

**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: Just Burger
89 Coventry Road
Reading
RG1 3ND

Application No: 200893
Application type: Full Planning Approval

Applicant: Just Burger

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

Proposal: Change of use of part of car park (Sui Generis) to hot food takeaway (Burger van A5)

At: 261 London Road Reading

For the attached reasons

PLEASE READ THE NOTES ISSUED WITH THIS DECISION NOTICE

Date: 18 December 2020



Head of Planning, Development & Regulatory Services *RE*

Application At: 261 London Road Reading

Application No: 200893

Application type: Full Planning Approval

REASONS FOR REFUSAL

1. The siting of the burger van in its current/proposed position and the change of use of the land has resulted/would result in dangerous movements on the A4 London Road (a 'Red Route') to the detriment of pedestrian and cycle safety and the free flow of traffic. The proposal would attract trips and traffic movements into an unsuitable area also conflicting with traffic movements from the unauthorised car wash site adjacent. For the above reasons the proposal is harmful in terms of safety on the local highway network contrary to Policy TR3 (Access, Traffic and Highway-Related Matters of the Reading Borough Local Plan (2019)).

2. The application has been submitted with a noise report and an odour assessment, however, there are deficiencies with both of these studies. These reports have therefore failed to demonstrate the proposal's suitability in terms of the amenities of the nearest affected residential properties. Furthermore, the adjacent car wash site is an allocated housing site in the adopted local plan (ref. ER1i). For reasons of failure to demonstrate that the proposal will not cause harm to the amenities of the present or potential residential amenities, the proposal is contrary to Policy CC8 (Safeguarding Amenity) of the Reading Borough Local Plan (2019).

INFORMATIVES

1. This application has been determined on the basis of the plans which were received by the Local Planning Authority on 26 June 2020.

2. This planning application was submitted without the benefit of pre application advice which is advisable to avoid the unnecessary refusal of planning applications. The local planning authority has been positive and proactive in seeking to engage with the applicant advising a withdrawal of the application within a requested time frame but no such notification has been received hence this decision of refusal of planning permission.

Date: 18 December 2020



Head of Planning, Development & Regulatory Services *RE*

Date: 18 December 2020



Head of Planning, Development & Regulatory Services *RE*

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.