



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: Bell Cornwell LLP
Unit 2 Meridian Office Park
Osborn Way
Hook
Hampshire
RG27 9HY

Application No: 220823
Application type: Variation of Condition

Applicant: Delta House Developments Limited

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

Proposal: Change of use from Class B1(a) (offices) to C3 (dwelling houses) to comprise 10 flats. Prior Notification under Class O, Part 3 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 without complying with conditions 2 and 3 of 211028

At: 70 South View Avenue Caversham Reading

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: 24 January 2023

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

Application At: 70 South View Avenue Caversham Reading

Application No: 220823

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 211028 issued on 25 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 shall be carried out only in accordance with the submitted information and details:

Approved plans 211028

20324 Topographical survey

As received 18 June 2021

Information submitted for 220823 Strikethrough documents are not approved
CIL

10258 Bell Cornwell Application planning statement letter, dated 6 June 2022

778 015 PL01 Proposed site plan - Bin and cycle store have been relocated away from neighbouring property at 72 South View Avenue - to replace 778 001 PL00 Site location & Block plan

778 020 PL05 Proposed ground floor - with amended floor heights to replace 778 020 PL01

As received 6 June 2022

Email from the applicant dates 07/08/2022 16:25 with email correspondence from the EA.

FRA ADDENDUM - May 2022 CRA ENVPAC/1/THM/00626 - THM Ref: 182935 Addendum Summary Prior Notification Ref: 211028

THM 182935 Detailed FRA map

THM 182935 Modelled floodplain flood levels

As received 17 August 2022

00503423 Geoenvironmental Desk Study

As received 10 November 2022

Date: 24 January 2023



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

~~778 021 PL00 Proposed first floor plan~~
~~As received 23 November 2022~~

Reason: In order to comply with the provisions of Part W of the Town and Country Planning (General Permitted Development) (England) Order 2016.

3. The development shall be carried out in accordance with the submitted flood risk assessment (ref: FRA - Addendum - May 2022) and the following mitigation measures it details:

- Finished floor levels shall be set no lower than 37.82 metres above Ordnance Datum (AOD)

These mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the scheme's timing/phasing arrangements. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

Reason: To reduce the risk of flooding to the proposed development and future occupants. This condition is supported by local plan policy EN18 of the Reading Borough Local Plan. Adopted November 2019.

DISCHARGED BY APPLICATION 220536

4. Prior to occupation, ground investigations and an assessment of the nature and extent of contamination should be submitted to and approved in writing by the Local Planning Authority. This assessment must be undertaken by a competent person, and shall assess any contamination on the site, whether or not it originates on the site. Moreover, it must include:

- (i) a survey of the extent, scale and nature of contamination;
- (ii) an assessment of the potential risks to:

- human health,
- property (existing or proposed) including buildings, crops, pets, woodland and service lines and pipes,
- adjoining land,
- groundwaters and surface waters,
- ecological systems,
- archaeological sites and ancient monuments;

REASON: These details are required due to insufficient information being contained within this submission and to ensure the development is suitable for its end use and the wider environment and does not create undue risks to occupiers of the site or surrounding areas in accordance with Policy EN16 of the Reading local Plan 2019.

INFORMATIVES

Date: 24 January 2023



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

1. The proposal meets the relevant criteria set out in Class O and the proposal is not considered to have an adverse impact in relation to transport and highways matters, contamination risks on the site, flooding risks on the site; or impacts of noise from commercial premises on the intended occupiers of the development.
2. This prior approval relates only to the change of use of existing floor space and land. If there are any external alterations or extensions to the building and additional structure, in this case the bike and bin store shown on plan 778 015 PL01 planning permission is required for these.
3. The applicant is advised that as an application for prior approval under Class O, Part 3 of Schedule 2 to the Town and Country Planning (General Permitted Development) Order 2016, as amended by The Town and Country Planning (General Permitted Development)(Amendment) (England) Order 2016, this prior approval notice relates to the change of use of the building from Class B1(a) to C3 (dwellinghouses) only and no other use.
4. This prior approval relates only to the change of use of existing floor space and land. If there are any external alterations or extensions to the building, planning permission is required for these.
5. To minimise the disturbance by noise of future residential occupiers of the flats and its effect on neighbouring residents, residential accommodation must be designed and constructed or converted so as to achieve the insulation requirements set out in Building Regulations Approved Document E.
6. Noisy construction, demolition and associated activities should be restricted to between the hours of 08:00hrs to 18:00hrs Mondays to Fridays, and 09:00hrs to 13:00hrs on Saturdays, with no noisy works taking place at any time on Sundays and Bank or Statutory Holidays. There should be no burning of waste on the site.
7. 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.

Date: 24 January 2023



Assistant Director of Planning, Transport and
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8. The occupiers of the residential unit(s) will not be automatically entitled to an on-street car parking permit. Current and new occupiers should be informed of this and be advised to find out more about parking permits on the Council's website. There is already a high level of on street car parking in the area and the site is located close to local facilities, with frequent public transport services on nearby roads.

9. The Local Planning Authority has worked positively and proactively with the applicant to resolve relevant matters to allow permission to be granted for the decision to be issued.

10. Notwithstanding that this decision notice approves s73 planning permission consisting of amendments to the original Prior Approval permission, the Local Planning Authority is aware of a number of deviations from the approved plans having occurred at the application site. These deviations are unauthorised and constitute a breach of planning control. The applicant/developer is advised to seek to resolve this situation via the submission of a retrospective planning application. Enforcement action may be pursued, if considered expedient to do so.

Date: 24 January 2023



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

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.