

**TOWN AND COUNTRY PLANNING ACT 1990
PLANNING AND COMPENSATION ACT 1991
TOWN AND COUNTRY PLANNING (GENERAL DEVELOPMENT PROCEDURE ORDER
1995)**

APPLICATION FOR FULL PLANNING PERMISSION

To: 88 Emmbrook Road
Wokingham
Berks
RG41 1JR

Application No: 05/00007/FUL/DG

Applicant: Adrian Sykes

READING BOROUGH COUNCIL as local planning authority GRANT FULL planning permission for the following development.

Proposal: Change of use from industrial unit to Childrens' play facility

At: 7 Sterling Way Reading RG30 6HW

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:

David G. Norton DEC 10/07

Head of Planning and Transport

DB

Application At: 7 Sterling Way Reading RG30 6HW

Application No: 05/00007/FUL

CONDITIONS & REASONS

1. The development to which this permission relates must be begun not later than the expiration of five years beginning with the date on which the permission was granted. Reason: to prevent an accumulation of unimplemented planning permissions, and in accordance with Section 91(1) of the Town & Country Planning Act 1990.
2. The development to which this permission relates shall be carried out in accordance with the approved plans and details before the building(s) are occupied, except as may be subsequently agreed in writing by the local planning authority. Reason: to ensure the completion of the development in accordance with the approved plans and details before occupation of the building(s) takes place.
3. This permission relates only to the drawings "Site Plan and Parking Layout", "Ground Floor Plan" and "77-04-01 First Floor Plan" which were received by the local planning authority on 6 January 2005. Reason: to clarify which plans are approved.
4. The areas shown on the submitted drawings reserved for the parking, turning, loading/unloading and circulation of vehicles shall be constructed and marked out and kept available or used for such purposes at all times. No development, whether or not permitted by the Town & Country Planning (General Permitted Development) Order 1995 (or any order revoking or re-enacting that Order with or without modification) shall be carried out on such areas or in such a position as to restrict access to such facilities. Reason: as the development, without the provision of adequate parking, turning, loading/unloading and circulation facilities, would be likely to lead to parking and manoeuvring on the public highway to the detriment of road safety.
5. The building shall not be occupied as a childrens play facility until the parking spaces shown on the submitted drawings have been marked out ready for use. Reason: To ensure that adequate parking is provided for the permitted use prior to occupation, to regularise the use of the available parking area and to reduce the likelihood of roadside parking which could be a danger to road users.
6. Details of covered bicycle storage spaces to be provided and equipped with secure Sheffield cycle stands shall be submitted to and approved in writing by the local planning authority and implemented prior to occupation of the premises, and thereafter maintained in accordance with the approved details. Reason: To encourage travel by sustainable alternatives to driving a motor car in accordance with the Local Planning Authority's approved transport policies.
7. Details of the new pedestrian access in the north west corner of the site, to incorporate pedestrian visibility splays of 2m x 2m, shall be submitted to and approved

Date:

David Gworthy

Head of Planning and Transport

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in writing by the local planning authority and thereafter implemented in accordance with the approved details, prior to occupation of the premises. Reason: To ensure the provision of a safe segregated pedestrian access to the site and to encourage travel to the site by sustainable alternatives to driving a motor car in accordance with the local planning authority's approved transport policies.

8. Prior to occupation of the premises, the applicant shall submit for the written approval of the Local Planning Authority and implement a revised Green Travel Plan (GTP) in accordance with the requirements of the Local Highway Authority, to include precise objectives in bullet point form and targets expressed as a percentage reduction over a specific time period. The Travel Plan Co-ordinator should review the Travel Plan annually, and following the review, a report should be submitted to the Local Planning Authority highlighting if the set targets have been achieved and the measures to be implemented if not on target. Reason: to ensure the continued encouragement of travel to the site by sustainable alternatives to driving a private motor car in accordance with the local planning authority's approved transport policies.
9. Details of the proposed signage to be installed along Sterling Way to direct customers to the childrens play facility shall be submitted to and approved in writing by the local planning authority and implemented prior to occupation of the premises as a childrens play facility. Reason: to ensure adequate directional signage to the facility, to reduce conflicting traffic movements within the site and in the interests of the safety of users of the site.
10. The premises shall only be used between the hours of 9.30am and 8pm daily. Reason: to protect nearby residents from unreasonable disturbance arising from the use.
11. The premises shall be used for a childrens play facility only within class D2 and for no other purpose (including any other purpose in the same Use Class of the Schedule to the Town & Country Planning (Use Classes Order 1987), or in any provision equivalent to that Class in any statutory instrument revoking or re-enacting that Order with or without modification). Reason: as a case has been made for permitting this particular use as an exception to Council policy and to enable the local planning authority to control the use of the building.

INFORMATIVES

1. This application has been considered against and found to comply with policies EMP2, LEI6, TRN11b, TRN12, TRN16 and KEY3 of the Reading Borough Local Plan.
2. A section 106 Agreement relates to this site which includes a requirement for a financial contribution to local highway infrastructure improvements, and to secure 37 car parking spaces for the exclusive use of the occupants of the premises as a childrens play facility. A full copy of the S106 Legal Agreement ref 1195 is available on the Public Register of Planning Applications held at Reading Borough Council.

Date:

David Gworthy

Head of Planning and Transport

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3. The Council's Highways section should be contacted at 2-4 Darwin Close, Reading, RG2 0RB, telephone 0118 939 0669 in respect of any works which may be required to the public highway in connection with the implementation of this consent.
4. A Building Regulations application is required for the proposed works.

Date:

David Gwothby

Head of Planning and Transport *DB*

APPEALS

- (1) If the applicant is aggrieved by the decision of the local planning authority to refuse permission or approval for the proposed development, or to grant permission or approval subject to conditions, he may appeal to the Secretary of State for the Environment in accordance with section 78 of the Town and Country Planning Act 1990 within six months of the date of this notice. Appeals must be made using an official form which is obtainable from Customer Support Unit, The Planning Inspectorate, Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN Phone: 0117 372 8000. The Secretary of State has power to allow a longer period for the giving of a notice of appeal but he will not normally be prepared to exercise this power unless there are special circumstances that excuse the delay in giving notice of appeal. The Secretary of State is not required to entertain an appeal if it appears to him that permission for the proposed development could not have been granted by the local planning authority, or could not have been so granted, otherwise than subject to the conditions imposed by them, having regard to the statutory requirements (a), to the provisions of the development order, and to any directions given under the order. He does not in practice refuse to entertain appeals solely because the decision of the local planning authority was based on a direction given by him.
- (2) If permission to develop land is refused or granted subject to conditions, whether by the local planning authority or by the Secretary of State for the Environment and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted he may serve on the Common Council, or on the Council of the district in which the land is situated, as the case may be, a purchase notice requiring that 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 Tel: 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.