

**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: RPS CgMs
140 London Wall
London
EC2Y 5DN

Application No: 171238
Application type: Variation of Condition

Applicant: Kings Road LLP

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

Proposal: Preservation of the building frontage to 1-9 King's Road (including insertion of 3 new windows); retention and enlargement of commercial space (ground floor and basement levels) and conversion of upper floors to 18 residential units. Demolition of commercial ancillary accommodation to rear and construction of new 5 storey residential block of 15 units plus creation of central courtyard, as permitted by application 160849 but without complying with conditions 2, 15, 18, 23, 25, and 27, incorporating minor internal layout and external changes to the approved scheme.

At: Jacksons Corner 1-9 Kings Road Reading RG1 3AS

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: 15 March 2018



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Application At: Jacksons Corner 1-9 Kings Road Reading RG1 3AS

Application No: 171238

Application type: Variation of Condition

CONDITIONS & REASONS

1. The development to which this permission relates must be begun not later than the expiration of three years beginning with the date on which permission 160849 was granted (10th March 2017).

Reason: to prevent an accumulation of unimplemented planning permissions, and in accordance with Section 91 of the Town & Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

2. The development hereby approved shall not be carried out other than in accordance with the following drawings only:

1378 P 100 001 Rev P3 Proposed Ground Floor Plan

1378 P 100 002 Rev P4 Proposed First Floor Plan

1378 P 100 003 Rev P4 Proposed Second Floor Plan

1378 P 100 004 Rev P4 Proposed Third Floor Plan

1378 P 100 005 Rev P3 Proposed Fourth Floor Plan

1378 P 100 006 Rev P4 Proposed Fifth Floor Plan

1378 P 100 007 Rev P4 Proposed Roof Plan

1378 P 100 008 Rev P3 Proposed Basement Plan

1378 P 110 001 Rev P5 Proposed North Elevation

1378 P 110 002 Rev P3 Proposed East Elevation

1378 P 110 003 Rev P4 Proposed South Elevation

1378 P 110 004 Rev P3 Proposed West Elevation

1378 P 120 001 Rev P5 Proposed Section AA

1378 P 120 002 Rev P3 Proposed Section BB

1378 P 120 003 Rev P5 Proposed Section CC

1378 P 120 004 Rev P4 Proposed Section DD

1378 P 120 005 Rev P5 Proposed Section EE

1378 P 120 006 Rev P4 Proposed Section FF

1378 P 120 007 Rev P4 Proposed Section GG

Received on 25th July 2017

Reason: To clarify which drawings have been approved

3. No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted and approved in writing by the local planning authority to provide for:



Date: 15 March 2018

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- (A) The parking of vehicles and site operatives and visitors - to be shown on a Plan not less than 1 :500.
- (B) loading and unloading of plant and materials used in constructing the development - Areas to be shown on a plan not less than 1 :500
- (C) Storage of plant and materials used in constructing the development - Areas to be shown on a plan not less than 1:500
- (D) The erection and maintenance of security hoarding/scaffolding if required.
- (E) Wheel washing facilities
- (f) Measures on site to control the deposition of dirt/mud on surrounding roads during construction.
- (G) Footpath Closures/Road Closures needed during construction
- (H) Traffic Management needed during construction.
- (I) Times, routes and means of access into and from the site for construction traffic and delivery vehicles (including the removal of waste from the site and methods of preventing deposition of materials on the public highway).
- (J) Measures to control dust and noise emanating from the site during demolition and/or construction.

No materials or green waste produced as a result of the clearance of the site, demolition works or construction works associated with the development hereby approved shall be burnt on site.

The approved Construction Method Statement shall be adhered to throughout the development process unless agreed otherwise in writing by the local Planning Authority.

