

**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: Weston & Co Architects Ltd
Watlington House
44 Watlington Street
Reading
RG1 4RJ

Application No: 191734
Application type: Variation of Condition

Applicant: Mr & Mrs Huntridge

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

Proposal: Demolition of existing garages and erection of 2 x two bedroom and 1 x one bedroom terraced houses with associated amenity space and vehicular access to a parking area without complying with condition 2 (Approved Plans) of planning permission ref. 180274 to add 4 roof lights to the front (north elevation roof) of the terrace of houses and 2 additional roof lights and 2 additional dormer roof extensions to the rear (south elevation roof) of the terrace of houses

At: 17 Eldon Square Reading RG1 4DP

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: 26 February 2020



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Application At: 17 Eldon Square Reading

Application No: 191734

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 ref. 180274 issued on 5th August 2019.

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 be carried out in accordance with the following approved plans:

Drawing no.s

19008-PL-05 rev B - Proposed north elevation

19008-PL-06 rev B - Proposed sought elevation

The Conservation Rooflight the Rafter Window Sizes and Prices ref. V2_June19

Technical Data Sheet The Conservation Rooflight ref. July 2019-V3 Received by the Local Planning Authority on 29th January 2020

19008-PL-11 - Proposed Ground Floor Plan

19008-PL-12 - Proposed First Floor Plan

Received by the Local Planning Authority on 26th November 2019

19008-PL-10 - Proposed East Elevation & Section AA

19008-PL-08 - Proposed Second Floor Plan

19008-PL-09 - Proposed Roof Plan

Received by the Local Planning Authority on 22nd November 2019

19008-PL-07 0 Site Location Plan

Received by the Local Planning Authority on 13th November 2019

Reason: because permission is granted in respect of the development as detailed in the approved plans only.

3. No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to and been approved in writing by the Local Planning Authority to provide for:

- space on site where vehicles of site operatives and visitors

can be parked with details of how site operatives and visitors will be required to make use of the parking area provided

Date: 26 February 2020



SDV

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- location on site for storage of plant and materials used in constructing the development
- the erection and maintenance (including removal of any graffiti or fly posters) of security hoarding around the site
- any footpath closures or road closures needed during construction
- wheel washing facilities on site
- a scheme for recycling waste resulting from the construction works

The measures within the approved Construction Method Statement shall be maintained and adhered to throughout the course of the development unless changes are agreed in advance and in writing by the Local Planning Authority.

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 Policies TR3 and EN16.

(Redlands Ward Councillors to be consulted)

4. No development shall take place until full details of both hard and soft landscaping, including replacement tree planting, have been submitted to and been approved in writing by the Local Planning Authority. The submitted details shall include:

- (a) hard surfacing materials; and
- (b) proposed and existing functional services above and below ground (e.g drainage, power, communications cables, pipelines etc. indicating lines, manholes etc); and
- (c) planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/planting densities where appropriate.
- (d) Tree pit specifications.

Reason: in the interest of ensuring that the landscaping of the development enhances the visual local environment and in accordance with Policy CC7

5. The hard and soft landscaping of the development hereby permitted shall be carried out, in accordance with the approved landscaping plans and documents. The soft landscaping shall take place no later than during the first planting season following the date when the development hereby permitted is ready for occupation or in accordance with a timetable agreed in writing with the Local Planning Authority.

Reason: in the interests of the character and appearance of the new development and in accordance with Policy CC7

6. All planted materials shall be maintained for five years and any trees or plants removed, dying, being severely damaged or becoming seriously diseased within 5 years of planting shall be replaced with others of similar size and species to those originally required to be planted.

Date: 26 February 2020



SDV

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Reason: in the interests of the character and appearance of the new development and in accordance with Policy CC7

7. (a) No development shall take place until a plan has been submitted to and been approved in writing by the Local Planning Authority to show where and how bicycle parking facilities will be provided on site.

(b) No building or use hereby permitted shall be occupied or the use commenced until the bicycle parking facility for that building or use has been completed as shown on the approved plan.

(c) Thereafter the bicycle parking facility 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 the Policy TR3.

8. Prior to the commencement of development, a scheme detailing the locations and specifications of biodiversity enhancements for birds and bats (including bird and bat boxes on and around the new buildings) shall be submitted to and approved in writing by the local planning authority. The measures contained within the plan shall be implemented in accordance with the approved plan unless otherwise approved in writing by the local planning authority.

Reason: To incorporate biodiversity enhancements in and around developments in accordance with paragraphs 109 and 118 of the NPPF and Policy EN12.

