

**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: Adcock Associates
Elta House
Birmingham Road
Stratford Upon Avon
CV37 0AQ

Application No: 191254
Application type: Variation of Condition

Applicant: Motor Fuel Group

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

Proposal: Application for variation of condition 8 (Opening Hours) following grant of planning permission (83/TP/829), to allow permanent 24 hour use.

At: 182-184 Henley Road Reading Berkshire RG4 5LW

For the attached reasons

PLEASE READ THE NOTES ISSUED WITH THIS DECISION NOTICE

Date: 27 November 2019



Head of Planning, Development & Regulatory Services *RE*

Application At: 182-184 Henley Road Reading Berkshire RG4 5LW

Application No: 191254

Application type: Variation of Condition

REASONS FOR REFUSAL

1. The applicant has not provided sufficient evidence or other information that satisfies the Local Planning Authority that the petrol filling station has in fact, remained open, 24 hours, for a full 6 month trial period (ie. that temporary permission 181928 had been implemented, in whole or in part), in order to assess the impact of the development on the local residents and the amenity of the area. There has therefore been a failure to demonstrate that allowing unrestricted, permanent 24 hour use would not result in unacceptable noise and disturbance to the residential amenities of the nearby area, contrary to Policy CC8 (Safeguarding Amenity) of the Reading Local Plan 2019.

INFORMATIVES

1. The decision relates to the following drawings and documents:

PA-01a LOCATION PLAN AND PUMP/LIGHTING LAYOUT

As received 4 October 2019

PA-01a LOCATION PLAN AND PUMP/LIGHTING LAYOUT - Signage positions

As received 26 September 2019

Quiet noise sign

Keep noise to a minimum sign

Original decision notice 83-TP-829

DDR170831-01 Lighting report ever innovations 31-8-2017

As received 25 September

Staff pay slip dated Jan 2019 for 2 members of staff

Hourly Sales report 12:15 am Sat 17th August to 12:15am Friday, received 20 September 2019

Day end report with sales on 28 August 2019 providing total number of sales made, received on 24 September 2019

2. This planning application was submitted without following clear advice from the local planning authority at the application validation stage, in relation to submitting suitable evidence of the temporary use, in order to justify a permanent planning permission against Government advice for extending temporary planning permissions.

Date: 27 November 2019



Head of Planning, Development & Regulatory Services *RE*

Neither was sufficient information submitted during the course of the application's determination. The Local Planning Authority has been positive and proactive in providing clear and detailed advice, but has been left with no option but to refuse this application for planning permission. Before submitting any further applications, use of the Council's pre-application advice service is advised.

Date: 27 November 2019



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.