

**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: RPS
Park House
Greyfriars Road
Cardiff
CF10 3AF

Application No: 160747
Application type: Variation of Condition

Applicant: Lidl UK

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

Proposal: Mixed use scheme comprising residential dwellings (6 x 3 bedroom semi-detached properties and 6 x 1 bedroom flats) and the erection of 1,635 sq m retail food store without complying with condition 17 (Refuse collection hours and delivery hours) following grant of planning permission 06/00325/FUL/BP) to allow a variation to delivery times.

At: 577 Basingstoke Road Reading RG2 0SJ

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: 5 July 2016



Head of Planning, Development
& Regulatory Services

Application At: 577 Basingstoke Road Reading RG2 0SJ

Application No: 160747

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 granted.
Reason: to prevent an accumulation of unimplemented planning permission s, and in accordance with Section 91(1) of the Town & Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.
2. The retail food store is not to be occupied for trade until the accesses have 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 and to comply with Policy TRN13 (Off Street Servicing) of the Reading Borough Local Plan.
3. The existing accesses to the site shall be stopped up and abandoned immediately after the new access has been brought into use. The footway shall be reinstated to the satisfaction of the Local Planning Authority. Reason: In the interests of road safety and maintenance of the highway and to comply with Policy TRN11B (Development and Traffic) of the Reading Borough Local Plan.
4. No dwelling shall be occupied until the roads/private drive serving it have been provided in accordance with the approved drawings to the satisfaction of the Local Planning Authority. Reason: In the interests of road safety and to comply with Policy TRN11B (Development and Traffic) of the Reading Borough Local Plan.
5. Any gates/barrier provided in the entrance to the retail food store shall open away from the highway and be set back a distance of at least 16.0 metres from the nearside of the carriageway of the adjoining highway. Reason: To ensure that vehicles can be driven off the highway before the gates are opened, in the interests of road safety and to comply with Policy TRN11B (Development and Traffic) of the Reading Borough Local Plan.
6. No development shall be commenced until visibility splays of 4.5 metres by 90 metres northward and 4.5 metres by 40 metres southwards have been provided at the access to the proposed retail food store and 2.5 metres by 90 metres in both directions have been provided at the access to the residential development. The visibility splays shall thereafter be kept free of all obstructions to visibility over a height of 0.6 metres above carriageway level.

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Reason: In the interests of road safety and to comply with Policy TRN11B (Development and Traffic) of the Reading Borough Local Plan.

7.No dwelling shall be occupied until the residential vehicle parking spaces have been provided in accordance with the approved plan. The spaces shall thereafter be kept available for parking at all times. Reason: To ensure that the development is provided with adequate parking facilities in order to reduce the likelihood of roadside parking which could be a danger to other road users and to comply with Policy TRN12 (Car Parking) of the Reading Borough Local Plan.

8.There shall be no restriction on the use of the car parking spaces shown on the approved plan by occupiers of, or visitors to, any of the buildings hereby permitted. Reason: To reduce the likelihood of roadside parking and maintain the Local Planning Authority's car parking standards and to comply with Policy TRN12 (Car Parking) of the Reading Borough Local Plan.

9. No development of the retail food store shall take place until a Construction Method Statement for the retail food store has been submitted and approved in writing by the local planning authority to provide for;

- a) the parking of vehicles of site operatives and visitors
- b) loading and unloading of plant and materials
- c) storage of plant and materials used in constructing the development
- d) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
- e) wheel washing facilities
- f) measures to control the emission of dust and dirt during construction
- g) a scheme for recycling waste resulting from the construction programme
- h) details of the construction hours

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, neighbouring residents, the character of the area and highway safety and to comply with Policies KEY2A - Conservation of the Environment and Natural Resources and NE 8 - Environmental Pollution of the Reading Borough Local Plan

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 motorcar in accordance with the Local Planning Authority's approved transport policies and to comply with Policy TRN5 (Cycle Parking) of the Reading Borough Local Plan.

