

August 2017

PLANNING STATEMENT

SCOURS/DA

Rev -

**Submission for Planning Permission for the
Installation of a temporary unit for the cooking and selling of hot food**
(Planning Use Class A5 Hot Food Takeaways - For the sale of hot food for consumption off
the premises)

At

**Barry's Burgers
Scours Lane
Reading
RG30 6YD**

1.0 Existing Site

1.1 The Site

The site is a section of tarmacked verge along the east side of Scours Lane that is edged by railings facing the commercial units and nothing to the path along Scours Lane.

The council originally had a concrete hard standing at one end of the site and in agreement with the council and at his cost the applicant extended this with a tarmacked area for the current pitch to be accommodated.

Following this work the council installed anti vehicle barrier around the plot.



Site from the air



Detailed Aerial Photo of the site

The site as indicated on the attached drawings and above is in the ownership of the applicant.

1.2 The site use

Currently the site is used for a burger van/trailer during the day and a kebab van during the night see accompanying drawings.

The burger van/trailer can operate Monday to Friday and on Saturday Mornings.



View from Oxford Road of the existing van on site



Existing van on site showing anti vehicle barrier around the plot



Proposed position of the new unit from Scours Lane



Proposed position of the new unit looking towards the Oxford Road

1.3 The Applicant

The applicant runs the burger van and has an ongoing yearly renewable licence with Reading Borough Council. He has run the van for 20+ years and took over from a previous operator on the site.

The applicant runs a range of local businesses employing local people in the catering field and is a member of the Oxford Road Traders Association.

2.0 Proposed works

2.1 Temporary Planning permission

The applicant is submitting an application for a temporary planning permission for a new portakabin type unit serving take away food and drink (A5) that will remain on site 7 days a week but only be operated in accordance with the approved licence from Reading Borough Council.

It is assumed that the application would be for a temporary permission as the applicant does not own the land and would aim to extend the existing licence to 5 years so that it ran parallel to the temporary planning permission.

2.2 The Portakabin building

The new unit would be temporary and would enable the applicant to do the following;

- Provide an improved working environment for his employees
- Provide a wider range of food and drink (abed potatoes, sandwiches, coffee etc)
- Provide healthier food (salads etc)
- Provide a better "first Impression" of the Oxford Road as the Scours Lane Roundabout is the western gateway to the Oxford Road.

The new unit will be as shown on the attached drawings. It will have a foot print of 5084mm long by 2900mm wide and 2573mm high and have a takeaway hatch facing Scours Lane and an access door at the end.

The applicant is proposing that the unit also has a fold down 500mm high signboard with the businesses name etc on and an extendable canopy that will fold back into the unit when the unit is not in use. Neither of these items will be illuminated.

The applicant is proposing that the external faces are finished in graphics/materials advertising his food outlet and providing it visual appeal similar to the one below.



Similar unit to the unit proposed

The new unit will not offer any additional services nor facilities than at present.

2.3 Waste Management

The waste management for the new unit will be like for like for the existing unit as it will not be providing any additional services. Currently the applicant removes all rubbish and waste daily as he removes his trailer from the pitch most evenings.

2.4 Traffic/Transport

The current burger van facilities are operated in accordance with the licence issued by RBC. It provides hot food and beverages to walk up customers. These customers either park up in the areas of Scours Lane that has no double yellow lines on it or walk from neighbouring properties and businesses.

The new unit would be providing the same service as at present with no eat in capacity and as there are no issues with traffic and parking in the area due to the existing service then we would propose it was a like for like assessment by the council.

2.5 Welfare/Services

The welfare for the new unit will be as the existing with food and hand washing facilities etc within the unit but as there is no connection to a foul waste system for toilet facilities etc which will be provided in the neighbouring offices retail units though an established agreement and as set out in the current operating licence. The RBC's licencing department are currently happy with this set up.

The existing electricity supply is via key meter into a board in the van. In the new unit it will be a "permanent" connection. Water is currently a local store with in the burger van and the new unit will have a local tank supply in accordance with the relevant health and safety regulations. Gas for cooking is provided via gas bottles located on the trailer. The proposed unit will have external bottles within a security gage to prevent theft etc)

2.6 The site

The site will remain as it is other than the new temporary unit being moved to the northern end of the site closer to the parking bays and further away from the junction of Scours Lane and the Oxford Road.

