

**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: DP9 Ltd
100 Pall Mall
London
SW1Y 5NQ

Application No: 182251
Application type: Variation of Condition

Applicant: Studios Development (Reading) Ltd

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

Proposal: Erection of 4 storey building to provide 103 student accommodation units (Sui Generis), landscaping, access and ancillary works, following removal of a 49 space car park but without complying with condition no. 2 (approved plans) to provide for minor internal and external alterations to provide 5 additional student accommodation rooms at ground floor level.

At: Former Private Car Park East Street Reading RG1 4ET

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: 18 March 2019



Head of Planning, Development & Regulatory Services *RE*

Application At: Former Private Car Park East Street Reading RG1 4ET

Application No: 182251

Application type: Variation of Condition

CONDITIONS & REASONS

1. The development hereby permitted shall begin no later than 10th August 2021.
Reason: to prevent an accumulation of unimplemented planning permissions, and in accordance with Section 91 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:

Location Plan 16033 3001 A1 Location Plan F

Existing Site Plan 16033 3004 A1 Existing Site Plan B

Existing Topographical Plan 16033 3003 A1 Existing Topo B

Existing Site Sections 16033 3005 A1 Existing Site Sections - Proposed Site Plan 16033 3007 A1 Proposed Site Plan J

Proposed Block Plan 16033 3008 A1 Proposed Block Plan B

Building Distances 16033 3009 A1 Building Distances B

Level 0 As Proposed 18053_4100_A1_Level 0 General Arrangement Floor Plan A

Level 1 As Proposed 18053_4101_A1_Level 1 General Arrangement Floor Plan

Level 2 As Proposed 18053_4102_A1_Level 2 General Arrangement Floor Plan

Level 3 As Proposed 18053_4103_A1_Level 3 General Arrangement Floor Plan

Level B as Proposed 18053_049_A1_4 Storey_Level B_Planning

Level R as proposed 18053_4106_A1_Roof Level General Arrangement Floor Plan

Proposed Elevations 18053_4020_A1_Proposed elevations B

Proposed Elevations 18053_4021_A1_Proposed elevations B

Proposed Elevations 18053_4022_A1_Proposed elevations B

Proposed site Elevations 18053_4023_A1_Proposed site elevations Proposed Sections 18053_4025_A1_Proposed Sections

Subservience 16033 VS064 A3 subservience C

East Street CGI 16033 VS055 A3 east street

External Materials Schedule 16033 East Street External Materials Schedule A

Received by the Local Planning Authority on 2nd January 2019

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

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3. The external surfaces of the development hereby permitted shall be not be constructed other than in the materials specifications set out in the following approved documents:

GDLArchitecture External Materials Schedule ref. 18053 East Street, Reading Rev B

GDLArchitecture Document ref. east street, reading -MATERIALS rev A

GDLArchitecture Document ref. east street, reading - CONDITION 3 - SAMPLES

Received by the Local Planning Authority on 16th November 2018

Reason: in the interests of ensuring that the new development appears in keeping with the surrounding area in accordance with Policies CS7 and CS33 (approval of details under condition decision ref. 182013 refers).

4. The hard and soft landscaping of the development hereby permitted shall be carried out, in accordance with the following approved landscaping plans and documents:

Drawing no. C100 Rev S3-1 - Proposed Drainage GA (Shed dated 19/10/18)

- Drawing no. PAS128 1791-2D - Existing Services Drawing (Subgroup Ltd dated 16/10/2017)

- Drawing no. RB_6039_01.1 - Hard Landscaping Plan (Rosebank dated 26/09/18)

- Drawing no. RB_6039_01.2 - Paving Details (Rosebank dated 16/10/2018)

- Drawing no. RB_6039_02.1 - Planting Courtyard - Tree Plan (Rosebank dated 26/09/2018)

- Drawing no. RB_6039_02.2 - Planting Courtyard - Shrub Plan (Rosebank dated 26/09/2018)

- Drawing no. RB_6039_01.4 - East Side Hard Landscaping (Rosebank dated 16/10/2018)

- Drawing no. RB_6039_02.3 - East Side Planting Plan (Rosebank dated 16/10/2018)

- Drawing no. RB_6039_02.2 - East Side Elevation (Rosebank dated 16/10/2018)

- Drawing no. RB_6039_01.3 - North Side Hard Landscaping (Rosebank dated 16/10/2018)

- Drawing no. RB_6039_02.5 - North Side Planting Plan (Rosebank dated 16/10/2018)

- Drawing no. RB_6039_02.4 - Planting Details (Rosebank dated 16/09/2018)

- Drawing no. 4479-EX-00-SK-000 Rev. T2 - Engineering Services New Service Routes (Wilson Gray Consulting, dated November 2018)

Received by the Local Planning Authority on 16th November 2018

Reason: in the interests of the character and appearance of the new development and in accordance with Policy CS7 (approval of details under condition decision ref. 182015 refers)

5. The hard and soft landscaping of the development hereby permitted shall be carried out in accordance with the approved landscaping plans and documents in Condition 4 above. 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.

