

**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: STL Architecture
3 Thames Court
2 Richfield Avenue
Reading
RG1 8EQ

Application No: 230967
Application type: Variation of Condition

Applicant: Mr S. Tanner

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

Proposal: Erection of two 3-bed detached dwellings with associated garaging without complying with condition no. 2 (approved plans) of planning permission 201233 to allow for changes to the siting, layout and appearance of both dwellings and to improve the living accommodation of Plot 1. Granted with prior associated S106.

At: 5 Grass Hill Reading RG4 7TJ

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: 12 October 2023



Assistant Director of Planning, Transport and
Public Protection Services *RE*

Application At: 5 Grass Hill Reading RG4 7TJ

Application No: 230967

Application type: Variation of Condition

CONDITIONS & REASONS

1. The development hereby permitted shall begin no later than three years from the date of planning permission ref. 201233 issued on 27th August 2021.

REASON: For the avoidance of doubt and to ensure that any conditions imposed on the original permission remain in force other than as expressly hereby varied and development must be started in accordance with Section 73(5) of the Town & Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall ONLY be carried out in accordance with the following approved plans:

Supporting S73 Application statement, August 2023

3707/251 Ground floor layout - Comparison

3707/252 First floor layout - Comparison

3707/253 Proposed elevations - Comparison

As received 17 August 2023

3707/214 Rev F Block and location plan, Jan 2022 - Proposed 3707/210 Rev H Proposed site plan, Jan 2022

3707/211 Rev H Ground floor layout, Jan 2022

3707/212 Rev H First floor layout, Jan 2022

3707/213 Rev F Proposed elevations, Jan 2022

3707/209 Rev H Proposed landscaping and biodiversity site plan, July 2020

As received 11 July 2023

Letter from agent to explain changes proposed for a S73 Application - Erection of two 3-bed detached dwellings with associated garaging, July 2022

Mark Welby Arboricultural Impact Assessment (AIA) and Tree Protection Strategy ref. MW.20.0613.AIA Rev H, 2 August 2022

As received 21 July 2022

Turnstone Ecology Preliminary Ecological Appraisal rev 01 ref. R01- PEA Report-Rev 03 dated 13/04/2021

Received by the Local Planning Authority 15th April 2021

Turnstone Ecology Reptile Mitigation and Enhancement Plan ref. R02- Reptile Mitigation and Enhancement Plan Rev 01 dated 29 April 2021, received by the Local Planning Authority on 6th May 2021

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REASON: For the avoidance of doubt and to ensure that the development is carried out and adhered to in accordance with the application form and associated details hereby approved.

3. The materials to be used in the construction of the external surfaces of this development shall be as specified on the plans and approved documents of application 230967 for Plot 1

Plot 1

Roof - to be Natural slates (Spanish) to match adjacent dwelling Lime House

First floor walls - A mixture of vertical IROKO wood cladding and render - colour limestone white (similar to Lime House, Grass Hill)

Ground Floor walls - A mixture of render - colour limestone white and Mid Grey Linear Ultima brick plinth (to replicate the dry Cornish stone walls at Lime House, Grass Hill.

Windows and doors - aluminium clad timber (class 4 air tightness) triple glazed.

or as discharged under 221827/APC

- The Steel Roof is Colourcoat Urban colour Merlin

- The Timber Cladding is Brimstone Ash Thermo Wood - vertical profile Windows are to be timber triple glazed

Plot 1 - colour RAL 7033 Cement Grey

Plot2 - colour RAL 7032 Pebble Grey

Doors - composite, colours as windows

Render - K Rend silicon render, colour - smooth finish ash white.

As received 7 December 2022

unless otherwise agreed in writing with the Local Planning Authority.

REASON: In the interests of visual amenity and ensuring the new development responds positively to the local context and character in accordance with Policy CC7 of the Reading Borough Local Plan 2019.

4. No dwelling hereby permitted shall be occupied until the vehicle access serving it has been constructed in accordance with the plans hereby approved.

REASON: In the interests of road safety in accordance with Policy TR1 and TR3 of the Reading Local Plan 2019.

5. No dwelling hereby permitted shall not be occupied until all vehicle parking spaces have been provided in accordance with the plans hereby approved. The spaces shall be kept available for parking at all times thereafter.

REASON: To ensure that the development is provided with adequate parking facilities to meet the needs of future occupiers and reduce the likelihood of roadside parking which could be a danger to other road users in accordance with Policy TR3 and TR5 of the Reading Local Plan 2019.