Reason: In the interests of safety; air quality; protecting the amenity of local land uses and neighbouring residents; highway safety and to promote more sustainable approaches to waste management. In accordance with Policies CS2 and CS34 of the Reading Borough LOF Core Strategy 2008 (Altered 2015) and Policies DM4 and DM12 of the Reading Borough LDF Sites and Detailed Policies Document 2012 (Altered 2015).

4. The hours of noisy construction, demolition and associated deliveries shall be restricted to the hours of 0800 to 1800 on Mondays to Fridays, and 0900 to 1300 on Saturdays. Works shall not take place at any time on Sundays and Bank or Statutory Holidays without the prior written approval of the Local Planning Authority.

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

5. The development hereby approved shall not be occupied until all bicycle parking facilities have been provided at ground floor level in accordance with Drawing No. 1378 P 100 001 Rev P3; and at first floor level in accordance with Drawing No. 1378 P 100 002 Rev P4 within a covered shelter(s) equipped with 'Sheffield' type cycle stands, the



Date: 15 March 2018

Head of Planning, Development
& Regulatory Services

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details and final layout of which shall be submitted to and approved by the Local Planning Authority. The bicycle storage shall be retained, as approved, at all times thereafter solely for cycle storage purposes.

Reason: To encourage travel by sustainable alternatives to driving a motorcar in accordance with the Local Planning Authority's approved transport policies in accordance with Core Strategy Policies CS23 and CS24 of the Core Strategy 2008 2015.

6. The development hereby approved shall not be occupied until all refuse and recycling bin stores and collection areas have been provided, in accordance with approved drawings. The bin stores and collection areas shall be retained, as approved, at all times thereafter solely for bin storage and collection purposes.

Reason: To ensure that adequate provision is made for the storage and collection of refuse, in accordance with Policies CS2 and CS7 of the Reading Borough LDF Core Strategy 2008 (Altered 2015).

7. The residential units hereby approved shall not be occupied until the Council has been notified in writing of the full postal address of the units. Such notification shall be addressed to the Council's Planning Manager (Implementation) quoting the planning application reference specified in this Decision Notice.

Reason: In order that the Council can update its records to ensure that parking permits are not issued to the occupiers of the new residential units hereby approved, and thus ensure that the development does not harm the existing amenities of the occupiers of neighbouring residential properties by adding to the already high level of on street car parking in the area in accordance With Policy CS24 of the Reading Borough LDF Core Strategy 2008 (Altered 2015) and Policy DM12 of the Reading Borough LDF Sites and Detailed Polices Document 2012 (Altered 2015).

8. Prior to any agreement being entered into for a new occupation of, or transfer of any interest in, the residential units hereby approved the prospective occupier/transferee shall be informed of the prohibition on entitlement to a car parking permit. All material utilised for advertising or marketing the residential units for letting or sale shall make it clear to prospective tenants and occupiers that no parking permit will be issued by the Council to occupiers of the residential units.

Reason: In order that the prospective occupiers are made aware of the fact that they will not be entitled to an on-street car parking permit, in the interests of the proper management of parking, and to ensure that the development does not harm the existing amenities of the occupiers of neighbouring residential properties by adding to the already high level of on street car parking in the area in accordance with Policy CS24 of the Reading Borough LDF Core Strategy 2008 (Altered 2015) and Policy DM12 of the Reading Borough LDF Sites and DetaUed Polices Document 2012 (Altered 2015).



Date: 15 March 2018

Head of Planning, Development
& Regulatory Services

LEB

9. Prior to occupation of the development details of how service vehicle deliveries to the site will be managed shall be submitted to and approved in writing by the local planning authority. Development shall take place in accordance with the approved details unless otherwise agreed in writing by the local planning authority.

Reason: In the interest of the safety and convenience of all highway users in accordance with Policy CS24 of the Reading Borough LDF Core Strategy 2008 (Altered 2015) and Policy DM12 of the Reading Borough LDF Sites and Detailed Policies Document 2012 (Altered 2015).

