

**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: Michael Pagliaroli Architects Ltd
Bartholomew House
38 London Road
Newbury
RG14 1JX

Application No: 161541
Application type: Variation of Condition

Applicant: Prospect Homes Ltd

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

Proposal: Variation of condition 2 (approved plans) of planning permission 152313 (Single storey outbuilding incorporating 2 x 2 bed units), namely for amendment to parking layout, addition of gates to landscaping and addition of gabled porches and window to bathroom of new units

At: 10 Prospect Street Reading

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: 16th May 2017



Head of Planning, Development
& Regulatory Services

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Application At: 10 Prospect Street Reading

Application No: 161541

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 original permission (Reference 152313) was granted (on 30/06/2016).

Reason: To prevent an accumulation of unimplemented planning permissions, and in accordance with section 91 of the Town & Country Planning Act as amended by the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall not be carried out other than in accordance with the following drawings/documents;

Drawing No: Site Location Plan 10-12-2 SLM 01

Received 23rd August 2016

Drawing No: Landscape Proposals 0604.1.1A

Drawing No: Proposed Site Operations Plan 10-12-2 SOP 01 A

Drawing No: Proposed Site Layout Plan 10-12-2 SP 01 F

Rec 12th December 2016

Drawing No: Proposed Ground and Mezzanine Floor Levels 10-12-2 PLN 01 C

Received 21st March 2017

Drawing No: Proposed Elevations 10-12-2 PLN 02 C

Received 30th September 2016

Reason: To clarify which plans have been approved and in the interests of proper planning.

3. The development hereby approved shall be constructed out of the following materials:

- Brickwork - Terca CB orange brick
- Stonework - Forticrete reconstituted stone cills, posts and lintels
- Roof Tiles - Redland Plain tile Hedgerow brown (granular).
- Car Parking and Cycle store areas - Marshalls Drivesett Tegula Priora - Colour Harvest (H), with Tegula Pennant Grey (PG) as border - to be permeable type. Access way to have permeable tarmacadam where indicated on drawings.
- Windows - Bison UPVC sash windows or similar.
- Terrace Paving - Marshalls Indian Sand Stone, (Colour Sand Multi)



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as per details submitted 21st July 2016. The development shall not be carried out other than in accordance with the approved details unless agreed otherwise in writing by the Local Planning Authority.

Reason: In the interests of the visual appearance of the buildings, in accordance with Policy CS7 of the Reading Core Strategy 2008 (amended 2015).

4. 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 extensions, roof enlargements, outbuildings, windows, doors or other openings, other than those shown on the approved plans, shall be constructed within the development hereby approved.

Reason: Due to the proximity to neighbouring dwellings in the interests of the privacy and outlook of neighbouring dwelling. In accordance with Policy CS7 of the Reading Core Strategy 2008 (amended 2015) and Policy DM4 of the Sites and Detailed Policies Document 2008 (amended 2015).

5. No part of the development hereby approved shall be occupied until a Building Control Completion Certificate demonstrating that the development as built achieves the relevant applicable sustainability / energy requirements, has been submitted to, and approved in writing by, the Local Planning Authority.

Reason: To ensure that the development contributes to sustainable development in accordance with Policy CS1 of the Reading Core Strategy 2008 (amended 2015).

6. 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.

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 (amended 2015) and Policy CS34 of the Reading Core Strategy 2008 (amended 2015).

7. Access constructed before occupation (approved drawings)

No dwelling shall be occupied until the access has been constructed in accordance with the approved drawing and in compliance with the requirements of the Local Planning Authority for work carried out within the public highway.

Reason: In the interests of road safety in accordance with Policy CS24 of the Reading Core Strategy 2008 (amended 2015).

8. Access closure with reinstatement



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The existing access to the site shall be stopped up and abandoned immediately after the new access has been brought into use. The footway(s) 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 Policy CS24 of the Reading Core Strategy 2008 (amended 2015) and Policy DM12 of the Sites and Detailed Policies document Policy 2012 (amended 2015).

9. Vehicle parking before occupation

No dwelling/building shall be occupied until space for vehicle parking and turning has been provided in accordance with the approved drawing. This area shall thereafter be kept available for parking at all times.