11.No development of the retail food store shall take place until details of the materials to be used in the construction of the external surfaces of the supermarket and associated areas



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of paving and hardstanding 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: as no details have been submitted, in the interests of the visual appearance of the building and the area and to comply with Policy CUD14 - Standards of Design in Development.

12. No development of the retail food store shall take place 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) proposed finished ground levels or contours; means of enclosure; hard surfacing materials, structures and ancillary objects (refuse bins, lighting columns etc); and (b) proposed and existing functional services above and below ground (e.g drainage, power, communications cables, pipelines etc. indicating lines, manholes etc; and (c) planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/planting densities where appropriate. Reason: in the interest of ensuring that the landscaping of the development enhances the visual local environment and to comply with Policies HSG5 - Residential Design Standards and CUD14 - Standards of Design in Development of the Reading Borough Local Plan (1998)

13. The hard and soft landscaping works for the retail food store shall be carried out in accordance with the approved details submitted in response to condition 12. The works shall be carried out before the food store is open for trading or in accordance with a timescale which has been agreed in writing with the local planning authority. Reason: to ensure that the works are carried out as approved in the interests of the visual amenities of the area and to comply with Policies HSG5 - Residential Design Standards and CUD14 - Standards of Design in Development of the Reading Borough Local Plan.

14. All planting, seeding or turfing comprised in the approved details of landscaping submitted in response to condition 12 shall be carried out in the first planting season following the occupation of the building or the completion of the development, whichever is the sooner. Any trees or plants which within a period of 3 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless the local planning authority gives written consent to any variation. Reason: to ensure that the works are carried out as approved in the interests of the visual amenities of the area and to comply with Policies HSG5 - Residential Design Standards and CUD14 - Standards of Design in Development of the Reading Borough Local Plan.

15. No development shall take place until a schedule of landscape maintenance for a minimum period of 5 years for the retail food store hereby permitted has been submitted to and approved in writing by the local planning authority. The schedule shall include details for the arrangements for its implementation. The development shall be carried out in accordance



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with the approved schedule. Reason: To ensure that the landscaping is maintained in the interests of the visual amenities of the area and to comply with Policies HSG5 - Residential Design Standards and CUD14 - Standards of Design in Development of the Reading Borough Local Plan.

16. The windows in the south and north elevations of the dwelling houses hereby permitted shall be glazed with obscure glass and thereafter maintained with obscure glass. Reason: in the interests of privacy and to comply with Policy H SG5 (Residential Design Standards) of the Reading Borough Local Plan.

New Condition 17.

No deliveries or refuse collections shall take place at the retail food store outside the hours of 0800 to 2100 Monday to Saturday and 1000 to 1800 hours on Sundays and Bank Holidays. There shall be no delivery lorries at the site outside the specified times.

Reason: In the interests of the amenities of adjoining residents and to comply with Reading Borough LDF Sites and Detailed Policies Document (2012) policy DM4 (Safeguarding Amenity) .

18. No development shall take place until details of the design of the Condenser Units, including fan noise characteristics, have been submitted to, and approved in writing by, the Local Planning Authority. Thereafter, the development shall not be carried out other than in accordance with the approved details. Reasons: in the interests of the amenities of adjoining residents and to comply with Policy HSG4 (Non-Residential Uses in Residential Areas).

19. Before building operations on the residential units hereby permitted commences a fully detailed scheme for protecting the residential units from traffic noise, from Basingstoke Road and the adjacent uses, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall not be carried out other than in accordance with such approved scheme which shall be completed before any part of the residential accommodation hereby approved is occupied, unless the Local Planning Authority agrees otherwise. Reason: To protect the occupants of the development from noise disturbance and to comply with PPG24 (Planning and Noise).

20. Prior to commencement of development of the retail food store, details of the sustainable drainage scheme serving the food store shall be submitted to and approved in writing by the Local Planning Authority. Reason: To prevent the increased risk of flooding, improve water quality, maximise the value for wildlife of drainage features and to comply with Policy NE10 (Surface Water Run-Off and Development) of the Reading Borough Local Plan.

