

**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: 190316
Application type: Variation of Condition

Applicant: Mr & Mrs Singh

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

Proposal: Application for removal or variation of condition 2 following grant of planning permission. (170909)

At: 177 Upper Woodcote Road Reading RG4 7JR

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: 14 June 2019



Head of Planning, Development & Regulatory Services *RE*

Application At: 177 Upper Woodcote Road Reading RG4 7JR

Application No: 190316

Application type: Variation of Condition

CONDITIONS & REASONS

1. The development hereby permitted shall begin no later than three years from the date that planning permission 170909 was issued 31 January 2018.

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. No development shall commence beyond foundation level until a schedule of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out and thereafter maintained in accordance with the details approved.

REASON: These details are required due to insufficient information being contained within this submission and in the interests of visual appearance and amenity of the area in accordance with Policy CS7 of the Reading Borough Local Development Framework Core Strategy (2008, altered 2015).

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

Drawing No: PL-05 Rev B, PL-06 Rev B, PL-07 Rev B, PL-08 Rev B and PL-11 Rev C received on 13 June 2019

REASON: For the avoidance of doubt and to ensure that the development is carried out in accordance with the application form and associated details hereby approved.

4. Prior to first occupation, a scheme of hard and soft landscaping shall be submitted to and approved in writing by the Local Planning Authority. This scheme shall specify species, planting sizes, spacing and numbers of trees/shrubs to be planted (including replacement trees and tree pit specifications where appropriate), means of enclosure and hard surfacing materials. The landscaping scheme must include a maintenance programme detailing all operations to be carried out in order to allow successful establishment of planting. The approved hard and soft landscaping scheme shall be implemented in the same planting season as the development hereby permitted is ready for occupation or during the first planting season following the date when the development hereby permitted is ready for occupation, whichever is soonest, or in

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accordance with a timetable agreed in writing with the Local Planning Authority. Any trees or plants which, within a period of 5 years from the date of planting, die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, to be agreed in writing by the Local Planning Authority.

REASON: In the interest of ensuring that the landscaping of the development enhances the visual local environment and in accordance with the National Planning Policy Framework (March 2019) and Policy CS7 of the Reading Borough Local Development Framework Core Strategy (2008, altered 2015).

6. The dwelling hereby permitted shall not be occupied until such time as all vehicle and cycle parking spaces have been provided in accordance with the approved plans. The spaces shall be kept available for vehicle and cycle parking at all times thereafter.

REASON: To ensure that the development is provided with adequate parking facilities to reduce the likelihood of roadside parking which could be a danger to other road and encourage travel by sustainable alternatives to driving a motorcar in accordance with Policy CS23 & CS24 and Policy DM12.

7. The dwelling hereby permitted shall not be occupied until the vehicle access serving it has been constructed in accordance with the approved drawings in Condition 3 above.

Reason: In the interests of road safety in accordance with Policy CS20 and Policy DM12.

8. Prior to first occupation of the dwelling hereby approved, the bin storage facility shown on the approved plans in Condition 3 above must be been provided and thereafter retained for use by occupiers of the dwelling at all times.

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 CS7.

9. The existing access to the site shall be stopped up and abandoned immediately after the new access has been brought into use. The footway and verge shall be reinstated to the satisfaction of the Local Planning Authority.

REASON: In the interests of road safety and maintenance of the highway in accordance with CS20 of the Core Strategy 2008 (altered 2015) and Policy DM12 of the Sites and Detailed Policies Document 2012 (altered 2015).

10. 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 CS34 and CS2.

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11. 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:

- a. 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;
- b. Location on site for storage of plant and materials used in constructing the development;
- c. The erection and maintenance (including removal of any graffiti or fly posters) of security hoarding around the site;
- d. Identification of any footpath closures or road closures needed during construction;
- f. 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 DM4 and DM12 of the Sites and Detailed Policies Document 2012 (altered 2015).

12. The programme of archaeological work and recommendations contained within TVAS report Ref: 19e40ev and dated 16th may 2019 shall be undertaken fully in accordance with the approved details.

REASON: To ensure that any archaeological remains within the site are adequately investigated and recorded or preserved in situ in the interest of protecting the archaeological heritage of the borough and in accordance with Policy CS33 of the Core Strategy 2008 (altered 2015).

13. 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 DM4 of the Sites and Detailed Policies Document (2012) (Revised 2015).

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 D

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(erection or construction of a porch outside any external door) shall be carried out within the curtilage of the dwelling without express planning permission from the Local Planning Authority.

REASON: Due to the constrained nature of the site and as unrestricted development could harm the amenities of neighbouring properties through overlooking or being overbearing and harm the appearance of the main house and the area in general and should therefore be controlled in accordance with Policies CS7 of the Reading Borough Local Development Framework Core Strategy (2008, altered 2015) and DM4 and DM9 of Sites and Detailed Policies Document (2012) (Revised 2015).

15. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and/or re-enacting that Order) the proposed north facing ensuite windows (x2) and south facing bathroom window (x1) shall be top openable above 1.7m (as a minimum when measured from the floor level of the respective rooms), and glazed with obscure glass before occupation of the development hereby approved and shall be permanently maintained as such.

REASON: To safeguard the amenities of the adjoining premises from overlooking and loss of privacy in accordance with Policy DM4 and DM11 of Sites and Detailed Policies Document (2012) (Revised 2015).

INFORMATIVES

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. In accordance with Article 35 (DMPO 2015) some conditions above 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.
3. A section 106 Agreement has been completed for the previous permission, which also relates to this application. A copy of the S106 Legal Agreement is available on the Council's Public Register of Planning.
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

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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. 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.

6. 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.

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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.