



Reading
Borough Council
Working better with you

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

**APPLICATION TO VARY/REMOVE CONDITION UNDER SECTION 73 OF THE TOWN
AND COUNTRY PLANNING ACT 1990**

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

Application No: 181928
Application type: Variation of Condition

Applicant: Motor Fuel Group

READING BOROUGH COUNCIL as Local Planning Authority hereby **GRANT** planning permission for the development as described below:-

Proposal: 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

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

Subject to such conditions and for such reasons as may be attached

**OTHER STATUTORY CONSENTS MAY BE REQUIRED
PLEASE READ THE NOTES ISSUED WITH THIS DECISION NOTICE**

Date: 13 March 2019

Head of Planning, Development & Regulatory Services *RE*

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

Application No: 181928

Application type: Variation of Condition

CONDITIONS & REASONS

1. This variation planning permission (to allow a temporary planning permission for 24 hour opening) will commence on 1st April 2019 and cease on 30th September 2019. 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 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: CS34, DM4.
2. The development hereby permitted shall be carried out in accordance with the following approved plans:
17696-204 Location plan as received on 6th November 2018 18778-204 Location plan and proposed pump/lighting layout as received 8th January 2019
Planning statement Adcock Associates/MFG/Leander/FS204/17685- 204/July2017
MFG Keep noise to a minimum poster, as submitted and display described in email from the agent on 5th March 2019
Reason: because permission is granted in respect of the development as detailed in the approved plans only.
3. Extended hours as permitted by this variation planning permission shall not take place unless signage submitted to the Local Authority on 5th March 2019 'MFG Keep noise to a minimum' has been erected at the site during the period of extended hours from 1st April until 30th September 2019, as described in the email from the agent on 5th March 2019, advising customers to respect neighbour amenity in the later hours.
Reason: In the interest of neighbouring amenity Policy DM4.
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 31/8/17.
Reason: in the interests of the amenities of surrounding residential properties. Policies: DM4

Date: 13 March 2019



Head of Planning, Development & Regulatory Services *RE*

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 18778-204,

received by the Local Planning Authority on 8/1/19.

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: CS34, DM4.

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: CS34, DM4, DM12.

7. No use of the air/water service, jet-wash or any vacuum cleaners at the site (as shown on plan PA-02 in planning application 171151, as annotated in pink, received by the Local Planning Authority on 1/9/17) shall take place between 1900hrs-0700hrs.

Reason: in order to minimise the impact on the amenities of surrounding residential properties. Policies: CS34, DM4.

8. No use of the southernmost (outer) two pump islands (as shown on plan 18778-204, as annotated in blue, received by the Local Planning Authority on 8/1/19) shall take place between 2200hrs-0700hrs. Reason: in order to minimise the impact on the amenities of surrounding residential properties. Policies: CS34, DM4.

9. The retail sales which shall only take place from the night pay window (as shown on plan 18778-204, received by the Local Planning Authority on 8/1/19) between the hours of 2200hrs-0700hrs and from the shop via the entrance between 0700 and 2200 and shall at all times, shall remain ancillary to the primary function (motor fuel sales) at all times.

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: CS34, DM4.

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: CS34, DM4.

INFORMATIVES

Date: 13 March 2019



Head of Planning, Development & Regulatory Services *RE*

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.

Date: 13 March 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.

The Secretary of State can allow a longer period for giving notice of an appeal, but he 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 him 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. In practice, the Secretary of State does not refuse to consider appeals solely because the Local Planning Authority based their decision on a direction given by him.

Appeals must be made using a form which you can get from the Planning Inspectorate at Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN, tel. 0303 444 5000, or online at <https://acp.planninginspectorate.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.