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6. The development hereby permitted shall not be carried out other than in accordance with the following Construction Method Statement documents as discharged under 211531:

- Construction Method Statement Rev A, Elegant Homes, dated 24 November 2021
- Email from John Neville on 24 November 2021 11:29 stating: Condition 6 - CMS
 - The construction site layout plan at Appendix A has been revised to avoid impingement on any RPA. All site facilities and parking areas are now inside the tree protection fencing line shown on the plan.
 - The AMS within the AIA has been revised and now sets out at para 6.8 that the no dig installation will take place before the construction phase.

As received 24 November 2021

- Email from John Neville on 6 December 2021 14:35 stating 'we intend to lay ground guard mats over the top of the CCS as a temporary surface course during construction. Please see attached link: Ground Guard System (nixonhire.co.uk)'

As received 6 December 2021

The measures within the approved Statement and details above shall be adhered to throughout the demolition and construction period unless otherwise agreed in writing by the Local Planning Authority.

REASON: These details are required due to insufficient information being contained within this submission and in the interests of protecting the amenity of local land uses or neighbouring residents, the character of the area and highway safety in accordance with Policy CC8 and TR3 of the Reading Borough Local Plan 2019.

7. No dwelling hereby permitted shall be occupied until the bicycle parking facility for that dwelling has been provided in accordance with the plans hereby approved. The facility shall be kept available for bicycle parking at all times thereafter.

REASON: To encourage travel by sustainable alternatives to driving a motorcar in accordance with Policy TR1 and TR5 of the Reading local Plan 2019.

8. Prior to first occupation of the dwellings hereby approved, the refuse and recycling storage facility shall be implemented fully in accordance with those details shown on the approved plans and thereafter retained for use by occupiers of the dwellings at all times.

REASON: In the interests of the visual amenity of the area and to ensure that bins can be easily accessed when required in accordance with Policy CC7 of the Reading Local Plan 2019.

9. No dwelling hereby permitted shall be occupied until details of an electric vehicle (EV) charging Scheme comprising a layout plan and detailed specification has been submitted to and approved in writing by the Local Planning Authority. No dwelling hereby permitted shall be first occupied until the Scheme for that dwelling has been

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fully provided in accordance with the approved details. The spaces shall be maintained for vehicle charging in accordance with the approved Scheme at all times thereafter.

REASON: In the interests of environmentally sustainable transport in accordance with Policy TR3 and TR5 of the Reading Local Plan 2019.

10. The development hereby permitted shall not be carried out other than in strict accordance with the protective measures discharged under application 212005, including fencing, ground protection, supervision and working procedures shall be carried out in accordance with the Mark Welby Arboricultural Impact Assessment (AIA) and Tree Protection Strategy ref. MW.20.0613.AIA Rev H received by the Local Planning Authority on 21st July 2022 with tree protection erected prior to removal of the spoil identified on the Spoil Removal Plan. Any deviation from the works prescribed or methods agreed in the report will require prior written approval from the Local Planning Authority.

REASON: In order to ensure that reasonable measures are taken to safeguard trees in the interests of local amenity and the enhancement of the development itself in accordance with Policy EN14 of the Reading Borough Local Plan 2019.

11. The hard and soft landscaping of the development hereby permitted shall be carried out, in accordance with drawing no. 3707/209 Rev H - Landscaping Plan Received by the Local Planning Authority on 11st July 2023. The soft landscaping shall take place no later than during the first planting season following the date when the development hereby permitted is ready for occupation or in accordance with a timetable agreed in writing with the Local Planning Authority.

Any trees or plants which, within a period of 5 years from the date of planting, die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, to be agreed in writing by the Local Planning Authority.

REASON: In order to ensure the satisfactory implementation of the landscaping hereby approved in accordance with Policy CC7, EN12 and EN14 of the Reading Borough Local Plan 2019.

12. The biodiversity enhancements of the development hereby permitted shall be carried out, in accordance with drawing no. 3707/209 Rev H Proposed Landscaping and Biodiversity Site Plan Received 11 July 2023 and Biodiversity Enhancement Plan V2 received by the local authority on 25 January 2023. The documents provided for the above pre- commencement part of the condition have been considered acceptable to have been part-discharged, the conditions are discharged providing that the works are undertaken in accordance with the approved details. The biodiversity enhancements shall thereafter be installed as per the approved details and a letter report confirming that the enhancements has been installed, including photographs of the enhancements

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in situ, shall be submitted to and approved in writing by the council prior to occupation of the development.

