

**TOWN AND COUNTRY PLANNING ACT 1990
PLANNING AND COMPENSATION ACT 1991
THE TOWN & COUNTRY PLANNING
(DEVELOPMENT MANAGEMENT PROCEDURE) (ENGLAND) ORDER 2015**

**APPLICATION TO VARY/REMOVE CONDITION UNDER SECTION 73 OF THE TOWN
AND COUNTRY PLANNING ACT 1990**

To: Collins & Coward
22 Post Office Road
Broomfield
Chelmsford
CM1 7AD

Application No: 230993
Application type: Variation of Condition

Applicant: Wendys Restaurants of the UK Limited

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

Proposal: Change of use of the ground floor and part of lower ground floor from A2 financial and professional services to a mixed-use A3 / A5 restaurant / take away use and associated works including external ventilation louvre to station road elevation without complying with condition 8 of planning permission 200845 to extend the permitted opening hours from 06:30-00:00 on Mondays to Saturdays and 06:30 - 23:30 on Sundays and Bank Holidays to 06:30-00:00 on Mondays to Wednesdays and 06:30 - 02:00 on Thursdays to Saturdays and 06:30-23:30 on Sundays and Bank Holidays

At: 1 Station Road Reading RG1 1LG

Subject to such conditions and for such reasons as may be attached

**OTHER STATUTORY CONSENTS MAY BE REQUIRED
PLEASE READ THE NOTES ISSUED WITH THIS DECISION NOTICE**

Date: 14 November 2023



SDV

Assistant Director of Planning, Transport and
Public Protection Services

Application At: 1 Station Road Reading RG1 1LG

Application No: 230993

Application type: Variation of Condition

CONDITIONS & REASONS

1. Condition 1 of the original planning permission (3 years for implementation - Ref 200845/FUL) is no longer relevant, as the permission has already begun.

2. The development hereby permitted shall ONLY be carried out in accordance with the following approved plans and information:

Drawing No:

A0.100 Rev A - Site Plan

A0.200 Rev A - Ground Floor General Arrangement Plan

A1.01 Rev C - Basement General Arrangement Plan Proposed

A0.300 Rev B - Shopfront Elevations Proposed

Received 19th June 2020

A1.15 Rev B - GA Plan Rendered

URB-483d-FN2 dated 16/06/20 - Litter Strategy

URB-483d-FN1 dated 16/06/20 - Refuse and Recycling Collections

Odour Risk Assessment and Management Plan: QSR Restaurant, 1 Station Road, Reading prepared by Air Quality Consultants dated May 2020

Report 15834-NIA-01 - Noise Impact Assessment prepared on 29 May 2020 by Clement Acoustics

38mm pitch louvres (pages 2 and 3)

Received 17th September 2020

REASON: For the avoidance of doubt and to ensure that the development is carried out and adhered to in accordance with the application form and associated details hereby approved.

3. The development shall not be carried out except in accordance with Report 15834-NIA-01 -Noise Impact Assessment prepared on 29 May 2020 by Clement Acoustics at all times.

REASON: To safeguard the amenities of the adjoining premises and the area generally, in accordance with Policy CC8 and EN17 of the Reading Borough Local Plan 2019.

4. The development shall not be carried out except in accordance with Odour Risk Assessment and Management Plan: QSR Restaurant, 1 Station Road, Reading prepared by Air Quality Consultants dated May 2020.

REASON: To safeguard the amenity of adjoining properties and to protect the general

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environment in accordance with Policy CC8 of the Reading Borough Local Plan 2019.

5. The proposed louvre on Station Road shall be carried out in accordance with the submitted details.

REASON: In order that the special architectural and historic interest of this Locally Listed Building is safeguarded in accordance with Policy EN1 and EN4 of the Reading Borough Local Plan 2019.

6. The proposed development shall be carried out in accordance with the submitted refuse and recycling details.

REASON: In the interests of general amenity, to ensure convenience of arrangements for refuse and recycling storage and collection and to ensure that no obstruction is caused on the adjoining highway, in the interest of highway safety and in accordance with Policy CC7 of the Reading Local Plan 2019.

7. The development shall be carried out in accordance with the submitted litter Strategy at all times.

REASON: To safeguard the amenities of the adjoining premises and the area generally, in accordance with Policy CC7 and EN16 of the Reading Borough Local Plan 2019.

Varied Condition

8. The premises shall not be used by members of the public outside the hours of 06:30 to 00:00 on Mondays to Wednesdays and 06:30-02:00 on Thursdays to Saturdays and 06:30 to 23:30 on Sundays and bank holidays.

REASON: In order to protect local residents from unreasonable disturbance arising from the use in accordance with Policy CC7 and CC8 of the Reading Borough Local Plan 2019.

9. Notwithstanding the provisions of Class 12 of Schedule 3 of the Town and Country Planning (Control of Advertisements) Regulations 2007 (as amended), the ground floor unit hereby approved shall retain 'active window displays' along the length of the Friar Street and Station Road frontages, without the installation of window vinyls, roller shutters, or similar.

