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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) (ENGLAND) ORDER 2015**

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

To: Chart Plan (2004) Ltd
Mansard Cottage
65 Stoneleigh Road
Limpsfield Chart
Oxted, Surrey
RH8 0TP

Application No: 160464
Application type: Variation of Condition

Applicant: Primark Stores Ltd

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

Proposal: Variation of condition 2 (approved plans) of planning permission 151221 (erection of 2nd floor extension, roof plant, various facade alterations & associated works), namely for minor material amendments to enable the amalgamation of a retail unit at 118 Broad St into the demise of the proposed ground floor; alterations to Broad St shopfront, including provision of 2 fire escape doors & alteration in position of main entrance; provision of eight windows at proposed second floor level on Minster St elevation; altered servicing to Minster St; & enlarged roof plant area, provision of additional plant screen & provision of lift overrun at third floor.

At: 116 117 118 & 119 Broad St & 19-22 Minster

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 October 2016

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& Regulatory Services

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Application At: 116 117 118 & 119 Broad St & 19-22 Minster

Application No: 160464

Application type: Variation of Condition

CONDITIONS & REASONS

1. Permission 151221 has already been implemented - no time limit condition is necessary.

2. The development hereby permitted shall not be carried out other than in accordance with the following drawings;

09 Rev 5.1 - Location and Site/Block Plan, as received 07/04/16

15 Rev 5.3 - Proposed Section A-A, as received 10/03/16

102 Rev 3.0 - Plant Deck Section, as received 10/03/16

112 Rev 3.0 - Plant Deck Section Broad Street, as received 10/03/16

116 Rev 4.8 - Proposed Elevation - Broad Street, as received 07/04/16

117 Rev 4.3 - Proposed Elevations Minster Street, as received 10/03/16

409 Rev 3.5 - Proposed Basement Extension Option, as received 10/03/16

410 Rev 3.5 - Proposed Ground Floor Basement Extension Option, as received 10/03/16

411 Rev 3.7 - Proposed First Floor Basement Extension Option, as received 10/03/16

412 Rev 3.4 - Proposed Second Floor Basement Extension Option, as received 10/03/16

413 Rev 5.2 - Proposed Third Floor Basement Extension Option, as received 10/03/16

Reason: To clarify which plans have been approved and in the interests of proper planning.

3. The development shall be carried out in accordance with the material details shown on the following documents received on 18/11/2015 and approved as part of 152057/APPCON on 11/01/2016:

Primark, Broad Street, Reading - External Facing Materials, by 3d Architects
Primark Reading Proposed Finishes

Reason: In the interests of safeguarding the character and appearance of the building and the wider immediate area, in accordance with Policy CS7 of the Reading Borough LDF Core Strategy 2008 (Altered 2015) and Policy RC5 of the Reading Borough LDF Reading Central Area Action Plan 2009.

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4. The first and second floor level glazing on the Broad Street elevation hereby approved shall remain clear glazed.

Reason: In the interests of safeguarding the character and appearance of the building and the wider immediate area, including the setting of nearby listed buildings, in accordance with Policy CS7 of the Reading Borough LDF Core Strategy 2008 (Altered 2015) and Policy RC5 of the Reading Borough LDF Reading Central Area Action Plan 2009.

5. The approved Construction Method Statement, as per Primark Reading Construction Management Plan by Mace, Revision 5, dated and received on 11/01/16, shall be adhered to throughout the development process unless agreed otherwise in writing by the Local Planning Authority.

Reason: In the interests of safety, protecting the amenity of local land uses, neighbouring residents and highway safety in accordance with Policies CS20 and CS34 of the Reading Borough LDF Core Strategy 2008 (Altered 2015), Policy RC9 of the Reading Borough LDF Reading Central Area Action Plan 2009 and Policies DM4 and DM12 of the Sites and Detailed Policies Document 2012 (Altered 2015).

6. In connection with the implementation of this permission, no works to the Minster Street façade shall take place outside the hours of 0800 to 1800 Mondays to Fridays and 0800 to 1300 on Saturdays. Works shall not take place outside these hours or at anytime on Sundays and Bank Holidays without the prior written approval of the local planning authority.

In connection with the implementation of this permission, no works to the Broad Street façade shall take place outside the hours of 0800 to 1800 Mondays to Sundays. Works shall not take place outside these hours or at anytime without the prior written approval of the local planning authority.

In connection with the implementation of this permission, internal works shall be restricted to the hours of 0800 to 1800 Mondays to Sundays, with the exception of noise generating works likely to impact on the party wall with neighbouring John Lewis, which shall be restricted to between the hours of 1800 to 0600 Monday to Friday. Works shall not take place outside these hours or at anytime on Bank Holidays without the prior written approval of the local planning authority.

