EX SYSTEMS LTD

APPLICATION NO:
VAR/2000/1580

LOCATION:
58 Headley Road, Woodley Reading.

APPLICANT:
Mr M Uddin C/O Melville And Co

PROPOSAL:
Proposed variation to condition 4 of consent 37193 to allow continued sale of hot food for consumption off the premises.

EARLIEST DATE FOR DECISION: **30/06/2000**

APPLICATION EXPIRY DATE: **18/07/2000**

CASE OFFICER: **Heather Morgan**

WOKINGHAM DISTRICT COUNCIL

TOWN AND COUNTRY PLANNING ACTS

Notification of Approval of Permission

Mr M Uddin
C/O Melville And Co
37/39 Walton Road
EAST MOLESEY
Surrey
KT8 ODH

Application Number: VAR/2000/1580

Parish: **WOODLEY**

Location: **58 Headley Road, Woodley, Reading**

Proposal: **Proposed variation to condition 4 of consent 37193 to allow continued sale of hot food for consumption off the premises**

The Wokingham District Council in pursuance of their powers under the above Acts and Regulations hereby **Approve Permission** for carrying out the above development in accordance with the application and the accompanying plans submitted to the Council subject to compliance with the following conditions, the reasons for which are specified hereunder.

Condition
1. The development hereby permitted shall be begun before the expiration of five years from the date of this permission.

Condition
2. The takeaway use, hereby approved, shall only continue for as long as the reciprocal agreement between No. 58 and 60 Headley Road is in force in respect of the provision of parking provision.

Condition
3. The premises shall not be open for the supply of takeaway food or drink before 10.00am on any day or after 11.00pm Mondays to Saturdays, and 11.30pm Sundays.

NOTE: These hours are identical to the Inspector's decision notice.

Condition
4. The litter bins approved under Application C/67857/03 shall be maintained for as long as the takeaway use is in operation.

Reason
1. In pursuance of Section 91(1) of the Town and Country Planning Act 1990.

Reason
2. To ensure that adequate on site parking provision can be provided to ensure highway safety is not adversely affected.

Reason
3. In the interests of residential amenity.

Reason
4. In the interests of residential amenity.

John Mitchell
Development Control Manager
Date: 17/07/2000

If this notice grants permission to proceed with the proposal the applicant is reminded that it relates to planning permission only and does not constitute approval under any other legislation including Building Regulations.

Application Number VAR/2000/1580
Conditions/~~Reasons for Refusal~~

No	Std Con	Std Reas	Non Std Conditions / ~~Reasons for Refusal~~
(1)	SC01	SR02	
(2)			The take away use, hereby approved, shall only continue for as long as the reciprocal agreement between Nos 58 and 60 Headley Road is in force in respect of the provision of parking provision. Reason To ensure that adequate on site parking provision can be provided to ensure highway safety is not adversely affected.
(3)		[redacted]	The premises shall not be open for the supply of takeaway food or drink before 10.00 am on any day or after 11.00 pm Mondays to Saturdays, and 11.30 pm Sundays. Reason In the interests of residential amenity.
(4)			The litter bins approved under application C/67857/03 shall be maintained for as long as the take away use is in operation. Reason In the interests of residential amenity! Note These hours are identical to the Inspectors decision notice.

John Meakin
17/7/06

RECORD OF SITE VISIT

SITE ADDRESS: 58 Headley Road Woodley Reading.

APPLICATION NUMBER: VAR/2000/1580

OFFICER: Heather Morgan

DATE OF SITE VISIT: 28/6

1 SITE/STATUTORY NOTICE DISPLAYED? YES entrance to Restaurant (Sufficient when neighbour notifications)

2. DESCRIPTION OF SURROUNDINGS PFS one side, office block other. Residential opposite. Double Yellow lines on both sides of the road for a considerable length

3. DESCRIPTION OF SITE/BUILDING Strong A3 Restaurant

4. RELATIONSHIP TO ADJOINING PROPERTIES
no residential properties on either side.

5. SITE CONSTRAINTS

TREES N/A

ACCESS/PARKING Strong

LEVELS N/A

BOUNDARY TREATMENT N/A

OTHERS

WORK SHEET FOR : Heather Morgan

Application Number : VAR/2000/1580

Applicant : Mr M Uddin C/O Melville And Co.

Location : 58, Headley Road, Woodley, Reading.
Proposal : Proposed variation to condition 4 of consent 37193 to allow continued sale of hot food for consumption off the premises.

Site Notice Displayed ? :	YES	NO	DATE
	✓		19/6/00

Date of Neighbour Notifications : 6/6/00

Date of Site Visit : 28/6/00

Date Registered : 23/05/2000

Earliest Date for Decision : 30/06/2000

Latest Consultation Date/Site Notice Expiry Date : 30/06/2000

Application Expiry Date: 18/07/2000

Consultation Responses :

① Woodley TC - no comments

② Env. Health - No record of complaints since The Red Rose has operated a Take Away. No objection to allowing hours to continue subject to imposition of conditions

③ Highways - No response to date. However, previous the Inspector did not consider additional traffic movements or on site parking to be a problem.

④ ~~Planning Services~~ Enforcement - No complaints since November 1998.

⑤ Consultations ② Objects to take away. Used as a take away before and after WDC's refusal.

Planning History

The application site has been subject to an extensive number of applications in respect of change of use to A3, and latterly about the introduction of a take away facility.

37193 - Retail (A1) to restaurants (A3)
Approved 17/4/91.

38205 - Relaxation of condition 4 of 37193 (take away). 14/11/91
Refused [redacted]. Appeal dismissed 29/6/92.

42612 - Variation of condition 4 of 37193 (take away).
Refused 19/5/94.

43801 - A3 to A3 with home delivery service.
Approved 16/2/95.

96/63586/F - CofU to permanent home delivery service.
Approved 26/9/96.

97/67857/U - Variation of condition 4 of 37193 to allow a takeaway.
Refused 21/10/98. Appeal allowed 21/7/99.

99/70072/F - Single storey rear extension for kitchen & storage
Approved 25/11/99.

The current application has been submitted as a result of the appeal allowed in 1999. The Inspector did not consider that the additional traffic movements created by takeaway customers would be detrimental to the residential amenity of people opposite. This was in the light of traffic movements on the road and the PFS adjacent. Nor did he consider the increase in the number of meals would cause additional smell. He felt that adequate on site parking could be provided on the site and adjacent and that double yellow lines would prevent on street parking. Condition 1 of the Inspectors decision letter stated "The use hereby permitted shall cease no later than one year from the date of the letter unless planning permission has been granted for an extension of the use."

Impact upon residential amenity

The Inspector did not consider the takeaway would result in additional [redacted], smells and odours. Neither Environmental Health nor Planning Enforcement have received any complaints since the take away began operations. The closest residential properties are located on the opposite side of Headley Road. On the basis of all of the above, no objection is raised to the continuation of the take away use. Residential amenity would not be adversely affected.

Application Number: VAR/2000/1580

Appraisal :

Parking provision

The applicants have entered into a reciprocal agreement with the office next door regarding use of parking spaces. This enables restaurant customers to use the spaces in the evening and staff and visitors to the offices can use the restaurant car park during the day. The Inspector considered this enabled adequate on site parking provision to be provided. Indeed in paragraph 9 he stated "permission to only requested for a period of one year, and any extended permission could be subject to a condition that a take away use should only continue provided this car parking is available."

This is deemed to be a sensible course of action, and would ensure that the building reverts to a restaurant only should this agreement cease. On this basis, no objection is raised to the continued use of the take away element.

The letters referred to in condition 3 of the Inspectors decision notice have been provided and approved by the local Planning Authority (C/67857/03)

Recomendation : Approval: ☑ [redacted] ☐

(tick appropriate box)

Received by Wokingham District Council

Application No: VAR/2000/1580

Proposal:
Proposed variation to condition 4 of consent 37193 to allow continued sale of hot food for consumption off the premises.

Location:
58, Headley Road, Woodley, Reading.

The application is available for inspection at Wokingham District Council's offices during the following times:

PLANNING DEPARTMENT, SHUTE END, WOKINGHAM TEL (0118) 974 6428
8.30 - 5.00 Monday - Thursday & 8.30 - 4.00 Friday

WOODLEY LIBRARY HEADLEY ROAD WOODLEY (9.30am - 7.00pm Mon, Thurs & Fri. 9.30am - 5.00pm Tues, 9.30am - 1.00pm Saturday. closed all day Wednesday). If you intend to view this application at Woodley Library (see details above) please allow 4 days from the date of this notice for delivery of plans.

Comments should be sent in writing QUOTING THE APPLICATION NUMBER to the Case Officer Heather Morgan P.O. Box 157 Council Offices, Shute End, Wokingham Berkshire, RG40 1WR to arrive on or before 30/06/2000. Written comments submitted will become available for public inspection.

In view of the very large number of planning applications and letters of comment received, it will not normally be possible for an individual reply to observations made. However any comments will be taken into account when the application is determined and you will be notified of the decision.

Head Planning and Transportation

06 June 2000

Applicationo	Name & Address
VAR/ 2000/1580	Mrs A Reynolds 10 Caldbeck Drive Woodley Reading Berks RG5 4LA

App. Approve,
Letter sent 27/07/00

Tel: (0118) 974 6446

Date: 10/2/00

My ref: VAR/2000/1580



Environmental Services Department
Planning Services
P.O. Box 157
Shute End, Wokingham
Berkshire RG40 1WR
Tel: (0118) 974 6000
Fax: (0118) 974 6484
Minicom No: (0118) 974 6991
DX: 33506 – Wokingham

CONFIDENTIAL

Councillor E Preston
81 Howth Drive
Woodley
RG5 3DJ

Dear Councillor

Application Number: VAR/2000/1580
58, Headley Road, Woodley, Reading.
Proposed variation to condition 4 of consent 37193 to allow continued sale of hot food for consumption off the premises.

I write to let you know that the above mentioned application has been recommended for APPROVAL: ☑ [redacted]: ☐ under delegated powers.

If you have any questions please do not hesitate to contact **Heather Morgan** on **(0118) 974 6446**. If you then feel the application needs to be transferred to the next available Development Control Sub-Committee for decision please fill in the form below.
This form must be received no later than 20/9/00

Yours faithfully

John Mitchell
Development Control Manager

LISTING FORM

Case officer: **Heather Morgan** Application Number: **VAR/2000/1580**
58, Headley Road, Woodley, Reading.
Proposed variation to condition 4 of consent 37193 to allow continued sale of hot food for consumption off the premises.

Transfer: Yes ☐ No ☐
Reason for Transfer:

_____

_____

Signed: _____ Date: _____

Councillor E Preston

NB. It would be helpful for speedy decision making if you could respond, even if you do not wish this application to be transferred.

Tel: (0118) 974 6446

Date: 10/9/00

My ref: VAR/2000/1580

Environmental Services Department
Planning Services
P.O. Box 157
Shute End, Wokingham
Berkshire RG40 1WR
Tel: (0118) 974 6000
Fax: (0118) 974 6484
Minicom No: (0118) 974 6991
DX: 33506 – Wokingham

CONFIDENTIAL

Councillor V Samuel
18 Wheble Drive
Woodley
RG5 3DT

Dear Councillor

Application Number: VAR/2000/1580
58, Headley Road, Woodley, Reading.
Proposed variation to condition 4 of consent 37193 to allow continued sale of hot food for consumption off the premises.

I write to let you know that the above mentioned application has been recommended for APPROVAL: ☑ [redacted] ☐ under delegated powers.

If you have any questions please do not hesitate to contact **Heather Morgan** on **(0118) 974 6446**. If you then feel the application needs to be transferred to the next available Development Control Sub-Committee for decision please fill in the form below.
This form must be received no later than 20/9/00

Yours faithfully

John Mitchell
Development Control Manager

LISTING FORM

Case officer: **Heather Morgan** Application Number: **VAR/2000/1580**
58, Headley Road, Woodley, Reading.
Proposed variation to condition 4 of consent 37193 to allow continued sale of hot food for consumption off the premises.

Transfer: Yes ☐ No ☐
Reason for Transfer:

_____

_____

Signed: _____ Date: _____

Councillor V Samuel

NB. It would be helpful for speedy decision making if you could respond, even if you do not wish this application to be transferred.

(2)

REF: V.A.R./2000/1580

PLANNING SERVICES	HPT
POL	TLS
PC	ENF
APP	
CS 035	HM

11 JUL 2000

COPIES TO: Locke close

FILE:

Dear Sir/Madam,

enough to 58 HEADLEY RD,

be continually annoyed by heavy volume cooking of spicy foreign foods.

Since the restaurant opened "take away" has been part of the service provided.

Previously the planners paid attention to our pleas and once a fine was imposed for doing what you now let them do without any restriction.

Now it seems you want to

give complete permission for what has been an illegal practise for several years.

What you don't seem to want to listen to is that cooking for eating "in" is very different than cooking for a large % of Woodley. We would be prepared to tolerate that volume of pungent aroma but not from high volume turn over which you seem to think is permissable.

Our gardens through the Summer become unusable when they are cooking now. If we are adamant enough to break laws we would be prosecuted, what makes you change the rules to suit

those who continually annoy local residents and have in the past carried on illegal trading.

Perhaps we all should refuse to pay Council Tax which is a parallell to their taking no account of the law for the past few years!

Dissappointedly Yours

Local Resident!

NO NAME ADDRESS DUE TO YOUR NEED TO DISPLAY!

FILE NOTE 27/6/00

Spoke to Mark Bridge in Enforcement.

Enforcement have no records of any complaints in respect of the premises since December 1998.

H. P. Mayo

HM

Mrs A Reynolds
10 Caldbeck Drive
Woodley
READING
Berkshire
RG5 4LA

21.6.2000.

Dear Sirs,

Re: VAR/2000/1580.

With reference to the above application. We object to the Red Rose restaurant being allowed to continue to sell 'take away' food, but it has been proven by yourselves that they have been selling take away for the past years at least, even before + after Wokingham Council's refusal for a 'take away' facility in April 1998.

