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24 September 2020

Your contact is: Ms Ethne Humphreys, Planning

Dear Mr Zubair Zaman,

TOWN AND COUNTRY PLANNING ACT 1990

Application Reference: 181611

Application type: Approval of Conditions

Address: 217 Kentwood Hill, Tilehurst, Reading, RG31 6JD

Proposal: Application to discharge conditions 3 (materials), 4 (construction method statement), 8 (landscaping), 9 (AMS and TPP) 10, (green roof) and 12 (noise and dust) following grant of planning permission. (170109)

I refer to your application as described above to discharge condition 3, 4, 8, 9, 10 and 12 and respond as follows:

Condition 3 (Materials)

The material details submitted as part of this application are considered acceptable. However, as you are aware the confirmation in this letter cannot be taken that the condition is discharged given this was a pre-commencement condition and the works have started and been completed (as I have been advised).

I hereby can confirm that Condition 3 of Planning Permission 170109 is NOT DISCHARGED. However, I can confirm that on the basis of the information provided there are considered to be no outstanding planning matters in relation to this condition, nor matters of enforcement.

Condition 4 (Construction Method Statement)

The CMS details submitted as part of this application are considered acceptable. However, as you are aware the confirmation in this letter cannot be taken that the condition is discharged

given this was a pre-commencement condition and the works have started and been completed (as I have been advised).

I hereby can confirm that Condition 4 of Planning Permission 170109 is NOT DISCHARGED. However, I can confirm that on the basis of the information provided there are considered to be no outstanding planning matters in relation to this part of the condition, nor matters of enforcement.

Condition 8 (Landscaping)

I hereby confirm that Condition 8 of Planning Permission 170109 is NOT DISCHARGED for the following reason:

1. The proposed information submitted is insufficiently detailed to discharge the condition and therefore the submission has failed to demonstrate that it shall ensure that the landscaping of the development enhances the visual local environment in accordance with Policy CC7 of the Reading Local Plan 2019.

Condition 9 (AMS and TPP)

I hereby confirm that Condition 9 of Planning Permission 170109 is NOT DISCHARGED for the following reason:

1. The proposed information submitted is insufficiently detailed to discharge the condition and therefore the submission has failed to demonstrate that it ensured that appropriate protection was given to the trees of high amenity value within and adjacent the site in accordance with Policy EN14 of the Reading Local Plan 2019.

It is hoped that the trees were suitably protected during the works and that there will be no detrimental effects to these trees.

Condition 10 (Green Roof)

The green roof details submitted as part of this application are considered acceptable. However, as you are aware the confirmation in this letter cannot be taken that the condition is discharged given this was a pre-commencement condition and the works have started and been completed (as I have been advised).

I hereby confirm that Condition 10 of Planning Permission 170109 is NOT DISCHARGED. However, I can confirm that on the basis of the information provided there are considered to be no outstanding planning matters in relation to this part of the condition, nor matters of enforcement.

Condition 12 (Noise and Dust)

I hereby confirm that Condition 12 of Planning Permission 170109 is NOT DISCHARGED for the following reason:

1. The proposed information submitted is insufficiently detailed to discharge the condition and therefore the submission has failed to demonstrate that it ensured appropriate provisions were made for the control of noise and dust emitting from the site during demolition and construction phase in accordance with Policy EN16 and CC8 of the Reading Local Plan 2019.

Summary:

Whilst none of conditions 3, 4, 8, 9, 10 and 12 are discharged as part of this submission (due to the timing of the submission/determination), the details submitted in themselves in relation to conditions 3, 4 and 10 are such that there are considered to be no outstanding planning matters in relation to this part of the condition, nor matters of enforcement. However, this is not the case in relation to conditions 8, 9 and 12, whereby insufficient information has been submitted and hence these conditions are not discharged and remain outstanding.

Informatives:

1. In reaching this decision the local planning authority has taken into account the following information submitted:

Drawing No. Site Location Plan and Block Plan A-1000
Drawing No: Landscape Plan A-1030
Drawing No: Site Material Storage and Services Parking A-1300
Method Statement (Safe System of Work)
Received 13th September
GT Sedum Roof
Received 6th March 2019

2. The Local Planning Authority has worked positively and proactively with the applicant to see if relevant concerns could be resolved to allow the conditions to be discharged. However, revised information to address matters raised have not been forthcoming and therefore the decision to refuse to discharge conditions 8, 9 and 12 has been taken.

