retail, Leisure and Culture Development)

NOTE: Condition amended under planning permission 210406/VAR

14. The gross retail floorspace hereby permitted shall not exceed 9,230 sq metres;

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(i) The additional 1,370 sq metres permitted under 01/00873/FUL shall be provided by means of the insertion of a mezzanine within unit B1 as described in application 01/00873/FUL. The additional 1,370 sq m of floorspace formed by the insertion of the mezzanine shall not be used to form a separate retail unit from the existing ground floor use at retail unit B1;

(ii) The additional 760 sq m permitted under 00 /00935/VARIAT shall be provided by means of the insertion of mezzanine within unit D as described in application 00/00935/VARIAT. The permitted 760 sq m formed by the insertion of the mezzanine shall only be used for purposes ancillary to the main retail use of the site. At no time shall retail sales take place from the mezzanine floor area. Reason: to control the amount and use of floorspace at the retail park.

RBLP 2019 Policy RL2 (Scale and Location of Retail, Leisure and Culture Development)

15. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking or re-enacting that Order with or without modification) prior to the sale of any goods within the extended range as permitted under condition 13 above commencing within Unit C2, the existing mezzanine floor in Unit C2 shall be removed in its entirety and thereafter no mezzanine floor shall be erected in Unit C2 for so long as goods within the extended range as permitted under condition 13 are being sold in Unit C2.

Reason: to ensure that the development does not have an adverse effect on local centres.

RBLP 2019 Policy RL2 (Scale and Location of Retail, Leisure and Culture Development)

16. The permission relates only to the following plans and drawings - Site Location Plan BSP1 as received by the local planning authority on 7th February 2012; and 88/TP/1305 Reserved Matters drawings 10001/01A as received by the local planning authority on 11th January 1989; and Proposed Retail Development - North East Elevation to Rose Kiln Lane and South East Elevation to Approach Road 4348 and Proposed Retail Development - South West Elevation to the Boundary and NorthWest Elevation to the Holybrook 4348 as received by the local planning authority on 16th December 1988.

Reason: to clarify which plans have been approved.

INFORMATIVES

1. A Section 106 Agreement relates to this site. A full copy of this Agreement is available on the Public Register held by Reading Borough Council.
2. Your attention is drawn to the terms and conditions of this permission.

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3. The decision to grant permission for this variation follows positive and proactive consideration of the issues raised resulting in the decision being issued.

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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.

Appeals can be made online at: <https://www.gov.uk/planning-inspectorate>.

If you are unable to access the online appeal form, please contact the Planning Inspectorate to obtain a paper copy of the appeal form on tel: 0303 444 5000.

The Secretary of State can allow a longer period for giving notice of an appeal but 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 the Secretary of State 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.

If you intend to submit an appeal that you would like examined by inquiry then you must notify the Local Planning Authority and Planning Inspectorate (inquiryappeals@planninginspectorate.gov.uk) at least 10 days before submitting the appeal. Further details are on GOV.UK.

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.