

**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: Elegant PPM
The Granary
1A Patrick Road
Caversham
Reading
RG4 8DD

Application No: 190196
Application type: Variation of Condition

Applicant: Mr Adam Girdler

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

Proposal: Application for variation of condition 12 (Access) following grant of planning permission 171753

At: 45 Albert Road Caversham Reading RG4 7AW

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**

BCN

Date: 3 April 2019



Head of Planning, Development
& Regulatory Services

Application At: 45 Albert Road Caversham Reading RG4 7AW

Application No: 190196

Application type: Variation of Condition

CONDITIONS & REASONS

1. The development hereby permitted shall begin not later than either:
- a) the expiration of three years from the date of the original permission; or
 - b) the expiration of two years from the date of approval of the last reserved matters to be approved under the terms of this permission, whichever is the later.

Reason: Under section 92 of the Town and Country Planning Act 1990, applications for approval of reserved matters must normally be made within three years from the date outline planning permission was granted.

2. **No development shall take place** until plans and particulars of all reserved matters not detailed in this outline application; namely detailed plans and drawings showing: - LAYOUT, SCALE, APPEARANCE and LANDSCAPING have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

Reason: To prevent an accumulation of unimplemented planning permissions and in accordance with the provisions of Section 92 of the Town & Country Planning Act 1990

3. The details submitted in accordance with condition 2 requiring the approval of the landscaping for the site as a reserved matter, shall include
- Planting plans
 - Written specifications (including cultivation and other operations associated with plant and grass establishment)
 - Schedules of plants and trees, to include large canopy, native and wildlife friendly species, and species likely to prove adaptable to climate change, noting species, planting sizes and proposed numbers / densities,
 - Details of tree pits
 - Details of sustainable drainage and irrigation systems such as rain gardens, and temporary pools and swales
 - Implementation timetables
 - Biodiversity enhancements, including integral bird boxes on and around the new buildings

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- Specifications for fencing demonstrating how hedgehogs and other wildlife will be able to continue to travel across the site (e.g. fences slightly raised above ground level)
- Above and below ground service routes (ensuring they do not conflict with new or existing planting)
- Permeable hard surfaces

Reason: In the interest of ensuring that the development enhances the visual local environment in accordance with Policies CS38 and CS7 of the Core Strategy 2008 (altered 2015).

4. The details submitted in accordance with condition 2 requiring the approval of the landscaping for the site as a reserved matter, shall include:

- a) a plan showing the location of, with a reference number, each existing tree on or adjoining the site which has a stem with a diameter exceeding 75mm measured over the bark at a point 1.5 metres above ground level and showing which trees are to be retained and the crown spread of each retained tree;
- b) details of the species, diameter (measured in accordance with paragraph (a) above), height, category (with reference to BS 5837:2012 Table 1) and a plan showing the positions of the Root Protection Zone and Construction Exclusion Zones (in accordance with BS 5837:2012).
- c) details of any proposed work to any retained tree, or of any tree on land adjacent to the site;
- d) details of any proposed alterations in existing ground levels, and of the position of any proposed excavation either within the Root Protection Zone of any retained tree or of any tree adjacent to the site;
- e) details of the specification and position of fencing or any other measures to be taken for the protection of any retained tree (to BS 5837:2012) from damage before or during the course of development. In this condition all details are to be in accordance with the relevant recommendations of appropriate British Standards or other recognised Codes of Good Practice and "retained tree" means an existing tree which is to be retained in accordance with the plan referred to in paragraph (a) above.

Reason: to ensure that existing trees are accurately recorded and included in any landscaping proposal and that those trees to be retained are protected in accordance with Policy CS38, Policy CS7 and Policy DM18

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

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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 interest of the character and appearance of the new development and in accordance with Policy CS7 of the Core Strategy 2008 (altered 2015).

6. 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 type of boundary treatment to be erected. 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 order to protect the privacy of adjoining and future occupiers and in the interests of the visual amenities of the locality and local wildlife in accordance with Policies CS36, CS38 and CS7 of the Core Strategy 2008 (altered 2015) and Policy DM17 of the Sites and Detailed Policies Document 2012 (altered 2015).

7. 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.

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

8. Pursuant to the approval of the 'Appearance' reserved matter, no development shall take place until details and samples of the 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 thereafter be carried out in accordance with the approved details.

Reason: In the interests of the appearance of the building and the appearance of the street scene in accordance with Policy CS7 of the Core Strategy 2008 (altered 2015) and Policy DM11 of the Sites and Detailed Policies Document 2012 (altered 2015).

