

**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: Colony Architects Ltd
250 South Oak Way
Green Park
Reading
RG2 6UG

Application No: 181459
Application type: Variation of Condition

Applicant: Grace Allen Homes Ltd.

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

Proposal: Demolish existing 2 blocks of 2 maisonettes, garages and redundant nurses station with the erection of 2 detached houses (4 bed) and 1 pair semi-detached houses (4 bed) without complying with condition 2 (approved plans) of planning permission 141730/FUL.

At: 1-4 Dovedale Close Caversham Reading RG4 7AL

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: 28 May 2019



Head of Planning, Development & Regulatory Services *RE*

Application At: 1-4 Dovedale Close Caversham Reading RG4 7AL

Application No: 181459

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 permission was originally granted under planning application 141730 from 10 August 2017.

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:

237-03-10 Rev P Plot 1 house plans

237-03-11 Rev P Plot 2 & 3 house plans

237-03-12 Rev P Plot 2 & 3 house elevations

Received on 17th August 2018

237-03-13 Rev P1 Plot 4 house plans

Received on 25th September 2018

237-02-10 Rev P1 Proposed block plan

237-02-00 Rev P1 Site location plan

Received on 19th December 2018

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

3. The development hereby approved shall not be commenced until details and samples of all materials to be used in the construction of the external surfaces of the development have been submitted to and approved in writing by the local planning authority. The development shall not be carried out other than in accordance with the approved details.

Reason: In the interests of the appearance of the street scene and the setting of the conservation area, in accordance with Policies CS7 and CS33 of the Reading Borough LDF Core Strategy 2008 (altered 2015).

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4. No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted and approved in writing by the local planning authority to provide for:

- (A) The parking of vehicles and site operatives and visitors - to be shown on a Plan not less than 1:500.
- (B) Loading and unloading of plant and materials used in constructing the development - Areas to be shown on a plan not less than 1:500
- (C) Storage of plant and materials used in constructing the development - Areas to be shown on a plan not less than 1:500
- (D) The erection and maintenance of security hoarding/scaffolding if required.
- (E) Wheel washing facilities
- (F) Measures on site to control the deposition of dirt / mud on surrounding roads during construction.
- (G) Footpath Closures / Road Closures needed during construction
- (H) Traffic Management needed during construction.
- (I) Times, routes and means of access into and from the site for construction traffic and delivery vehicles (including the removal of waste from the site and methods of preventing deposition of materials on the public highway).
- (J) Measures to control dust and noise emanating from the site during demolition and/or construction.

No burning of materials shall take place within the site at any time.

The approved Construction Method Statement shall be adhered to throughout the development process unless agreed otherwise in writing by the Local Planning Authority.

Reason: In the interests of safety; protecting the amenity of local land uses and neighbouring residents; and highway safety. In accordance with Policy CS34 of the Reading Borough LDF Core Strategy 2008 (altered 2015) and Policies DM4 and DM12 of the Sites and Detailed Policies Document 2012 (altered 2015).

5. The development hereby approved shall not be commenced until details of all boundary treatments (including gates), have been submitted to an approved in writing by the local planning authority.

The boundary treatment shall be provided in accordance with the approved details prior to first occupation of the development.

Reason. In the interests of the appearance of the development and the setting of the conservation area. In accordance with Policies CS7 and CS33 of the Reading Borough LDF Core Strategy 2008 (altered 2015).

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6. Notwithstanding the details shown on drawing 06 Rev.C dated 12 February 2015, as approved in planning permission 141730, the development hereby approved shall not be commenced until full details of both hard and soft landscaping have been submitted to and approved in writing by the local planning authority. The submitted details shall include:

a) pedestrian access and circulation areas, hard surfacing materials (designed to SuDS principles), outdoor structures and ancillary objects (lighting columns, outdoor seating, raised planters, railings, etc.); and
b) proposed and existing functional services above and below ground (e.g drainage, power, communications cables and pipelines indicating lines, manholes, etc.; and
c) planting plans; written specifications (including cultivation, tree pits and other operations associated with plant establishment); schedules of plants, noting species (to be native and wildlife- friendly), plant sizes and proposed numbers/planting densities - to include trees of ultimately large size and boundary hedging to the street frontage.

ii) All hard landscaping works shall be carried out in accordance with the approved details prior to first occupation of the development.

iii) All planting and other soft landscaping shall be provided before the end of the first planting season following the first occupation of the development.

Reason: To ensure provision and retention of suitable hard and soft landscaping in the interests of the appearance of the development and the setting of the conservation areas, in accordance with Policies CS7 and CS33 of the Reading Borough LDF Core Strategy 2008, and Policies DM1 and DM18 of the Sites and Detailed Policies Document 2012.

7. i) A landscaping management plan, including long term objectives, management responsibilities and maintenance schedules shall be submitted to and approved in writing by the local planning authority prior to first occupation of the development. The landscape management plan shall be carried out as approved at all times thereafter.

ii) Any trees or plants provided as part of the approved landscaping that within a period of five years after planting are removed, die, or in the opinion of the Local Planning Authority become seriously damaged or defective, shall be replaced as soon as is reasonably practicable with others of the species, size and number as originally approved.

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Reason: to ensure the long term management and maintenance of landscaped areas on the site, in the interests of the appearance of the development and the setting of the conservation area. In accordance with Policies CS7 and CS33 of the Reading Borough LDF Core Strategy 2008 (altered 2015) and DM4 and DM18 of the Sites and Detailed Policies Document 2012 (altered 2015).