10. i) The development hereby approved shall not be commenced, except for demolition, until full details of both hard and soft landscaping have been submitted to and approved in writing by the local planning authority. The details shall be in accordance with the landscaping principles within the approved drawings. The submitted details shall include:

a) pedestrian access and circulation areas, hard surfacing materials (designed to SuDS principles), outdoor structures and ancillary objects (lighting columns, outdoor seating, raised planters, railings etc); and

b) planting plans; written specifications (including cultivation, tree pits and other operations associated with plant establishment); schedules of plants, noting species (to be native and wildlife- friendly), plant sizes and proposed numbers/planting densities.

ii) All hard landscaping works shall be carried out in accordance with the approved details prior to first occupation of the development. iii) All planting and other soft landscaping shall be provided before the end of the first planting season following the first occupation of the development.

Reason: To ensure provision and retention of suitable hard and soft landscaping in the interests of the appearance of the development and the character of the conservation area, and the amenity of future occupiers. In accordance with Policies CS7 and CS33 of the Reading Borough LDF Core Strategy 2008 (Altered 2015); Policies DM4, DM10 and DM18 of the Reading Borough LDF Sites and Detailed Policies Document 2012 (Altered 2015) and Policy RC5 (Design in the Centre) of the Reading Central Area Action Plan 2009.

11. A landscaping management plan, including long term objectives, management responsibilities and maintenance schedules shall be submitted to and approved in writing by the local planning authority prior to the occupation of the development. The landscape management plan shall be carried out as approved at all times thereafter. Any trees or plants provided as part of the approved landscaping that within a period of five years after planting are removed, die, or in the opinion of the Local Planning Authority become seriously damaged or defective, shall be replaced as soon as is reasonably practicable with others of the species, size and number as originally approved. Reason: To ensure the long term management and maintenance



Date: 15 March 2018

Head of Planning, Development
& Regulatory Services

LEB

of landscaped areas on the site, in the interests of the appearance of the development and the character of the conservation area, and the amenity of future occupiers. In accordance with Policies CS7 and CS33 of the Reading Borough LDF Core Strategy 2008.

12. The development hereby approved shall not be commenced, except for demolition, until details of all boundary treatments, including gates, have been submitted to and approved in writing by the local planning authority. No part of the development shall be occupied until the boundary treatments have been provided, in full, in accordance with the approved details.

Reason: In the interests of the character of the conservation area, and the privacy and security of future occupiers. In accordance with Policies CS7 and CS33 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).

13. The development hereby approved shall not be commenced, except for demolition, until details of ecological enhancements, to include bird nesting opportunities on or within buildings and a timetable for their provision, have been submitted to and approved in writing by the local planning authority. The enhancements shall be provided, in accordance with the approved details and the approved timetable.

Reason: To maintain and enhance the ecological value of the site in accordance with Policy CS36 of the Reading Borough LDF Core Strategy 2008 (Altered 2015).

14. No development shall take place within the application area until the applicant or their agents or successors in title have secured the implementation of a programme of archaeological mitigation in accordance with the approved CgMs Heritage Written Scheme of Investigation for Archaeological Monitoring dated June 2017 and received by the Local Planning Authority on 14th July 2017, or a comparable document which has been submitted by the applicant and approved in writing by the Local Planning Authority. This condition shall not be discharged until both fieldwork and reporting of the programme has been fulfilled in accordance with the programme set out in the written scheme of investigation.

Reason. To ensure that any archaeological remains within the site are adequately investigated and recorded or preserved in situ in the interests of protecting the archaeological heritage of the Borough. In accordance with Policy CS33 of the Reading Borough LDF Core Strategy 2008 {Altered 2015).