21. No development shall take place until a contaminated land Phase I report (Desk Top Study) has been carried out by a competent person to identify and evaluate all potential sources and impacts of land and/or groundwater contamination relevant to the site. The Desk Top Study shall be submitted to, and approved in writing by, the Local Planning Authority. Following



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approval of the Desk Top Study, a Phase II report (Site investigation) shall be carried out by a competent person to fully and effectively characterise the nature and extent of any land and/or groundwater contamination and its implications. The method and extent of this site investigation shall be agreed with the Local Planning Authority prior to commencement of the work and shall then proceed in strict accordance with the measures approved. Reason: The proposed development is located on a potentially contaminated site, due to its historic land use. 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 and to comply with PPS 23 (Planning and Pollution Control).

22. Following completion of the desk top study and site investigation required by the above condition, a remediation scheme to deal with any contaminants identified must be submitted to and approved in writing by the Local Planning Authority. The scheme shall include an implementation timetable, monitoring proposals and a remediation verification methodology. The remedial scheme must be carried out before the development commences unless otherwise agreed in writing by the Local Planning Authority. Should any unforeseen contamination be encountered during the development, the Local Planning Authority shall be informed immediately. Any further investigation/remedial/protective works shall be carried out to agreed timescales and approved by the Local Planning Authority in writing. Reason: To enable the Local Planning authority to ensure that appropriate measures are taken to avoid any threat which the proposed development might pose to health and safety and/or the environment and to comply with PPS 23 (Planning and Pollution Control).

23. A Site Completion Report relating to the area of the site to be occupied by the retail food store and associated car parking/circulation and delivery areas shall be submitted to, and approved in writing by, the Local Planning Authority. The report must detail the conclusions, actions taken and verification methodology at each stage of the works and shall include a sampling and analysis programme to confirm the adequacy of decontamination. An appropriately qualified person shall oversee the implementation of all remediation. The occupation of buildings shall not commence until the investigator has provided a report, which shall include confirmation that all remediation measures have been carried out fully in accordance with the remediation scheme. The report shall also include results of the verification programme of post-remediation sampling and monitoring in order to demonstrate that the required remediation has been fully met. Future monitoring proposals and reporting shall also be detailed in the report. If no contamination is encountered during the development, a letter confirming this fact shall be submitted to the Local Planning Authority upon completion of the development. Reason: To enable the Local Planning authority to ensure that appropriate measures have been taken to avoid any threat which the proposed development might pose to health and safety and/or the environment and to comply with PPS 23 (Planning and Pollution Control).

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24. A Site Completion Report relating to the area of the site to be occupied by the residential units and associated car parking/circulation and amenity areas shall be submitted to, and approved in writing by, the Local Planning Authority. The report must detail the conclusions, actions taken and verification methodology at each stage of the works and shall include a sampling and analysis programme to confirm the adequacy of decontamination. An appropriately qualified person shall oversee the implementation of all remediation. The occupation of buildings shall not commence until the investigator has provided a report, which shall include confirmation that all remediation measures have been carried out fully in accordance with the remediation scheme. The report shall also include results of the verification programme of post-remediation sampling and monitoring in order to demonstrate that the required remediation has been fully met. Future monitoring proposals and reporting shall also be detailed in the report. If no contamination is encountered during the development, a letter confirming this fact shall be submitted to the Local Planning Authority upon completion of the development. Reason: To enable to the Local Planning authority to ensure that appropriate measures have been taken to avoid any threat which the proposed development might pose to health and safety and/or the environment and to comply with PPS23 (Planning and Pollution Control).

25. No floodlighting or other form of external lighting scheme shall be installed unless it is in accordance with details which have previously been submitted to, and approved in writing by, the Local Planning Authority. Such details shall include location, height, type and direction of light sources and intensity of illumination. Any lighting which is so installed shall not thereafter be altered without the prior consent in writing of the Local Planning Authority other than for routine maintenance that does not change its details. Reason: in the interests of visual amenity and to comply with Policy CUD14 (Standards of Design in Development) of the Reading Borough Local Plan.