9. No development shall take place until an assessment of the nature and extent of contamination has been submitted to and been 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, livestock, pets, woodland and service lines and pipes,
- adjoining land,
- groundwaters and surface waters,
- ecological systems,
- archaeological sites and ancient monuments;

Reason: 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.

Date: 26 February 2020



SDV

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10. No development shall take place until a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment has been submitted to and been approved in writing by the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, an appraisal of remedial options, and proposal of the preferred option (s), and a timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

Reason: 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.

11. The approved remediation scheme shall be implemented in accordance with the approved timetable of works. A validation report (that demonstrates the effectiveness of the remediation carried out) shall be submitted to and approved by the Local Planning Authority prior to construction of the development.

Reason: 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.

12. In the event that contamination is found at any time when carrying out the approved development not previously identified, development shall be halted on that part of the site the contamination reported in writing to the Local Planning Authority. An assessment of the nature and extent of contamination shall be undertaken and where remediation is necessary a remediation scheme, together with a timetable for its implementation, shall be submitted in writing to the Local Planning Authority for its written approval. The measures in the approved remediation scheme shall be implemented in accordance with the approved timetable. Halted works shall not be recommenced until the measures identified in the approved remediation scheme have been completed and a validation report has been submitted to and been approved in writing by the Local Planning Authority.

Reason: 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.

13. No residential dwelling hereby permitted shall be occupied until the bin store as shown on drawing no. ref. 19008-PL-11 - Proposed Ground Floor Plan received by the Local Planning Authority on 26th November 2019 has been provided. The bin store shall be retained thereafter for use by occupiers of dwelling at all times.

Date: 26 February 2020

SDV

Head of Planning, Development
& Regulatory Services

Reason: in the interests of the visual amenity of the area and to ensure that bins can be easily accessed when required in accordance with Policy CC7.

14. No residential unit hereby approved shall be occupied until the Council has been notified in writing of the full postal address of the unit. The notification shall be sent to the Council's Planning Manager quoting the application reference specified on this Notice.

Reason: In order that the Council can update its records to ensure that parking permits are not automatically issued to the occupiers of the new residential units hereby approved, and thus ensure that the development does not harm the existing amenities of the occupiers of neighbouring residential properties by adding to the already high level of on street car parking in the area in accordance with Policies TR1 and TR3.

15. Prior to any agreement being entered into for a new occupation of, or transfer of any interest in, the residential unit(s) hereby approved, the prospective occupier/transferee shall be informed that there is no automatic entitlement to a car parking permit for any existing residential parking permit schemes and future schemes on adjacent and surrounding streets. All material used for advertising or marketing the residential unit(s) for letting or sale shall make it clear to prospective tenants and occupiers that they will not be automatically entitled to a parking permit, but any application for a parking permit will be considered on its merits.

Reason: In order that the prospective occupiers are made aware of the fact that while they can submit an application they will not be automatically entitled to an on-street car parking permit. In the interests of the proper management of parking, and to ensure that the development does not harm the existing amenities of the occupiers of neighbouring residential properties by adding to the already high level of on street car parking in the area in accordance with Policy TR1 and TR3.

16. The dwellings hereby permitted shall not be occupied until all vehicle parking spaces have been provided in accordance with approved plan ref. 19008-PL-11 - Proposed Ground Floor Plan received by the Local Planning Authority on 26th November 2019. The spaces shall be kept available for parking at all times thereafter.

Reason: To ensure that the development is provided with adequate parking facilities to meet the needs of future occupiers and reduce the likelihood of roadside parking which could be a danger to other road users to accord with Policy TR1, TR3 and TR5.

17. No construction, demolition or associated deliveries shall take place outside the hours of 0800hrs to 1800hrs Mondays to Fridays, and 0900hrs 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: to protect occupiers of nearby properties from unreasonable disturbance from works connected with implementing this permission in accordance with Policy CC8.

Date: 26 February 2020



SDV

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& Regulatory Services

18. 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 and CC5.

19. Vegetation removal and other works that may disturb bird nests is to be undertaken outside the bird-nesting season (March - August inclusive) or if clearance during the bird-nesting season cannot reasonably be avoided, a suitably qualified ecologist will check the areas to be removed immediately prior to clearance and advise whether nesting birds are present. If active nests are recorded, no vegetation clearance or other works that may disturb active nests shall proceed until all young have fledged the nest.

Reason: To ensure that nesting birds not adversely affected by the proposed development in line with Policy EN16.

20. The roof area of the 'study' room to house no. 3 as shown on drawing no.s 19008-PL-09 - Proposed Roof Plan received by the Local Planning Authority on 22nd November 2019 and

19008-PL-11 - Proposed Ground Floor Plan and 19008-PL-12 - Proposed First Floor Plan received by the Local Planning Authority on 26th November 2019 shall not be used as a balcony, roof garden or similar amenity area without the grant of further specific planning permission from the Local Planning Authority.