REASON: In the interests of biodiversity, in accordance with Policy EN16 of the Reading Borough Local Plan 2019.

13. The new dwelling to plot 1 hereby permitted shall not be occupied until all first-floor windows to the north east elevation shall be fitted with obscure glass and with no opening windows up to 1.7m in height above the internal floor level, before the dwelling is occupied. Any replacement or repair of the window shall only be with obscure glass.

REASON: To prevent actual and perceived overlooking, in the interests of the privacy of neighbours. In accordance with Policy CC8 of the Reading Borough Local Plan 2019.

14. No construction, demolition or associated deliveries shall take place outside the hours of 0800hrs to 1800hrs Mondays to Fridays, and 0800hrs to 1300hrs on Saturdays, and not at any time on Sundays and Bank or Statutory Holidays without prior written approval from the Local Planning Authority.

REASON: In order to protect occupiers of nearby properties from unreasonable disturbance from works connected with implementing this permission in accordance with Policy CC8 of the Reading Borough Local Plan 2019.

15. This condition was discharged by reference 211531/APC and no longer applies.

16. No dwelling hereby permitted shall be occupied until written verification has been submitted to and approved in writing by the Local Planning Authority demonstrating that the dwellings have achieved a minimum of a 19% improvement in the dwelling emission rate over the target emission rate as defined in The Building Regulations for England Approved Document L1a: Conservation of Fuel and Power in New Dwellings (2013 edition), and built to the higher water efficiency standard under Regulation 36(3). Such evidence shall be in the form of an 'As Built' Standard Assessment Procedure (SAP), produced by an accredited energy assessor.

REASON: To ensure that the development is carried out in accordance with sustainable building standards in accordance with Policy CC2 and H5 of the Reading Borough Local Plan 2019.

17. Prior to first occupation of the dwellings hereby permitted the biodiversity mitigation enhancement measures set out with the approved Turnstone Ecology Reptile Mitigation and Enhancement Plan ref. R02- Reptile Mitigation and Enhancement Plan Rev 01 dated 29 April 2021, received by the Local Planning Authority on 6th May 2021 shall be implemented in full on site. The biodiversity mitigation and enhancement measures shall be maintained and managed thereafter in accordance with the approved details.

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REASON: In the interests of biodiversity, in accordance with Policy EN16 of the Reading Borough Local Plan 2019.

18. The development hereby permitted shall not be implemented other than in strict accordance with the Thames Valley Archaeological Services Project specification for an archaeological watching brief ref. 21e117wb dated 3 September 2021 and received by the Local Planning Authority on 15th September 2021.

REASON: Archaeological monitoring or evaluation will ensure preservation, either by record or in situ, of any heritage assets present on the site in a manner appropriate to their significance, Policy EN1 and EN2 of the Reading Local Plan 2019.

INFORMATIVES

1. The Local Planning Authority has worked positively and proactively with the applicant to resolve relevant matters to allow permission to be granted within the prescribed target or agreed extended timescale for the decision to be issued.

2. i) 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.

ii) 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 note 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 from the Council's website.

3. A section 106 Agreement relates to this planning permission. A copy of the S106 Legal Agreement is available on the Council's Public Register of Planning Applications.

4. In accordance with Article 35 (DMPO 2015) some conditions were highlighted to make clear that they require approval from the Local Planning Authority before any development begins. This is because the details need to be designed or works implemented before any other works start on the site or are of a nature that it would be impractical to consider after work has started.

5. Your attention is drawn to the terms and conditions of this permission. Any development which is carried out but which differs materially from the approved plans and details, or does not comply with any condition(s) or planning obligation(s) attached

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to the permission may result in the Council taking action to remedy the breach of planning control. If you are in any doubt please contact the Council

6. The Council introduced the Community Infrastructure Levy (CIL) on 1st April 2015. CIL is a way of securing financial contributions towards infrastructure from new development, and partially replaces the Section 106 planning obligation regime. It is a set charge per sq m of floorspace for different uses, and, unlike Section 106, it is non-negotiable. It applies to developments which result in at least one dwelling; where the space has not been in lawful use for 6 months within the last 3 years or 100 sq m of new floorspace. For this approved development the CIL status is - CHARGEABLE. If chargeable you will be sent a CIL Liability Notice with the calculated amount soon. CIL becomes payable on commencement of the development or by instalments.

For more information go to:

http://www.reading.gov.uk/media/2791/Community-Infrastructure-Levy-Advice-to-Applicants/pdf/CIL_Advice_to_Applicants.pdf

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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.