

**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: The Keen Partnership
The Courtyard
Edinburgh Road
Reading
RG30 2UA

Application No: 191933
Application type: Variation of Condition

Applicant: Bull Luxury Living Ltd

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

Proposal: Erection of one new dwelling at the rear of the Horncastle public house on New Lane Hill. Resubmission of withdrawn application 152170, but with varied condition 2 (plans), condition 3 (materials), 4 (CMS), 6 (landscape survey) and 8 (hard landscaping) of planning permission 162366.

At: Land Adjacent The Horncastle Ph 208 Bath Road Reading RG30 2HJ

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: 6 March 2020



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Application At: Land Adjacent The Horncastle Ph 208 Bath Road Reading RG30 2HJ

Application No: 191933

Application type: Variation of Condition

CONDITIONS & REASONS

1. The development to which this permission relates must be begun not later than the expiration of three years beginning with the date on which the original permission (Reference 162366) was granted (on 5th December 2017)

Reason: To prevent an accumulation of unimplemented planning permissions, and in accordance with section 91 of the Town & Country Planning Act as amended by the Planning and Compulsory Purchase Act 2004.

VARIED CONDITION

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

Drawing No:

BR-01 - Location Plan

BR-04 - Existing and Proposed Block Plan

Received 19th December 2019

PL-01.2 - Elevations

Received 6th December 2019

PL-01.1 - Floor Plans

Received 7th January 2020

8616-PL-01 dated 21 December 2016

8616-PL-02 dated 21 December 2016

8616-PL-03 Rev F dated 9 November 2017

8616-PL-04 Rev F dated 9 November 2017

0319 L1 Rev F dated 13 November 2017

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.

VARIED CONDITION

3. The materials to be used in the construction of the external surfaces of this development shall be as specified PL10, PL11 & PL12 approved under application 190149 granted by this Local Planning Authority, unless otherwise agreed in writing by the Local Planning Authority. More specifically these are:

- Brick work - Britley Old English 2602

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- Roof tiles - Tudor traditional handmade weathered tiles (grey/red colour)
- Windows - wood effect UPVC and velux brand sun tunnel and roof lights

REASON: In the interests of visual amenity and ensuring the new development responds positively to the local context and character in accordance with Policy CC7 and H9 of the Reading Borough Local Plan 2019.

VARIED CONDITION

4. The development shall be carried out in accordance with the Construction Method Statement and drawing BR02 approved under application 190149 by this Local Planning Authority. The measures within the approved documentation 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 Policy TR3 of the Reading Borough Local Plan 2019.

5. [Pre-commencement]

No development shall take place until there has been submitted to and been approved in writing by the local planning authority a plan indicating the positions, design, materials and types of all boundary treatment to be erected (to be in accordance with the principles shown on the approved drawing). Where appropriate, consideration should be given to biodiversity with gaps provided to allow wildlife to move between sites. The boundary treatment shall be completed, in accordance with the approved plan, before the development is occupied, or otherwise in accordance with a timescale for which the prior written approval of the Local Planning Authority has been obtained.

REASON: In the interests of the character and appearance of the site and wider conservation area in accordance with Policies CC7 and EN3 of the Reading Borough Local Plan 2019.

VARIED CONDITION

6. The development shall be carried out in accordance with Tree Protection Plan 03026P_TPP_01 dated 05/02/2019 from Tamla Trees and drawing reference 03026P-TTP-01-Rev A approved under application 190149 granted by this Local Planning Authority.

REASON: To allow the suitability of existing trees and other plants for inclusion in future landscaping of the site in accordance with Policy EN14 of the Reading Borough Local Plan 2019.

7. In this condition 'retained tree' means an existing tree which is to be retained in accordance with approved plans and particulars; and paragraphs a) and b) below shall have effect until one year from the date of occupation of the development hereby approved.