8. The development hereby approved shall not be commenced until:

i) an Arboricultural Method Statement to BS5837:2012 for all works within, or affecting, Root Protection Areas identified on plan ref. SPH/RPA-01/19.12 dated 19 December 2011 within the submitted Tree Survey ref. Ref: SPH/5837-01/19.12 as approved in planning permission 141730.

ii) a Tree Protection Plan to BS5837:2012 showing the position and specifications of tree protective fencing and other necessary measures, have been submitted to and approved in writing by the Local Planning Authority. Paragraphs a) and b) below shall have effect until one year from the date of occupation of the development hereby approved.

a) No tree shown on plan ref. SPH/RPA-01/19.12 dated 19 December 2011 shall be cut down, uprooted or destroyed, nor shall any retained tree be topped or lopped, without the written approval of the local planning authority. Any topping or lopping approved shall be carried out in accordance with British Standard 3998 (Recommendations for Tree Work).

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) No works shall be carried out within, or affecting, Root Protection Areas at any time other than in accordance with the approved Arboricultural Method Statement.

d) The erection of fencing and other measures for the protection of retained trees shall be undertaken in accordance with the approved Tree Protection Plan 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 protected in accordance with this condition and no fires shall be lit, and no raising or lowering of ground levels, or excavations, shall take place

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within these areas. No drains, pits, ditches or trenches shall be dug in or run across the protected areas 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 appropriate protection is given to trees of amenity value on and surrounding the site in accordance with Policies CS38 and CS33 of the Reading Borough LDF Core Strategy 2008.

9. No dwelling shall be occupied until the vehicle accesses, parking and turning areas have been constructed in accordance parking and turning areas have been constructed in accordance with approved drawing 237- 02-10 Rev P1 Proposed block plan. These areas shall be retained as approved solely for vehicle parking and turning at all times thereafter.

Reason: to ensure that the development is provided with adequate access, turning and parking facilities in the interests of highway safety and to reduce the likelihood of roadside parking which would be a danger to other road users in accordance with Policies CS20 and CS24 of the Reading Borough LDF Core Strategy 2008 (altered 2015) and Policy DM12 of the Sites and Detailed Policies Document 2012 (altered 2015).

10. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking or re-enacting that Order with or without modification), no windows, doors or other openings, other than those shown on the approved plans, shall be constructed in the south west elevation of Plot 4 hereby approved (side elevation facing number 5 Dovedale Close).

Reason: In the interests of the privacy of the neighbouring dwelling in accordance with Policy DM4 of the Sites and Detailed Policies Document 2012 (altered 2015).

11. Before the first occupation of the dwelling on Plot 4, the window at first floor level within the south west elevation (facing 5 Dovedale Close) shall be fitted with obscured glazing and shall not be capable of being opened. The window shall be permanently retained as such at all times thereafter.

Reason. To prevent overlooking and loss of privacy to occupiers of 5 Dovedale Close, in accordance with Policy DM4 of the Sites and Detailed Policies Document 2012 (altered 2015).

12. In connection with the implementation of this permission no demolition or construction works shall take place outside the hours of 8am to 6pm Mondays to Fridays and 8am to 1pm on Saturdays. Works shall not take place at all on Sundays or Bank Holidays without the prior written approval of the local planning authority.

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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 (altered 2015) and Policy CS34 of the Reading Borough LDF Core Strategy 2008 (altered 2015).

13. Notwithstanding the provisions 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 Article 3, Schedule 2, Part 1 Class A (enlargement/extensions), Class B (roof enlargement) or Class E (outbuildings incidental to the enjoyment of the dwellinghouse), shall be constructed within the development site hereby approved.

Reason: To prevent overdevelopment of private garden areas in the interests of the amenity of future occupiers, to prevent harm to tree roots, and in the interests of the character of the area and the setting of the adjacent conservation area. In accordance with Policies CS7, CS33 and CS38 of the Reading Borough LDF Core Strategy 2008 (altered 2015) and Policies DM4 and DM10 of the Sites and Detailed Policies Document 2008 (altered 2015).

INFORMATIVES

1. The local planning authority has worked positively and proactively with the applicant at both pre-application and application stages to resolve matters relating to the layout of the site, the scale of new buildings, the effect on neighbouring amenity, tree protection, landscaping and vehicle access and parking arrangements; to allow the application to be approved.
2. A Section 106 Agreement and associated Deed of Variation relates to this planning permission. The agreement is available on the Public Register held by Reading Borough Council.
3. There are public sewers crossing or close to the site. In order to protect public sewers and to ensure that Thames Water can gain access to those sewers for future repair and maintenance, approval should be sought from Thames Water where the erection of a building or an extension to a building or underpinning work would be over the line of, or would come within 3 metres of, a public sewer.
4. The applicant is advised that an application for building regulations approval will be required.

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5. The Council's Highways section should be contacted at 2-4 Darwin Close, Reading, RG2 0RB, telephone: 0118 937 2138, to agree the access construction details and to grant a licence before any work is carried out within the highway. A formal application should be made allowing at least 4 week's notice to obtain details of underground services on the applicant's behalf. Any works affecting the highway will be required to be in accordance with Reading Borough's Council's document "Guidance Notes for Activities on the Public Highway within the Borough of Reading". The developer should be aware 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 Transport Strategy area of Reading Borough Council website).

6. Conditions headed "[Pre-commencement]" are pre-commencement conditions because the details required to be approved need to be designed or 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.

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 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

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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.