

**TOWN AND COUNTRY PLANNING ACT 1990: SECTION 192 (as amended by
section 10 of the Planning and Compensation Act 1991)**

**THE TOWN & COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE)
(ENGLAND) ORDER 2015: ARTICLE 39**

CERTIFICATE OF LAWFULNESS FOR A PROPOSED USE OR DEVELOPMENT

To: Derby Road Fund
3a Derby Road,
Caversham
Reading
RG4 5HE

Application No: 182061
Application type: Certificate of Lawfulness -
Proposed Use or Development

Applicant: Derby Road Fund

The Reading Borough Council **HEREBY CERTIFY** that on **16/01/2019** the operations/matters described in the First Schedule to this certificate in respect of the land specified in the Second Schedule to this certificate and edged black on the attached plan would have been lawful within the meaning of Section 192 of the Town and Country Planning Act 1990 (as amended), for the following reason(s) set out below:

First Schedule: Application for a Lawful Development Certificate for implementation of a pinch point on a private road by the siting of a wooden planter with three reflective markers at the end

Second Schedule: Derby Road, Caversham, Reading, RG4 5HE

REASONS

1. The proposal has been assessed against the Town and Country Planning Act 1990 (as amended) and Class E, Part 9, Schedule 2 of the Town and Country Planning (General

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Date: 20 March 2019



Head of Planning, Development
& Regulatory Services

Permitted Development) (England) Order 2015 (as amended) and it has been confirmed that the proposal would be lawful on the basis of the following submitted information:-

1. Photo of a wooden planter with three reflective markers at the end WD-200 Working drawings pinch point planter.
2. Tree Preservation order, Derby Road with 3.5m pinch point indicated Application letter from the Honorary Trustee of the Derby Road Fund Received 23 November 2019.
3. Register of title of the covenant ownership on behalf of the Derby Road Fund.
4. Proposed Block plan, location plan and position of the planters.

Received on 16th January 2019

Therefore the Local Planning Authority can issue the Applicant with a Certificate of Lawfulness for the proposed development

INFORMATIVES

1. The Applicant is advised to consider putting up signage indicating to users of the private road that there is a 'pinch point' with reduced access, potential periods of closure and to distinguish which direction has right of way through the planters.

Reason: to give advance warning to road users

2. The Applicant is advised to consider putting up reflective strips to improve visibility of the planting boxes to road users, due to their low height, their visibility may be restricted and difficult to see at night. You are also advised to consider yellow lines at each side of the wooden planters.

Reason: to protect road users and pedestrians and ensure the wooden planters are visible.

3. The Applicant is advised that the planters should be maintained regularly and not be left in a state of disrepair. The Council will not be responsible for the upkeep and maintenance of the planting boxes.

Reason: to maintain a presentable appearance for the area and to prevent injury or damage to any passing pedestrians or road users.

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4. The Applicant is advised to seek advice and permission from the Fire Brigade, Emergency Services and waste collection services.

Reason: to protect the safety and security of the area and its local residents

5. The Applicant is advised to ensure that residents living in roads connected to Derby Road that are maintained by the local authority are still able to access their properties.

6. 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.

SFB

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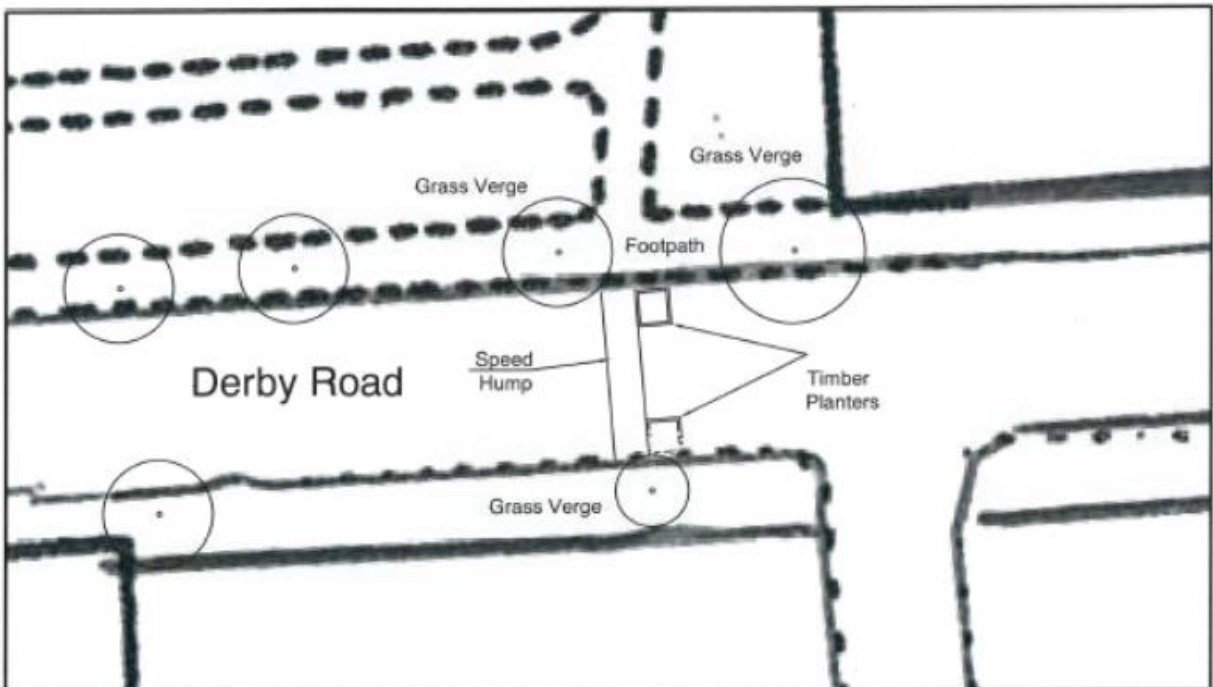
Notes

1. This certificate is issued solely for the purpose of Section 192 of the Town and Country Planning Act 1990 (as amended).
2. It certifies that the use/operations/matter specified in the First Schedule taking place on the land described in the Second Schedule would have been lawful, on the specified date and, thus, would not have been liable to enforcement action under Section 172 of the 1990 Act on that date.
3. This certificate applies only to the extent of the operations/matters described in the First Schedule and to the land specified in the Second Schedule and identified on the attached plan. Any operations/matters which is/are materially different from that/those described or which relate/s to other land may render the owner or occupier liable to enforcement action.
4. The effect of the certificate is also qualified by the proviso in section 192(4) of the 1990 Act, as amended, which states that the lawfulness of a described use or operation is only conclusively presumed where there has been no material change, before the use is instituted or the operations begun, in any of the matters relevant to determining such lawfulness.
5. If you are aggrieved by the decision of the Council, you may appeal to the Secretary of State under Section 195 of the Town and Country planning Act 1990.

Further information can be viewed at: <https://acp.planninginspectorate.gov.uk/>



Proposed Block Plan



Proposed Location Plan