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 users; and to ensure vehicles enter and leave the highway in forward gear. In accordance with Policy CS24 of the Reading Core Strategy 2008(amended 2015) and Policy DM12 of the Sites and Detailed Policies document Policy 2012 (amended 2015).

10. The covered bicycle storage spaces shown on the approved drawings shall be provided and equipped with secure Sheffield cycle stands before occupation of the dwellings to which they relate.

Reason: To encourage travel by sustainable alternatives to driving a motor car in accordance with the Local Planning Authority's approved transport policies in accordance with Policies CS23 and CS24 of the Reading Core Strategy 2008 (amended 2015).

11. Parking Permits

The residential units hereby approved shall not be occupied until the Council has been notified in writing of the full postal address of the units. Such notification shall be addressed to the Council's Planning Manager (Implementation) quoting the planning application reference specified in this Decision Notice.

Reason: In order that the Council can update its records to ensure that parking permits are not issued to the occupiers of the new residential units hereby approved, and thus ensure that the development does not harm the existing amenities of the occupiers of neighbouring residential properties by adding to the already high level of on street car parking in the area in accordance with adopted RBLP policy TRN12.

12. Prior to any agreement being entered into for a new occupation of, or transfer of any interest in, the residential units hereby approved the prospective occupier/transferee shall be informed of the prohibition on entitlement to a car parking permit. All material utilised for advertising or marketing the residential units for letting or sale shall make it clear to prospective tenants and occupiers that no parking permit will be issued by the Council to occupiers of the residential units.



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Reason: In order that the prospective occupiers are made aware of the fact that they will not be entitled to an on-street car parking permit, in the interests of the proper management of parking, and to ensure that the development does not harm the existing amenities of the occupiers of neighbouring residential properties by adding to the already high level of on street car parking in the area in accordance with Policy CS24 of the Reading Core Strategy P2008 (amended 2015).

13. The approved Construction Method Statement and Site Operations Plan drawing 1012-2SOP 01 A 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, neighbouring residents and highway safety in accordance with Policies CS20 and CS34 of the Reading Core Strategy 2008 (amended 2015), Policy RC9 of the Reading Central Area Action Plan 2009 and Policies DM4 and DM12 of the Sites and Detailed Policies Document 2012 (altered 2015).

14. The hard and soft landscaping as per the approved drawings and Stonemason Court Long Term Knotweed Management Plan and Ecology letter Ref 7284 received 20th July 2016 be adhered to throughout the development process unless agreed otherwise in writing by the Local Planning Authority.

Reason: To ensure the provision of amenity by appropriate landscape design and to comply with Policies CS36 and CS38 of the Reading Core Strategy 2008 (amended 2015) and the NPPF.

15. All hard and soft landscape works shall be carried out in accordance with the approved details and to a reasonable standard in accordance with the relevant recommendations of appropriate British Standards or other recognised Codes of Good Practice. The works shall be carried out prior to the occupation of any part of the development or in accordance with the timetable agreed with the Local Planning Authority. Any trees or plants that, within a period of five years after planting, are removed, die or become, in the opinion of the Local Planning Authority, seriously damaged or defective, shall be replaced as soon as is reasonably practicable with others of species, size and number as originally approved, unless the Local Planning Authority gives its written consent to any variation.

Reason: To ensure the provision of amenity enhancements, afforded by appropriate landscape design and to comply with Policy CS38 of the Reading Core Strategy 2008 (amended 2015) and the NPPF.

16. Should any approved tree be removed, uprooted, destroyed, or die, within 5 years of being planted, another tree shall be planted at the same place and that tree shall be of such size and species, and shall be planted within the next available planting season.



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Reason: To ensure the provision of amenity enhancements, afforded by appropriate landscape design and to comply with Policy CS38 of the Reading Core Strategy 2008 (amended 2015) and the NPPF.

17. The approved Contamination Assessment Report received 22nd November 2016 shall be adhered to throughout the development process unless agreed otherwise in writing by the Local Planning Authority.