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Reason: in the interests of the character and appearance of the new development and in accordance with Policy CS7

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

Reason: in the interests of the character and appearance of the new development and in accordance with Policy CS7

7. The development hereby permitted shall not be carried out other than in accordance with the 'Clarkebond Flood Risk Assessment/Drainage Strategy Land at East Street, Reading' ref. WB04333-FR03 received by the Local Planning Authority on 6th January 2017.

Reason: To prevent increased flood risk in accordance with Policy CS35 of the Reading Borough LDF Core Strategy 2008 (altered 2015).

8. The development hereby permitted shall not be occupied until glazing and ventilation has been installed in accordance with the specifications recommended within the Apex Acoustics Acoustic Assessment dated 22 December 2016, report ref 5628.2. The glazing and ventilation measures shall be permanently retained and maintained thereafter in accordance with the approved specifications.

Reason: to protect the amenity of future occupants of the proposed development in accordance with Policy DM4 and Policy CS34

9. In the event that contamination not previously identified is found at any time when carrying out the development hereby permitted, development shall be halted on that part of the site and 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 re-commenced 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.

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 CS34.

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10. Prior to first occupation of the development hereby permitted a student accommodation management plan shall be submitted to and approved in writing by the Local Planning Authority. The accommodation shall be operated in accordance with the approved plan.

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 DM4 and Policy DM12

11. The development hereby permitted shall not be carried out other than in accordance with the 'Studious Report Noise & Dust Control - New Century Place Reading, Student Accommodation' dated 7th December 2018 and received by the Local Planning Authority on 13th December 2018 and shall be retained in accordance with such thereafter.

Reason: To protect the occupants of nearby residential properties from noise and dust during the development of the site in accordance with Policy CS34 and Policy DM4 (approval of details under condition decision ref. 182179 refers)

12. The hours of 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: To protect the occupants of nearby residential properties from noise and dust during the development of the site in accordance with Policy CS34 and Policy DM4

13. 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 park with details of how site operatives and visitors will be required to make use of the parking area provided
- the 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
- 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 Policy DM12.

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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 protecting the amenity of local land uses or neighbouring residents in accordance with Policy CM4 and Policy CS34.

15. No mechanical plant shall be installed until a noise assessment of the proposed mechanical plant has been submitted and approved by the Local Planning Authority. The assessment shall be carried out in accordance with BS4141:2014 methodology. The predicted specific sound level (LAeq,TR) (with reference to BS:4142) as measured at a point 1 metre external to the nearest noise-sensitive facade (nearest habitable room window) shall be at least 10dB below the pre-existing background sound level, LA90,T when all plant/equipment (or any part of it) is in operation. The predicted rating level, LAr,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 not exceed the pre-existing background sound level, LA90,T when all plant/equipment (or any part of it) is in operation. The plant shall thereafter only be installed and operated in accordance with the assessment.

Reason: To safeguard the amenities of the adjoining premises and the area generally, in accordance with Policy CS34 and Policy DM4

16. The existing access to the site shall be stopped up and abandoned prior to first occupation of the development. The footways and verge shall be reinstated to the satisfaction of the Local Planning Authority prior to first occupation of the development.

Reason: In the interests of road safety and maintenance of the highway in accordance with Core Strategy Policy CS20 and Sites and Detailed Policies document Policy DM12.

17. The development hereby permitted shall not be occupied until the bicycle parking facility has been provided in accordance with approved plans ref. Level 0 As Proposed 18053_4100_A1_Level 0 General Arrangement Floor Plan A received by the Local Planning Authority on 2nd January 2019 and drawings ref. Two Tier Rack Space Requirements received by the Local Planning Authority on 11th May 2017 and VS065 Cycle Storage received by the Local Planning Authority on 25th May 2017. The approved bicycle parking facility shall be kept available for bicycle parking at all times thereafter.

Reason: Reason: To encourage travel by sustainable alternatives to driving a motorcar in accordance with the Local Planning Authority's approved transport policies CS23 and CS24.