15. i) Notwithstanding the drawings hereby approved, no works to the existing timber vertical sliding sash window within the facade fronting High Street and the facade fronting Kings Road shall take place until an appropriate window replacement and/or alteration scheme (including a schedule of existing & proposed windows and



Date: 15 March 2018

Head of Planning, Development
& Regulatory Services

LEB

drawings/specification) has been submitted to and approved in writing by the local planning authority.

ii) The development hereby approved shall not be commenced, except for demolition, until details of associated acoustically treated ventilation for all windows fronting High Street and Kings Road have been submitted to and approved in writing by the local planning authority. No dwelling containing a window that is the subject of this condition shall be occupied until the appropriate window replacement and/or alteration scheme and associated acoustically treated ventilation for all windows fronting High Street and Kings Road have been installed in accordance with the approved details.

Reasons: (i) To preserve the heritage significance of the non-designated heritage asset and in the interests of the character and appearance of the conservation area and (ii) to reduce environmental noise to acceptable levels within the dwellings, in the interests of the amenity of future occupiers. In accordance with Policies CS7, CS33 and CS34 of the Reading Borough LDF Core Strategy 2008 (Altered 2015), Policy DM4 of the Reading Borough LDF Sites and Detailed Policies Document 2012 (Altered 2015) and Policy RC9 of the Reading Central Area Action Plan 2009.

16. Before any works of conversion or development commence, except for demolition, a scheme for limiting the transmission of noise between each residential unit of accommodation on the first floor and the commercial units on the ground floor shall be submitted to and approved in writing by the local planning authority.

Reason: To secure an acceptable scheme for noise attenuation to protect future occupants of the residential units from unreasonable noise disturbance emanating from adjoining accommodation in accordance with Policy CS34 of the Core Strategy 2008, 2015 and Policy DM4 of the Sites and Detailed Policies Document 2012, 2015.

17. No mechanical plant shall be installed until a noise assessment of the proposed mechanical plant has been submitted and approved by this Council. The assessment shall be carried out in accordance with 854141:2014 methodology. 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 no greater than 30 dBA when all plant/equipment (or any part of it) is in operation. The plant shall thereafter only be installed in accordance with the assessment. 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).

18. No development shall take place, except for demolition, until a detailed scheme of sound insulation from external noise for the buildings, in an acoustic assessment including the glazing and ventilation specifications, has been submitted to and been



Date: 15 March 2018

Head of Planning, Development
& Regulatory Services

LEB

approved in writing by the local planning authority. All works which form part of the approved scheme shall be completed prior to first occupation of the building and shall thereafter be retained in working order. Reason: To protect the amenities of future occupiers of the proposed development in accordance with Policy CS34 of the Core Strategy 2008, 2015 and Policy DM4 of the Sites and Detailed Policies Document 2012, 2015.

19. No development, except for demolition, shall take place until an odour assessment has been carried out and a detailed odour management plan to include scaled plans, odour control specifications and a maintenance plan has been submitted and approved. Reference shall be made to the Defra Guidance on the Control of Odour and Noise from Commercial Kitchen Exhaust Systems (January 2005) when assessing potential odours and selecting appropriate odour control methods. Thereafter, the development shall not be carried out other than in accordance with the approved scheme unless the Local Planning Authority otherwise agrees in writing.

Reason: To safeguard the amenities of neighbouring premises and the area generally in accordance with Policy CS34 of the Core Strategy 2008, 2015 and Policy DM4 of the Sites and Detailed Policies Document 2012, 2015.

20. Mechanical ventilation heat recovery (MVHR) units shall be installed in all of the residential units of accommodation fronting High Street and King's Road in accordance with the recommendations within the air quality assessment (by XC02 energy dated May 2016) submitted with the application.

Reason: In order to protect the amenities of future occupants of the residential units from poor external air quality in accordance with Policy CS34 of the Core Strategy 2008, 2015 and Policy DM4 of the Sites and Detailed Policies Document 2012, 2015.

21. The development hereby approved shall not be commenced, except for demolition, until details and samples of the materials to be used in the construction of the external surfaces of the development have been submitted to and approved in writing by the local planning authority. The development shall not be carried out other than in accordance with the approved details.