Reason: To protect the amenity of occupiers of existing nearby properties from noise and disturbance from works connected with implementing this permission, in accordance with Policy CS34 of the Reading Borough LDF Core Strategy 2008 (Altered 2015) and Policy DM4 of the Sites and Detailed Policies Document 2012 (Altered 2015).

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7. A noise assessment shall be carried out for the proposed roof plant in accordance with BS4141:2014 methodology for approval prior to the first use of the second floor extension hereby approved. The predicted rating level, L_Ar,Tr (specific sound level plus any adjustment for the characteristic features of the sound) as measured at a point 1 metre external to sensitive facades shall be at least 10dB below the existing background sound level, L_A90,T when all plant/equipment (or any part of it) is in operation.

Reason: To safeguard the amenities of the adjoining premises and the area generally, in accordance with Policy CS34 of the Reading Borough LDF Core Strategy 2008 (Altered 2015) and Policy DM4 of the Reading Borough LDF Sites and Detailed Policies Document 2012 (Altered 2015).

8. Automatic time clocks shall be fitted to the equipment/machinery hereby approved, prior to the first operation of the plant to be installed, to ensure that the plant/equipment does not operate between 21.00 hrs and 07.00 hrs. The timer equipment shall be properly maintained and retained permanently thereafter.

Reason: To safeguard the amenities of the adjoining premises and the area generally, in accordance with Policy CS34 of the Reading Borough LDF Core Strategy 2008 (Altered 2015) and Policy DM4 of the Reading Borough LDF Sites and Detailed Policies Document 2012 (Altered 2015).

9. Prior to the first use of the second floor extension hereby approved, a final BREEAM certificate shall be submitted to and approved, in writing, by the Local Planning Authority, demonstrating that the extended part of the building achieves at least a 62.5% 'Very Good' rating.

Reason: To ensure that the development contributes adequately towards environmental sustainability, in accordance with Policy CS1 of the Reading Borough LDF Core Strategy 2008 (Altered 2015) and Policy DM1 of the Sites and Detailed Policies Document 2012 (Altered 2015).

10. The development will be carried out in accordance with the details hereby approved in the Energy Statement by CHB Sustainability, Ref CHBS-YX-15018-1, dated 12/06/15, as received 13/07/15.

Reason: To ensure that the development contributions adequately towards environmental sustainability through energy measures, in accordance with Policy CS1 of the Reading Borough LDF Core Strategy 2008 (Altered 2015) and Policy DM1 of the Sites and Detailed Policies Document 2012 (Altered 2015).

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11. The development will be carried out in accordance with the details hereby approved in the Servicing and Delivery Strategy by Milestone Transport Planning, dated May 2016, as received 27/05/16.

Reason: To ensure that the servicing and deliveries to the development site are suitably managed, do not cause harm to highway safety or impact on the amenity of local land uses, in accordance with Policies CS2 and CS20 of the Reading Borough LDF Core Strategy 2008 (Altered 2015) and Policies DM4 and DM12 of the Sites and Detailed Policies Document 2012 (Altered 2015).

INFORMATIVES

1. The conditions above have been worded with reference to the original permission (Ref 151221/FUL) and the following subsequent applications determined at the site:

Ref 152047/APPCON - condition 5 (construction method statement) discharged 15/01/16.

Ref 152057/APPCON - condition 3 (materials) discharged 11/01/16.

Ref 160031/VARIAT - Variation of conditions 6 (Construction Hours) and 7 (Noise assessment) granted 24/05/16.

2. The Local Planning Authority has worked positively and proactively with the applicant to address issues raised during the course of the application and determine the application in a timely manner.

3. The attention of the applicant is drawn to Section 59 of the Highways Act 1980, which enables the Highway Authority to recover expenses due to damage caused by extraordinary traffic.

4. Any works affecting the highway shall be in accordance with Reading Borough's Council's document "Guidance Notes for Activities on the Public Highway within the Borough of Reading". The applicant should be made aware that compliance with this document is mandatory and licences to work on the highway will only be issued if the requirements contained within it are met. A copy can be obtained at http://www.reading.gov.uk/media/1764/Guidance-Notes-for-Activities-on-the-Public-Highway/pdf/Guidance_Notes_for_Activities_on_the_Public_Highway_February_2016.pdf

5. There should be no burning of waste on the site.

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For further information about construction and demolition nuisance law please refer to: <http://www.reading.gov.uk/article/8042/Report-nuisance>

6. A Section 106 Legal Agreement and deed of variation relates to this site, linked to this (Ref No. 4233) and the original permission (Ref No. 4159). A full copy of the agreements are available on the Public Register held by Reading Borough Council.

7. The applicant is advised that an application for building regulations approval may be required.

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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.