I can not understand why we have these continued letters from yourselves when there has already

been a refusal for Take away food?

I know that each time they change Ownership they can reapply but at this rate why does the Restaurant keep changing hands?

I enclose a copy of our letter dated 4.8.99. as our views are the same and it saves my time writing the same things over + over again.

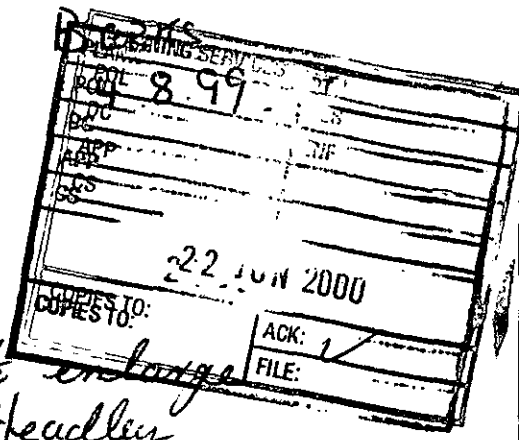
Yours faithfully.

A. D. Reynolds

(Mrs)

10. CALDBECK DRIVE
WOODLEY

(1)



Dear Sirs

Re PLAN NO. 99/70072/F.

We object to the above plan to enlarge the restaurant + kitchen of 58 Headley Rd Woodley. because a larger kitchen + restaurant makes more cooking + more cooking smells.

We know they will get permission. they always do and even if they don't have permission they will go ahead very low, as they did with the takeaway food, longer opening hours. etc.

If you want more information please refer to our letters from 1991 when the first change of use application was made.

Yours disappointed.

A. D. Reynolds.

A D REYNOLDS
(MRS)

MELVILLE & CO EST. 1962

RESIDENTIAL, COMMERCIAL & INDUSTRIAL SURVEYORS, VALUERS & ESTATE AGENTS

37-39 Walton Road, East Molesey, Surrey KT8 0DH Tel: (020)-8941 6988 Fax: (020)-8941 0659

Your Ref: VAR/2000/1580
Our Ref: DDZ/DJF

23rd June, 2000

PLANNING SERVICES	HPT
POL	TLS
DC	ERF
APP	
CS	31030
26 JUN 2000	
COPIES TO:	ACK:
	FILE:

Wokingham District Council,
Environmental Services Dept.,
Planning Services,
PO Box 157,
Shute End,
Wokingham,
Berks., RG40 1WR.

FTA of Heather Morgan

Dear Sirs,

Re: 58 Headley Road, Woodley

With reference to your telephone call, I enclose a copy of the Licence entered into by the owners of Nos. 58 and 60 Headley Road in respect of reciprocal use of their car parking areas and would confirm that as far as I am aware it is intended that such Licence will continue for as long as the parties remain owners of their respective properties. It is of significant mutual benefit to both parties and is understood to have operated to their satisfaction.

If you require any further information, please do not hesitate to telephone me.

Yours faithfully,

D.D.Zabban, ARICS
For and on behalf of Melville & Co.

Enc.

THIS LICENCE is made the 9TH day of JUNE 1999

B E T W E E N:

(1) **MOIN UDDIN** of 58 Headley Road Woodley Reading Berkshire RG5 4JE ('the First Owner')

(2) **ALEXANDRA ROSALIND ANGELA MILLER ALAN MILLER and NICHOLAS ROBERT DAVID POWE** of 60 Headley Road Woodley Reading Berkshire RG5 1JE ('the Second Owner')

W H E R E A S

(1) The First Owner is the proprietor of the freehold property known as 58 Headley Road Woodley Reading Berkshire registered at H M Land Registry with Absolute Title under Title Number BK151147 ('the First Property') more particularly delineated on the plan annexed hereto and thereon edged red

(2) The Second Owner is the proprietor of the freehold property known as 60 Headley Road Woodley Reading Berkshire registered at H M Land Registry with [Absolute] Title under Title Number BK70378 ('the Second Property') more particularly delineated on the said plan and thereon edged blue

(3) The First Owner and the Second Owner are desirous of granting licence to each other for the reciprocal use of certain car parking facilities as hereinafter mentioned upon the terms hereinafter expressed

WHEREBY IT IS AGREED as follows:

Superplan

Site Centred



Produced 31 Mar 1999 from Ordnance Survey digital data and incorporating surveyed revision available at this date. © Crown Copyright 1999.

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Scale 1: 1250

National Grid sheet reference at centre of this Superplan: SU7673SW

This Superplan product does not contain all recorded map information.

Centre Coordinates: 476460 173343
Supplied by: National Map Centre
Serial Number: 22510

1. The First Owner hereby grants permission to the Second Owner his respective servants and licensees (in common with the First Owner and all others having the like right) at all times between the hours from 8a.m. to 8p.m. to park vehicles (but for no other purposes whatsoever) of a type usually used for social domestic and pleasure purposes in the car parking area forming part of the First Property which is shown on the said plan and thereon coloured green ('the Green Land') including all rights of access thereto from time to time designated by the First Owner

2. The Second Owner hereby grants the First Owner his respective servants and licensees (in common with the Second Owner and all others having the like right) at all times between the hours of 6p.m. to 6a.m. Monday to Friday and 12 noon to 6a.m. Saturday and Sunday to park vehicles (but for no other purposes whatsoever) of a type usually used for social domestic and pleasure purposes in the car parking area forming part of the Second Property which is shown on the said plan and thereon coloured brown ('the Brown Land') including all rights of access thereto from time to time designated by the Second Owner

3. The rights granted under this Licence are personal to the parties hereto and are not capable of being assigned

4. The First Owner shall avoid littering or causing any damage to the Brown Land and keep all access thereto free from obstruction

5. The Second Owner shall avoid littering or causing damage to the Green Land and keep all access thereto free from obstruction

6. This Licence may be determined at any time by either of the parties hereto giving to the other not less than 30 days' previous notice in writing of his intention in that behalf

at the expiration of such notice this Licence shall absolutely cease and have no effect but termination will not affect any claim by either party against the other for breaches of the provisions of this Licence

7. Any vehicles parked on the Green Land and the Brown Land shall be at the sole risk and responsibility of the respective owners of such vehicles and neither party shall be liable to the other for any damage or loss caused thereto

8. This Licence shall not confer such rights as would in law amount to a tenancy or agreement for a tenancy nor confer any proprietary or exclusive interest of either party over the other party's land

9. Where the First Owner or the Second Owner consists of more than one person any obligation of or to that party is of or to those persons separately all together or in any combination

10. Words importing one gender include all genders and where the context so admits the singular includes the plural

AS WITNESS the hands of the parties hereto the day and year first before written

SIGNED by the First Owner in the presence of:-)
)

SIGNED by NICHOLAS ROBERT DAVID POWE the authorised signatory of the Second Owner in the presence of:-)
)
)
)

K Williams
[illegible]
Woodley Berks
Secretary

WOKINGHAM DISTRICT COUNCIL

MEMORANDUM

From: Joanne Ellis, Environmental Health

To: Heather Morgan, Planning

My Ref: JPE/redrose

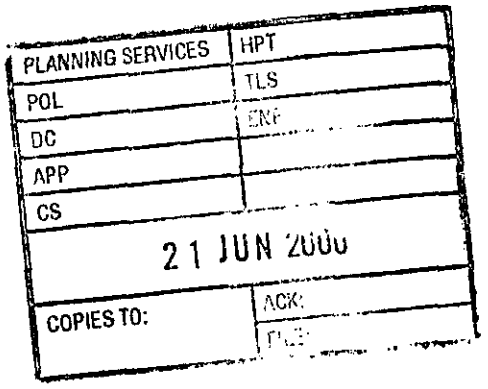
Your Ref: VAR/2000/1580

Date: 19 June 2000

PRPOSED VARIATION TO CONDITION 04 OF CONSENT 37193 TO ALLOW THE CONTINUED SALE OF HOT FOOD FOR CONSUMPTION OFF THE PREMISES THE RED ROSE, 58 HEADLEY ROAD, WOODLEY

This department has no record of any complaints since The Red Rose has operated a take-away service. Therefore I would have no objection to allowing the continued sale of hot food for consumption off the premises with same conditions as previously imposed.

Joanne Ellis



Please File.

HIGHWAYS CONSULTATION SHEET

From: Heather Morgan

Date: 06 June 2000

Application Number: VAR/2000/1580

Proposal: Proposed variation to condition 4 of consent 37193 to allow continued sale of hot food for consumption off the premises.

Parish: WOODLEY TOWN

Site Address:
58, Headley Road, Woodley, Reading.

Applicant:
Mr M Uddin C/O Melville And Co.

Your observations are required in respect of this application within **7 days** of the above date.

✓ below as applicable;

1) ☐ Recommend refusal for the reason(s) **stated below**;
2) ☐ Recommend approval but with condition(s) & reason(s) **stated below**;
3) ☐ Recommend approval with **no** condition(s) or reason(s).

Comments As Previous PA 97/65515/V.

TR 24/8/00.

Signed: _____ **Print name:** _____

1769a

WOKINGHAM DISTRICT COUNCIL
PLANNING APPLICATION

PART 1

APPLICATION FOR PERMISSION TO CARRY OUT DEVELOPMENT - TOWN AND COUNTRY PLANNING ACTS

Please answer **ALL QUESTIONS** in **BLOCK LETTERS.** If a question is not applicable, answer **N/A** in space. Please submit **SIX** copies of this form and plans to:-

THE DISTRICT PLANNING OFFICER
WOKINGHAM DISTRICT COUNCIL
PLANNING DEPARTMENT
P O Box No. 157
COUNCIL OFFICES
SHUTE END
WOKINGHAM
BERKSHIRE, RG40 1WR

FOR OFFICE USE ONLY 23 MAY 2000* 1560

1.	APPLICANT'S NAME	MR. M. UDDIN
	ADDRESS	The Red Rose, 56 Headley Road, Woodley, Reading, Berks.
	POST CODE	RG5 4JE PHONE
2. If the applicant has an agent, all correspondence will be sent to the agent	AGENT'S NAME	MELVILLE & CO.
	ADDRESS	37/39 Walton Road, East Molesey, Surrey
	POST CODE	KT8 0DH PHONE 020 8941 6988
3. On the plans show the SITE outlined in RED. Show also OTHER land in the applicant's ownership or control in BLUE.	SITE LOCATION	58 Headley Road. Woodley, Reading, Berks.
4. WHAT IS THE APPLICATION FOR ? Give brief details and state for what purpose this site and any buildings will be used.		Relaxation of condition 4 of planning consent No. 87/93 to allow the sale of hot food for consumption off the premises on A permanent basis.
5. Give the area in hectares or part of a hectare	AREA OF SITE	.06 hectares
6. State the applicant's interest in the land e.g. owner, prospective purchaser, lessee	OWNERSHIP	Owner
7. List all the plans and drawings submitted with the application	PLANS/DRAWINGS	2213 Plan 1/JAC & Plan 2/JAC

8. DOES THE APPLICATION INVOLVE ANY OF THE FOLLOWING ? Tick the boxes(x)

CHANGE OF USE	☐		REDEVELOPMENT	☐
ERECTION OF NEW BUILDING	☐		ALTERATION or EXTENSION	☐

9. WHAT TYPE OF APPLICATION IS THIS ? Tick one box only

OUTLINE PERMISSION	☐	See question 10
FULL PERMISSION	☒	
APPROVAL OF DETAILS/RESERVED MATTERS	☐	State relevant outline permission number Also complete Question 10
TEMPORARY PERMISSION	☐	State period required
RELAXATION OF CONDITIONS	☐	State relevant application number Conditions to be relaxed

10. IF THIS IS AN OUTLINE APPLICATION OR AN APPROVAL OF RESERVED MATTERS, which details, if any, do you wish to be considered as part of this application ?

SITING	☐		
EXTERNAL APPEARANCE	☐	DESIGN	☐
MEANS OF ACCESS	☐	LANDSCAPING	☐

11. WHAT IS THE EXISTING USE OF THE LAND AND/OR BUILDING(S) e.g. residential, industrial, etc. If the site is vacant say so, and also state its previous use and when that ceased.

A/ Use as a restaurant with home delivery and take away service.

12. DOES A PUBLIC RIGHT OF WAY CROSS OR ABUT THE SITE OR THE PROPOSED ACCESS? YES/NO — If yes, show existing route(s) and any proposed alternatives on the plans

13. ARE THERE ANY TREES ON THE SITE? IF YES, ARE ANY TO BE FELLED? YES/NO — If yes, please show their positions, spread and species on the plans and which, if any, are to be felled.

14. STATE EXTERNAL MATERIALS TO BE USED.

Not applicable.

15. HOW WILL THE SITE BE ENCLOSED? Say whether walls, fences or hedges, and give height, colour and materials. If the site is divided into plots, say how each is to be enclosed.

No changes proposed.

16. HOW WILL SURFACE WATER BE DISPOSED OF?

As presently arranged.

17. HOW WILL FOUL SEWAGE BE DISPOSED OF? To existing system YES/NO

If no, please give details

18. WHAT ARE THE ACCESS ARRANGEMENTS?
AS EXISTING
AS PROPOSED
Give details of pedestrian and vehicular access

As existing - no alteration.

19. HAS PROVISION BEEN MADE FOR THE DISABLED? See notes for applicants

Existing ramped access to main entrance.