REASON: In the interests of retaining a vibrant and attractive streetscene, in line with Policy CC7 and CR7 of the Reading Borough Local Plan 2019.

New Condition

10. The use shall not be carried on between 11.30 and 06.30 on Thursdays to Saturdays until a detailed scheme for protecting the dwellings above from noise emissions from the commercial use hereby approved and informed by an assessment of the likely noise emissions from the approved commercial use, has been submitted to and approved in writing by the Local Planning Authority. The scheme itself shall be designed, specified and constructed so that the sound insulation performance of the separating

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floor/ceiling between the uses achieves a minimum airborne sound insulation performance of greater than or equal to 55 dB (Dntw +Ctr) and ensures that the noise levels within the property do not exceed the values specified in BS8233:2014 with appropriate penalties and adjustments for the character of the noise. The scheme shall make suitable provision for insulation from structure borne noise.

Thereafter, the use shall not be carried out other than fully in accordance with the approved scheme which shall be completed before any part of the use is carried out between 11.30 and 06.30 on Thursdays to Saturdays and shall be retained and maintained as such at all times thereafter.

REASON: In order to safeguard the amenity of occupiers of the residential accommodation in accordance with Policies CC8 and EN16 of the Reading Borough Local Plan 2019.

INFORMATIVES

1. Your attention is drawn to the terms and conditions of this permission. Any development which is carried out but which differs materially from the approved plans and details, or does not comply with any condition(s) or planning obligation(s) attached to the permission may result in the Council taking action to remedy the breach of planning control. If you are in any doubt please contact the Council.

2. Your attention is drawn to the requirement for submission of a Building Regulations application for the proposed development. Please contact Building Control on 0118 937 2449 for advice.

3. Complaints are commonly received about noise and dust caused by construction and demolition works, particularly working outside reasonable hours and smoke from bonfires associated with the burning of waste on site. The developer is reminded that construction and demolition associated with the approved development will be subject to environmental health law.

4. During the course of construction, the developer should take care to ensure that no part of this development (foundations, eaves, guttering, etc.) would encroach on, under or across the boundary line with the adjoining property, as the requisite Notice has not been served on the owner of that property. This permission does not confer any right of access onto land that is not under the developer's control. The developer should also be mindful of the obligations and requirements of the Party Wall Act (1996) details of which can be found at:

<https://www.gov.uk/guidance/party-wall-etc-act-1996-guidance>

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5. The applicant is reminded of the requirement for separate advertisement consent from the Local Planning Authority before any external signage is put in place.
6. This approval does not imply or give favour to the proposal being acceptable from a licensing perspective as venue licensing is considered under separate legislative requirements and in accordance with the Council's licensing policies and objectives. As such, any application for licensing will be considered on its own merits.
7. The Local Planning Authority has worked positively and proactively with the applicant to resolve relevant matters to allow permission to be granted within the prescribed target or agreed extended timescale for the decision to be issued.

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NOTES

APPEALS TO THE SECRETARY OF STATE

If you are aggrieved by the decision of the Council to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990.

If this is a decision on a planning application relating to the same or substantially the same land and development as is already the subject of an enforcement notice, if you want to appeal against the Council's decision on the application you must do so within 28 days of the date of this notice.

If an enforcement notice is served relating to the same or substantially the same land and development as in your application and you want to appeal against the Council's decision on your application, you must do so within 28 days of the date of service of the enforcement notice, or within 6 months (or 12 weeks in the case of a householder appeal) of the date of this notice, whichever period expires earlier.

If the above circumstances do not apply, any appeal must be made within the following time limits.

If this is a householder application and you want to appeal against the Council's decision then you must do so within 12 weeks of the date of this notice. If this is an advertisement application and you want to appeal against your local planning authority's decision then you must do so within 8 weeks of the date of this notice. If you want to appeal against your local planning authority's decision for any other type of application (which is not a householder or advertisement application, or an application for a Certificate of Lawfulness) then you must do so within 6 months of the date of this notice.

Appeals can be made online at: <https://www.gov.uk/planning-inspectorate>.

If you are unable to access the online appeal form, please contact the Planning Inspectorate to obtain a paper copy of the appeal form on tel: 0303 444 5000.

The Secretary of State can allow a longer period for giving notice of an appeal but will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.

The Secretary of State need not consider an appeal if it seems to the Secretary of State that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.

If you intend to submit an appeal that you would like examined by inquiry then you must notify the Local Planning Authority and Planning Inspectorate (inquiryappeals@planninginspectorate.gov.uk) at least 10 days before submitting the appeal. Further details are on GOV.UK.

Purchase Notices

If either the Local Planning Authority or the Secretary of State refuses permission to develop land or grants it subject to conditions, the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted. In these circumstances, the owner may serve a purchase notice on the Council in whose area the land is situated. This notice will require the Council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.