

**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: MZM Associates
31 Gordon Road
Maidenhead
SL66BR

Application No: 201232
Application type: Variation of Condition

Applicant: Mr Asif Hussaini

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

Proposal: Replacement of existing rear single storey extension with a two storey extension, and introduction of two dormer windows within the main rear roof slope, and associated internal works, to allow for community uses ancillary to the ongoing use of the building (comprising Nos. 29 & 31) as a Mosque with ancillary residential accommodation (Partly retrospective) as approved by application reference 170365 with a variation of Condition 2 (Approved Plans) relating to changes to the North elevation and provision of an emergency escape staircase on the south elevation and associated conditions.

At: 29 Cumberland Road Reading RG1 3LB

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: 18th February 2021



Head of Planning, Development
& Regulatory Services

Application At: 29 Cumberland Road Reading RG1 3LB

Application No: 201232

Application type: Variation of Condition

CONDITIONS & REASONS

1. The development hereby permitted shall begin within one year from the date of this permission.

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. As the application is submitted retrospectively the standard time to implement a varied permission does not apply in this case.

2. The development hereby permitted shall ONLY be carried out in accordance with the following approved plans:

As received on 1st February 2021:
JAH 100 Rev B Location & Block Plan
WD-01 - Proposed Ground Floor Plan
WD-02 - Proposed First Floor Plan
PL-2B Rev B - Proposed Site Plan

As received on 18th February 2021:
PL-1A - Proposed Elevations

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 development shall take place using the materials to be used in the construction of the external surfaces of the development only as specified on the drawing PL-1A as hereby approved showing brick detailing on the extension and brickwork retained at first floor of original building, block work cladding, decorative terracotta window surrounds, decorative door surrounds and roof materials.

Reason: In the interests of the visual appearance of the building and the area in accordance with Policy CC7.

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4. The approved Construction Method Statement (as approved under application 200626 apc) shall be adhered to throughout the development process unless changes to the approved methods are agreed in writing by the Local Planning Authority in advance of the changes being carried out.

Reason: in the interests of protecting the amenity of local land uses or neighbouring residents, the character of the area and highway safety. In accordance with Policy CC8.

5. Bicycle Parking

The building or use hereby permitted shall not be occupied or the use commenced until the bicycle parking facilities have been completed as shown on the approved plan. Thereafter the bicycle parking facilities shall be kept free of obstruction and available for the approved use at all times.

Reason: To encourage travel by sustainable alternatives to driving a motorcar in accordance with Policy TR5 of the Reading Borough Local Plan 2019.

6. During Friday Jumah Prayers in the prayer hall/s as shown on approved plan JAH 100A in Condition 2 above, no other public activities shall take place within any other part of the building.

Reason: In the interests of ensuring that development can be accommodated without detriment to the local highway network and neighbour amenity in accordance with Policy TR5 - Car & Cycle Parking and electric vehicle charging & Policy CC8 - Safeguarding Amenity.

7. No more than 210 persons shall occupy the site (as shown on approved plan JAH 100 A in Condition 2 above) at any one time.

Reason: In the interests of ensuring the development can be accommodated without detriment to the local highway network and neighbour amenity. Policy EN16 - Pollution and Water Resources and Policy CC8 - Safeguarding Amenity and Policy TR5.

8. The use of the development as permitted for community purposes shall not be used for the public outside of the following times: 09.00hrs - 22.00hrs Monday to Saturday 09.00hrs - 21.00hrs Sundays and Bank Holidays.

Reason: to protect occupiers of nearby properties from disturbance at unreasonable hours from the operation of the activity. Policy EN16 - Pollution and Water Resources and Policy CC8 - Safeguarding Amenity.

9. The use of the development as a mosque shall not commence before dawn (daybreak - when the sky begins to lighten) and be restricted to finish by 23.15hrs.

Reason: to protect occupiers of nearby properties from disturbance at unreasonable hours from the operation of the activity. Policy EN16 - Pollution and Water Resources and Policy CC8 - Safeguarding Amenity.

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10. No amplified calls to prayer shall be made from the premises and no external speakers shall be installed at the premises.

Reason: In the interests of the amenity of surrounding residential occupiers. Reading Borough Local Plan 2019 Policy EN16 - Pollution and Water Resources and Policy CC8 - Safeguarding Amenity.

