

DELEGATED APPLICATION REPORT

SITE ADDRESS: Leander Service Station, 182-184 Henley Road, Caversham

APPLICATION NUMBER: 230023/VAR

PROPOSAL: Demolition of existing building and erection of a new filling station complete with forecourt canopy and new tanks. Conversion of the site to post-payment self-service operation without complying with condition 8 (hours of operation of petrol filling station) of planning permission (83/TP/829) to allow unrestricted opening hours for a temporary 6 month period.

Site Location and Proposal

The application site is a 'BP' petrol filling station (PFS) on the north side of the A4155 Henley Road, near its junction with Lower Henley Road. The character of the area is predominantly residential on either side of the Henley Road although there is a pub, The Traveller Rest on the West side of the 'BP' filling station.

The proposal is to increase the PFS's hours of operation. Operating hours have been controlled and restricted to the original hours of opening from 7am to 10pm daily and for the kiosk to be open only when the petrol filling station is open, as granted in the original planning permission for the PFS in 1984. However, since the 1980s, the number of filling stations in the Borough/town has reduced and in principle, there are clear public advantages in longer hours at those which remain. The premises has been granted previous temporary permissions to trial a 6 month 24 hours in order to fully assess any detrimental impact on the amenity of surrounding residential properties.

The applicant has been unable to provide sufficient evidence that the petrol station has been open throughout the whole of the 'temporary permitted periods'. As a result it has not been possible to fully assess the impact of unrestricted operational hours on the local residential area. Any subsequent requests for a permanent change of hours have been recommended for refusal or withdrawn.

The applicant has requested a third and final chance at being able to prove that removing the restrictions on opening hours will not result in harm to surrounding residential amenity and to have a last chance; for another temporary proposal for a 6 month 24 hour operation for use of the 2 internal fuel pumps with an overnight pay window. The Local Authority has requested evidence and additional information to demonstrate the premises has been operating in accordance with its permitted hours over a 3 month period before considering any additional temporary planning application variations to opening hours.

Temporary variations to planning applications would normally only be given one chance for the temporary permission to be assessed.

Under section 72 of the Town and Country Planning Act 1990 the local planning authority may grant planning permission for a specified temporary period only.

Circumstances where a temporary permission may be appropriate include where a trial run is needed in order to assess the effect of the development on the area or where it is expected that the planning circumstances will change in a particular way at the end of that period.

It will rarely be justifiable to grant a second temporary permission (except in cases where changing circumstances provide a clear rationale, such as temporary classrooms and other school facilities). Further permissions can normally be granted permanently or refused if there is clear justification for doing so. There is no presumption that a temporary grant of planning permission will then be granted permanently.

Planning Application summary relating to operating hours

83/TP/829 Granted the original planning permission with operating hours of 7am to 10pm.

171151/VAR Granted a variation of opening hours following grant of permission (83/TP/829) to allow 24 hour use for a temporary period of one year. Decision issued 27/09/2017 *First temporary period of one year*

181928/VAR Granted a variation of opening hours following grant of planning permission (83/TP/829), to allow 24 hour use for a temporary period of six months from 1st April 2019 to 30th September 2019. Decision issued 13/03/2019 *Second temporary period of six months*

RELEVANT POLICIES AND SUPPLEMENTARY PLANNING GUIDANCE

Legal and Planning Policy Context

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that proposals be determined in accordance with the development plan unless material considerations indicate otherwise. Material considerations include relevant policies in the National Planning Policy framework (NPPF) - among them the 'presumption in favour of sustainable development'. However the NPPF does not change the statutory status of the development plan as the starting point for decision making (NPPF paragraph 12). In this regard, the NPPF states that due weight should be given to the adopted policies of the Reading Local Plan 2019, according to their degree of consistency with the NPPF (the closer the policies in the plan to the policies in the NPPF, the greater the weight that may be given). The Council's adopted Supplementary Planning Guidance and Supplementary Planning Documents are also material planning considerations.