20. IF THIS PROPOSAL INVOLVES RESIDENTIAL DEVELOPMENT OR THE LOSS OF RESIDENTIAL UNITS, COMPLETE THE FOLLOWING TABLE

	No. OF DWELLINGS/HABITABLE ROOMS PROPOSED	TO BE RETAINED	TO BE LOST
HOUSE	/ *	/ *	/ *
BUNGALOW	/ *	/ *	/ *
FLAT/MAISONETTE	/ *	/ *	/ *
OTHER	/ *	/ *	/ *

* STATE No. OF HABITABLE ROOMS

21. DOES THE PROPOSAL INVOLVE ANY NON-RESIDENTIAL BUILDING OR USE? YES/NO — If YES, complete Part 2 of the form

22. DOES THE PROPOSAL INVOLVE THE WINNING, WORKING OR PROCESSING OF MINERALS; THE DISPOSAL OF MINERAL WASTE, OR THE DEPOSIT OR PROCESSING OF REFUSE AND WASTE MATERIALS? YES/NO — If YES, please ask for and complete Part 3 of the form

23. STATE THE FEE ENCLOSED WITH THIS APPLICATION The current scale of fees is enclosed. If you believe a reduced fee or no fee is payable, say why.

£95

I hereby apply for permission in respect of the particulars described above and in the attached plans and drawings. If planning permission is granted, the development must be carried out strictly in accordance with the approved plans. Failure to do so could result in enforcement action being taken. Permission under the Town & Country Planning Acts does not obviate the possible need to apply for Building Regulations approval.

SIGNED [signature] ON BEHALF OF Mr. M. Uddin DATE 22/5/90

Before submitting the application check that it is complete, that all questions have been answered and that the site boundary and the new work are clearly edged in red on the plans. Every application must be accompanied by the appropriate certificate and fee. See "NOTES TO HELP APPLICANTS".

1769c

PLANNING APPLICATION

PART 2

This part of the form need only be completed if the application involves non-residential development. Please answer all questions in print or block letters. If the answer is not applicable, write N/A in the space. You may wish to amplify your answers in a covering letter.

24. STATE THE GROSS FLOOR SPACE (by external measurement) OF ALL BUILDINGS TO WHICH THIS APPLICATION REFERS. Please give all floor areas in SQUARE METRES.

	USE CLASS	Existing floor space		Proposed additional floorspace created by	
		Retained in existing use	Lost by change of use or demolition	New building	Change of use
A1	SHOPS				
A2	FINANCIAL AND PROFESSIONAL SERVICES				
A3	FOOD AND DRINK	216m²			
B1(a)	OFFICE (other than A2)				
B1 (b)	RESEARCH AND DEVELOPMENT				
B1 (c)	LIGHT INDUSTRIAL				
B2	GENERAL INDUSTRIAL				
B3-7	SPECIAL INDUSTRIAL				
B8	STORAGE OR DISTRIBUTION				
C1	HOTELS AND HOSTELS				
C2	RESIDENTIAL INSTITUTIONS				
D1	NON-RESIDENTIAL INSTITUTIONS				
D2	ASSEMBLY AND LEISURE				
OTHER	Please Specify				
OTHER	Please Specify				
	TOTAL	216m²			

25. IF C1 OR C2 USE IS PROPOSED, PLEASE STATE NUMBER OF BED SPACES — Not applicable.

26. WHAT PROVISION IS BEING MADE FOR PARKING?
NB In addition 12 parking spaces available for evening use under licence.

	Cars	Lorries
Existing	18	
Proposed		

27. DESCRIBE THE ACTIVITY OR PROCESSES TO BE CARRIED ON
Please provide details of any equipment, plant or machinery to be installed and any end products. You may wish to amplify your answers in a covering letter.
Restaurant, take away hot food service and home delivery service.

28. WHO WILL OCCUPY THE PREMISES?
a) Give the name and current operating address of the proposed occupier
b) Will these premises be vacated?
Owner

29. IF KNOWN, HOW MANY PEOPLE ARE LIKELY TO BE EMPLOYED ON SITE AFTER COMPLETION OF THE DEVELOPMENT?
No new staff to be employed.

Existing Staff	Transferred Staff	New Staff	Total

30. DOES THE PROPOSAL INVOLVE THE USE OR STORAGE OF ANY OF THE HAZARDOUS SUBSTANCES LISTED IN THE NOTES?
If so, state this material, the quantity and method of storage.
No

Before submitting the application check that it is complete, that all questions have been answered and that the site boundary and the new work are clearly edged in red on the plans. Every application must be accompanied by the appropriate certificate and fee. See "NOTES TO HELP APPLICANTS".

1769d

YOUR PLANNING APPLICATION

WHY DO YOU NEED TO MAKE A PLANNING APPLICATION ?

New buildings, major alterations and enlargement of existing buildings, and many changes in the use of buildings and land need planning permission.
The Town and Country Planning Acts impose a duty on Local Authorities to control these changes, and this means that a balance has to be found between the need and pressure for change, and the desire to protect the character of settlements and the countryside.
The merits of each application are, therefore, carefully examined.

WHAT ELSE MAY YOU HAVE TO DO ?

Listed Building Consent:	for works to a Listed Building; or for demolition works on land within the curtilage of a Listed Building or within a Conservation Area.
Advertisement Consent:	for the display of advertisements or signs
Building Regulation Approval:	for most new building or construction work.

Special forms are available for these types of applications.

You should also check whether there are any other regulations with which you may need to comply.

WHAT HAPPENS TO THE APPLICATION ?

It will first be checked to see if it is complete and if it is, it will be registered.

Consultations will be carried out with public and other bodies, such as the Highway Authority, or Local Parish Councils.

Publicity may be given to allow local people the opportunity to comment on your proposals.

The application will be considered in relation to the Council's planning policies and guidelines, the past history of decisions on that site or in the locality, other standards (such as parking, or visibility at road junctions), and any other material considerations.

The site will be visited by a Planning Officer You may be asked to submit more information, or to amend your application.

The application will then be considered either by a Planning Committee or Sub Committee (made up of Councillors) or by the Chief Officer responsible for planning matters. Objections to an application will be taken into consideration by the Committee or the Chief Officer.

Shortly after the application has been determined, you will receive a Decision Notice.

HOW LONG WILL IT TAKE ?

An application will generally be determined within eight weeks although a longer period may sometimes be required for a complicated application.

WHAT SORT OF DECISION CAN BE MADE ?

Your application may be approved.

Your application may be approved subject to certain conditions. These could impose restictions on the use of land or buildings, or require further details to be approved at a later stage, (e.g. materials or landscaping).
You may appeal against the conditions, but this opens the entire permission to review by the Secretary of State.

Your application may be refused. The reason will be listed on the Decision Notice.

WHAT HAPPENS IF THE APPLICATION IS REFUSED ?

You have the right to appeal against the refusal to the Secretary of State, but you have to do that within six months. Appeals can be dealt with by written representations by both sides, or by a Public Inquiry.
You may ask the Planning Officer whether an amended application would be more likely to receive planning permission.

DATA PROTECTION ACT 1984

'Information contained in this form is likely to be personal data within the terms of the Data Protection Act 1984, and as such will be held by the Council on computer (such as the PLANAPS applications processing system) and may be used by the Council only for purposes registered under the terms of the Data Protection Act.'

① ~~WAVERLEY STORES~~ ~~MEMORIES OF INDIA RESTAURANT~~ (THE RED ROSE) E

ADDRESS 58 HEADLEY ROAD PARISH WOODLEY

PLOT No. Old Property ORD. SHEET No. SU. 7673(

BUILDER

Plan No.	Applicant	Description of Development	Date of Decision	Decision
R/158/58	Mr. E. J. Cruorp	Storage Building	11.11.58	App. A
A/15/59	W.D. & H.O. Wills Ltd.	Advertisement sign	9.9.59	N/A. Ref
R/344/64	Mr. G. Thatcher	Extn. to Shop & Addits.	15.4.65	App. Cl
R/207/65	Mr. J. L. Wood	Ch. of Use from Shop to licensed Betting Office	5.8.65	N/A. A
R/224/67	"	Ch. of Use of First Floor Flat to offices.	6.7.67	N/A. Ref
R/184/69	"	Additions to 1st Floor living accomod. at Rear	12.6.69	App. Cl
A/19/70	J. Wood (Racing) Ltd	illuminated fascia panel	29-10-70	N/A - C
12.15/71	Mr J. L. Wood	Two Storey Addit's	25-11-71	App - A
05942	WOODLEY MOTOR COMPANY	BETTING SHOP TO RETAIL SHOP	17.3.77	N/A Cl
37193	"	RETAIL (A1) TO RESTAURANT (A3)	17.4.91	Cl

DATE OF COMPLETION

MINISTRY DECISION

SPECIAL ORDERS

DRAINAGE

② ADDRESS 58 HEADLEY ROAD PARISH WOODLEY

PLOT No. ORD. SHEET No. SU. 7673(

BUILDER

Plan No.	Applicant	Description of Development	Date of Decision	Decision
38203 APPEAL	T. HIAM	ILL. FASCIA SIGN	20.9.91	Re
38204	"	NEW SHOPFRONT	07-9.91	Cl
38205 APPEAL	"	RELAX. COND. 4 ON 37193 (TAKE-AWAY MOT FOOD)	14.11.91	R
42612	"	VAR. COND 4 ON 37193 TAKE AWAY USE	19.5.94	Re
43801	MEMORIES OF INDIA	RESTAURANT TO RESTAURANT WITH HOME DELIVERY SERVICE	16.2.95	1.3.9 T
96/63586/F	"	C/O/USE PERM. HOME DELIVERY SERVICE IN CONN WITH E. RESTAURANT	26.9.96	C/A DELIVE SERV C

DATE OF COMPLETION

MINISTRY DECISION 38203 - APPEAL ALLOWED - 29.6.92 38205 - APPEAL DISMISSED -

SPECIAL ORDERS

DRAINAGE

091074

1933

(3)

ADDRESS 58 HEADLEY ROAD **PARISH** WOODLEY

PLOT No. Old Property. **ORD. SHEET No.** SU7673(4

BUILDER

Plan No.	Applicant	Description of Development	Date of Decision	Dec
97/65515/V	Mr. M. Uddin	VAR. COND. 4 on App. 37193	14.4.98	
98/67857/V	"	allow Takeaway fac. for Rest.	21.10.98	
99/70072/F				
C/67857/03	M. Uddin Esq.	Comply with cond. 03 of 98/67857/V for app. of litter bins.	5/10/99.	
99/70072/F	"	S/SH/R - Restaurant - kitchen + storage space + ext. staircase	25/11/99	