As the enclosed drawings show the existing Kebab Van pitch will remain unaltered by the proposed new unit.

4.0 Planning/Council

- 4.1 The applicant originally had been in contact with RBC's licencing department who are positive about the change to a temporary static unit on the site.
- 4.2 The applicant has spoken to the local councillor (Mr Tony-Page) who has stated his support for the proposed unit.
- 4.3 The applicant has been in contact with the Local MP Alok Shama who has stated his support for the proposed unit.
- 4.4 There is no planning history on the site.
- 4.5 The applicant sort pre Application Advice see below.

5.0 Pre Application Advice

- 5.1 A Pre Application Advice Submission was made to RBC in 2016 in regard to the proposed unit and a temporary Planning Permission it. Their responses are attached to the application and the issues raised are listed below.

- 5.2 Environmental Health

Environmental Protection raised no objection but advised that cooking odour could be a significant problem.

Therefore the new unit will have an Activated Charcoal Filters system installed in the extract duct to filter out most of the cooking smell. The system will be designed in accordance with guidance set out in Defra Guidance on the Control of Odour and Noise from Commercial Kitchen Exhaust Systems (January 2005).

We request that the approval of the system be included as a condition on an approval to ensure that there is adequate time to work with Environmental Health to agree a suitable system for the location and use.

- 5.3 Ecology

Ecology raised no objection

5.4 Trees

Trees raised no objections in principal but gave advice with regard to the proposed permanent electrical connection. Any new trenching for services which may be required to support the new unit would need to be routed outside of the root protection areas of any trees on or adjacent to the site.

It is noted that there are no trees on or adjacent (within 15m) to the site see below. But if any trenching is required near to existing trees then it will be routed so to avoid trees.



Aerial view of site with locatoion of unit marked in red.

5.5 Transport

Transport did not submit a formal consultation response, but the planner did note that it was unlikely that there would be support for a permanent structure on the highway unless there was a mechanism to charge the applicant for the land use.

As noted in the application this application is for temporary unit with a temporary permission not a permanent application for a permanent structure.

5.6 Relevant Policies

The Pre App response set out the following;

The following local and national planning policy and guidance is relevant to this application: Reading Borough Core Strategy (January 2008) CS7: Design and the Public Realm CS11: Use of Employment Land for Alternative Uses

Sites and Detailed Policies Document (October 2012) DM4: Safeguarding Amenity DM12: Access, Traffic and Highway-Related Matters DM13: Vitality and Viability of Smaller Centres DM19: Air Quality DM22: Advertisements Town and Country Planning (General Permitted Development) (England) Order 2015 Schedule 2, Part 4 – Temporary buildings and uses

5.7 Appraisal

The council's response considered the following main issues;

Principle of a permanent A5 use in this location

Impact on highway

Design and impact on the character of the area

Impact on neighbour

5.8 Principle of a permanent A5 use in this location

Firstly, policy CS11 seeks to protect Core Employment Areas by resisting the loss of employment land to alternative uses, and while the floor area involved in this proposal is small the proposed use would still be in breach of this policy.

In addition policy DM13 seeks to direct and concentrate retail and associated uses, like A5 outlets, to established retail areas to enable those areas to remain active and viable. The policy explains that "retail, leisure and culture development outside designated centres will only be allowed in those exceptional circumstances".

There might be a case to support the hot food service provided by the temporary kiosks to the local workforce in the employment area. However, once granted planning permission the A5 unit will establish the retail use here and there would be little justification to resist a more permanent building or to remove the permitted development rights to change from an A5 use to other retail uses within the same use class.

Therefore, while the continued presence of the mobile units on the site can be accepted a permanent planning permission would not be supported as it would be contrary to policies because the location is inappropriate for a permanent A5 use.

In the councils response the land on which the proposed unit would be located is designated as Public Highway and is currently used as hard standing from which hot food is sold from 2 vans. It is our assumption that as this is the case it is not "employment land" and therefore would not be in breach of the policy and in fact would ensure that for a temporary period of time the land would generate some employment through its use as an A5 unit.