Reason: To ensure the development is suitable for its end use and the wider environment and does not create undue risks to occupiers of the site or surrounding areas. In accordance with Policy CS34 of the Reading Borough LDF Core Strategy 2008 (amended 2015).

18. The approved Contamination Assessment Report received 22nd November 2016 shall be adhered to throughout the development process unless agreed otherwise in writing by the Local Planning Authority.

Reason: To ensure the development is suitable for its end use and the wider environment and does not create undue risks to occupiers of the site or surrounding areas. In accordance with Policy CS34 of the Reading Core Strategy 2008 (amended 2015).

19. The remediation scheme shall be implemented in accordance with the approved timetable of works. A validation report (that demonstrates the effectiveness of the remediation carried out) shall be submitted to and approved by the Local Planning Authority prior to occupation of any dwelling within the development hereby approved.

Reason: To ensure the development is suitable for its end use and the wider environment and does not create undue risks to occupiers of the site or surrounding areas. In accordance with Policy CS34 of the Reading Core Strategy 2008 (amended 2015).

20. In the event that contamination not previously identified is found when carrying out the approved development, development shall be halted on the part of the site affected and the contamination shall be reported in writing to the Local Planning Authority.

Development shall not recommence until a risk assessment has been undertaken in order to establish whether further remediation measures are necessary, and where necessary a remediation scheme, together with a timetable for its implementation, has been submitted to and approved in writing by the Local Planning Authority. The measures in the approved remediation scheme shall be implemented in accordance with the approved timetable.

Reason: To ensure the development is suitable for its end use and the wider environment and does not create undue risks to occupiers of the site or surrounding



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areas. In accordance with Policy CS34 of the Reading Core Strategy 2008(amended 2015).

21. The site shall not be cleared of vegetation or debris other than under the on-site supervision of a suitably qualified ecologist to ensure that no nesting birds, reptiles or protected mammals are disturbed or otherwise harmed.

Reason. To ensure adequate protection for wildlife that may be present within the site, in accordance with Policy CS36 of the Reading Core Strategy 2008 (amended 2015).

INFORMATIVES

1. The conditions above have been worded with reference to the original permission (Ref 152313/FUL) and the following subsequent applications determined at the site: Ref 161366/APPCON - condition 3 (Materials), condition 13 (Construction Management Statement), condition 14 (Hard and Soft Landscaping) and conditions 17 and 18 (Contaminated Land and Remediation Scheme). Discharged 02/02/17.

Your attention is drawn to the terms and conditions of this permission. Any development which is carried out but differs materially from the approved plans and details, or does not comply with any condition (s) or planning obligation (s) attached 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.

Access construction

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.

High-density residential development and car parking

The occupiers of the residential units will not be entitled to an on- street car parking permit in the interests of the proper management of parking, and to ensure that the development does not harm the existing amenities of the occupiers of neighbouring residential properties by adding to the already high level of on street car parking in the area in accordance with adopted RBLP policy TRN12. The site is located close to local facilities, with frequent public transport services on nearby roads. The parking permit conditions above place a requirement that the Council be notified of postal addresses of the residential units before occupation and that the occupiers/transferees to be informed of the prohibition on entitlement to a car parking permit.

Works affecting the highway



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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 be made 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 at <http://www.reading.gov.uk/ltp/General.asp?id=SX9452-A782F664> (within the Transport Strategy area of the Transport Section on the Reading Borough Web Site).

The Local Planning Authority has worked positively and proactively with the applicant to address issues raised during the course of the application and determine the application within an agreed timescale.

These works will require separate approval under the Building Regulations. Please contact the Council's Building Control service for further advice on (0118) 937 2449.

There should be no burning of waste on the site. For further information about construction and demolition nuisance law the applicant is referred to:

<http://www.reading.gov.uk/residents/environmental-health-and-protection/construction-demolition/>

A Section 106 Legal Agreement and deed of variation relates to this site, linked to this permission (Ref No. 4293) and the original permission (Ref No. 4229). A full copy of the agreement is available on the Public Register held by Reading Borough Council.

The development hereby permitted is liable for the Community Infrastructure Levy.



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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 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.