



**TOWN AND COUNTRY PLANNING ACT 1990
PLANNING AND COMPENSATION ACT 1991
THE TOWN & COUNTRY PLANNING
(DEVELOPMENT MANAGEMENT PROCEDURE) ORDER 2010**

**APPLICATION FOR EXTENSION OF TIME FOR IMPLEMENTATION OF AN EXISTING
PLANNING PERMISSION**

To: Lok'nStore Ltd
C/O Bell Cornwell LLP
Mrs Rebekah Jubb
Oakview House
Station Road
Hook
RG27 9TP

Application No: 10/01567/EXT

Applicant: Lok'nStore Ltd

READING BOROUGH COUNCIL as local planning authority REFUSE planning permission for the following development in accordance with the plans and supporting information submitted in connection with (the original planning permission) and the further information (if any) submitted in connection with this application.

Proposal: Application for an extension of the time limit for implementation of permission 07/00412/FUL for the demolition of existing building and erection of 112 flats with associated parking and landscaping (allowed on appeal)

At: Lok'nStore, 5-9 Berkeley Avenue Reading RG1 6EL

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: 14th March 2011

A handwritten signature in black ink, appearing to read 'Alison Bell', with a horizontal line underneath.

Head of Planning & Building Control A small handwritten signature or initials, possibly 'AB', in black ink.

Application At: Lok'nStore, 5-9 Berkeley Avenue Reading RG1 6EL

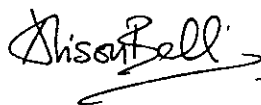
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CONDITIONS & REASONS

1. The proposal fails to provide an appropriate mix of size and type of accommodation, with an inadequate number of three-bedroom units and no houses, that would be required to meet the marked shortfall in such dwellings in the Borough contrary to the aims of Core Strategy Policies CS 7: Design and the Public Realm and CS15: Location, Accessibility, Density and Housing Mix; as demonstrated in the Council's 'Housing Mix Background Paper' (February 2011) that has been prepared as evidence to support the Council's LDF 'Sites and Detailed Policies Document (SDPD) (Revised Pre-submission Draft February 2011)'.
2. By virtue of its density, the proposal would result in a development that would be excessive in terms of its height, scale and massing and would create a harmful urbanising effect on the unique semi-rural character and appearance of this stretch of the River Kennet corridor, including the neighbouring residential properties on Elgar Road on the opposite side of the River Kennet, contrary to the aims of Core Strategy Policies CS 7: Design and the Public Realm, CS8: Waterspaces and CS15: Location, Accessibility, Density and Housing Mix.
3. In the absence of a legal agreement to secure affordable housing and financial contributions towards local education, transport and leisure/recreation infrastructure improvements, the proposal fails to deal with its direct impact on these facilities and is therefore contrary to policies CS9 (Infrastructure, Services, Resources and Amenities), CS16: Affordable Housing and CS29 (Provision of Open Space) of the Reading Borough Core Strategy (2008), 'saved' policies KEY3 (Role of Development in Improving the Town) and LEI3 (The Provision and Improvement of Leisure and Recreation Facilities) of the Reading Borough Local Plan (1998) and the Supplementary Planning Guidance document, "Planning Obligations under Section 106 of the Town and Country Planning Act 1990" (2004).

INFORMATIVES

1. The applicant should note that reason for refusal 3 (above) could be overcome by the use of a suitable S.106 Legal Agreement or Unilateral Undertaking.



Date: 14th March 2011

Head of Planning & Building Control 

APPEALS

- (1) If you are aggrieved by the decision of your local planning authority 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 householder application and you want to appeal against your local planning authority's decision then you must do so within 12 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 application) then you must do so within 6 months of the date of this notice. 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, 0117 372 8000 or online at www.planningportal.gov.uk/pcs. 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.
- (2) 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 (District Council, London Borough Council or Common Council of the City of London) 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.
- (3) In certain circumstances, a claim may be made against the local planning authority for compensation, where permission is refused or granted subject to conditions by the Secretary of State on appeal or on a reference of the application to him. The circumstances in which such compensation is payable are set out in section 114 of the Town and Country Planning Act 1990.
- (a) The statutory requirements are those set out in section 79(6) of the Town and Country Planning Act 1990, namely sections 70 and 72(1) of the Act.