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a) No retained tree shall be cut down, uprooted or destroyed, nor shall any retained tree be topped or lopped other than in accordance with the approved plans and particulars, without the written approval of the Local Planning Authority. Any topping or lopping approved shall be carried out in accordance with the relevant recommendations of appropriate British Standards or other recognised Codes of Good Practice

b) If any retained tree is removed, uprooted or destroyed or dies, another tree shall be planted at the same place and that tree shall be of such size and species, and shall be planted at such time as may be specified in writing by the local planning authority.

c) The erection of fencing for the protection of any retained tree or trees shall be undertaken in accordance with the approved plans and particulars before any equipment, machinery or materials are brought on to the site. 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 in any area fenced in accordance with this condition and no fires shall be lit, and no raising or lowering of ground levels shall take place within this area. 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 retained trees are adequately protected, in the interests of the visual amenities of the locality in accordance with Policy EN14 and CC7 of the Reading Borough Local Plan 2019

VARIED CONDITION

8. The hard and soft landscaping of the development hereby permitted shall be carried out in accordance with the approved landscaping plans and documents, including drawing no: 0319 L1 Rev E dated 10 November 2017, 8616/BR-17, BR13 and 0319 L1 G approved under application 190149 by this Local Planning Authority. The hard landscaping shall be completed before occupation of the development. 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 of the Reading Borough Local Plan 2019.

CONDITION 9. DELETED AND MERGED WITH CONDITION 8

10. 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.

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REASON: in the interests of the character and appearance of the new development and in accordance with Policies CC7 and EN3 of the Reading Borough Local Plan 2019.

11. 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 EN15 and CC2 of the Reading Borough Local Plan 2019.

12. No part of the development hereby approved shall be occupied until three bird boxes have been installed under the supervision of a suitably qualified ecologist in suitable locations on mature trees, or the new building. A brief letter report confirming that the boxes have been installed, including a simple plan showing the location and type of boxes, shall to be submitted to the Local Planning Authority prior to first occupation of the approved dwelling.

REASON: To ensure that the ecological value of the site is enhanced post development in accordance with Policy EN12 of the Reading Borough Local Plan 2019.

13. No part of the building hereby approved shall be occupied until all chimneys, detail brickwork (string and soldier courses etc) and the porch canopy have been fully provided in accordance with the approved plans.

REASON: In the interests of the appearance of the building, preserving local distinctiveness and the character of the conservation area in accordance with Policies CC7 and EN3 of the Reading Borough Local Plan 2019.

14. Notwithstanding the provisions of Part 1, Schedule 2, Article 3, of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking or re-enacting that Order with or without modification), no development within Class A (enlargement, improvement or other alteration), Class B (enlargement of a dwellinghouse consisting of an addition or alteration to its roof) or Class E (building or enclosure, swimming or other pool required for a purpose incidental to the enjoyment of the dwellinghouse) shall be carried out within the curtilage of the dwelling without express planning permission from the Local Planning Authority.

REASON: The site is prominently located within the Horncastle Conservation Area and the permitted scheme secures a building of appropriate scale and form with sufficient open undeveloped space around the building to preserve the character and appearance of the conservation area. Use of full Permitted Development rights would be likely to result in a building of excessive scale, uncharacteristic form and loss of openness around the building with consequent harm the character of the conservation area. In accordance with Policies CC7 and EN3 of the Reading Borough Local Plan 2019.

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15. The roof areas of the dwelling hereby permitted 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 of the Reading Borough Local Plan 2019.

16. 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 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 TR5 and TR3 of the Reading Borough Local Plan 2019.

17. Prior to any agreement being entered into for a new occupation of, or transfer of any interest in, the residential unit 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 units 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 Policies TR5 and TR3 of the Reading Borough Local Plan 2019.

18. The dwelling hereby permitted shall not be occupied until all vehicle parking space(s) have been provided in accordance with the approved drawings. The space(s) 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 Policies TR5 and TR3 of the Reading Borough Local Plan 2019.

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INFORMATIVES

1. The occupiers of this residential unit will not be automatically entitled to an onstreet 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.
2. The Council holds freehold ownership of land between part of the site and the highway. This land includes soft verge, trees and highway infrastructure. This permission does not infer any rights in respect of this land including rights of access and no permission is given to remove trees, or other features on this land. No trees outside the site (as indicated by the red line of Drawing No: 8616-PL-01 dated 21 December 2016) should be removed or pruned over and above that allowed by common law without approval of the owner.
3. In accordance with Article 35 (DMPO 2015) some conditions have been labelled "[Pre-commencement]" 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.
4. 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 nonnegotiable. 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 new floorspace. For this approved development the CIL status is CHARGEABLE. As 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
5. A section 106 Agreement has been completed for this development. A copy of the S106 Legal Agreement (reference 4332) is available on the Council's Public Register of Planning

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6. 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.

7. 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.

8. 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.

9. 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:

www.communities.gov.uk/publications/planningandbuilding/partywall

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.

11. 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.

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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.