MINISTRY DECISION 67857/V - APPEAL ALLOWED - 21/7/99

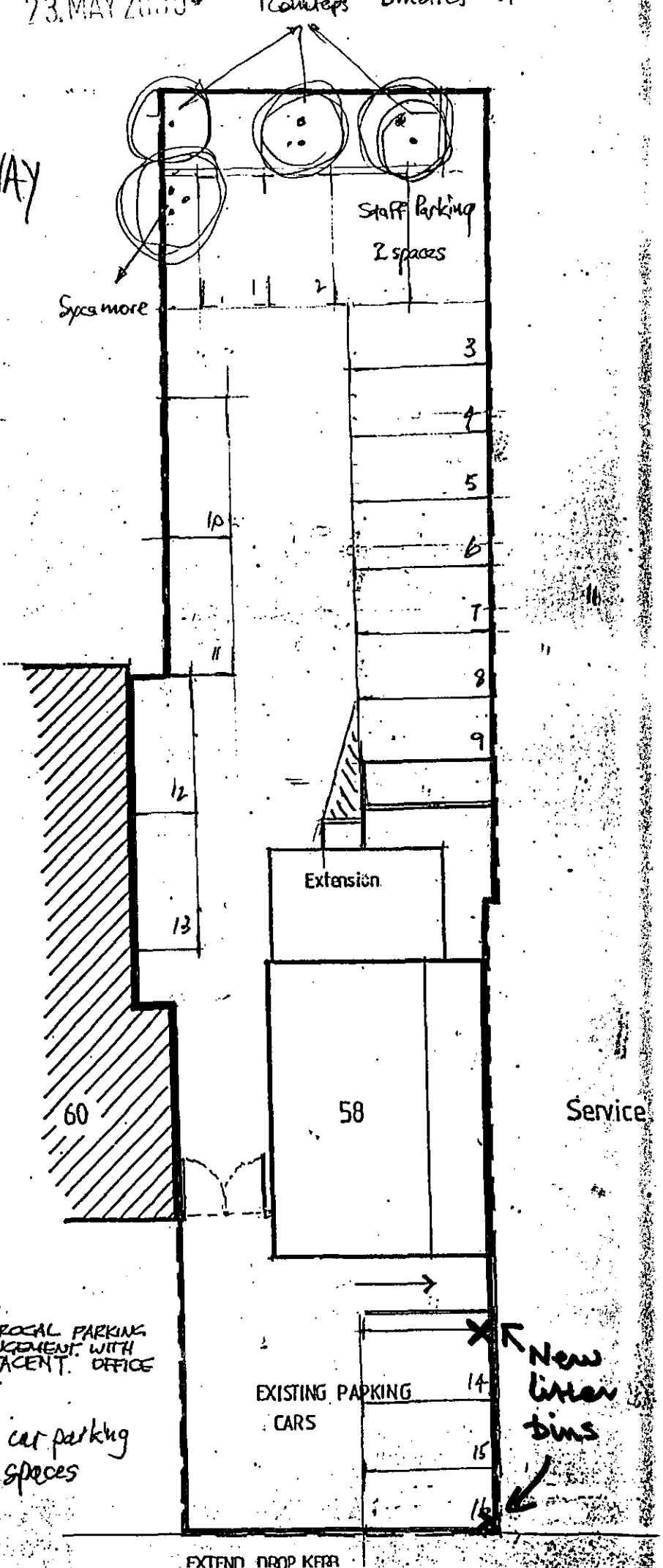
SPECIAL ORDERS

RED ROSE OF WOODLEY
58, HEADLEY ROAD
PROPOSED TAKE-AWAY
FACILITY FOR
MR. M. UDDIN

23 MAY 2000 15 [illegible] 8 metres tall

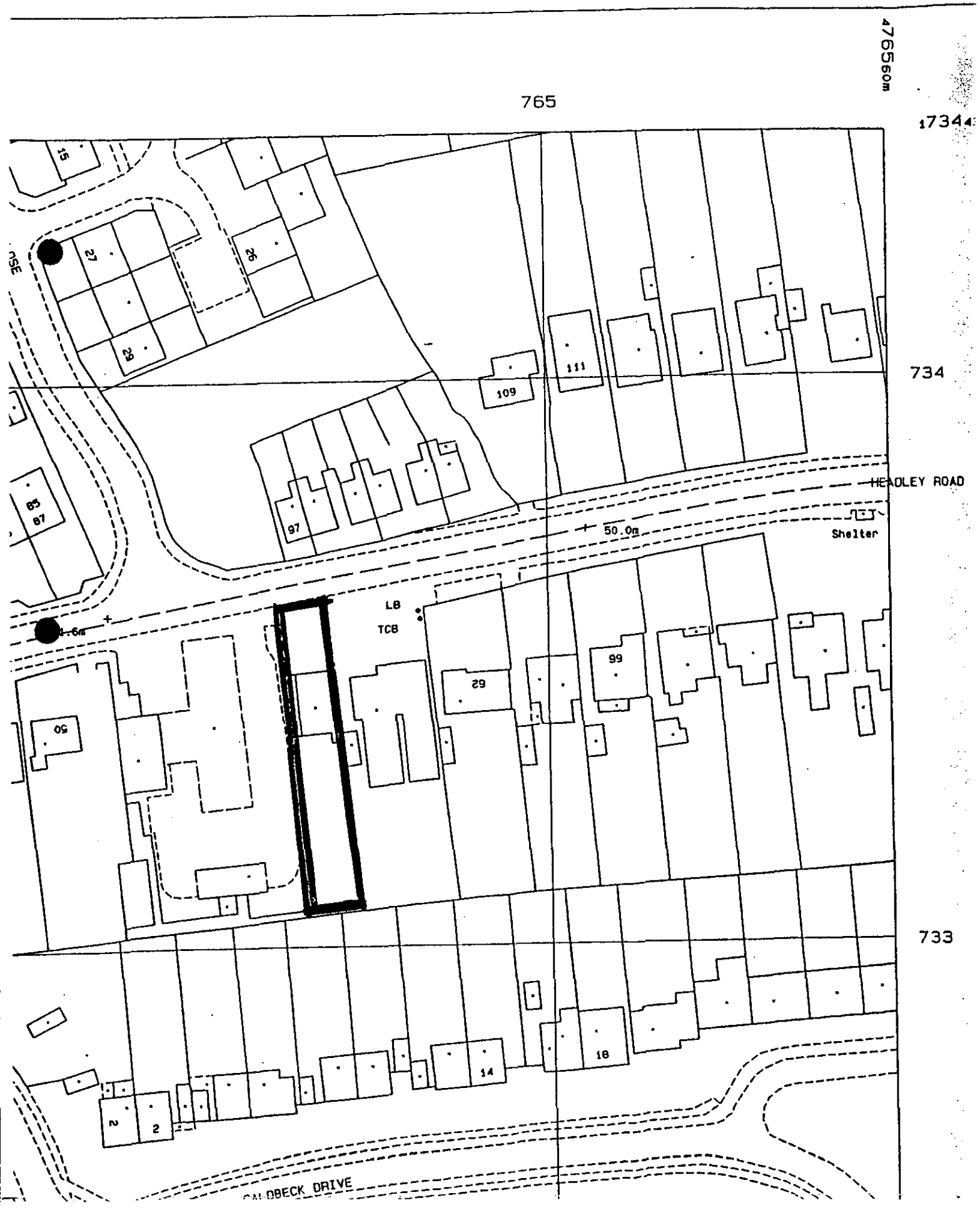
SITE PLAN 1:200

N



23.MAY2003* 1560

Planning Extract - Site-centre(



Ordnance Survey®

Superplan

23.MAY2000* 1560

Planning Extract - 1

Site-centred



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National Grid sheet reference at centre of this Superplan: SU7673SW

Scale 1: 1250

This Superplan product does not contain all recorded map information.

Centre Coordinates: 476460 173343

Supplied by: National Map Centre

Serial Number: 22510

For Reference

LYNN

The Planning Inspectorate

Room 1404
Tollgate House
Houlton Street
Bristol BS2 9DJ

Direct Line 0117 - 987 8927
Switchboard 0117 - 987 8000
Fax No 0117 - 987 8139
GTN 1374 - 8927
E-mail ENQUIRIES.PINS@GTNET.GOV.UK

Melville & Co
37/39 Walton Road
East Molesey
Surrey
KT8 0DH

Your Ref:
DDZ/HR58

Our Ref:
T/APP/X0360/A/99/1021248/P4

Date: 21 JUL 1999

Dear Sirs

TOWN AND COUNTRY PLANNING ACT 1990,
SECTION 78 AND SCHEDULE 6
APPEAL BY MR MOIN UDDIN
APPLICATION NO: 98/67857/V

1. The Secretary of State for the Environment, Transport and the Regions has appointed me to determine your client's appeal against the decision of the Wokingham District Council to refuse planning permission for relaxation of condition 4 of planning consent No.37193 to allow the sale of hot food for consumption off the premises for a temporary period of one year at 58 Headley Road, Woodley, Reading. I have considered all the written representations together with all other material submitted to me. I inspected the site on 13 July 1999.

2. From my inspection of the appeal site and its surroundings, and from the representations made, I consider that the main issue in this case is whether the proposed use would unacceptably detract from the living conditions of nearby residents because of increased activity.

3. I have not been referred to any policies in the development plan but Policy WSH13 of the Wokingham District Local Plan Deposit Draft indicates that Class A3 Uses will be considered appropriate in principle in certain locations, provided a number of criteria are met, including that there is no detrimental impact on the amenities of the occupiers of residential property, no overriding highway objections, and provision is made for disposal of litter and waste materials.

4. The suitability of the premises for A3 use has been accepted as they are currently in use as an Indian restaurant, having received planning permission in May 1991. This permission was subject to a number of conditions, in addition to the restriction to food and drink for consumption on the premises only, including a limitation on the hours of opening, installation of a mechanical ventilation system, landscaping and car parking. An application to vary Condition 4 was refused in November 1991, and a subsequent appeal dismissed. Planning permission was granted in 1995 for a home delivery service, personal to the

previous occupants and restricted to the use of two vehicles. There is a car park to the rear and an additional three spaces on the frontage.

5. To the west of the appeal premises is a petrol filling station, and to the east are offices with parking on the frontage for 10 cars. Your client has entered into an agreement for reciprocal use of the parking areas, whereby restaurant customers can use these spaces in the evenings and staff and visitors to the offices can use the restaurant car park during the day. There are flats above the restaurant, and residential properties opposite and beyond the commercial properties on this side of Headley Road, and to the rear on Caldbeck Drive. The petrol station forms an effective barrier to the west, and it is your client's intention that takeaway customers would park on the frontage, screened from the houses at the rear by the restaurant.

6. You have provided a survey of vehicle movements which indicates that there is a significant amount of traffic on Headley Road during the early evening, declining towards the end of the survey period, and a similar pattern of movements in and out of the petrol filling station. With this amount of activity, I think the additional traffic movements of customers collecting takeaway meals would be barely perceptible to people living opposite. The residents immediately adjoining the offices would probably be aware of cars parking near to their boundary, but this area is currently available for use by restaurant customers. There could be a slight increase in the frequency of movements, although these spaces would only be used by takeaway customers if those in front of the restaurant were occupied, and I think it unlikely that more than three or four customers would be collecting food at the same time. The accommodation above the restaurant is for staff, and would not be occupied during trading hours.

7. I conclude that the proposed use would not unacceptably detract from the living conditions of nearby residents because of increased activity.

8. Neighbour representations referred to increased cooking smells, litter and vehicles parking on surrounding roads and footways. I do not consider that an increase in the number of meals cooked on the premises should cause additional smell, and this matter is addressed through the conditions attached to the planning permission for the restaurant. Litter can be a problem with hot food takeaways, but this type of food is more likely to be bought for consumption either in the restaurant or at home. In relation to parking, I consider that the on-site parking provision, together with that available in front of the adjacent premises, is adequate. Parking is prohibited at all times on both sides of Headley Road and along much of Halstead Close, so permitted on-street parking is some distance from the site and unlikely to be attractive to customers. Illegal parking would be a matter for enforcement under other legislation, but I see no reason why this should occur when convenient parking is available on the site.

9. I note that a similar proposal was dismissed on appeal in 1992 but there have been changes since that time. The shop at the petrol filling station has been enlarged and a cash point installed, which is likely to have had an effect on evening use. The agreement relating to the use of the car park at the adjacent premises ensures that adequate car parking is available for both restaurant and take-away customers and, whilst this could be terminated in the future, permission is only requested for a period of one year, and any extended permission could be subject to a condition that the takeaway use should only continue provided this car parking is available. Also, the home delivery service started after the

previous appeal decision; this has continued without objection from the Council, but would reduce if the takeaway use is permitted.

10. I have taken into account all other matters raised but none of these are of sufficient importance to outweigh the material considerations which have led me to my decision.

11. I therefore propose to allow this appeal. You have requested that planning permission be granted on a permanent basis but the application was for a temporary period of one year, and this would enable the situation to be assessed in the light of the concerns expressed by local residents. The Council have suggested that the proposed use should be subject to a similar restriction on hours as the restaurant, which I agree is necessary since later opening would be likely to cause disturbance to surrounding residents, but I see no need to limit opening on public holidays to 10.30pm when the restaurant is allowed to open until 11.00pm. They have also asked for details for the control of litter and, whilst I think this unlikely to be a problem with this type of food, provision should be made to ensure that any litter is satisfactorily disposed of.

12. For the above reasons and in exercise of powers transferred to me, I hereby allow this appeal and grant planning permission for relaxation of condition 4 of planning consent No.37193 to allow the sale of hot food for consumption off the premises for a temporary period of one year at 58 Headley Road, Woodley, Reading in accordance with the terms of the application (No 98/67857/V) dated 15 June 1998 and the plans submitted therewith, subject to the following conditions:

1. the use hereby permitted shall cease no later than one year from the date of the letter unless planning permission has been granted for an extension of the use;

2. the premises shall not be open for the supply of takeaway food or drink before 10.00am on any day or after 11.00pm Mondays to Saturdays, and 10.30pm Sundays;

3. details for the control of litter and rubbish shall be submitted to and approved in writing by the local planning authority prior to the commencement of the use.

13. These conditions require further matters to be agreed by the local planning authority. There is a right of appeal to the Secretary of State if they refuse any such application, fail to give a decision within the prescribed period, or grant a conditional approval.

14. The developer's attention is drawn to the enclosed note relating to the requirements of the Building Regulations 1991 with respect to access for disabled people.

15. This letter only grants planning permission under Section 57 of the Town and Country Planning Act 1990. It does not give any other approval or consent that may be required.

Yours faithfully



B A Whitbread DipTP MSocSci MRTPI
Inspector

WOKINGHAM DISTRICT COUNCIL

TOWN AND COUNTRY PLANNING ACTS

NOTIFICATION OF REFUSAL FOR VARIATION OF PERMISSION

Mr M Uddin
C/O John Cowling Chartered Town Planner
5a Prospect Street
Caversham
Berkshire
RG4 8JA

Application No : 98/67857/V

Parish : WOODLEY PARISH

Proposal : PROPOSED VARIATION TO CONDITION 04 ON APPROVAL 37193 TO ALLOW FOR TAKE-AWAY FACILITY FROM RESTAURANT FOR TEMPORARY PERIOD OF 1 YEAR

Location : The Red Rose 58 Headley Road Woodley

The Wokingham District Council in pursuance of their powers under the above Acts and Regulations hereby **REFUSE CONSENT** for the variation of the above conditions in accordance with the application and the accompanying plans submitted to the Council subject to compliance with the following conditions, the reasons for which are specified hereunder.

REASONS(S) :
01
The proposed relaxation of Condition 04 on approval 37193 to allow a take-away facility would be detrimental to residential amenity by reason of an increase in noise, activity and general disturbance particularly during evening hours. Circumstances in this locality have not changed to overcome concerns with respect to residential amenity since Condition 04 was imposed on planning consent 37193. As such the proposal is contrary to Policy WSH13 'Food and Drink' (A3) Uses and Policy WOS3 'Development Control Principles' of Wokingham District Local Plan (Deposit Draft).

Date 21 October 1998

C.E. Limmer
Development Control Manager

If this notice grants permission to proceed with the proposal the applicant is reminded that it relates to planning permission only and does not constitute approval under any other legislation including Building Regulations. The applicant should contact the Building Control Section of the District Council's Environmental Services for further information.

Note Would you please ensure that the Red Public Notice relating to this planning application which the Council sent to you to put on display is now removed, if this has not already been done. This will avoid any confusion by local residents as to whether further applications have been made, and will assist in keeping the country side and townscapes tidy.

Application Number98/67857/V

Appraisal :

(A) Garage & solicitors to east/west. Within settlement. About ½ mile from retail centre of Woodley at Cockhamwell Rd. Sustainable location. Principle acceptable under WDLP policy WOS2 subject to other plan provisions.

(B) Long planning history of resisting takeaway use which supported by Planning Inspectorate. Whilst temporary permission would allow full assessment of impacts and retain controls, it is not considered appropriate in predominantly residential area. Concerns would still remain. Takeaway use is occurring now and obviously resulting loss amenity of residents. (See Enforcement + Letters).

(C) Amenity issues upheld and not addressed adequately by this application. Not a change in circumstances since May 1992. Garage use with cash dispenser acknowledged. Still hours conditions on garage though. Considered not appropiate worsen existing situation.

(D) Highways not object as demonstrate suppment capacity on site for takeaway use. Previous appeal inspector not support previous highway objections.

Recomendation :

Conclude: Proposal contrary to WDLP policies WOS3(a) and WSH13 (a) and (c) Food and Drink A3 uses. Noted that proposal is improvement on 97/65515/V but not suppment to overcome amenity issues.

