Reading
BOROUGH COUNCIL

TOWN AND COUNTRY PLANNING ACT 1990
PLANNING AND COMPENSATION ACT 1991
TOWN AND COUNTRY PLANNING (GENERAL DEVELOPMENT PROCEDURE ORDER 1995)

APPLICATION FOR FULL PLANNING PERMISSION

To: Michael Shanly Homes
Sorbon
Aylesbury End
Beaconsfield
Bucks

Application No: 02/00070/FUL

Applicant: Michael Shanly Homes

READING BOROUGH COUNCIL as local planning authority GRANT FULL planning permission for the following development.

Proposal: Erection of 4 no. three bed and 2 no. four bed dwellings.

At: 71A-75 Henley Road 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: 11th June 2002

David Elworthy

Head of Planning and Transport DB

Reading
BOROUGH COUNCIL

Application At: 71A-75 Henley Road Caversham Reading

Application No: 02/00070/FUL

CONDITIONS & REASONS

1. The development to which this permission relates must be begun not later than the expiration of five years beginning with the date on which the permission was granted. Reason: to prevent an accumulation of unimplemented planning permissions, and in accordance with Section 91(1) of the Town & Country Planning Act 1990.

2. This permission relates only to the application as changed by drawings 415-pln-202 (Revision A), 514-pln-203, 514-pln-204, and 514-pln-201 (Revision D). Reason: as some plans were changed and to clarify which plans are approved.

3. No development shall take place until samples of the materials to be used in the construction of the external surfaces of this development have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details. Reason: as no details have been submitted and in the interests of the visual appearance of the building and the area.

4. No development shall take place until there has been submitted to and approved in writing by the local planning authority a scheme for both hard and soft landscaping. The submitted details shall include any pedestrian and vehicle circulation areas, surfacing materials, structures and ancillary objects (refuse bins, lighting columns etc). For schemes involving soft landscaping the submitted details should include schedules of plants giving the species, plant sizes, proposed numbers/densities and an implementation and maintenance programme. Other details shall include the provision where appropriate of fencing, walling and other means of enclosure and screening, the formation of banks, terraces or other earthworks. Following approval by the local planning authority the hard and soft landscaping works shall be carried out in accordance with the approved details before any of the development is occupied and all planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting season following the occupation of the buildings or the completion of the development, whichever is the sooner. Reason: in the interest of ensuring that the redevelopment of this site enhances the visual local environment.

5. No development shall take place until there has been submitted to and approved in writing by the local planning authority a plan indicating the positions, design, materials and type of boundary treatment to be erected on the site. The boundary treatment shall be completed, in accordance with the approved plan, before the development is occupied or in accordance

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with a timetable to be agreed in writing with the local planning authority and shall thereafter be maintained as shown on the approved plan. Reason: in order to protect the privacy of adjoining and future occupiers and enhance the appearance of the development.

6. Development shall not begin until details of the means of vehicular access to the site have been submitted to and approved in writing by the local planning authority and the vehicular access has been constructed in accordance with those approved details. Details to include sight lines, gradients and method of construction (including materials). Reason: as no such details have been submitted and in the interests of road safety.

7. Before any development is commenced space shall be provided within the site to accommodate the storage of plant and materials used in constructing the development; this facility shall be maintained throughout the course of construction of the development free from any impediment to its designated use. Reason: as without this facility development is likely to lead to storage of plant and materials on the public highway causing a hazard and inconvenience to other road and pavement users.

8. In connection with the implementation of this permission the demolition and construction works shall not take place outside the hours of 8am to 6pm Mondays to Fridays or 8am to 1pm on Saturdays. Works shall not take place at all on Sundays or Bank Holidays without the prior written approval of the local planning authority. Reason: to protect local residents from unreasonable disturbances from works connected with implementing this permission.

9. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking or re-enacting that Order with or without modification) no further development shall be carried out on plot 1 of the proposed development without the permission of the local planning authority. Reason: as unrestricted development or various minor operations to or around the curtilage of the dwelling could have a serious impact on adjoining properties and the area in general and should therefore be controlled.

10. Any windows to a bathroom, shower room or WC in the development hereby permitted shall be glazed with obscure glass and thereafter maintained with obscure glass. Reason: in the interests of privacy.

11. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking or re-enacting that Order with or without modification) no first floor windows or other openings in the west elevation of plot 1 or in the east elevation of plot 6, other than those shown on the approved plans, shall be constructed. Reason: as unrestricted development or various minor operations to or around the dwelling could have a serious impact on adjoining properties and the area in general and should therefore be controlled.

12. No materials or plant shall be stored under the canopies of any of the trees on site. Reason: to protect the existing trees on site.