Accordingly, the National Planning Policy Framework and the following development plan policies and supplementary planning guidance are relevant:

National Planning Policy Framework (NPPF, 2021)

- 6. Building a strong, competitive economy
- 9. Promoting sustainable transport

PPG guidance on use of temporary planning permissions

<https://www.gov.uk/guidance/use-of-planning-conditions>

Reading Borough Council Local Plan 2019

CC1: Presumption in Favour of Sustainable Development

CC8: Safeguarding Amenity

EN15: Air Quality

EN16: Pollution and Water Resources

EN17: Noise Generating Equipment

TR1: Achieving the Transport Strategy

TR3: Access, Traffic and Highway-Related Matters

SPD/SPG

Revised Parking Standards and Design

Plans and documentation submitted

AA/MFG/22932-02/PS/03.2023 Planning statement Adcock Associates, MFG, Leander

AA/MFG/22932-02/MP/03.2023 MFG Management procedures for 24 hour trading

MFG Leander transactional data 20 March 2023

Copy of 83/TP/829 Decision notice

Copy of 171151 Decision notice

Copy of 181928 Decision notice

Copy of 191254 Decision notice – Refusal

As received 04/04/2023

Day end report overview till receipts, employee signed statement of truth stating the hours which have been worked, opening hours signage, security camera footage of opening and closing and photos.

As received 21/02/2023

PA01a Location and 24 hour forecourt plan, 07/06/2022

As received 10/01/2023

Bever Innovations V2.1, 22/06/2023 Leander service station lighting

As received 27/06/2023

P23-148-R01v2 Assessment of noise impact from proposed 24 hour forecourt trading at MFG Leander Lomis Service Station, Hepworth Acoustics, July 2023

As received 14/07/2023

CONSULTATION RESPONSES

RBC Transport Strategy: No objections. The existing entry and exit points from Henley Road are to be retained. There are no transport grounds for objection as there is no impact/change on the parking arrangements.

RBC Environmental Protection: Environmental Protection were concerned regarding the potential disturbance for local residents from customers using the filling station for the extended hours. The noise assessment only provides a prediction of the likely impact of noise by comparing the measured noise from during the day to the background noise level at night. Conditions on the usage, lighting, public access, deliveries, services, specific pumps and ancillary sales during the extended hours

would help to address EHO concerns. Future noise assessments conducted at the end of the 6 month period should include:

- 1 Measurements of noise coming out of the petrol station during the night is required to demonstrate whether an impact during the night is acceptable over the trial period
- 2 It is not clear whether the background noise measurement for night time carried out when the receptor location was unaffected by noise from the petrol station being open.
- 3 The assessment of noise at night and its comparison with background noise level is showing that the levels are acceptable at the nearest receptor as they are approximately equal to background levels, this is acceptable for activity type noise. However, there have been corrections made to the noise level to spread it over a 15 minute time period. The noise level at the receptor during a visit to the petrol station and use of the pump has not been confirmed. BS4142 suggests a 15 minute assessment period, however, for this type of event noise where the noise could potentially wake someone up it becomes less appropriate to correct if over a longer time period if the noise is intermittent.

RBC Licensing Team: Licensing have no objections to the premises operating as applied for as a petrol station. There would be concerns if their future plans involved 24hr sales of alcohol, however, that would be addressed through the licensing system.

Public consultation:

Letters were sent to:

Henley Road: 102, 177, 179, 186, Traveller's Rest PH

Marlow Court

Upper Woodcote Road 153

A site notice was displayed at the site for the required consultation period..

Objections have been received from CADRA (Caversham and District Residents' Association) and local residents. In summary:

- 24 hour opening would have a negative impact on the residential area Other provision is available nearby.
- It would result in increased overnight noise, including noise from the tannoy system and lighting levels, the forecourt shines light during existing opening hours affecting rooms at the front of the property. If 24-hour is permitted, we urge this to be pay at pump only and the shop closed, as a shop can create additional disturbance.
- Concern in an increase in out of hours fuel deliveries. Whether there is a demand for the additional business that would override the potential disruption to residents in the immediate area. Documents refer to sustainable growth however there is no provision for EV charging stations. Provision of multiple EV chargers would be encouraged to meet Reading Council and government climate change targets.

