

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

APPLICATION FOR FULL PLANNING PERMISSION

To: Chart Plan (2004) Ltd
Flat 21 High Cedars
20 Wray Park Road
Reigate
Surrey
RH2 0DD

Application No: 220637
Application type: Full Planning Approval

Applicant: Cube Real Estate Ltd

READING BOROUGH COUNCIL as Local Planning Authority **REFUSE** planning permission for the following development.

Proposal: Proposed development a Drive-Through restaurant (Use Class E (a,b) and Sui Generis Hot Food Take Away, Car Parking, enhanced landscaping and Access Arrangements

At: Scours Lane Tilehurst Reading

For the attached reasons

PLEASE READ THE NOTES ISSUED WITH THIS DECISION NOTICE

Date: 8 September 2022



SDV

Assistant Director of Planning, Transport and
Public Protection Services

Application At: Scours Lane Tilehurst Reading

Application No: 220637

Application type: Full Planning Approval

REASONS FOR REFUSAL

1. The proposed development would result in the loss of undesignated open space that has not been previously developed and which currently makes a positive contribution to the character, appearance and environmental quality of the area due to its openness, undeveloped character and green vegetated appearance. As such the proposed development would be harmful to the character and appearance of the area contrary to Policies CC7 (Design and the Public Realm) and EN8 (Undesignated Open Space) of the Reading Borough Local Plan (2019). Further, the application site includes the junction of two Green Links, as per Policy EN12 and the development will, by virtue of its location and the nature of the development, fragment these links. The proposal will therefore not maintain, protect, consolidate, extend or enhance the green network and is therefore contrary to paragraphs 174 and 175 of the NPPF and policies (Biodiversity and the Green Network) of the Reading Borough Local Plan (2019).

2. The application has failed to demonstrate, via a suitable s106 legal agreement/unilateral undertaking, that the proposed mitigating landscaping and wildlife habitat enhancements as presented in the application would be (capable of being) delivered and thereafter maintained to a suitable standard in order to offset the harm caused to landscaping/trees and to maintain character and appearance of the area to enhance tree coverage and green links. The application would therefore fail to maintain, protect, consolidate, extend or enhance existing habitats by severing and failing to adequately mitigate the harm to two Green Links as designated on the adopted Reading Borough Local Plan Proposals Map, contrary to Local Plan policies CC9 (Securing Infrastructure), EN12 (Biodiversity and the Green Network) and EN14 (Trees, Hedges and Woodlands) and the Council's SPD, 'Planning Obligations under Section 106' (2015).

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INFORMATIVES

1. 1. This application has been considered against the following plans and documents:

Site Location Plan 2483 P00a

Site Block Plan as Existing 2483 208101

Site Block Plan as Proposed 2483 208150

Ground Floor Plan as Proposed 2483 208151

Ground Floor Plan as Proposed 2483 208150

Elevations as Proposed 2483 208250

Sections as Proposed 2483 208350

Landscape Cross Sections QD784-301

Cellular Tree Protection System QD784-303

Well being Space QD788-200

Seating Area Layout QD788-201

Tree Survey Report by Quartet Design dated January 2022 Arboricultural Impact

Assessment/Arboricultural Method Statement Green Link Planting Principles QD784-307

Wider Green Link Corridor QD784-306

Green Link Ecological Enhancements GD784_305 Rev A

Landscaping Masterplan GD784-300 Received 6th August 2022

Transport Statement dated September 2021

Energy Strategy Statement Rev 01

Noise Impact Assessment January 2022

Flood Risk Assessment dated September 2021

Design and Access Statement dated April 2022

Air Quality Assessment dated February 2022

Odour Risk Assessment dated February 2022

Retail Sequential Test Assessment dated June 2021

Planning Statement dated April 2022

Community Statement Received 29th April 2022

2. If otherwise approving, it should be noted that the liable for costs associated with seeking and providing a Traffic Regulation Order (TRO) in respect of altering parking restrictions on Scours Lane and with relocating the lamp column and litter/recycling bins.

3. The Local Planning Authority has been positive and proactive in dealing with this planning application by officers providing advice to the applicant with their concerns for the application to provide the opportunity to withdraw. This opportunity was not taken up, hence the issuing of this decision notice.

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4. It is advised that reason for refusal 2 above could potentially be overcome by entering into a suitable s106 agreement/unilateral undertaking.

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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.