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

21. The gates to the vehicular entrance to the site as shown on drawings ref. 19008-PL-05 rev B - Proposed north elevation received by the Local Planning Authority on 29th January 2020 and 19008-PL-11 - Proposed Ground Floor Plan received by the Local Planning Authority on 26th November 2019 shall open inwards away from the highway/street only.

Reason: In the interests of pedestrian and highways safety in accordance with Policy TR3.

22. The two vehicular parking spaces as shown on drawing ref. 19008-PL-11 - Proposed Ground Floor Plan received by the Local Planning Authority on 26th November 2019 shall be used by occupants of no. 17 Eldon Square only. No parking is permitted anywhere else within the application site.

Date: 26 February 2020



SDV

Head of Planning, Development
& Regulatory Services

Reason: To ensure that the development is provided with adequate parking facilities to meet the needs of existing occupiers and reduce the likelihood of roadside parking which could be a danger to other road users to accord with Policies TR3 and TR5.

23. Before first occupation of the dwellings hereby permitted, details of the proposed bin store (layout and appearance) to the rear of the site, together with a management plan detailed upkeep and maintenance of the bin store and how bins will be collected from the site shall be submitted to and approved in writing by the Local planning Authority. Thereafter the bin store areas shall be retained in accordance with the approved details and shall be available for use by the occupiers of the dwellings at all times. The bin store areas shall not thereafter be used for any purpose other than bin storage.

Reason: To ensure that adequate provision is made for the storage and collection of refuse in accordance with Policies TR3 and CC7.

24. No development shall commence on site until written verification has been submitted to and approved in writing by the Local Planning Authority demonstrating that the dwellings hereby permitted have achieved a minimum of a 19% improvement in the dwelling emission rate over the target emission rate as defined in The Building Regulations for England Approved Document L1a: Conservation of Fuel and Power in New Dwellings (2013 edition), and built to the higher water efficiency standard under Regulation 36(3). Such evidence shall be in the form of a 'design stage' Standard Assessment Procedure (SAP), produced by an accredited energy assessor.

Reason: To ensure that the development is carried out in accordance with sustainable building standards in accordance with Policy CC2 and H5 of the Reading Borough Local Plan 2019.

25. The development hereby permitted shall not be occupied until written verification has been submitted to and approved in writing by the Local Planning Authority demonstrating that the dwellings hereby permitted have achieved a minimum of a 19% improvement in the dwelling emission rate over the target emission rate as defined in The Building Regulations for England Approved Document L1a: Conservation of Fuel and Power in New Dwellings (2013 edition), and built to the higher water efficiency standard under Regulation 36(3). Such evidence shall be in the form of an 'As Built' Standard Assessment Procedure (SAP), produced by an accredited energy assessor.

Reason: To ensure that the development is carried out in accordance with sustainable building standards in accordance with Policy CC2 and H5 of the Reading Borough Local Plan 2019.

INFORMATIVES

Date: 26 February 2020



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1. 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.
2. 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.
3. 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.
4. A section 106 Agreement has been completed for this development in relation to planning permission ref. 180274. Section 15 of this section 106 Agreement confirms that the legal agreement applies to any variations of this planning permission such as that granted by way of this decision notice. A copy of the S106 Legal Agreement is available on the Council's Public Register of Planning Applications.
5. In accordance with Article 35 (DMPO 2015) some conditions have been highlighted to make clear that they require approval from the Local Planning Authority before any development begins. This is because the details need to be designed or works implemented before any other works start on the site or are of a nature that it would be impractical to consider after work has started.
6. 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. .
7. The Council introduced the Community Infrastructure Levy (CIL) on 1st April 2015. CIL is a way of securing financial contributions towards infrastructure from new development, and partially replaces the Section 106 planning obligation regime. It is a set charge per sq m of floorspace for different uses, and, unlike Section 106, it is non-negotiable. It applies to developments which result in at least one dwelling; where the space has not been in lawful use for 6 months within the last 3 years or 100 sq m of

Date: 26 February 2020



SDV

Head of Planning, Development
& Regulatory Services

new floorspace. For this approved development the CIL status is CHARGEABLE. If chargeable you will be sent a CIL Liability Notice with the calculated amount soon. CIL becomes payable on commencement of the development or by instalments.

For more information go to:

http://www.reading.gov.uk/media/2791/Community-Infrastructure-Levy-Advice-to-Applicants/pdf/CIL_Advice_to_Applicants.pdf

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. Listed building consent 191759 is related to this planning permission

10. 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.

Date: 26 February 2020



SDV

Head of Planning, Development
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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.