11. The windows approved or any replacement windows in the north (front) and south (rear) elevations and roof slopes of the building shall be fitted as non-opening and retained as such at all times. No additional windows or openings shall be inserted into the north or south elevations or roof slopes of the building.

Reason: In the interests of the privacy of surrounding residential occupiers and ensuring the maintained acceptable appearance of the building and Reading Borough Local Plan 2019 Policy CC8 - Safeguarding Amenity.

12. The flat contained within the building shall be used at all times for residential accommodation ancillary to the operation of Nos. 29 and 31 Cumberland Road as a mosque, cultural and community facility, and not for separate residential occupation.

Reason: As the ancillary residential accommodation may not be suitable for separate occupation and in accordance with Reading Borough Local Plan 2019 Policy H8 - Residential Conversions.

13. The hours of noisy construction, demolition and associated deliveries shall be restricted to the hours of 08:00hrs to 18:00hrs Mondays to Fridays, and 09:00hrs to 13:00hrs on Saturdays, and not at any time on Sundays and Bank or Statutory Holidays without prior approval from the Local Planning Authority.

Reason: In the interests of the amenities of nearby residents in accordance with Reading Borough Local Plan 2019 Policy CC8 - Safeguarding Amenity.

14. 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.

Reason: In the interests of air quality, the amenity of neighbours, and to promote more sustainable approaches to waste management in accordance with Policies EN16 - Pollution and Water Resources and CC5 - Waste Minimisation and Policy CC8 - Safeguarding Amenity.

15. 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 the relevant recommendations of appropriate British Standards or other recognised Codes of Good Practice. 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 at

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least 10dB below the existing background sound level, LA90,T when all plant or equipment (or any part of it) is in operation. The plant shall only be installed in accordance with the assessment and shall thereafter be maintained so that it operates to the same standard.

Reason: To safeguard the amenities of the adjoining premises and the area generally, in accordance with Policy EN16 and Policy CC8.

16. The proposed basement shall be used only for storage and ablution space as shown on approved Plan JAH 500 A (received 7th March 2017).

Reason: To avoid over intensification of use of the building and detriment to the local highway network and neighbour amenity in accordance with Policy EN16 - Pollution and Water Resources and Policy CC8 - Safeguarding Amenity.

17. Notwithstanding the provisions of Schedule 2, Part 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015, the premises shall be used for a mosque with cultural and community use only and for no other purpose (including any other purpose in the same Use Class F.1 of the Town and Country Planning (Use Classes) (Amendment)(England) Regulations 2020, the Town & Country Planning (Use Classes) Order 1987 (as amended), or in any provision equivalent to that Class in any statutory instrument revoking or re-enacting that Order with or without modification.

Reason: Another alternative use of the premises which may otherwise be permitted by virtue of the above Orders could be harmful to the amenity of surrounding residents and highway safety, in accordance with Policy CC8 and TR3 of the Reading Borough Local Plan 2019.

18. The building or use hereby permitted shall not be occupied or the use commenced until the external emergency staircase, the landing area leading to the staircase and the screen wall on the south elevation has been completed as shown on the approved plans and elevations with the privacy screen fitted with sandblasted or etched glass to protect the privacy of neighbours. The staircase and landing shall not be used for any purpose apart from in an emergency when there is no other means of escape possible from the building. The door leading to the staircase at first floor level shall remain closed unless there is an emergency requiring access to the staircase.

Reason: To safeguard the amenities of the adjoining premises from overlooking and loss of privacy in accordance with Policy CC8 of the Reading Borough Local Plan 2019.

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Borough Council
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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.
2. 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.
3. The local planning authority has worked positively and proactively with the applicant to resolve relevant matters to allow permission to be granted within the prescribed target or agreed extended timescale for the decision to be issued.
4. The Council's Highways section should be contacted at 19 Bennet Road, Reading, RG2 0QX, telephone: 0118 937 2138, to agree the access construction details and to grant a licence before any work is carried out within the highway. A formal application should be made allowing at least 4 week's notice to obtain details of underground services on the applicants' behalf.
5. In dealing with this partly retrospective variation (S73) application it has been necessary to amend more than just the conditions originally applied for in recognition of the fact that some works have commenced and planning conditions discharged as imposed by application 170365 issued on 28 June 2017 to ensure that they remain necessary and to add other conditions relevant to the changes made.

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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.