BERKSHIRE ACT 1986 - Section 32

- (1) Except as provided in subsection (a) below, where plans for the erection or extension of a building are deposited with a district council in accordance with building regulations, the district council shall reject the plans unless, after consultation with the fire authority, they are satisfied that the plans show -
 - (a) That there will be adequate means of access for the fire brigade to the building or, as the case may be, to the building as extended, And
 - (b) That the building or, as the case may be, the extension of the building will not render inadequate existing means of access for the fire brigade to a neighbouring building.
- (2) No requirement concerning means of access to a building or to a neighbouring building shall be made under this section in the case of a building to be erected or extended in pursuance of a planning permission granted upon an application made under the Act of 1990, unless notice of the provisions of this section is endorsed on or accompanies the planning permission.
- (3) Section 16(7) and (8) and section 36(2) to (6) of the Building Act 1984 (notice of rejection or passing of plans and enforcement of requirements) shall apply as if this section were a section of the said Act 1984.
- (4) Any person aggrieved by the action of the district council in rejecting plans under this section, may appeal to a magistrates' court.
- (5) In this section references to the adequacy or inadequacy of means of access for the fire brigade shall be construed as references to a means of access adequate or, as the case may be, inadequate for use for fire-fighting purposes by members of one or more fire brigades and their appliances.

SECTION 76 TOWN AND COUNTRY PLANNING ACT 1990

- 76-(1) This section applies when planning permission is granted for any development that will result in the provision -
- (a) Of a building or premises to which section 4 of the Chronically Sick and Disabled Persons Act 1970 applies (buildings or premises to which the public are to be admitted whether on payment or otherwise);
 - (b) Of any of the following (being in each case, premises in which persons are employed to work) -
 - (i) Office premises, shop premises and railway premises to which the Offices, Shops and Railway Premises Act 1963 applies;
 - (ii) Premises which are deemed to be such premises for the purposes of that Act; or
 - (iii) Factories as defined by section 175 of the Factories Act 1961,
 - (c) Of a building intended for the purposes of a university college or college, or of a school or hall of a university;
 - (d) Of a building intended for the purposes of an institution within the PCFC funding sector; or
 - (e) Of a building intended for the purposes of a school or an institution which provides higher education or further education (or both) and is maintained or assisted by a local education authority.
- (2) The local planning authority granting the planning permission shall draw the attention of the person to whom the permission is granted -
- (a) In the case of such a building or premises as are mentioned in subsection (1)(a)
 - (i) To sections 4 and 7 of the Chronically Sick and Disabled Persons Act 1970; and
 - (ii) To the Code of Practice for Access of the Disabled to Buildings (British Standards Institution code of practice BS 5810: 1979) or any prescribed document replacing that code,
 - (b) In the case of such premises as are mentioned in subsection (1)(b), to sections 7 and 8A of that Act and to that code or any such prescribed document replacing it;
 - (c) In the case of such a building as is mentioned in subsection (1)(c), (d) or (e), to sections 7 and 8 of that Act and to Design Note 18 "Access for Disabled People to Educational Buildings" published in 1984 on behalf of the Secretary of State, or any prescribed document replacing that note.
- (3) Expressions used in subsection (1)(d) and (e) and in the Education Act 1944 have the same meanings as in that Act.

HAZARDOUS WASTE AND MATERIALS

Your attention is drawn to the possibility that development of land or redevelopment of properties will give rise to hazardous material probably in the form of contaminated soil or building construction waste (e.g. asbestos lagging around pipe work) needing disposal. Under the requirements of the Control of Pollution Act 1974 and regulations made there under it is an offence if such material is not deposited in appropriate sites licensed by the County Council acting in their capacity as Waste Disposal Authorities and additional procedures may have to be followed. Details of the sites in Berkshire and advice on suitability of wastes involved and procedures necessary can be obtained from Environment Agency, Isis House, Howbery Park, Wallingford, Oxon, OX10 8BD or 0870 8506506. There may also be occasions when hazardous substances such as gas from former landfill sites could be a problem. The County Surveyor's Waste Management Group have agreed to list and map all such sites and copies will be available from the above address.

BUILDING REGULATIONS

This planning permission does not give approval under the Building Regulations. Before any works are commenced you should check with the Building Control Section of the Planning Department whether any approval is required under the Building Regulations.