3. In relation to conditions 8, 9 and 12, the details submitted were reviewed by the Council's Natural Environment Officer and Environmental Protection Officer who provided the following responses:

Natural Environment Officer:

Condition 8 (landscaping)

Part (a) requires details of hard surfacing. Permeable block pavements are shown on Landscape Plan A-1030 Rev A but with no details of these - you may consider it prudent to ask for the details. In any case, with reference to the Arb information submitted during the application

stage, there are several areas of access driveway that should be to a no-dig specification - these are not indicated in on this plan and should be.

Part (b) requires the route of existing and proposed services to be shown. An 'incoming services' trench is shown on Site Material Storage , and services Parking drawing A-1300 Rev A which is acceptable in relation to retained trees. However, the applicant should note that services must be installed prior to constructing the specialist no-dig surfacing.

Condition 9 (AMS & TPP)

No AMP or TPP has been submitted. Whilst some tree protection details are shown on Site Material Storage, and services Parking drawing A- 1300 Rev A, these are not sufficient. Reference should be made to the AIA and Tree Retention & Protection provided during the application stage as to the level of details that is expected in the AMS & TPP.

Environmental Protection Officer:

Condition 12 (Noise and Dust)

Noise

All small equipment used on site shall comply with health and safety standards for noise

Suppression of dust and dirt

No mud and debris can be moved from site so any minor debris moved onto public highway will be swept up immediately.

The above 2 sentences in the CMA are insufficient. They do not give me confidence that noise and dusts will be effectively managed. I therefore cannot recommend discharge the condition 12. The information submitted seems to relate more to health and safety requirements than protecting local residents from nuisance from noise and dusts associated with the development of the site.

The above was sent to the agent 20/11/2018 to address. The agent was reminded via email 30/1/2019, 4/4/2019, 1/5/2019, 8/1/2020 and 8/7/2020. It was also discussed verbally at a meeting 10/01/2020.

It was established during a conversation with the agent in January 2020 that the works had taken place. The agent was advised on 08/01/2020 and again on 08/07/2020 that as the works had taken place, that the conditions could not be formally discharged. However, the agent was advised that should satisfactory revised information be submitted, a 'letter of comfort' could be issued, confirming acceptability of details and that no enforcement action would be taken. It was suggested that it might be in the agent's best interests to seek to regulate the details rather than potentially have an unauthorised development which could raise questions at a later date.

The agent was given a final deadline of 17/07/2020 to provide the information and advised that a refusal notice in respect of this condition was forthcoming. The agent responded on 17/07/2020 requesting a further week. However, no further information or correspondence has been received, two months beyond this further deadline. It is considered that the agent

has had sufficient time and opportunity to respond, but no further information has been forthcoming; hence the issuing of this decision notice.

4. Given the agent indicated in January 2020 that works had taken place, this matter may now be passed to the Council's Planning Enforcement Team to formally investigate.

5. It is noted that original permission 170109 was determined under the RBC Local Development Framework Policies (Core Strategy 2008, Altered 2015 & Sites and Detailed Policies Document 2012, Altered 2015), with Policies CS7, DM4, CS34 and CS36 referenced in the reasons for conditions 8, 9 and 12. These local policies have been superseded by the new Local Plan 2019, and hence the corresponding Policies CC7, CC8, EN14 and EN16 are referenced in the reasons for refusal of the discharge of these conditions.

Should you wish to discuss this matter further, please contact me via my email address or the direct line as above.

Yours sincerely

Ethne Humphreys

Ms Ethne Humphreys

JPM

NOTES

APPEALS TO THE SECRETARY OF STATE

If you are aggrieved by the decision of the Council to refuse to grant approval for details submitted pursuant to a condition, then you can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990.

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 the condition(s) relate to 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 the condition(s) relate to 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 relating to 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 <https://acp.planninginspectorate.gov.uk/>