REFUSAL

For Reference

42672
43801
46/63586
Not copied

REFUSAL OF PLANNING
PERMISSION

WOKINGHAM DISTRICT COUNCIL

LOCAL GOVERNMENT ACT, 1972

TOWN AND COUNTRY PLANNING ACT, 1990

To: T MIAH ESQ
C/O DWT PARTNERSHIP
176 DUKES RIDE
CROWTHORNE
BERKS RG11 6DS

WOKINGHAM DISTRICT COUNCIL
COUNCIL OFFICES
SHUTE END
WOKINGHAM, BERKS., RG11 1BN

Application No. 38205 (Var)

Proposal:
RELAXATION OF CONDITION 4 ON APPROVAL 37193 TO ALLOW SALE OF HOT FOOD FOR CONSUMPTION OFF PREMISES
58 HEADLEY ROAD, WOODLEY.

The Wokingham District Council in pursuance of their powers under the above Acts hereby REFUSE to grant planning permission in respect of the above development as described in the application and the accompanying plans submitted by you to the Council, for the following reasons:

01 The proposed relaxation of Condition 04 on Approval 37193 to allow a hot food takeaway facility would be detrimental to the amenities enjoyed by residential occupiers in the neighbourhood by reason of litter, noise and general disturbance, particularly during evening opening hours.

02 Circumstances in this locality have not altered, such as to overcome the concerns raised with respect to the detrimental effect that a takeaway facility would have on nearby residential properties since the restaurant use was granted planning permission (reference 37193) on 09.05.91.

Date.....14 NOV 1991.....

R.F. Wilson
.....
District Planning Officer

N.B. A statement of the applicant's rights is attached

Would you please ensure that the Red Public Notice relating to this planning application which the Council sent to you to put on display is now removed, if this has not already been done. This will avoid any confusion by local residents as to whether further applications have been made, and will assist in keeping the countryside and townscapes tidy.

Application 38204 continued

Date 27 SEP 1991

R.F. Wilson

District Planning Officer

N.B. A statement of the applicant's rights is attached

This permission or approval is for the purposes of the Town and Country Planning Act 1990 only. Approval may also be required under the Building Regulations.

Note: Would you please ensure that the Red Public Notice relating to this planning application which the Council sent to you to put on display is now removed, if this has not already been done. This will avoid any confusion by local residents as to whether further applications have been made, and will assist in keeping the countryside and townscapes tidy.

INFORMATIVE: If this planning permission relates to the erection or extension of a building, then the following section applies:-

BERKSHIRE ACT 1986- SECTION 32: ACCESS FOR FIRE BRIGADE

(1) Except as provided in subsection (2) 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 1971, 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 of 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.

Department of the Environment
South East Regional Office
Charles House 375 Kensington High Street London W14 8QH

Direct Line 071-605 9020
Switchboard 071-605 9000
GTN 3570

Cowling Clarke Ltd
5A Prospect Street
Caversham
Reading RG4 8JA

RECEIVED
30 JUN 1992
DISTRICT SECRETARY

Your reference JACC/DC/1306

Our reference
(A) APP/H0330/A/92/201415
(B) APP/H0330/H/92/0321

29 JUN 1992

Gentlemen,

TOWN AND COUNTRY PLANNING ACT 1990 - SECTION 78
TOWN AND COUNTRY PLANNING (CONTROL OF ADVERTISEMENTS) REGULATIONS 1992 - REGULATION 15
APPEALS BY MR T MIAH, 58 HEADLEY ROAD, WOODLEY
APPLICATION NOS 38205 AND 38203

1. I am directed by the Secretary of State for the Environment to refer to your client's appeals under:

(A) section 78 of the Town and Country Planning Act 1990 against the decision of Wokingham District Council to refuse planning permission for the relaxation of Condition 4 imposed on planning permission No 37193, to allow the sale of hot food for consumption off the premises at 58 Headley Road, Woodley, Berkshire; and

(B) Regulation 15 of the Town and Country Planning (Control of Advertisements) Regulations 1992 against the decision of the same Council to refuse "express consent" for the display of an individually-lettered fascia sign, back-lit with spot lighting, at the same address.

2. An officer of the Department has visited the site and has considered the written representations made in support of the appeals together with those of Wokingham District Council and third parties. A copy of his report is appended to this letter. He recommended that, in view of the considerations expressed in paragraphs 9 to 20 of his report, appeal (A) should be dismissed and appeal (B) should be allowed.

3. The Secretary of State has given careful consideration to all the arguments for and against the appeals and to the officer's appraisal. He agrees with the officer's view that the area in which your client's restaurant is located is basically residential in character and that, in such an area, it would not be appropriate to permit the introduction of uses with a potential for causing noise nuisance and other disturbance to the residents. He accepts your client's claim that the activity generated by the proposed take-away facility would be similar in

I HEREBY CERTIFY THAT THE MICROF
A COMPLETE AND ACCURATE REPRODUC
ORIGINAL DOCUMENT FORMING PART (

kind to that already generated by the adjacent petrol filling station. He also notes that your client is willing to accept a condition controlling hours of operation.

4. However, he agrees with officer that, while a restaurant use in this location is acceptable, the extension of use to the sale of hot food for consumption off the premises would be likely to cause further nuisance and disturbance to residents over and above that associated with the adjoining garage. He has therefore decided to dismiss your client's appeal.

5. As to the proposed illuminated fascia sign, the Secretary of State does not agree with the Council's view that, by reason of its size, siting and illumination, it would detract from the visual amenity of this area. He takes the view that the proposed sign is relatively restrained and is acceptable on this site. He has therefore decided to allow this appeal, subject to a condition limiting the level of illumination.

6. Accordingly, for the reasons given above, the Secretary of State agrees with the officer's appraisal and accepts his recommendation. He hereby:

(a) dismisses appeal (A); and

(b) allows appeal (B) and grants "express consent", for five years from the date of this letter, for the display of an individually-lettered fascia sign, back-lit with spot lighting at 58 Headley Road, Woodley, Berkshire in accordance with application number 38203 and accompanying drawing, subject to the condition that the level of illumination of the sign hereby permitted shall be in accordance with details to be submitted to and approved by the local planning authority.

7. This letter does not convey any approval or consent which may be required under any enactment, byelaw, order or regulation other than Regulation 5 of the Town and Country Planning (Control of Advertisements) Regulations 1992.

8. Separate notes are attached setting out the circumstances in which the Secretary of State's decision may be challenged by making an application to the High Court.

I am, Gentlemen
Your obedient Servant

R F SILLS
Authorised by the Secretary of State
to sign in that behalf

I HEREBY CERTIFY THAT THE MICROFI
A COMPLETE AND ACCURATE REPRODUCT
ORIGINAL DOCUMENT FORMING PART OF

APPENDIX 3.

REPORT TO SITE VISIT SUB COMMITTEE TO BE HELD ON 17.4.91.

Application No: 37193 (F) | Received 18.01.91 | WOODLEY Non-Fundamental North Team

Applicant: Woodley Motor Company
Location: 58 Headley Road, Woodley
Proposal: Change of use from retail (A1) to restaurant (A3) together with single storey rear extension to form kitchen.

Introduction and Planning History - The site is located on the southern side of Headley Road in Woodley, adjacent to the Mobil garage. The property on its eastern side is a bungalow with extensive single storey flat roofed extensions to the rear and is occupied by a solicitors practice. No 58 is a two storey building with a flat roofed two storey side extension to the western side. The shop on the ground floor was once a betting shop and permission was given for retail use in 1977. The first floor will remain as existing, a three bedroomed flat with separate access via an external staircase to the rear of the building. The flat is not occupied at present.

The Proposal - is for the change of use from retail (A1) to restaurant (A3) together with single storey rear extension to form kitchen . The Applicants agent has stated that the restaurant is not to be a take away but will probably serve French food. The dining area will be 45 square metres. Provision has been made for 14 car parking spaces on site.

Consultation - The Highway Authority does not object to the proposal but recommends conditions relating to the construction of the access, marking out of the car parking spaces and layout to be in accordance with the revised plan.

Environmental Health have commented that before the operation of the proposed kitchen a suitable mechanical extraction system of ventilation comprising of a grease filter and activated carbon filter should be installed. In addition any ventilation fans or extract system should be suitably silenced to avoid a possible noise nuisance primarily to the occupants of the first floor property and nearby residents.

Woodley Town Council is concerned with this application and asks that Members view the site to assess the effect of the car parking to the rear, cooking smells, closing time (suggest no later than 10.30 pm) and proximity of the garage.

A petition has been received with 39 signatures objecting to the proposed change of use. Letters of objection have been received from surrounding residents concerned about cooking smells, noise from rowdy customers, danger of cooking in the proximity of petrol fumes and road congestion. In addition a letter has been received from a Solicitor acting on behalf of a client who objects to the application on the grounds that there are sufficient take aways in the vicinity, nuisance by way of noise, odour and litter, proximity to petrol station and traffic congestion.

Appraisal - The site at present is tarmaced to the front with 2m close boarded access gates to the side leading to a large gravel surfaced area to the rear. The rear is enclosed by 1.8m high close boarded fence to the east and south and part of the west boundary. The remaining western boundary is enclosed with a 2m open boarded fence. To the rear there are a number of medium sized trees and shrubs which provide a good screen to the residents in Caldbeck Drive. It is proposed to retain this planting and to supplement it with other trees to increase the screening effect.

The main concerns with this application are whether the increased traffic

movements to the rear will cause a loss of amenity to adjoining residents. In view of the rear boundary screen and the garage next door it is not considered that this proposal would contribute to a loss of amenity to residents.

The proposal incorporates a short wall with planted area behind, to the front of the site, which not only is a highway safety gain in that vehicles are prevented from cutting across the site to gain access to the garage but this feature will also be an environmental improvement in the street scene.

With regard to the neighbours concerns, cooking smells, fumes from cooking can be prevented by the use of filters and this is controlled under the Environmental Protection Act 1990 and Food Hygiene (General) Regulations 1970. The provision of filters can be conditioned. The proposal is not for a take away and the applicants agent has confirmed verbally that they do not object to a condition restricting no take away use.

In conclusion it is considered that this proposal would not cause detriment to the amenities of neighbouring residents and the following recommendation is made.

Recommendation - that permission is GRANTED subject to conditions to included those relating to standard time, materials to match existing, limits on the hours of business to licensing hours, no take away facility, highway conditions, the conditions suggested by the Environmental Health Officer and the submission of landscaping details.

CF
09.04.91

APPLICATION WORK/REPORT SHEET

Application No. 38205 Date received: 28.08.91

App-Type: Var
RELAXATION OF CONDITION 4 ON APPROVAL 37193 TO ALLOW
SALE OF HOT FOOD FOR CONSUMPTION OFF PREMISES
58 HEADLEY ROAD, WOODLEY.

DELEGATED

T MIAH ESQ
C/O DWT PARTNERSHIP
176 DUKES RIDE
CROWTHORNE
BERKS RG11 6DS

Designation: PS

Local Plan:
Loddon Area Local Plan

T.P.O.	Conservation Area/Listed Building	Departure/Agricultural
	None / None	None

Min.Bearing Land/SSSI/Nat.Trust	Flood Plain/Overhead Line/Gas Pipe/Oil Pipe
X	X

Advertisements:None

EXPIRY DATE FOR COMMENTS ON SITE NOTICE 27.09.91

OFFICER'S COMMENTS:- Discussed team meeting 17.9.91

See also applicns. 37193, 38204 & 38203. Applied for relaxation of condition as have an arrangement to use Solicitors c/park at N°60 which would overcome concern about 'on street' car parking. However I consider this is not principle issue as reason attached to Condition 4 was "In order to safeguard the amenities of nearby residential properties". In the Sub Committee report (3/4/91) Applicants agent stated that restaurant would not be 'takeaway' which overcame neighbours concerns over traffic, noise & disturbance & litter to make change of use to restaurant acceptable. Using adjacent car park may stop disturbance at rear only & car park at Solicitors during day was full up at time of S.V. ∴ lunchtime, likely same concerns would be relevant at time of original applicn 37193 relating to use, (highway etc).

OBSERVATIONS RECEIVED:-

Woodley T.C. – refuse as condition requested by TC. in respect 37193.
Engineer – no comment
Cllr Joule – refuse as key condition to make restaurant use acceptable.
213 Headley Road – objects on traffic grounds & increased noise + litter.

Input NTT

RECOMMENDATION:- REFUSAL

CONDITIONS/REASONS/INFORMATIVES OVERLEAF:-

~~The District Planning Authority does not consider from the available factor that the removal of the condition to allow sale of hot food for consumption off the premises is justified in that the takeaway use would not safeguard the amenities of nearby residential properties~~

PTO

~~In the opinion of the District Planning Authority circumstances in this locality have not altered such as to overcome the concerns raised with respect to the detrimental effect that a takeaway facility would have on the residential amenities of properties in this area. This would be by virtue of the intensification of activity activities on the site over and above that granted permission under application reference 37193 on 9th May 1991.~~

DELETE

Amended at request 7.11.91 EAK

01 - The proposed relaxation of Condition 04 on approval 37193 to allow a hotfood takeaway facility would be detrimental to the amenities enjoyed by residential occupiers in the neighbourhood by reason of litter, noise & general disturbance particularly during Evening opening hours.

02 - Circumstances in this locality have not altered such as to overcome the concerns raised with respect to the detrimental effect that a takeaway facility would have on nearby residential properties since the restaurant use was granted planning permission (reference 37193) on 09.05.91.