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13. Before any development, including demolition, is commenced the following plans and details of existing trees to be retained are required to be submitted to and approved in writing by the local planning authority:]

a) A plan showing the location of, with a reference number, each existing tree on the site which has a stem with a diameter exceeding 75mm measured over the bark at a point 1.5 metres above ground level and showing which trees are to be retained and the crown spread of each retained tree;

b) details of the species, diameter (measured as above) and the approximate height, and an assessment of the general state of health and stability of each retained tree and of each tree which is on land adjacent to the site and to which paragraphs c & d below apply;

c) details of any proposed topping or lopping of any retained tree, or of any tree on land adjacent to the site;

d) details of any proposed alterations in existing ground levels, and of the position of any proposed excavation either within the crown spread (or in the case of fastigiate, columnar or upright trees, at no less a distance from the trunk than the equivalent of half the height of the tree) of any retained tree or of any tree adjacent to the site;

e) details of the specification and position of fencing or any other measures to be taken for the protection of any retained tree (to BS5837:1991) from damage before or during the course of development.

In this condition "retained tree" means an existing tree which is to be retained in accordance with the plan referred to in paragraph (a) above. Reason: to ensure that existing trees are accurately recorded and protected.

14. Such tree protection as required by the above condition shall be erected around all retained trees at a distance of no less than 1 metre outside the outermost spread of any round or spreading tree, or, in the case of fastigiate, columnar or upright trees, at no less a distance from the trunk of the tree as is the equivalent of 2/3 the height of the trees before any equipment, machinery, or materials are brought onto the site for the purposes of development, including demolition, and before any other works are started. Reason: to ensure that proper protection is given to important trees on the site.

15. Such protection as required by the above condition shall be retained throughout the entire period of construction and until all equipment, machinery and surplus materials have been removed from the site. No materials, soil, rubbish or vehicles shall be deposited or stored on the land so enclosed nor against the fencing. No fires shall be lit, and no raising or lowering of ground levels shall take place under the canopy of the retained trees or within the area protected by the fencing. No drains, pits, ditches or trenches shall be dug in or run across the area protected by the fencing, at any time before, during and after the development of the site, unless otherwise agreed in writing by the local planning authority. Reason: to ensure that proper protection is given to important trees on the site.

16. The applicant is required to submit a schedule of works specifically in relation to the general maintenance of the mature trees on site. Specifically, this should include details on the removal of dead wood, crown lifting and the severing of attached ivy. Such a schedule

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should be submitted to and approved in writing by the Local Planning Authority before the development hereby approved is commenced.. Reason: in order to protect and maintain the existing trees on site.

17. The access associated with the proposed development, hereby permitted, shall be completed before commencement of development. Reason: in the interest of highway safety.

18. Parking and turning space associated with the development, hereby permitted, shall be provided in accordance with the approved drawing before occupation. Reason: in the interest of highway safety.

19. A temporary parking area and turning space to the satisfaction of the Local Planning Authority shall be provided and maintained, concurrently with the development of the site, in a position to be agreed. Reason: in the interest of highway safety.

INFORMATIVES

0 A Section 106 Legal Agreement relates to this application. The main heads of terms include: a financial contribution of £17,599 towards education infrastructure improvements to be paid by the applicant prior to commencement of development on this site.

0 A licence to construct the access on the public highway must be obtained from (EMI) Technical Services under section 184 of the Highways Act 1980.

0 As instructed by English Nature, the applicant is required to continue to maintain a watching brief in relation to potential badger sets on this site. Should the sets show any signs of re-occupation the opinion of an independent ecological consultant should be sought. Reason: in order to fully evaluate the potential activity of badgers on site and to enable their protection as badgers are a protected species under the Protection of Badgers Act (1992).

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NOTES

APPEALS

(1) If the applicant is aggrieved by the decision of the local planning authority to refuse permission or approval for the proposed development, or to grant permission or approval subject to conditions, he may appeal to the Secretary of State for the Environment in accordance with section 78 of the Town and Country Planning Act 1990 within six months of receipt of this notice. Appeals must be made on a form which is obtainable from the Department of the Environment, Tollgate House, Houlton Street, Bristol BS2 9DJ. The Secretary of State has power to allow a longer period for the giving of a notice of appeal but he will not normally be prepared to exercise this power unless there are special circumstances which excuse the delay in giving notice of appeal. The Secretary of State is not required to entertain an appeal if it appears to him that permission for the proposed development could not have been granted by the local planning authority, or could not have been so granted otherwise than subject to the conditions imposed by them, having regard to the statutory requirements (a), to the provisions of the development order, and to any directions given under the order. He does not in practice refuse to entertain appeals solely because the decision of the local planning authority was based on a direction given by him.

(2) If permission to develop land is refused or granted subject to conditions, whether by the local planning authority or by the Secretary of State for the Environment and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted he may serve on the Common Council, or on the Council of the district in which the land is situated, as the case may be, a purchase notice requiring that council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.