PLANNING HISTORY:

83/TP/829: Demolition of existing buildings and erection of a new filling station complete with forecourt canopy and new tanks. Condition of the site to post-payment self-service operation. PERMISSION 9/3/84 and implemented.
161288/FUL: External refurbishment and extension of shop. PERMISSION 19/12/16. Not implemented.
170001/VAR Application for removal or variation of a condition following grant of planning permission. (161288). S73 PERMISSION 13/3/17. <i>For change of external building materials</i>
171151/VAR Application for variation of condition 8 (Opening Hours) following grant of planning permission. (83/TP/829) Permitted on 25/09/2017. <i>This first 'temporary' unrestricted opening hours permission was not implemented in full, as although the PFS was operating for longer hours, it was not operating for the full hours applied for.</i>
180900/VAR Variation application to allow the petrol filling station to be permanently open 24 hours a day (application for variation of condition 8 (Opening Hours) following grant of planning permission (83/TP/829), to allow 24 hour use for a temporary period of one year, without complying with Condition 1 (temporary one year permission) of planning permission 171151). Withdrawn
181928/VAR Application for variation of condition 8 (Opening Hours) following grant of planning permission (83/TP/829), to allow 24 hour use for a temporary period of six months from 1st April 2019 to 30th September 2019. Permitted 13/03/2019 <i>Second temporary permission for unrestricted opening hours</i>
191254/VAR Application for variation of condition 8 (Opening Hours) following grant of planning permission (83/TP/829), to allow permanent 24 hour use. Refused 27/11/2019 <i>Insufficient evidence provided and failure to demonstrate that a permanent 24 hour use would not result in a detrimental impact on local residential amenity</i>
220836 Demolition of existing building and erection of a new filling station complete with forecourt canopy and new tanks. Conversion of the site to post-payment self-service operation without complying with condition 8 (hours of operation of petrol filling station) of planning permission (83/TP/829) to allow unrestricted opening hours Withdrawn
221842 Creation of a charging zone, erection of EV chargers, erection of canopy, substation enclosure, and associated forecourt works. Permitted 26/05/2023

SUMMARY OF DISCUSSIONS WITH APPLICANT/AGENT (pro-active approach to the application)

Previous discussions have been undertaken with the applicant to explain that multiple variations to existing conditions would only be considered in extenuating circumstances and that evidence would be required to prove that the premises was adhering to its permitted hours of opening, over a 3 month period, in order to validate the application. Further information has been sought regarding alternative pay at pump provision and the use of the proposed new and recently approved EV charging zone and altered car washing area under application 221842, lighting at the site and the need for an updated noise assessment. The applicant has requested flexibility on the dates that the 6 month

period starts and ends to enable sufficient preparation to ensure that the premises can prove that it will be open for a full 'temporary' period.

APPRAISAL

It is considered that there are obvious societal advantages for 24 hour operation, so this is in principle acceptable (cf. Policy CC1), providing that neighbour amenity is demonstrably able to be maintained. The Local Authority has suggested that additional evidence and information be submitted in order for a third and final 'temporary' change to be considered. This planning application for a third 6 month trial period via a temporary s73 has been submitted and it is considered to be useful to test impact on neighbour amenity/amenity of the wider area.

The previous variation permission application 171151 was granted in order for the applicant to justify that the premises was open for the additional hours and there would not be any detrimental impact in terms of noise and disturbance to the local area. However, it became clear to the LPA that that permission was not fully implemented.

Planning application 181928 was granted by the LPA for a further 6 month period in order to allow the applicant to provide sufficient evidence that the premises has remained open with no impact on neighbour amenity. Planning application 191254 was refused in November 2019 due to a failure to provide sufficient evidence that the premises had been open for the duration of the previous 6 month period.

Following discussions with the applicant regarding a request for extenuating circumstances, the LPA suggested the following information be submitted for any additional application for a 6 month period of 24 hour opening hours:

- The petrol station (Pumps 3 and 4) ceases 24 hour trading for a period of 3 months and the premises will open in accordance with the approved opening hours.
- During that time, official data is collated to prove that the site is complying with the original opening hours.
- After the 3 months have passed, a fresh application is submitted for temporary 24 hr use for 6 months
- If temporary permission approved, the 24 hr trading re-commences for 6 months and the same data is collated (as above, but this time will show that it has been trading 24 hrs, again through sales data on company headed documents, statutory declarations, photos).