26. No development of the residential units shall take place until details of the materials to be used in the construction of the external surfaces of the residential units and associated areas of paving and hardstanding 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: as no details have been submitted, in the interests of the visual appearance of the building and the area and to comply with Policy CUD14 - Standards of Design in Development of the Reading Borough Local Plan.

27. The retail food store shall not be open for trading until the vehicle parking spaces serving it have been provided in accordance with the approved plan. The spaces shall thereafter be kept available for parking at all times. Reason: To ensure that the development is provided with adequate parking facilities in order to reduce the likelihood of roadside parking which could be a danger to other road users and to comply with Policy TRN12 (Car Parking) of the Reading Borough Local Plan.



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28. No development of the residential units shall take place until a Construction Method Statement for the residential units has been submitted and approved in writing by the local planning authority to provide for;

- a) the parking of vehicles of site operatives and visitors
- b) loading and unloading of plant and materials
- c) storage of plant and materials used in constructing the development
- d) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
- e) wheel washing facilities
- f) measures to control the emission of dust and dirt during construction
- g) a scheme for recycling waste resulting from the construction programme
- h) details of the construction hours

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, neighbouring residents, the character of the area and highway safety and to comply with Policies KEY2A - Conservation of the Environment and Natural Resources and NE 8 - Environmental Pollution of the Reading Borough Local Plan

29. No development of the residential units hereby permitted shall take place 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) proposed finished ground levels or contours; means of enclosure; hard surfacing materials, structures and ancillary objects (refuse bins, lighting columns etc); and (b) proposed and existing functional services above and below ground (e. g drainage, power, communications cables, pipelines etc. indicating lines, manholes etc; and (c) planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/planting densities where appropriate. Reason: in the interest of ensuring that the landscaping of the development enhances the visual local environment and to comply with Policies HSG5 - Residential Design Standards and CUD14 - Standards of Design in Development of the Reading Borough Local Plan (1998)

30. The hard and soft landscaping works relating to the residential element of the development shall be carried out in accordance with the approved details submitted in response to condition 29. The works shall be carried out before any of the development is occupied or in accordance with a timescale which has been agreed in writing with the local planning authority. Reason: to ensure that the works are carried out as approved in the interests of the visual amenities of the area and to comply with Policies HSG5 - Residential Design Standards and CUD14 - Standards of Design in Development of the Reading Borough Local Plan.

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31. All planting, seeding or turfing comprised in the approved details of landscaping submitted in response to condition 29 shall be carried out in the first planting season following the occupation of the building or the completion of the development, whichever is the sooner. Any trees or plants which within a period of 3 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless the local planning authority gives written consent to any variation. Reason: to ensure that the works are carried out as approved in the interests of the visual amenities of the area and to comply with Policies HSG5 - Residential Design Standards and CUD14 - Standards of Design in Development of the Reading Borough Local Plan.

32. No development of the residential units shall take place until a schedule of landscape maintenance for a minimum period of 5 years for the residential development hereby permitted has been submitted to and approved in writing by the local planning authority. The schedule shall include details for the arrangements for its implementation. The development shall be carried out in accordance with the approved schedule. Reason: To ensure that the landscaping is maintained in the interests of the visual amenities of the area and to comply with Policies HSG5 - Residential Design Standards and CUD14 - Standards of Design in Development of the Reading Borough Local Plan.

33. Prior to commencement of development of the residential units, details of the sustainable drainage scheme serving the residential units shall be submitted to and approved in writing by the Local Planning Authority. Reason: To prevent the increased risk of flooding, improve water quality, maximise the value for wildlife of drainage features and to comply with Policy NE10 (Surface Water Run-Off and Development) of the Reading Borough Local Plan.

INFORMATIVES

1. The council has worked in a positive and pro-active way in considering this application.

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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.