For Reference

N
CF

PLANNING PERMISSION

WOKINGHAM DISTRICT COUNCIL

LOCAL GOVERNMENT ACT 1972

TOWN AND COUNTRY PLANNING ACT 1990

To: WOODLEY MOTOR COMPANY
C/O DWT PARTNERSHIP
167 DUKES RIDE
CROWTHORNE
BERKSHIRE RG11 6DS

WOKINGHAM DISTRICT COUNCIL
COUNCIL OFFICES
SHUTE END
WOKINGHAM, BERKS., RG11 1BN

Application No.37193 (F)

Proposal:
CHANGE OF USE OF THE GROUND FLOOR FROM RETAIL (A1) TO RESTAURANT (A3) TOGETHER WITH SINGLE STOREY REAR EXTENSION TO FORM KITCHEN
58 HEADLEY ROAD WOODLEY

The Wokingham District Council in pursuance of their powers under the above Acts hereby GRANT Planning Permission for the carrying out of the above development in accordance with the application and the accompanying plans submitted by you to the Council subject to compliance with the following conditions the reasons for which are specified thereunder.

01 The development hereby permitted shall be begun before the expiration of five years from the date of this permission.(5)

01 REASON This condition is deemed to be attached by virtue of Section 91(1) of the Town and Country Planning Act, 1990.(3R)

02 All the materials to be used in the elevations of the proposed development shall match those on the existing dwelling to the satisfaction of the District Planning Authority, and this condition shall apply notwithstanding any indications as to these matters which have been given in the current application.(11)

02 REASON To ensure that the materials are in keeping with those existing.(8R)

03 The permitted hours of the proposed use shall be restricted to between 10.00 am and 11.00 pm. Mondays to Saturdays and 10.00a.m. to 10.30p.m. on Sundays.

03 REASON In order to safeguard the amenities of nearby residential properties.

04 Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987, (or any Order revoking and re-enacting that Order),

continued/-

Application 37193 continued

the use hereby permitted shall be restricted to the sale of food and drink for consumption on the premises only, no provision shall be made for the sale of food for consumption off the premises.

04 REASON In order to safeguard the amenities of nearby residential properties.

05 Prior to implementation of the proposed change of use, details of a proposed mechanical ventilation system, with extraction ducting to include a grease filter and activated carbon filter, together with details of the measures to be used to silence the system, shall be submitted to and approved by the District Planning Authority.

05 REASON No such details have been given and in order to safeguard the amenities of occupants of the first floor property and nearby residents.

06 No trees or shrubs on the land shall be removed, lopped or topped and no other thing shall be done on the land likely to harm or damage the trees, unless the District Planning Authority have so agreed in writing. Each tree or shrub felled, destroyed or severely damaged without such approval shall within the next planting season be replaced by another healthy, semi-mature tree or shrub as the case may be, of similar species. If within a period of 5 years any replacement tree or shrub dies, is removed or becomes seriously damaged or diseased, it shall be further replaced with another healthy tree or shrub, as the case may be, of such size and species as may be approved by the District Planning Authority.(303D)

06 REASON To ensure the satisfactory retention of existing trees and shrubs an in the interests of visual amenity.(304D)

07 The development hereby permitted shall be landscaped and planted. Further details of the landscaping scheme shown on the submitted layout shall be submitted to and approved in writing by the District Planning Authority before the development of the site commences.(198D)

07 The scheme shall show full details of all the existing and proposed planting and ground surface treatment.

07 All planting in the approved details of landscaping shall be landscaped and planted within one year of the commencement of the development of the site. Any trees or plants which within a period of 5 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 similar size and species unless the District Planning Authority gives written consent to any variation.

07 All the landscaping and planting to be carried out in respect of the development hereby approved shall comply with the recommendations set out in B.S. 4428 1989 'General Landscaping Operations' and B.S. 3936 Pt. 1 1980 'Nursery Stock'. (205)

07 REASON In the interests of amenity and to help achieve a satisfactory standard of landscaping and planting.

continued/-

Application 37193 continued

08 The ground surface treatment shall be tarmacadam or a similar hard surface covering.

08 REASON In order to safeguard the amenity of nearby residential properties from background noise caused by cars parking on a gravel surface.

09 No external lighting of any type shall be provided without the prior written permission of the District Planning Authority.(310)

09 REASON In the interests of amenity.

10 No development of the site shall commence until the access has been constructed in accordance with the approved drawing and in compliance with the requirements of the Highway Authority for work carried out within the public highway. (P3)

10 REASON In the interests of road safety.(350R)

11 The layout shall be in accordance with the revised drawing number 665/05B . (P2)

11 REASON To ensure that the site development is in accordance with the Local Planning Authority's approved standards.(364R)

12 No dwelling/building shall be occupied until the vehicle parking spaces have been marked out in accordance with the approved drawing. The spaces shall thereafter be kept continuously available for parking. (P31)

12 REASON To ensure that the development is provided with adequate parking facilities so as to minimise the incidence of roadside parking which would be a danger to other road users and would detract from the the character and amenities of the area.(375R)

INFORMATIVES:-

The Engineer at Council Offices, Shute End, Wokingham Tel (0734) 786833 should be contacted for the approval of the access construction details before any work is carried out within the highway.(HI3)

The premises will be covered by the Food Hygiene (General) Regulations 1970, the Health and Safety at Work Etc Act 1974 and the provisions of this legislation will be applied by the Environmental Health Department.(439L)

I consider that any lighting to the car park should be of a low intensity to safeguard the amenities of adjoining properties.(444D)

continued/-

Application 37193 continued

Date 09 MAY 1991

R Pilkington
District Planning Officer

N.B. A statement of the applicant's rights is attached

This permission or approval is for the purposes of the Town and Country Planning Act 1990 only. Approval may also be required under the Building Regulations.

Note: Would you please ensure that the Red Public Notice relating to this planning application which the Council sent to you to put on display is now removed, if this has not already been done. This will avoid any confusion by local residents as to whether further applications have been made, and will assist in keeping the countryside and townscapes tidy.

INFORMATIVE: If this planning permission relates to the erection or extension of a building, then the following section applies:-

BERKSHIRE ACT 1986- SECTION 32: ACCESS FOR FIRE BRIGADE

(1) Except as provided in subsection (2) 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 1971, 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 of 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.

REPORT TO SITE VISIT SUB COMMITTEE TO BE HELD ON 17.4.91.

Application No: 37193 (F) | Received 18.01.91 | WOODLEY Non-Fundamental North Team

Applicant: Woodley Motor Company
Location: 58 Headley Road, Woodley
Proposal: Change of use from retail (A1) to restaurant (A3) together with single storey rear extension to form kitchen.

Introduction and Planning History - The site is located on the southern side of Headley Road in Woodley, adjacent to the Mobil garage. The property on its eastern side is a bungalow with extensive single storey flat roofed extensions to the rear and is occupied by a solicitors practice. No 58 is a two storey building with a flat roofed two storey side extension to the western side. The shop on the ground floor was once a betting shop and permission was given for retail use in 1977. The first floor will remain as existing, a three bedroomed flat with separate access via an external staircase to the rear of the building. The flat is not occupied at present.

The Proposal - is for the change of use from retail (A1) to restaurant (A3) together with single storey rear extension to form kitchen. The Applicants agent has stated that the restaurant is not to be a take away but will probably serve French food. The dining area will be 45 square metres. Provision has been made for 14 car parking spaces on site.

Consultation - The Highway Authority does not object to the proposal but recommends conditions relating to the construction of the access, marking out of the car parking spaces and layout to be in accordance with the revised plan.

Environmental Health have commented that before the operation of the proposed kitchen a suitable mechanical extraction system of ventilation comprising of a grease filter and activated carbon filter should be installed. In addition any ventilation fans or extract system should be suitably silenced to avoid a possible noise nuisance primarily to the occupants of the first floor property and nearby residents.

Woodley Town Council is concerned with this application and asks that Members view the site to assess the effect of the car parking to the rear, cooking smells, closing time (suggest no later than 10.30 pm) and proximity of the garage.

A petition has been received with 39 signatures objecting to the proposed change of use. Letters of objection have been received from surrounding residents concerned about cooking smells, noise from rowdy customers, danger of cooking in the proximity of petrol fumes and road congestion. In addition a letter has been received from a Solicitor acting on behalf of a client who objects to the application on the grounds that there are sufficient take aways in the vicinity, nuisance by way of noise, odour and litter, proximity to petrol station and traffic congestion.

Appraisal - The site at present is tarmaced to the front with 2m close boarded access gates to the side leading to a large gravel surfaced area to the rear. The rear is enclosed by 1.8m high close boarded fence to the east and south and part of the west boundary. The remaining western boundary is enclosed with a 2m open boarded fence. To the rear there are a number of medium sized trees and shrubs which provide a good screen to the residents in Caldbeck Drive. It is proposed to retain this planting and to supplement it with other trees to increase the screening effect.

The main concerns with this application are whether the increased traffic

movements to the rear will cause a loss of amenity to adjoining residents. In view of the rear boundary screen and the garage next door it is not considered that this proposal would contribute to a loss of amenity to residents.

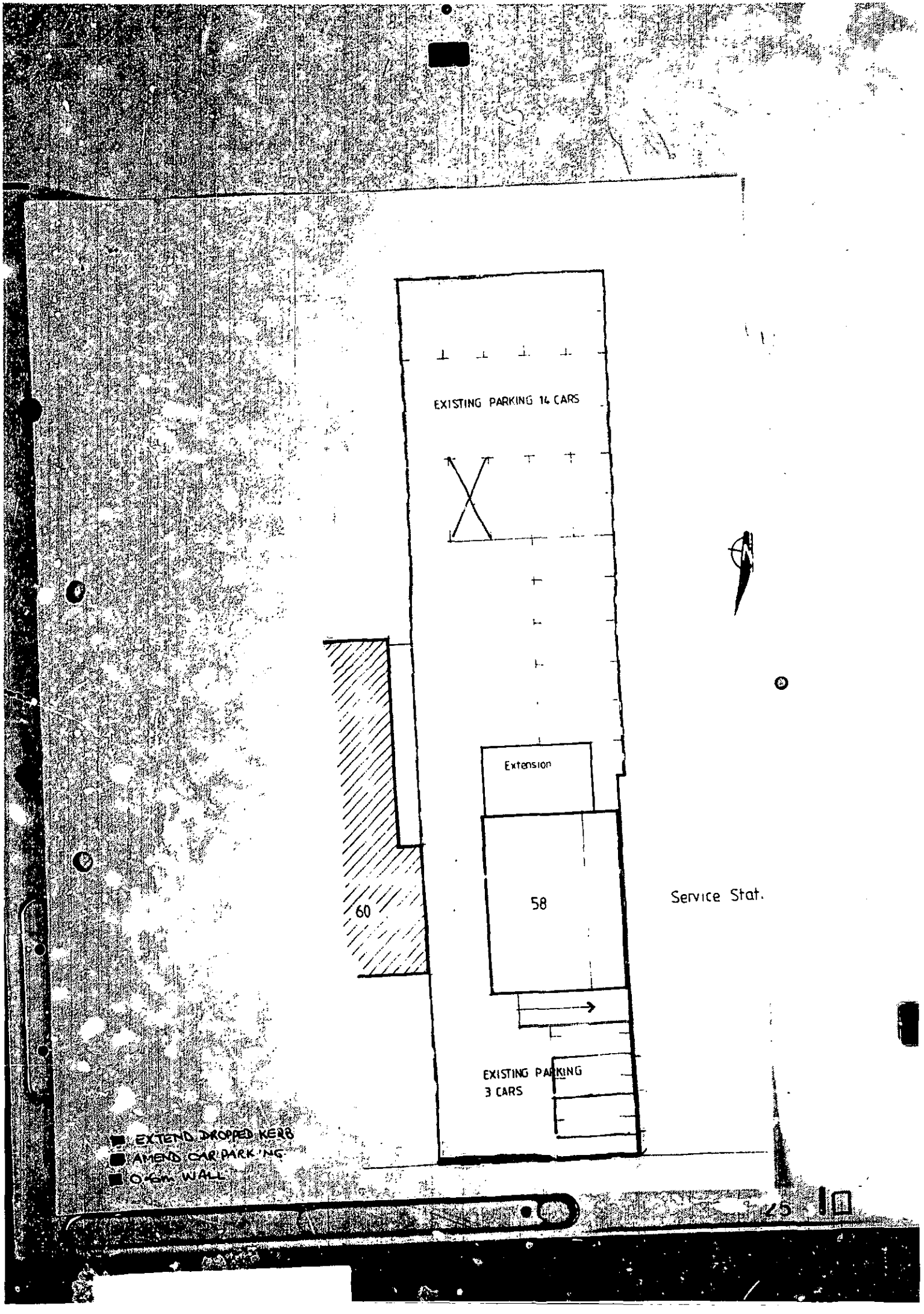
The proposal incorporates a short wall with planted area behind, to the front of the site, which not only is a highway safety gain in that vehicles are prevented from cutting across the site to gain access to the garage but this feature will also be an environmental improvement in the street scene.

With regard to the neighbours concerns, cooking smells, fumes from cooking can be prevented by the use of filters and this is controlled under the Environmental Protection Act 1990 and Food Hygiene (General) Regulations 1970. The provision of filters can be conditioned. The proposal is not for a take away and the applicants agent has confirmed verbally that they do not object to a condition restricting no take away use.

In conclusion, it is considered that this proposal would not cause detriment to the amenities of neighbouring residents and the following recommendation is made.

Recommendation - that permission is GRANTED subject to conditions to included those relating to standard time, materials to match existing, limits on the hours of business to licensing hours, no take away facility, highway conditions, the conditions suggested by the Environmental Health Officer and the submission of landscaping details.

CF
09.04.91


EXISTING PARKING 14 CARS
Extension
58
60
Service Stat.
EXISTING PARKING
3 CARS
EXTEND DROPPED KERB
AMEND CAR PARKING
0.6m WALL

FROM: Heather Morgan

DATE: 06 June 2000

WOODLEY TOWN CONSULTATION SHEET

Application Number: VAR/2000/1580

Proposal: Proposed variation to condition 4 of consent 37193 to allow continued sale of hot food for consumption off the premises..

Site Address: 58, Headley Road, Woodley, Reading.

Applicant: Mr M Uddin C/O Melville And Co.

Your observations are required in respect of this application **by 30/06/2000** .

The committee agreed to make no comment on this application.