Sufficient information has been submitted to evidence that the premises has been operating in accordance with existing permitted opening hours over a 3 month period in order to evidence the difference of amended hours. Therefore it is deemed appropriate for final re-test of the suitability of extended hours for a further temporary 6 month period.

A six month period is considered a sufficient period in which to monitor the impact of unrestricted hours on surrounding residential amenity. As confirmed to the agent, during this temporary period, the applicant would have a duty to provide evidence that the premises had opened for the entire duration and consistently over the 24 hour extended hours trading period. Concerns relating to a potential detrimental impact on neighbours' amenity, would have to be mitigated, with a responsibility on the applicant to demonstrate the impact of any amended opening hours. Previously it has been unclear whether the number of complaints received has been reduced by the premises not consistently trading during a 24 hour period for the full term, which would reduce the potential for adverse effects on local amenity. All the concerns relating to noise and disturbance resulting from neighbour consultations above would be taken into consideration for any future applications for any permanent changes in opening hours.

In order for the proposal to be considered acceptable the following conditions are recommended:

During the extended opening hours, business should only be conducted between 22:00 and 07:00 from the 'night pay window'.

Clear signage should notify the public of the temporarily extended opening hours.

The proposed continuous 6 month period of extended 24 hour opening will need to be implemented within the next 3 years in order to prevent an accumulation of unimplemented planning permissions. At the end of the 6 month period the use of the site shall revert to that permitted under planning permission 83/TP/829, with restricted opening hours). An informative will be added for the applicant to advise the local authority in writing and to display a notice at the site to advise the commencement and completion dates of the temporary 6 month period of unrestricted opening.

As this would be a temporary variation permission for application 83/TP/829, any decision would need to adjust the original planning conditions and add new ones, as relevant. This is summarised below.

Condition 83/TP/829	Details	Comment
1.	Permission to commence in five years	Complied with. No longer required. New limit of 3 years required to implement temporary permission.
2.	Development to be carried out before occupation	Complied with. No longer required.
3.	Retention of a vehicular accessway to the Traveller's Rest PH at	Purpose of this condition is unclear, but sounds like it was to retain access to what is now Marlow Court, which is accessed off All Hallows Road.

		No longer required.
4.	The consent hereby granted does not relate to any advertisements or external illumination or lighting and all such proposals will require advertisement consent.	Lighting of the site looks to be long established. No longer required.
5.	No part of the site shall be used for the display of motor vehicles. No part of the application site shall be used for the display, sale or repairs to motor vehicles. Reason: in order for the Local Planning Authority to maintain control of the use of the site, in order to minimise the impact on the amenities of surrounding residential properties. Policies: EN16, EN17, CC8.	No commentary from the applicant on this condition and condition still valid. Reapply condition, updated
6.	No retail sales shall take place, other than ancillary to the PFS. New wording proposed below: .	Still relevant to the operation of a PFS. Reapply condition, wording to be updated.
7.	'Diesel oil shall be sold from the site only into light motor vehicles under the forecourt canopy'.	The definition of light motor vehicles is not clear and the condition no longer precise. Presumably, it is to make sure that larger vehicles are not fuelled around the site edge, causing neighbour disturbance. Given length of hoses, this is probably not an issue. Condition does not appear to be required.
8.	'The petrol filling station shall operate only between the hours of 7am and 10pm daily and the night pay window [shall] be open only when the petrol filling is open'.	Condition which is the subject of this application.
9.	Submission and completion of landscaping scheme.	Landscaping at the site is basic, but no reason to assume this condition was not complied with. No longer required.
10.	Submission and completion of means of enclosure.	Site is enclosed by mixture of walls and fences, all are

		satisfactory. No reason to assume this condition was not complied with. Not required at this point.
11.	Submission of samples of materials before commencement of development.	Materials are satisfactory. No reason to assume this condition was not complied with. No longer required.
230023		
AMENDED 1	The development to allow unrestricted opening hours for a temporary 6 month period hereby permitted at Leander service station, 182-184 Henley Road, shall begin no later than three years from the date of this planning permission. For the avoidance of doubt, on cessation of this planning permission, the use of the site shall revert to that permitted under planning permission 83/TP/829. REASON: In pursuance of Section 91 of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004) in order to prevent an accumulation of unimplemented planning permissions and in the interests of clarity and to ensure that the Local Planning Authority maintains control of the site, in the interests of the local amenities of the area. Policies: EN16, EN17, CC8.	For clarity/control. New with specific start and end dates agreed with the agent, to be specified as a condition. Amended dates from 181928
AMENDED 2	The development hereby permitted shall be carried out in accordance with the following approved plans: AA/MFG/22932-02/MP/03.2023 MFG Management procedures for 24 hour trading As received 04/04/2023 PA01a Location and 24 hour	Needed for approved plans. Amended plans from 181928