9. No dwelling/building hereby permitted shall be occupied until the vehicle access serving it has been constructed in accordance with the approved drawing.

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

10. No dwelling/building hereby permitted shall be occupied until the vehicle access serving it has been constructed in accordance with the approved drawing.

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

11. 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.

k) 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 Core Strategy 2008 (altered 2015) and Policies DM4 and DM12 of the Sites and Detailed Policies Document 2012 (altered 2015).

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12. The access to the development, to which this permission relates, shall not be carried out other than in accordance with the following approved drawings received 6th February 2019 only:

Dwg No: 3617/205/A - Site and location plan

Dwg No: 3617/207 - Proposed sight lines

Reason: For the avoidance of doubt and in the interests of the appearance of the site and the amenity of neighbouring premises. In accordance with Policy CS7 of the Core Strategy 2008 (altered 2015) and Policies DM4 and DM11 of the Sites and Detailed Policies Document 2012 (altered 2015).

13. 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) no windows/openings, other than to non-habitable rooms shall at any time be placed in the north west and south east facing elevations of the dwelling hereby permitted without the grant of a separate planning permission from the Local Planning Authority. Any windows shall be obscurely glazed and non-opening, unless that part of the window which can be opened is a minimum of 1.7m above the internal floor level. These windows shall be permanently retained and maintained thereafter as obscure glazed.

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

14. **No development shall take place** within the site until the applicant, or their agents or their successors in title, has secured the implementation of a programme of archaeological work (which may comprise more than one phase of work) in accordance with a written scheme of investigation, which has been submitted to and approved in writing by the Local Planning Authority. The development shall only take place in accordance with the detailed scheme approved pursuant to this condition.

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).

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INFORMATIVES

1. By virtue of clause 15 of s106 agreement dated 3 July 2018, between Peter Dominic McGeown and Stephanie Anne Rose as executors of Gwyneth Eleanor Mary Wolters and Reading Borough Council, constituting Planning Obligations relating to land adjacent to 45 Albert Road Caversham Reading RG4 7AW, **this s106 agreement applies to this permission.**

2. Your attention is drawn to the pre-commencement condition(s) or condition(s) precedent" that require the terms of the condition(s) to be satisfied before development commences. If development commences in contravention of that (those) condition(s), the development taking place will be made unauthorised in planning terms. This may result in the Council taking enforcement action to remedy the breach of planning control. If you are in any doubt please contact the Council.

3. The approved development is liable to pay the Community Infrastructure Levy (CIL) in line with the Council's CIL Charging Schedule. Upon permission or soon after, the Council will issue you with a CIL Liability Notice, which details the CIL amount payable. CIL is not payable until commencement of the development, but before commencement you must submit a CIL Commencement Notice to the Council. Failure to submit a Commencement Notice before commencement may mean that a surcharge is imposed, and will mean that the liable party will not be able to benefit from the Council's Instalment Policy and that any claims for relief are void.

It is strongly advised that, before commencement, you submit an Assumption of Liability Form if you have not already done so. If at commencement no party has assumed liability to pay CIL, liability will default to the landowner(s), a surcharge may be imposed, and the liable party will not be able to benefit from the Council's Instalment Policy.

If the development is eligible for a form of relief from CIL, a claim must be made prior to commencement. Claims made after commencement cannot be considered.

More information on CIL, including copies of the forms referred to above, are on the Planning Portal website:

(https://www.planningportal.co.uk/info/200126/applications/70/community_infrastructure_levy) and the Charging Schedule and Advice to Applicants are on the Council's website

(<http://www.reading.gov.uk/media/2594/Community-Infrastructure-Levy-Charging-Schedule/pdf/Community-Infrastructure-Levy-Charging-Schedule-20151.pdf> & http://www.reading.gov.uk/media/2791/Community-Infrastructure-Levy-Advice-to-Applicants/pdf/CIL_Advice_to_Applicants.pdf)

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4. The applicant's 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.

5. The construction (and demolition) of the development will be subject to environmental health law and the applicant is referred to:
<http://www.reading.gov.uk/environmentalprotection>

6. 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:

<http://www.communities.gov.uk/publications/planningandbuilding/partywall>

7. 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.

8. 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.

9. The Council's Highways section should be contacted at 19 Bennet Road, Reading, RG2 0QX, 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 applicants' behalf.

10. A section 106 Agreement relates to this site, linked to this permission, which includes a requirement for a financial contribution towards Affordable Housing.

11. The decision to grant planning permission follows the positive and proactive consideration of the issues raised by this planning application and issuing the decision within the agreed time period.

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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.