

**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: 170696
Application type: Variation of Condition

Applicant: Bexter Ltd

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

Proposal: Variation of condition 3 (BREEAM) of planning permission 160957, dated 21/10/2016 (for conversion to six flats and associated works), namely to alter the sustainability measures.

At: 75-77 London Street Reading Berkshire RG1 4QA

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: 30 June 2017



Head of Planning, Development & Regulatory Services *DE*

Application At: 75-77 London Street Reading Berkshire RG1 4QA

Application No: 170696

Application type: Variation of Condition

REASONS

1. The proposed altered condition does not pass the precision or enforceability tests of a planning condition and results in the development which does not contribute adequately towards environmental sustainability, contrary to Policy CS1 of the Reading Borough LDF Core Strategy 2008 (Altered 2015); Policy DM1 of the Sites and Detailed Policies Document 2012 (Altered 2015) and the Council's adopted SPD: 'Sustainable Design and Construction' (July 2011).

INFORMATIVES

1. It has been interpreted from the information provided that the proposal is to vary, rather than remove, condition 3, to the following:

The proposed development shall be carried out in accordance with 'Re 75 - 77 London Street, Reading, RG1 4QA' by Property and Energy Services Ltd, as received 02/05/2017'.

This is the basis on which this application has been considered and assessed. Please see the officer delegated report for more information.

2. The decision relates to the following drawings and documents:

- 'Re 75 - 77 London Street, Reading, RG1 4QA' Report by Property and Energy Services Ltd, as received 02/05/17
- Location and Block Plan 8651.16-PL-01 Rev A, as received 02/05/17
- Application form PP-06024411, dated 28/04/17, as received 02/05/17

Date: 30 June 2017



Head of Planning, Development & Regulatory Services *RE*

3. The decision to refuse the variation of condition 3 follows the positive and proactive consideration of the application, including outlining the issues of concern with the agent of the applicant prior to a decision being issued.



Date: 30 June 2017

Head of Planning, Development & Regulatory Services *RE*

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 www.planningportal.gov.uk/pcs.

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.