	forecourt plan, 07/06/2022 As received 10/01/2023 Bever Innovations V2.1, 22/06/2023 Leander service station lighting As received 27/06/2023 P23-148-R01v2 Assessment of noise impact from proposed 24 hour forecourt trading at MFG Leander Londis Service Station, Hepworth Acoustics, July 2023 As received 14 July 2023 Reason: because permission is granted in respect of the development as detailed in the approved plans and documents only	
AMENDED 3	Extended hours as permitted by this variation planning permission shall not take place unless signage submitted to the Local Authority on PA01a Location and 24 hour forecourt plan, 07/06/2022, received by the Local Planning Authority on 10/01/2023 'MFG Keep noise to a minimum' has been erected at the site during the 6 month period of extended hours, advising customers to respect neighbour amenity in the later hours. Policies: CC8.	Signage would appear to be good practice and alerts users to the extended hours at the service station. CCTV is going to be in operation anyway. Wording has been approved to avoid a pre-commencement Condition as stipulated in the previous planning variation application 171151/VAR and 181928/VAR. Amended plan from 181928
AMENDED 4	Lighting levels of the petrol filling station canopy and any illuminated advertising shall at all times comply with the report, 'Leander Service Station' by Bever Innovations V2.1 dated 22/06/2023. Reason: in the interests of the amenities of surrounding residential properties. Policies: CC8	Also used for application 171151/VAR and 181928/VAR. Amended policy from 181928. Same plan submitted as for 181928.
AMENDED 5	Between the hours of 2200hrs-0700hrs, retail and fuel sales shall only take place from the night pay window, with no public access to the shop/kiosk, these locations as shown on plan	No use of shop between 22:00 and 7:00. Amended plan from 181928.

	PA01a Location and 24 hour forecourt plan, 07/06/2022, received by the Local Planning Authority on 10/01/2023. Reason: in the interests of security and order to minimise the impact on the amenities of surrounding residential properties. Policies: EN16, EN17, CC8.	
AMENDED 6	No deliveries to the site shall take place between 2200hrs-0700hrs. Reason: in order to minimise the impact on the amenities of surrounding residential properties. Policies: EN16, EN17, CC8, TR3.	Suggested by applicant. Ties in with other conditions/restrictions. Also used for application 171151/VAR and 181928/VAR. Amended policies from 181928.
AMENDED 7	No use of the air/water service, jet-wash or any vacuum cleaners at the site shall take place between 1900hrs-0700hrs. Reason: in order to minimise the impact on the amenities of surrounding residential properties. Policies: EN16, EN17, CC8.	Jet wash: this appears to be a source of current neighbour concern and the application was not clear on the current/future location of it. A condition on the hours proposed by the applicant for the jet wash are to control an existing facility which is capable of neighbour nuisance. The other activities are capable of similar, although less intrusive harm. EP says 1900hrs and this sounds reasonable. Also used for application 171151/VAR and 181928/VAR. Amended plan from 181928.
AMENDED 8	No use of the southernmost (outer) two pump islands P1 and P2 (as shown on plan PA01a Location and 24 hour forecourt plan, 07/06/2022, received by the Local Planning Authority on 10/01/2023) shall take place between 2200hrs-0700hrs. Reason: in order to minimise the impact on the amenities of surrounding residential properties.	Inner islands only are proposed for the night hours. This seems sensible in terms of the surrounding residential locations, security and generally limiting disturbance. Also used for application 171151/VAR and 181928/VAR. Amended as Pumps P1 and P2 specified and amended plan from 181928