PLANNING SERVICES	HPT
POL	TLS
DC	ENF
APP	
CS	
22 JUN 2000	
COPIES TO:	ACK:
	FILE:

SIGNED: Anne Keenan DATE: 21.6.00

Clerk To Woodley Parish/Town Council.

WOKINGHAM D.C. DEVELOPMENT CONTROL

Start date: 23 MAY 2000	Map No. 42 Site 0.06
Officer: HM	Application No. UAR/2000/1580
	Easting: ..... Flood Pln .....
	Northing: ..... Mineral .....

Level: ☐ Sub Committee ☑ Delegated ☐ Sec. State

☐ Incorrect Fee ☐ Invalid ☐ PD

Description:
(V) PROPOSED VARIATION TO CONDITION 4 OF CONSENT 37193 TO ALLOW CONTINUED SALE OF HOT FOOD FOR CONSUMPTION OFF THE PREMISES

Location: THE RED ROSE 58 HEADLEY ROAD

Parish: WOODLEY Ward: Bulmershe 6.6.2000

Applicant: MR UDDIN

Fee Received 95-00 Required ..... Additional ..... Refund .....

Enforcement Section (S) to be notified ☐ tick if required

Additional information required for validation

		Reason	Requested	Received
1	1:2500 OS location plan showing property edged in blue/red			
2	1:500 block plan showing existing & proposed dev. + adj. Properties			
3	Forms unsigned			
4	Correct S 66 certificate			
5	Elevation plans			
6	Floor plans			
7	Metric scale disclaimer			
8	Encroachment letter			
9	Miscellaneous			

APPLN NO. _____

ACTION REQUIRED BY DEVELOPMENT CONTROL

Conservation Area .....

Listed Building 1 2 2*

Advertisement Required .....

Date Site Notice Sent : 6.6.2000 Parish Council Informed - YES / NO

INTERNAL CONSULTATIONS

Building Control	NF: .....
Landscape	NK: .....
Trees	NK: .....
Conservation Officer	NK: .....
Environmental Health	NA: ✓
Housing	NA: .....
Leisure & Cultural services	PA: .....
Public Rights of Way	PA: .....
Property	NG: .....
District Secretary (only if called in by SOS)	MA: .....
Policy & Plans	QA: .....
Strategic Planning (JSPU)	HA: .....
Minerals (BABTIE)	GA: .....
Archaeological Site (BABTIE)	: .....
Education	AP: .....
Social Services	BT: .....
Highways	XA: ✓

EXTERNAL CONSULTATIONS

Adjacent D P A	: .....
Adjacent Parish	: .....
Southern Electricity Board	BN: .....
British Gas	BM: .....
PSA Oil Pipeline	BD: .....
Transco	: .....
Environment Agency	BP: .....
Rail Track	BI: .....
Police Arch. Liaison Officer	PC: .....

HERITAGE BODIES

The Georgian Group	KC: .....
Ancient Monuments Society	KA: .....
Council for British Arch.	KB: .....
RCHME	KF: .....
Telecommunications (NRPB)	: .....
Sport England	: .....

OTHERS:

No pre-apps

NEIGHBOURS: S/N + 4, 8, 10, 12, 14, 18 + 20 Caldbeck Drive

48, 50, 62, 70, 77, 80, 82, 87, 101, 2 Headley Road.

109, 113, 117, 119, 121 + 125

52, 54 + 56

97 + 99

23.MAY2000* 1580

MELVILLE & CO

EST. 1962

RESIDENTIAL, COMMERCIAL & INDUSTRIAL SURVEYORS, VALUERS & ESTATE AGENTS

37-39 Walton Road, East Molesey, Surrey KT8 0DH Tel: (020)-8941 6988 Fax: (020)-8941 0659

Our Ref: DDZ/DJF

22nd May, 2000

The District Planning Officer,
Wokingham District Council,
Planning Department,
PO Box No. 157,
Council Offices,
Shute End,
Wokingham,
Berks., RG40 1WR.

Dear Sir,

Re: The Red Rose, 58 Headley Road, Woodley
The Continued relaxation of Condition 4 of Planning Consent No. 37193 to allow the sale of hot food for consumption off the premises

I enclose the following documents comprising the planning application:

1. 6 copies of Parts 1 and 2 of the application forms.
2. Certificate A under Section 66 of the Act.
3. 6 copies of Plan 1/JAC being a location plan.
4. 6 copies of Plan 2/JAC being a site plan showing the car parking arrangements.
5. This letter to explain and support the proposal.

This application is to renew the permission to use the premises for a take away hot food service on a permanent basis and is made following the permission granted last year for a limited period of one year.

The service has operated since the consent was granted and we understand that this has been without any complaints having been made to the applicant owner or to your authority.

In accordance with a condition attached to the consent two litter bins were provided and we are advised that very little litter is deposited in them, but the applicant will continue to maintain them if so requested.

Yours faithfully,

D.D.Zabban, ARICS
For and on behalf of Melville & Co.

Partners: C W Smart FRICS C C Ledger FNAEA

BSI REGISTERED FIRM NATIONAL ACCREDITATION OF CERTIFICATION BODIES

CERTIFICATE No. FS 36067

1933

(3)

ADDRESS 58 HEADLEY ROAD **PARISH** WOODLEY

PLOT No. Old Property. **ORD. SHEET No.** SU7673(4

BUILDER

Plan No.	Applicant	Description of Development	Date of Decision	Dec
97/65515/V	Mr. M. Uddin	VAR. COND. 4 on App. 37193	14.4.98	
98/67857/V	"	allow Takeaway fac. for Rest.	21.10.98	
99/70072/F				
C/67857/03	M. Uddin Esq.	Comply with cond. 03 of 98/67857/V for app. of litter bins.	5/10/99.	
99/70072/F	"	S/SH/R. Restaurant - kitchen + storage space + ext. staircase	25/11/99	

MINISTRY DECISION 67857/V - APPEAL ALLOWED - 21/7/99

SPECIAL ORDERS

① ~~WAVERLEY STORES~~ ~~MEMORIES OF INDIA RESTAURANT~~ (THE RED ROSE) E

ADDRESS 58 HEADLEY ROAD PARISH WOODLEY

PLOT No. Old Property ORD. SHEET No. SU. 7673(

BUILDER

Plan No.	Applicant	Description of Development	Date of Decision	Decision
R/158/58	Mr. E. J. Cruoop	Storage Building	11.11.58	App. A
A/15/59	W.D. & H.O. Wills Ltd.	Advertisement sign	9.9.59	N/A. Ref
R/344/64	Mr. G. Thatcher	Extn. to Shop & Addits.	15.4.65	App. Cl
R/207/65	Mr. J. L. Wood	Ch. of Use from Shop to licensed Betting Office	5.8.65	N/A. A
R/224/67	"	Ch. of Use of First Floor Flat to offices.	6.7.67	N/A. Ref
R/184/69	"	Additions to 1st Floor living accomod. at Rear	12.6.69	App. Cl
A/19/70	J. Wood (Racing) Ltd	illuminated fascia panel	29-10-70	N/A - C
1215/71	Mr J. L. Wood	Two Storey Addit's	25-11-71	App - A
05942	WOODLEY MOTOR COMPANY	BETTING SHOP TO RETAIL SHOP	17.3.77	N/A C
37193	"	RETAIL (A1) TO RESTAURANT (A3)	17.4.91	C/A

DATE OF COMPLETION

MINISTRY DECISION

SPECIAL ORDERS

DRAINAGE

② ADDRESS 58 HEADLEY ROAD PARISH WOODLEY

PLOT No. ORD. SHEET No. SU. 7673(

BUILDER

Plan No.	Applicant	Description of Development	Date of Decision	Decisio
38203 APPEAL	T. HIAM	ILL. FASCIA SIGN	20.9.91	Re
38204	"	NEW SHOPFRONT	07-9.91	C
38205 APPEAL	"	RELAX. COND. 4 ON 37193 (TAKE-AWAY MOT FOOD)	14.11.91	R
42612	"	VAR. COND 4 ON 37193 TAKE AWAY USE	19.5.94	R
43801	MEMORIES OF INDIA	RESTAURANT TO RESTAURANT WITH HOME DELIVERY SERVICE	16.2.95	1.3. T C/A DELIV SER
96/63586/F	"	C/O/USE PERM. HOME DELIVERY SERVICE IN CONN. WITH E. RESTAURANT	26.9.96	C

DATE OF COMPLETION

MINISTRY DECISION 38203 - APPEAL ALLOWED - 29.6.92 38205 - APPEAL DISMISSED -

SPECIAL ORDERS

DRAINAGE

091074

1769a

WOKINGHAM DISTRICT COUNCIL
PLANNING APPLICATION

PART 1

APPLICATION FOR PERMISSION TO CARRY OUT DEVELOPMENT - TOWN AND COUNTRY PLANNING ACTS

Please answer **ALL QUESTIONS** in **BLOCK LETTERS**. If a question is not applicable, answer **N/A** in space. Please submit **SIX** copies of this form and plans to:-

THE DISTRICT PLANNING OFFICER
WOKINGHAM DISTRICT COUNCIL
PLANNING DEPARTMENT
P O Box No. 157
COUNCIL OFFICES
SHUTE END
WOKINGHAM
BERKSHIRE, RG40 1WR

FOR OFFICE USE ONLY

23.MAY2000* 1580

1.	APPLICANT'S NAME	MR. M. UDDIN
	ADDRESS	The Red Rose, 58 Headley Road, Woodley, Reading, Berks.
	POST CODE	RG5 4JE PHONE
2. If the applicant has an agent, all correspondence will be sent to the agent	AGENT'S NAME	MELVILLE & CO.
	ADDRESS	37/39 Walton Road, East Molesey, Surrey
	POST CODE	KT8 0DH PHONE 020 8941 6988
3. On the plans show the SITE outlined in RED Show also OTHER land in the applicant's ownership or control in BLUE.	SITE LOCATION	58 Headley Road, Woodley, Reading, Berks.
4. WHAT IS THE APPLICATION FOR ? Give brief details and state for what purpose this site and any buildings will be used.		Relaxation of condition 4 of planning consent No. 37/93 to allow the sale of hot food for consumption off the premises on a permanent basis.
5. Give the area in hectares or part of a hectare	AREA OF SITE	0.06 hectares
6. State the applicant's interest in the land e.g. owner, prospective purchaser, lessee	OWNERSHIP	Owner
7. List all the plans and drawings submitted with the application	PLANS/DRAWINGS	F2163 Plan 1/JAC & Plan 2/JAC

8. DOES THE APPLICATION INVOLVE ANY OF THE FOLLOWING ? No
Tick the boxes(x)

CHANGE OF USE	☐	REDEVELOPMENT	☐
ERECTION OF NEW BUILDING	☐	ALTERATION or EXTENSION	☐

9. WHAT TYPE OF APPLICATION IS THIS ? Tick one box only

OUTLINE PERMISSION	☐	See question 10
FULL PERMISSION	X	
APPROVAL OF DETAILS/RESERVED MATTERS	☐	State relevant outline permission number Also complete Question 10
TEMPORARY PERMISSION	☐	State period required
RELAXATION OF CONDITIONS	X	State relevant application number Conditions to be relaxed

10. IF THIS IS AN OUTLINE APPLICATION OR AN APPROVAL OF RESERVED MATTERS, which details, if any, do you wish to be considered as part of this application ?

		SITING	☐
EXTERNAL APPEARANCE	☐	DESIGN	☐
MEANS OF ACCESS	☐	LANDSCAPING	☐

11. WHAT IS THE EXISTING USE OF THE LAND AND/OR BUILDING(S) e.g. residential, industrial, etc. If the site is vacant say so, and also state its previous use and when that ceased.

A3 Use as a restaurant with home delivery and take away service.

12. DOES A PUBLIC RIGHT OF WAY CROSS OR ABUT THE SITE OR THE PROPOSED ACCESS? YES/NO — If yes, show existing route(s) and any proposed alternatives on the plans

13. ARE THERE ANY TREES ON THE SITE? IF YES, ARE ANY TO BE FELLED? YES/NO — If yes, please show their positions, spread and species on the plans and which, if any, are to be felled.

14. STATE EXTERNAL MATERIALS TO BE USED.

Not applicable.

15. HOW WILL THE SITE BE ENCLOSED? Say whether walls, fences or hedges, and give height, colour and materials. If the site is divided into plots, say how each is to be enclosed.

No changesproposed.

16. HOW WILL SURFACE WATER BE DISPOSED OF?

As presently arranged.

17. HOW WILL FOUL SEWAGE BE DISPOSED OF?

To existing system YES/NO

If no, please give details

18. WHAT ARE THE ACCESS ARRANGEMENTS?
AS EXISTING
AS PROPOSED
Give details of pedestrian and vehicular access

As existing - no alteration.

19. HAS PROVISION BEEN MADE FOR THE DISABLED? See notes for applicants

Existing ramped access to main entrance.

20. IF THIS PROPOSAL INVOLVES RESIDENTIAL DEVELOPMENT OR THE LOSS OF RESIDENTIAL UNITS, COMPLETE THE FOLLOWING TABLE

	No. OF DWELLINGS/HABITABLE ROOMS PROPOSED	TO BE RETAINED	TO BE LOST
HOUSE	/ *	/ *	/ *
BUNGALOW	/ *	/ *	/ *
FLAT/MAISONETTE	/ *	/ *	/ *
OTHER	/ *	/ *	/ *

* STATE No. OF HABITABLE ROOMS

21. DOES THE PROPOSAL INVOLVE ANY NON-RESIDENTIAL BUILDING OR USE? YES/NO — If YES, complete Part 2 of the form

22. DOES THE PROPOSAL INVOLVE THE WINNING, WORKING OR PROCESSING OF MINERALS: THE DISPOSAL OF MINERAL WASTE, OR THE DEPOSIT OR PROCESSING OF REFUSE AND WASTE MATERIALS? YES/NO — If YES, please ask for and complete Part 3 of the form

23. STATE THE FEE ENCLOSED WITH THIS APPLICATION
The current scale of fees is enclosed. If you believe a reduced fee or no fee is payable, say why.