As noted policy DM13 seeks to established retail areas to enable them to remain active and viable. The use of the current plot for over 20 years has shown that there is a need an A5 type unit in this location to both the local workers and residents as well and that the continued viability of the local A5 outlets (as on Reading Retail Park) will not be affected. The proposed unit would only operate within the existing approved opening hours and that these could be enforced by including a condition on an approval restricting the type of food and hours of operation of the unit.

We believe that the council's concern regarding that granting a temporary approval would *"establish the retail use here and there would be little justification to resist a more permanent building or to remove the permitted development rights to change from an A5 use to other retail uses within the same use class"* can be addressed by including number of conditions to any planning approval that would;

- Require the temporary building to be removed at the end of the temporary approved period
- That the unit can only be used for a set number of weeks a year, for a set number of hours a day and days a week.
- That the approval for a temporary building would not include any permitted development rights.

It is also our understanding that this planning application should be judged on the issues and impacts that it causes at this moment in time and for the duration of the temporary approval. Also that a temporary planning permission would not lead to a "more permanent" building as the planning department would deal with that application on a different set of criteria and at a different time.

5.9 Impact on highway

The existing use by mobile hot food trailers has long been established. It is noted that the Planning Statement identifies most of the patrons to the existing mobile trailer as travelling by foot. However it is recognised that due to the location of the site adjacent to a main radial corridor, a number of the patrons will be car borne trade who require short stay parking. Though the nature of the business is not proposed to change, there are a number of issues that should be addressed.

The development will only be permitted if it would not have a material detrimental impact on the functioning of the transport network, and the safety of its users including pedestrians and cyclists.

Specified in DM12 of the Sites and Detailed Policies Document, it is imperative that proposals will not interfere with the free flow of traffic on the highway and pose no risk to the safety of people using that road. The Planning Statement states that the car borne trade currently tends to park on Scours Lane as there is no designated parking for the unit. During busy periods it is considered that this could lead to patrons choosing to park for short periods in inappropriate locations which can be detrimental to road safety. The Oxford Road/Scours Lane junction is busy with commercial traffic and pedestrians and lies close enough to the heavily used Norcot Road roundabout to sometimes affect the flow of that interchange when traffic is queuing to turn right into Scours Lane or right from Scours Lane to head west. If Planning Permission were to be granted for the proposal, it would need to be demonstrated through traffic surveys that there permanent use would not lead to increases in on-street parking and that there would not be inconvenience or danger to users of the highway as a result of additional stopping and manoeuvring of vehicles.

As noted by the transport comments the use, scale and location of the proposed unit does not change from what is existing and we propose that therefore there would be not *"would not lead to increases in on-street parking and that there would not be inconvenience or danger to users of the highway as a result of additional stopping and manoeuvring of vehicles"*.

As noted the majority of the patrons using the existing unit and we would expect the proposed unit will travel on foot to it but we would suggest that conditions be placed on approval that restricts the times the unit can open (to avoid prolonging the existing opening hours and any potential impact that would have on traffic) and that prior to any start on site of the construct works a transport study is undertaken and approved by RBC to show that no increase in on street parking is created.

It is the applicants and other residents views that parking in the area is not affected by his presence but by the lack of parking restrictions in the area that can lead to people parking in the area for the day whilst at work or for articulated lorries etc parking up for rest periods and on occasions articulated trailers being left for a number of days awaiting pick up. The applicant would fully support a change to the parking restrictions in the scours lane area where parking is time limited which would help address the transport officer's concerns about parking etc and addrees the increasing parking issues in the area that are not of this applications cause.

5.10 Design and impact on the character of the area

Establishments whose primary business is for the sale of hot food and consumption off the premises fall within Use Class A5. While recognising that the site has been in use by fast food outlets for over 20 years and as such the proposal will not significantly change the character of the area, as explained above, a permanent use with associated paraphernalia would not be acceptable in this location as it would set a precedent for other similar facilities and for the unit to be made bigger.