	Policies: EN16, EN17, CC8.	
AMENDED 9	The retail and fuel sales shall only take place from the night pay window, with no public access to the shop/kiosk for any transactions within these hours of 2200hrs-0700hrs (as shown on plan PA01a Location and 24 hour forecourt plan, 07/06/2022, received by the Local Planning Authority on 10/01/2023), and from the shop via the entrance between 0700 and 2200, and shall at all times remain ancillary to the primary function of motor fuel sales. Reason: in order for the Local Planning Authority to maintain control of the use of the site, in order to minimise the impact on the amenities of surrounding residential properties. Policies: EN16, EN17, CC8.	Was point 6 in application 83/TP/829. Amended to No retail sales shall take place, other than ancillary to the PFS. Amended plan from 181928
AMENDED 10	No part of the application site shall be used for the display, sale or repairs to motor vehicles. Reason: in order for the Local Planning Authority to maintain control of the use of the site, in order to minimise the impact on the amenities of surrounding residential properties. Policies: EN16, EN17, CC8.	Amended policy from 181928
~~NEW 11~~	~~No use of the tannoy system to make announcements between the hours of 2100hrs-0900hrs.~~ ~~Reason: in order to minimise the impact on the amenities of surrounding residential properties. Policies: EN16, EN17, CC8~~	~~New due to complaint from neighbour regarding tannoy use and noise levels.~~ Does not meet tests for conditions as the tannoy system is required for health and safety legislation. The noise assessment requires that the volume levels are not adjusted at the kiosk.
NEW	.	
	INFORMATIVES Std informatives, plus Licensing informative and requirement for information for evidence to be provided for any future planning applications and	

	for the local authority to be notified in advance of the temporary 6 month change in opening hours.	
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All conditions and informatives relating to the previous application 171151/VAR and 181928/VAR will also be carried forward and are indicated below. In addition, as discussed this application is restricted to a continuous 6 month period of time that shall be strictly adhered to.

Conditions need to be attached to achieve a positive recommendation. The noise assessment states that the volume control for the tannoy should not be increased from the set level.

It has been advised that no further temporary permissions would be considered at the site and FUL planning permission must now be sought. The applicant will need to demonstrate that temporary extended opening hours would not result in any detrimental impact on the amenity of neighbouring residents, due to the amount of concerns raised. Any future permission would be monitored by council officers. Evidence that the extended hours had been actioned for the entire 6 month period would need to be gathered by the applicant. Any noise or disturbance complaints received regarding the unrestricted opening hours will also be reviewed.

Conditions

1. The development to allow unrestricted opening hours for a temporary 6 month period hereby permitted at Leander service station, 182-184 Henley Road, shall begin no later than three years from the date of this planning permission. For the avoidance of doubt, on cessation of this planning permission, the use of the site shall revert to that permitted under planning permission 83/TP/829.

REASON: In pursuance of Section 91 of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004) in order to prevent an accumulation of unimplemented planning permissions and in the interests of clarity and to ensure that the Local Planning Authority maintains control of the site, in the interests of the local amenities of the area. Policies: EN16, EN17, CC8.

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

AA/MFG/22932-02/MP/03.2023 MFG Management procedures for 24 hour trading
As received 04/04/2023
PA01a Location and 24 hour forecourt plan, 07/06/2022
As received 10/01/2023
Bever Innovations V2.1, 22/06/2023 Leander service station lighting
As received 27/06/2023

P23-148-R01v2 Assessment of noise impact from proposed 24 hour forecourt trading at MFG Leander Londis Service Station, Hepworth Acoustics, July 2023

As received 14/07/2023

Reason: because permission is granted in respect of the development as detailed in the approved plans and documents only

3. Extended hours as permitted by this variation planning permission shall not take place unless signage submitted to the Local Authority on PA01a Location and 24 hour forecourt plan, 07/06/2022, received by the Local Planning Authority on 10/01/2023 'MFG Keep noise to a minimum' has been erected at the site during the 6 month period of extended hours, advising customers to respect neighbour amenity in the later hours.

Policies: CC8

4. Lighting levels of the petrol filling station canopy and any illuminated advertising shall at all times comply with the report, 'Leander Service Station' by Bever Innovations dated V2.1, 22/06/2023.