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18. Within three months of first occupation, a Travel Plan shall be submitted to and approved in writing by the Local Planning Authority. The plan shall include a full analysis of the existing / proposed modal split for staff and students at the development, reasons for the modal choice and detailed proposals for future transport provision with the aim of securing reduction in car trips generated to and from the development site.

Reason: In order to minimise danger, obstruction and inconvenience to users of the highway in accordance with Core Strategy Policy CS23.

19. On the first anniversary of the approval of the Travel Plan and annually thereafter an annual review of the Travel Plan shall be submitted to and approved in writing by the Local Planning Authority. This shall include a detailed survey of the number of movements generated by the development and shall be compared with the initial survey carried out under the terms of the condition above (the control level) and in the event of any reduction not being secured the applicant shall undertake measures any measure that have been first agreed in writing by the Local Planning Authority, as are necessary to cause a reduction in the number of car borne trips to, as a maximum, the control level. This may include such options as a greater provision of subsidised transport.

Reason: In order to minimise danger, obstruction and inconvenience to users of the highway in accordance with Core Strategy Policy CS23

20. No student accommodation 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 in this decision.

Reason: In order that the Council can update its records to ensure that parking permits are not issued to the occupiers of the new student accommodation 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 Policy CS24 and Policy DM12.

21. Prior to any agreement being entered into for a new occupation of, or transfer of any interest in, the student accommodation units 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 student 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.

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Reason: In order that the prospective occupiers are made aware of the fact that they will not be 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 CS24 and Policy DM12

22. Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 (as amended) (or any order revoking or re-enacting that order with or without modifications) the development hereby permitted shall be used only as student accommodation (Sui Generis use) and for no other purpose.

Reason: to protect the amenities of future occupiers on the basis that the accommodation would not be of a suitable standard for other types of residential accommodation in accordance with Policy DM4

INFORMATIVES

1. The conditions above have been worded with reference to the original permission (ref. 170019/FUL allowed on appeal ref.

APP/E0345/W/17/3190317) and the following subsequent applications determined at the site:

181629/NMA - Non-material amendment to application 170019 (Allowed under appeal APP/E0345/W/17/3190317) for re-configuration of consented basement arrangement and associated changes to internal layout at ground floor level - Non-material amendment agreed.

181650/APPCON - Application for approval of details pursuant to condition 17 (archaeology) of planning permission ref. 170019 (APP/E0345/W/17/3190317) - Condition discharged.

181654/APPCON - Application for approval of details pursuant to condition 7 (Trees) of planning permission ref. 170019

(APP/E0345/W/17/3190317) - Condition discharged.

182013/APPCON - Application for approval of details pursuant to condition 3 (materials) of planning permission ref. 170019

(APP/E0345/W/17/3190317) - Condition discharged.

182015/APPCON - Application for approval of details pursuant to condition no. 4 (landscaping) of planning permission ref. 170019

(APP/E0345/W/17/3190317) - Condition discharged.

182179/APPCON - Application for approval of details pursuant to condition no. 12 (control of noise and dust) of planning permission ref. 170019

(APP/E0345/W/17/3190317) - Condition discharged.

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2. The section 106 legal agreement relating to planning permission ref. 170019 (Appeal decision ref. APP/E0345/W/17/3190317) is also linked this permission as per clause no. 20 of the agreement. A full copy of the agreement is available on the Public Register held by Reading Borough Council.
3. Your attention is drawn to the requirement for submission of a Building Regulations application for the proposed development. Please contact RBC Building Control on 0118 937 2449 for advice.
4. 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
5. 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 for the decision to be issued.
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. The occupiers of the student accommodation unit(s) will not be 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.
8. To minimise the disturbance by noise of future residential occupiers of the flats student rooms 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
9. 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

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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.

10. 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 floor space for different uses, and, unlike Section 106, it is non-negotiable. It applies to residential developments (including student accommodation); where the floor space has not been in lawful use for 6 months within the last 3 years or 100 sq m of new floor space. 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.

11. Please note that the Council charges for the discharge of planning conditions, the fee is currently £116 per submission, which can include information to discharge several conditions at once.

12. Thames Water has advised that it will aim to provide customers with a minimum pressure of 10m head (approx 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames Waters pipes. The developer should take account of this minimum pressure in the design of the proposed development.

13. A pre-development application should be submitted to Thames Water to discuss any potential sewer diversions with an engineer.

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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.

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/>.

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.