£95

I hereby apply for permission in respect of the particulars described above and in the attached plans and drawings. If planning permission is granted, the development must be carried out strictly in accordance with the approved plans. Failure to do so could result in enforcement action being taken. Permission under the Town & Country Planning Acts does not obviate the possible need to apply for Building Regulations approval.

SIGNED [signature] ON BEHALF OF Mr. M. Uddin DATE 22/5/00

Before submitting the application check that it is complete, that all questions have been answered and that the site boundary and the new work are clearly edged in red on the plans. Every application must be accompanied by the appropriate certificate and fee. See "NOTES TO HELP APPLICANTS".

1769c

PLANNING APPLICATION

PART 2

This part of the form need only be completed if the application involves non-residential development. Please answer all questions in print or block letters. If the answer is not applicable, write N/A in the space. You may wish to amplify your answers in a covering letter.

24. STATE THE GROSS FLOOR SPACE (by external measurement) OF ALL BUILDINGS TO WHICH THIS APPLICATION REFERS.
Please give all floor areas in SQUARE METRES.

	USE CLASS	Existing floor space		Proposed additional floorspace created by	
		Retained in existing use	Lost by change of use or demolition	New building	Change of use
A1	SHOPS				
A2	FINANCIAL AND PROFESSIONAL SERVICES				
A3	FOOD AND DRINK	216m²			
B1(a)	OFFICE (other than A2)				
B1 (b)	RESEARCH AND DEVELOPMENT				
B1 (c)	LIGHT INDUSTRIAL				
	GENERAL INDUSTRIAL				
B3-7	SPECIAL INDUSTRIAL				
B8	STORAGE OR DISTRIBUTION				
C1	HOTELS AND HOSTELS				
C2	RESIDENTIAL INSTITUTIONS				
D1	NON-RESIDENTIAL INSTITUTIONS				
D2	ASSEMBLY AND LEISURE				
OTHER	Please Specify				
OTHER	Please Specify				
	TOTAL	216m²			

25. IF C1 OR C2 USE IS PROPOSED, PLEASE STATE NUMBER OF BED SPACES

Not applicable.

WHAT PROVISION IS BEING MADE FOR PARKING?

NB In addition 12 parking spaces available for evening use under licence.

	Cars	Lorries
Existing	18	
Proposed		

27. DESCRIBE THE ACTIVITY OR PROCESSES TO BE CARRIED ON
Please provide details of any equipment, plant or machinery to be installed and any end products. You may wish to amplify your answers in a covering letter.

Restaurant, take away hot food service and home delivery service.

28. WHO WILL OCCUPY THE PREMISES?
a) Give the name and current operating address of the proposed occupier
b) Will these premises be vacated?

Owner

29. IF KNOWN, HOW MANY PEOPLE ARE LIKELY TO BE EMPLOYED ON SITE AFTER COMPLETION OF THE DEVELOPMENT?

No new staff to be employed.

Existing Staff	Transferred Staff	New Staff	Total

30. DOES THE PROPOSAL INVOLVE THE USE OR STORAGE OF ANY OF THE HAZARDOUS SUBSTANCES LISTED IN THE NOTES?
If so, state this material, the quantity and method of storage.

No

Before submitting the application check that it is complete, that all questions have been answered and that the site boundary and the new work are clearly edged in red on the plans. Every application must be accompanied by the appropriate certificate and fee. See "NOTES TO HELP APPLICANTS".

1769d

YOUR PLANNING APPLICATION

WHY DO YOU NEED TO MAKE A PLANNING APPLICATION ?

New buildings, major alterations and enlargement of existing buildings, and many changes in the use of buildings and land need planning permission.
The Town and Country Planning Acts impose a duty on Local Authorities to control these changes, and this means that a balance has to be found between the need and pressure for change, and the desire to protect the character of settlements and the countryside.
The merits of each application are, therefore, carefully examined.

WHAT ELSE MAY YOU HAVE TO DO ?

Listed Building Consent:	for works to a Listed Building; or for demolition works on land within the curtilage of a Listed Building or within a Conservation Area.
Advertisement Consent:	for the display of advertisements or signs
Building Regulation Approval:	for most new building or construction work.

Special forms are available for these types of applications.

You should also check whether there are any other regulations with which you may need to comply.

WHAT HAPPENS TO THE APPLICATION ?

It will first be checked to see if it is complete and if it is, it will be registered.

Consultations will be carried out with public and other bodies, such as the Highway Authority, or Local Parish Councils.

Publicity may be given to allow local people the opportunity to comment on your proposals.

The application will be considered in relation to the Council's planning policies and guidelines, the past history of decisions on that site or in the locality, other standards (such as parking, or visibility at road junctions), and any other material considerations.

The site will be visited by a Planning Officer You may be asked to submit more information, or to amend your application.

The application will then be considered either by a Planning Committee or Sub Committee (made up of Councillors) or by the Chief Officer responsible for planning matters. Objections to an application will be taken into consideration by the Committee or the Chief Officer.

Shortly after the application has been determined, you will receive a Decision Notice.

HOW LONG WILL IT TAKE ?

An application will generally be determined within eight weeks although a longer period may sometimes be required for a complicated application.

WHAT SORT OF DECISION CAN BE MADE ?

Your application may be approved.

Your application may be approved subject to certain conditions. These could impose restictions on the use of land or buildings, or require further details to be approved at a later stage, (e.g. materials or landscaping).
You may appeal against the conditions, but this opens the entire permission to review by the Secretary of State.

Your application may be refused. The reason will be listed on the Decision Notice.

WHAT HAPPENS IF THE APPLICATION IS REFUSED ?

You have the right to appeal against the refusal to the Secretary of State, but you have to do that within six months. Appeals can be dealt with by written representations by both sides, or by a Public Inquiry.
You may ask the Planning Officer whether an amended application would be more likely to receive planning permission.

DATA PROTECTION ACT 1984

'Information contained in this form is likely to be personal data within the terms of the Data Protection Act 1984, and as such will be held by the Council on computer (such as the PLANAPS applications processing system) and may be used by the Council only for purposes registered under the terms of the Data Protection Act.'

1789/a

SECTION 66 CERTIFICATE

Application No. 23.MAY2003* 1580

Please fill in both Certificate A, B, C or D *and* the Agricultural Holdings Certificate. Delete sections not relevant.

(a) "Owner" means a person having a freehold interest or leasehold interest the unexpired term of which is not less than 7 years.

OR

+ See Note (a) to Certificate A

OR

(b) Insert description of steps taken.

(c) Name of local newspaper circulating in the area where the land is situated.

(d) Date of publication (which must be not earlier than the beginning of the period of 21 days ending with the date of the application).

CERTIFICATE A

I certify that:

at the beginning of the period of 21 days ending with the date of the accompanying application, nobody, except the applicant, was the owner of (a) of any part of the land to which the application relates.

CERTIFICATE B

I certify that:

I have/The applicant has* given the required notice to everyone else who, at the beginning of the period of 21 days ending with the date of the accompanying application was the owner (a) of any part of the land to which the application relates, as listed below.

Owner's(a) name	Address at which notice was served	Date on which notice was served

CERTIFICATE C

I certify that

- I/The applicant* cannot issued a certificate in accordance with either paragraph (a) or paragraph (b) of Section 66(1) of the Act in respect of the accompanying application.

- I have/The applicant has* given the required notice to the persons specified below, being persons who at the beginning of the period of 21 days ending with the date of the application were owners (a) of any part of the land to which the application relates.

Owner's(a) name	Address at which notice was served	Date on which notice was served

- I have/The applicant has* taken all reasonable steps open to me/him/her* to find out the names and addresses of the other owners (a) of the land, or of a part of it, but have/has* been unable to do so. These steps were as follows:

  (b) .....

  .....

- Notice of the application as attached to this Certificate, has been published in the (c) .....

  on (d) .....

1789/b

CERTIFICATE D

I certify that

● I/The applicant cannot issue a certificate in accordance with paragraph (a) of Section 66 of the Act in respect of the accompanying application.

OR

● I/The applicant have/has taken all reasonable steps open to me/him/her to find out the names and addresses of everyone else who, at the beginning of the period of 21 days beginning with the date of application was the owner (a) of any part of the land to which the application relates, but have/has been unable to do so. These steps were as follows:

(b) . . . . . .

. . . . . .

(b) Insert description of steps taken

(c) Insert name of local newspaper circulating in the area where the land is situated.

(d) Insert date of publication (which must not be earlier than the beginning of the period of 21 days ending with the date of the application).

● Notice of the application as attached to this Certificate, has been published in the (c) . . . . . .

on (d) . . . . . .

ALL APPLICANTS MUST COMPLETE THIS SECTION

If any of the site is part of an area of land which is let or there is an agreement to let the land for agricultural purposes to a tenant, it may be an agricultural holding. Further advice may be obtained from the Department.

Agricultural Holdings Certificate

One or other section must be crossed through as not applicable.

If the applicant is the sole agricultural tenant he or she must delete the first alternative and insert "not applicable" as the information required by the second alternative.

● None of the land to which the application relates is, or is part of, an agricultural holding.

OR

● I have/The applicant has given the required notice to every person other than my/him/herself who, at the beginning of the period of 21 days ending with the date of the application, was a tenant of an agricultural holding on all or part of the land to which the application relates, as follows:

Tenant's name	Address at which notice was served	Date on which notice was served

Signed . . . . . .

On behalf of . . . M. UDDIN . . . . . .

Date . . . 22/5/00 . . . . . .

TOWN AND COUNTRY PLANNING ACT, 1990
TOWN & COUNTRY PLANNING GENERAL DEVELOPMENT ORDER 1988
Certificate under Section 66

Ordnance Survey®

Superplan

23.MAY2000* 1581 Planning Extract - 1

Site-centred



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RED ROSE OF WOODLEY

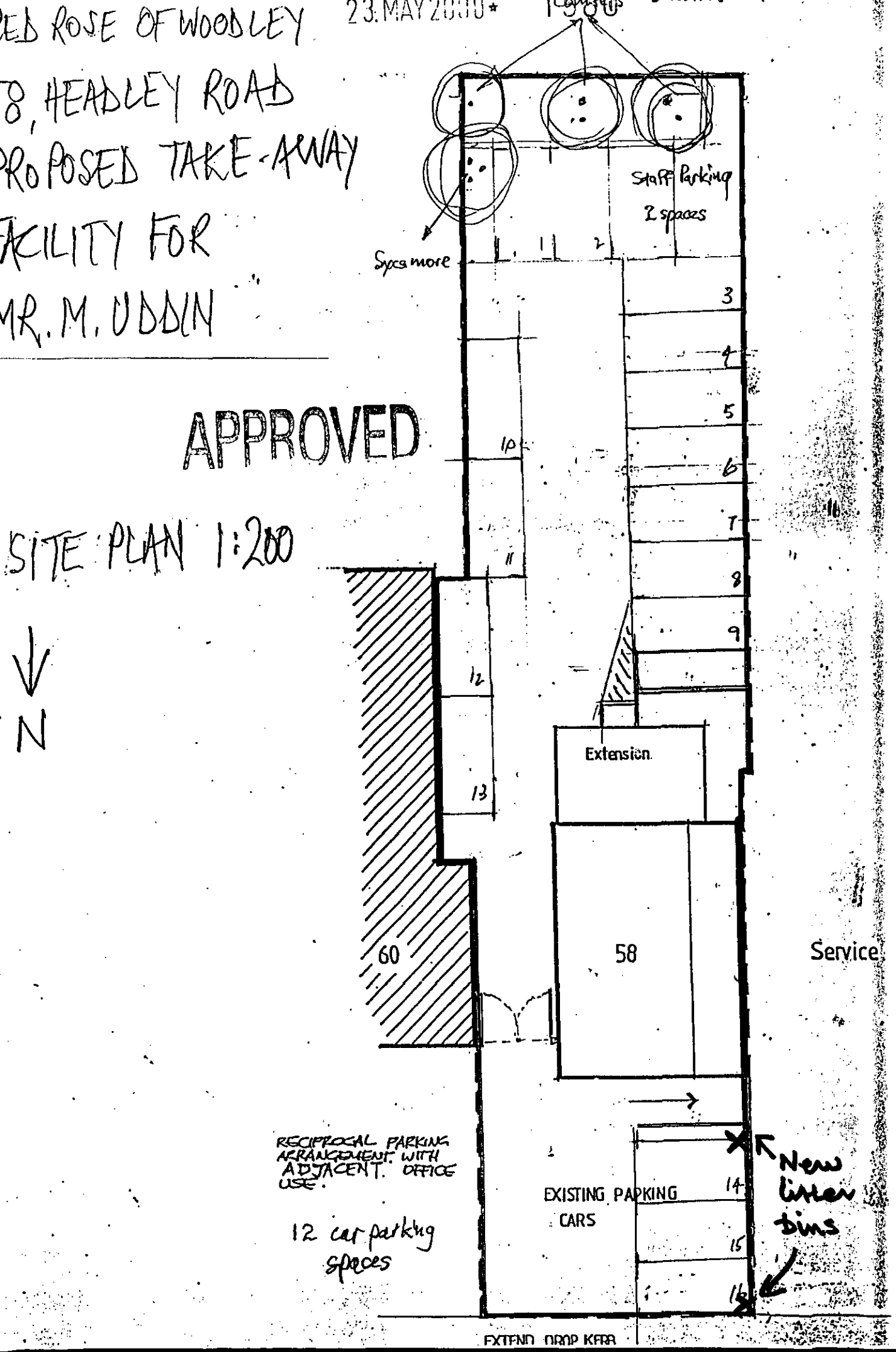
58, HEADLEY ROAD

PROPOSED TAKE-AWAY FACILITY FOR MR. M. UDDIN

23 MAY 2000*

APPROVED

SITE PLAN 1:200



23 MAY 2000* 1520



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30 May 2000

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