

**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: CLM Planning
14 Magpie Close
Bexhill-On-Sea
TN39 4EU

Application No: 191490
Application type: Variation of Condition

Applicant: Bills Restaurants Ltd

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

Proposal: Single storey rear extension, elevational alterations and alteration to external seating area.

At: St Marys Church House Chain Street Reading RG1 2HX

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: 4 May 2022



SDV

Assistant Director for Planning, Transport &
Regulatory Services

Application At: St Marys Church House Chain Street Reading RG1 2HX

Application No: 191490

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 190697/FUL issued 05/08/19.

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 and documents:

Design, Access and Heritage Statement (received 30/04/19)

Drawing No: BL002.18.BLO Rev. A - Site Location and Block Plan (received 16/09/19)

Drawing No: BL002.18.F01 Rev. G - Proposed Ground Floor Plan (received 16/09/19)

Drawing No: BL002.18.F02 Rev. D - Proposed First Floor Plan (received 30/04/19)

Drawing No: BL002.18.R0 Rev. B - Proposed Roof Plan (received 16/09/19)

Drawing No: BL002.18.451 Rev. C - Proposed Front Elevation and External Area Plan (received 30/04/19)

Drawing No: BL002.18.453 Rev. A - Proposed Elevations (received 30/04/19)

Drawing No: BL002.18.D01 - Proposed Planter Details (received 30/04/19)

Acoustic Assessment ref: 170713-R001A by ACA Acoustics Limited (received 16/09/19)

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/or application forms 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 Policies CC7, EN1, EN3 and EN6 of the Reading Borough Local Plan 2019.

4. The outdoor seating area shall be implemented and used only in accordance with the approved furniture layout plan as shown on Drawing No: BL002.18.451 Rev. C (received 30/04/19), in respect of the number and location of tables, chairs, planters and ornamental trees. No other items may be placed in this area without the prior

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written approval of the Local Planning Authority. The outside area to the rear of the site shall not be accessible to customers for any purpose.

Reason: in order to ensure that the number and location of outdoor furniture pieces does not cause visual clutter to the detriment of the Listed Building and to control the amount of outside activity to prevent noise nuisance to nearby occupiers in accordance with Policies CC7, CC8, EN1, EN3 and EN6 of the Reading Borough Local Plan (2019).

5. 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.

6. No building or use hereby permitted shall be occupied or the use commenced until the extract/ventilation systems have been installed in accordance with the approved plans and specifications and thereafter the extract/ventilation systems shall be permanently retained and maintained in accordance with the approved specifications.

REASON: To safeguard the amenity of nearby premises and the area generally in accordance with Policy CC8 and EN16 of the Reading Borough Local Plan 2019.

7. The specific sound level of the plant/equipment hereby approved, (LAeq,TR) (with reference to BS:4142) as measured at a point 1 metre external to the nearest noise-sensitive facade shall be at least 10dB below the pre-existing background sound level, LA90,T when all plant/equipment (or any part of it) is in operation. The rating level, LAr,Tr (specific sound level plus any adjustment for the characteristic features of the sound) as measured at a point 1 metre external to the nearest noise-sensitive façade (habitable window of a dwelling) shall not exceed the pre-existing background sound level, LA90,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 CC8 and EN17 of the Reading Borough Local Plan 2019.

INFORMATIVES

1. 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 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.

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2. The conditions above have been worded with reference to the original planning permission 190697/FUL.
3. Your attention is drawn to the requirement for submission of a Building Regulations application for the proposed development. Please contact Building Control on 0118 937 2449 for advice.
4. Complaints are commonly received about noise and dust caused by construction and demolition works, particularly working outside reasonable hours and smoke from bonfires associated with the burning of waste on site. The developer is reminded that construction and demolition associated with the approved development will be subject to environmental health law.
5. During the course of construction, the developer should take care to ensure that no part of this development (foundations, eaves, guttering, etc.) would encroach on, under or across the boundary line with the adjoining property, as the requisite Notice has not been served on the owner of that property. This permission does not confer any right of access onto land that is not under the developer's control. The developer should also be mindful of the obligations and requirements of the Party Wall Act (1996) details of which can be found at:
<https://www.gov.uk/guidance/party-wall-etc-act-1996-guidance>
6. The effect of this permission, granted under s.73, is to vary condition 2 (approved plans) of planning permission 190697/FUL, dated 05/08/19 (for the erection of a single storey rear extension, and various internal and external alterations), namely to allow the provision of altered ventilation equipment.

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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.