The enquiry provided little specific detail on the design of the proposed unit. The assumption is made that the proposed design and materials used would not be

obtrusive and would remain in keeping with the existing styles. However, should the applicant intend to display an illuminated advert of any kind, separate advertisement consent may be required. This should accord with DM22 of the Sites and Detailed Policies Document.

The planners accept in the above that a temporary approval for the unit within use Class A5 *"will not significantly change the character of the area"* which we understand means that it will have no impact on the character of the area and is therefore acceptable.

It is noted that the application has the support of many local people, local business, local councillors and the local MP, who all believe that it will make a significant improvement of the "first Impression" of Reading and the Oxford Road.

The council's concerns about *"a permanent use with associated paraphernalia would not be acceptable in this location as it would set a precedent for other similar facilities and for the unit to be made bigger"* we believe should not affect this application for a temporary application as every application is judged on its own merits against the legislation and guidance applicable on the date of application. Also as noted this application is for a Temporary Planning Permission only and should be assessed in accordance with this.

The proposed unit will not include any illuminated advert of any kind as its hours of operation are restricted.

5.11 Impact on neighbour

DM4 of the Sites and Detailed Policies Document states that one of the key concerns of planning is to ensure that new development does not reduce the quality of the environment for others. The proposed development site lies within an Air Quality Management Area around Oxford Road; a main radial transport corridor extending from central Reading. DM19 of the Sites and Detailed Policies Document states that it is essential that any new development within Reading avoids creating unacceptably poor levels of air quality.

The development should not cause harm to living conditions as a result of noise or smells. Provision should be made to effectively disperse odours and fumes via an appropriate extraction system. Natural ventilation is considered insufficient. An assessment of likely odours and a statement of how odour nuisance will be prevented should be provided if a planning application is submitted.

A further consideration with regard to the impact of the proposal on neighbours pertains to levels of litter and disposal of waste. Areas continually degraded by litter can have a detrimental effect on local amenity. The Clean Neighbourhoods and Environment Act 2005 enables a 'Street Litter Control Notice' to be applied, whereby businesses have to ensure that steps are taken to reduce litter and clear up any litter generated as a result of their commercial activity. Additionally, space must be provided on site to store all refuse containers associated with the use in a secure and screened

area. This mitigates the potential for harm to visual amenity and the risk posed to public health. Should an application for planning permission be made, the provision of storage should be demonstrated.

The applicant will install an extract system that as previously noted that will have an Activated Charcoal Filters system installed in the extract duct to filter out most of the cooking smell. The system will be designed in accordance with guidance set out in Defra Guidance on the Control of Odour and Noise from Commercial Kitchen Exhaust Systems (January 2005).

We request that the approval of the system be included as a condition on an approval to ensure that there is adequate time to work with Environmental Health to agree a suitable system for the location and use. It is noted that the level of any potential smells and affect on the local residents and environment will be no different to that that exists at present from the burger van which the council are happy with and that has had no objections too. The site for the temporary unit is remote from the neighbouring buildings both commercial (20m plus) and residential (50m plus) and its impact on its neighbours will be minimal.

In terms of litter and refuse the proposed unit will continue the current system of removing all waste and rubbish at the end of the day to prevent it becoming a nuisance and an issue to public health and we would hope that this can be conditioned as part of the application.

There is provision shown on the plans for secure waste storage as part of the application for the storage of waste produced during the day.

5.12 Further Comments from RBC

There could be problems in the future if we concede a temporary permission unless a very sound argument could be made for it. As planning permission runs with the land we cannot allow on the basis of the current operators track record so we would need something else that gave the comfort that we were not agreeing the principle of the use here. What if the kebab man wanted a permanent store?

As noted we believe that this application should be judged on its merits not against what may happen in the future. The applicant is the owner of the plot of land and the permission would remain with land he owns like any other planning permission. As he owns the plot he would not allow the kebab van to make a permanent store. Again it is noted that this application is not for a permanent store.

6.0 Conclusion

- 6.1 We trust that the above illustrates what the applicant is proposing to do and the rationale behind it.
- 6.2 We believe that we have presented a sound case for a temporary permission to be granted for an established use on existing site for a small scale local business man which has the backing of both the local residents and businesses as well as the local councillor (Tony Page) and MP (Alok Shama).