Reason: in the interests of the amenities of surrounding residential properties. Policies: CC8

5. Between the hours of 2200hrs-0700hrs, retail and fuel sales shall only take place from the night pay window, with no public access to the shop/kiosk, these locations as shown on plan PA01a Location and 24 hour forecourt plan, 07/06/2022, received by the Local Planning Authority on 10/01/2023.

Reason: in the interests of security and order to minimise the impact on the amenities of surrounding residential properties. Policies: EN16, EN17, CC8.

6. No deliveries to the site shall take place between 2200hrs-0700hrs.

Reason: in order to minimise the impact on the amenities of surrounding residential properties. Policies: EN16, EN17, CC8, TR3.

7. No use of the air/water service, jet-wash or any vacuum cleaners at the site shall take place between 1900hrs-0700hrs.

Reason: in order to minimise the impact on the amenities of surrounding residential properties.

Policies: EN16, EN17, CC8.

8. No use of the southernmost (outer) two pump islands P1 and P2 (as shown on plan PA01a Location and 24 hour forecourt plan, 07/06/2022, received by the Local Planning Authority on 10/01/2023) shall take place between 2200hrs-0700hrs. Reason: in order to minimise the impact on the amenities of surrounding residential properties.

Policies: EN16, EN17, CC8.

9. The retail and fuel sales during the temporary 6 month period of unrestricted hours shall at all times remain ancillary to the primary function of motor fuel sales.

Reason: in order for the Local Planning Authority to maintain control of the use of the site, in order to minimise the impact on the amenities of surrounding residential properties. Policies: EN16, EN17, CC8.

10. No part of the application site shall be used for the display, sale or repairs to motor vehicles.

Reason: in order for the Local Planning Authority to maintain control of the use of the site, in order to minimise the impact on the amenities of surrounding residential properties. Policies: EN16, EN17, CC8.

INFORMATIVES

1. Separate requirements under the Licensing Act may apply.
2. 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.
3. 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.
4. Any future planning applications for a permanent extension of opening hours would be required to provide evidence that the premises has remained open for the dates and hours proposed, to provide an updated noise assessment that covers both daytime and evening periods and to provide sales data for the entire period of extended hours to demonstrate the impact on neighbouring properties.
5. Before the temporary planning permission is implemented, the applicant is advised to notify the Local Authority in writing of the commencement and completion dates of the 6 month period. It is also advisable to display a notice on site to advise customers and local residents of the temporary 6 month change in opening hours.

This planning permission would not provide any future indication of whether any future applications would be acceptable. Evidence will need to be collated in relation to the agreed 6 month period to support any future submissions. The exact dates of the 6 month temporary change will need to be clearly demonstrated.

The applicant has agreed to previously accepted standard conditions to be observed and has provided appropriate signage to be displayed as a condition during the proposed extended opening hours.

Most conditions are helpful and suitable to most situations. The application has been unclear about how this s73 application marries up with the 2016 permission for the extension to the PFS shop (kiosk). RBC Licensing clearly have their concerns, but these can be separately controlled under their alcohol licence. It appears that there has been some 'creep' in the operating hours already, but this application should be considered on its own merits.

Planning application for 221842 granted EV charging at the site. The 230023 application plans do not show the proposed works which have yet to be implemented. Any future changes to agreed plans would require a revised planning application. The volume of the tannoy should be kept at levels prescribed by the P23-148-R01v2 noise assessment submitted on 14 July 2023.

Conclusion

In summary, this is considered to be a suitable proposal and with the conditions recommended, the proposal will need to show that it can be compliant with policies for transport (TR1, TR3) and maintaining neighbour amenity (CC8, EN16, EN17) and a variation permission is recommended. Given the possibility that this may still be an unneighbourly adjustment, the six month temporary permission is considered to be appropriate. If complaints persist and were there to be concerns from neighbours within the six months, this would be noted in any later application for permanent permission and such an application could then be resisted.

Equalities Act 2010

In determining this application, the Council is required to have regard to its obligations under the Equality Act 2010. The key equalities protected characteristics include age, disability, gender, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sexual orientation. There is no indication or evidence (including from consultation on the application) that the protected groups have or will have different needs, experiences, issues and priorities in relation to the particular planning application. In terms of the key equalities protected characteristics it is considered there would be no significant adverse impacts as a result of the development.