(3) In certain circumstances, a claim may be made against the local planning authority for compensation, where permission is refused or granted subject to conditions by the Secretary of State on appeal or on a reference of the application to him. The circumstances in which such compensation is payable are set out in section 114 of the Town and Country Planning Act 1990.

(a) The statutory requirements are those set out in section 79(6) of the Town and Country Planning Act 1990, namely sections 70 and 72(1) of the Act.

BERKSHIRE ACT 1986 - Section 32

(1) Except as provided in subsection (a) below, where plans for the erection or extension of a building are deposited with a district council in accordance with building regulations, the district council shall reject the plans unless, after consultation with the fire authority, they are satisfied that the plans show -

(a) that there will be adequate means of access for the fire brigade to the building or, as the case may be, to the building as extended; and

(b) that the building or, as the case may be, the extension of the building will not render inadequate existing means of access for the fire brigade to a neighbouring building.

(2) No requirement concerning means of access to a building or to a neighbouring building shall be made under this section in the case of a building to be erected or extended in pursuance of a planning permission granted upon an application made under the Act of 1990, unless notice of the provisions of this section is endorsed on or accompanies the planning permission.

(3) Section 16(7) and (8) and section 36(2) to (6) of the Building Act 1984 (notice of rejection or passing of plans and enforcement of requirements) shall apply as if this section were a section of the said Act 1984.

(4) Any person aggrieved by the action of the district council in rejecting plans under this section, may appeal to a magistrates' court.

(5) In this section references to the adequacy or inadequacy of means of access for the fire brigade shall be construed as references to a means of access adequate or, as the case may be, inadequate for use for fire-fighting purposes by members of one or more fire brigades and their appliances.

SECTION 76 TOWN AND COUNTRY PLANNING ACT 1990

76—(1) This section applies when planning permission is granted for any development which will result in the provision—

(a) of a building or premises to which section 4 of the Chronically Sick and Disabled Persons Act 1970 applies (buildings or premises to which the public are to be admitted whether on payment or otherwise);

(b) of any of the following (being in each case, premises in which persons are employed to work)—
  (i) office premises, shop premises and railway premises to which the Offices, Shops and Railway Premises Act 1963 applies;
  (ii) premises which are deemed to be such premises for the purposes of that Act; or
  (iii) factories as defined by section 175 of the Factories Act 1961;

(c) of a building intended for the purposes of a university, university college or college, or of a school or hall of a university;

(d) of a building intended for the purposes of an institution within the PCFC funding sector; or

(e) of a building intended for the purposes of a school or an institution which provides higher education or further education (or both) and is maintained or assisted by a local education authority.

(2) The local planning authority granting the planning permission shall draw the attention of the person to whom the permission is granted—

(a) in the case of such a building or premises as are mentioned in subsection (1)(a)—
  (i) to sections 4 and 7 of the Chronically Sick and Disabled Persons Act 1970; and
  (ii) to the Code of Practice for Access of the Disabled to Buildings (British Standards Institution code of practice BS 5810: 1979) or any prescribed document replacing that code;

(b) in the case of such premises as are mentioned in subsection (1)(b), to sections 7 and 8A of that Act and to that code or any such prescribed document replacing it;

(c) in the case of such a building as is mentioned in subsection (1)(c), (d) or (e), to sections 7 and 8 of that Act and to Design Note 18 "Access for Disabled People to Educational Buildings" published in 1984 on behalf of the Secretary of State, or any prescribed document replacing that note.

(3) Expressions used in subsection (1)(d) and (e) and in the Education Act 1944 have the same meanings as in that Act.

HAZARDOUS WASTE AND MATERIALS

Your attention is drawn to the possibility that development of land or redevelopment of properties will give rise to hazardous material probably in the form of contaminated soil or building construction waste (e.g. asbestos lagging around pipework) needing disposal.

Under the requirements of the Control of Pollution Act 1974 and regulations made thereunder it is an offence if such material is not deposited in appropriate sites licenced by the County Council acting in their capacity as Waste Disposal Authorities and additional procedures may have to be followed.

Details of the sites in Berkshire and advice on suitability of wastes involved and procedures necessary can be obtained from:

Waste Management Branch, County Surveyor's Department,
Berkshire County Council, Shire Hall, Shinfield Park, Reading RG2 9XG Tel: Reading 875444

There may also be occasions when hazardous substances such as gas from former landfill sites could be a problem. The County Surveyor's Waste Management Group have agreed to list and map all such sites and copies will be available from the above address.

BUILDING REGULATIONS

This planning permission does not give approval under the Building Regulations. Before any works are commenced you should check with the Building Control Section of the Planning Department whether any approval is required under the Building Regulations.