Reason: In the interests of the character and appearance of the conservation area and the setting of listed buildings adjacent to the site, in accordance with Policies CS7 and CS33 of the Reading Borough LDF Core Strategy 2008 (Altered 2015).

22. No works of demolition or other alterations shall take place to the existing Stable Block identified as "pre-1870s... and shaded grey in Appendix 1.2 'Building Dates Plan' of the submitted Heritage Statement Ref. 2238 by Heritage Collective dated May 2016 other than in accordance with document ref. 'A scheme for the assessment, dismantle and transfer of the stable block roof timbers by a timber frame specialist' dated 5th.



Date: 15 March 2018

Head of Planning, Development
& Regulatory Services

LEB

June 2017 by McCurdy & Co and received by the Local Planning Authority on 6th July 2017.

Reason: To allow for the historic significance of the stable block timbers to be preserved in accordance With Policy CS33 of the Reading Borough LDF Core Strategy 2008 {Altered 2015}.

23. The existing 'Jacksons Corner' sign identified on approved drawings 1378 P 110 003 Rev P4 and 1378 P 110 004 Rev P4 (and any subsequent replacement drawing approved by the local planning authority), shall be retained in its current position and its form maintained at all times hereafter and shall not be altered.

Reason: To preserve the heritage significance of the non-designated heritage asset and in the interests of the character and appearance of the conservation area. In accordance with Policies CS7 and CS33 of the Reading Borough LDF Core Strategy 2008 (Altered 2015).

24. The commercial uses at ground floor shall not be carried out other than in a manner which maintains views into the building from each window fronting High Street and each window fronting Kings Road. Reason: To ensure that the active frontage to Duke Street is maintained in the interests of the character and appearance of the conservation area, the vitality of the town centre, and providing visual interest to the street. In accordance with Policy RC10 of the Reading Borough LDF Central Area Action Plan 2009 and Policies CS7 and CS33 of the Reading Borough LDF Core Strategy 2008(Altered 2015).

25. No dwelling within the new-build block at the rear of the site (units 7, 14, 15, 16, 17, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33.) shall be occupied until written evidence demonstrating that 50% of these dwellings achieve a minimum 19% improvement in emission rate over the target defined under the Building Regulations (Conservation of Fuel and Power) 2013 has been submitted to and approved in writing by the local planning authority.

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).

26. No dwelling within the existing building to be converted shall be occupied until final BREEAM Domestic Refurbishment certificate has been submitted to an approved in writing by the local planning authority demonstrating that at least 50 percent of the dwellings comply with the 'Excellent' standard with the remainder achieving 'Very Good'; or that all units achieve 'Very Good' with a minimum score of 62.5 points.

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).



Date: 15 March 2018

Head of Planning, Development
& Regulatory Services

LEB

27. No dwelling within the new-build block to the rear (units 7, 14, 15, 16, 17, 24, 25, 26, 27, 28, 29, 30, 31, 32 and 33) shall be occupied until evidence demonstrating that each dwelling, as built, meets the Lifetime Homes standard, has been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that the development meets housing needs and provides for mixed and balanced communities by addressing requirements for people at different stages of life, in accordance with Policy OMS of the Sites and Detailed Policies Document 2012 (Altered 2015) and Policy CS15 of the Reading Borough LDF Core Strategy 2008 (Altered 2015).

28. The construction of the development, including ventilation and heating specifications shall be in accordance with submitted energy statement by XC02 energy dated May 2016.

Reason. To ensure sustainable energy use in accordance with Policy CS1 of the Reading Borough LDF Core Strategy 2008 {Altered 2015}.

INFORMATIVES

1. The demolition works permitted relate to the following drawings: JC/14/PR/L122B and JC/14/PR/L160.
2. A Section 106 legal agreement relates to this planning permission.

Date: 15 March 2018



Head of Planning, Development
& Regulatory Services

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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.

