

Planning Statement

in support of a Non-Material Amendment to Condition 6 of
Planning Permission Ref: 181351
Site Address: 70–72 Whitley Street, Reading, RG2 0EQ
Applicant: Ali Yilmaz

Proposal: Extension of operating hours through amendment to Condition 6 pursuant to
Section 96A of the Town and Country Planning Act 1990 (as amended)

1. Introduction

This Planning Statement has been prepared in support of an application submitted under Section 96A of the Town and Country Planning Act 1990 (as amended) seeking a non-material amendment to Condition 6 of planning permission ref. 181351, as amended by subsequent approval ref. 181743.

The proposal seeks to vary the approved hours of operation for the ground floor retail unit at 70–72 Whitley Street to facilitate greater operational flexibility, in a manner consistent with both local and national planning policy. **The proposed hours are:**

- **Monday to Saturday: 06:00 to 22:00**
- **Sundays and Bank Holidays: 07:00 to 22:00**

This statement provides a justification for the proposed change, having regard to the planning history of the site, relevant planning policies, and material considerations including amenity, character, and precedent.

2. Site Context and Planning History

The application site comprises a commercial unit located at the ground floor of a three-storey building at 70–72 Whitley Street, a mixed-use urban location with active ground floor retail and upper floor residential uses.

Relevant planning history includes:

- 181351 (Approved 27/09/2018): Change of use from A4 (Public House) to A1 (Retail). Condition 6 restricted opening hours to 07:00–20:00 (Mon–Sat) and 08:00–20:00 (Sun/Bank Holidays).
- 181743 (Approved 11/10/2018): Non-material amendment to Condition 6, adjusting opening hours to 06:00–20:00 (Mon–Sat) and 07:00–17:00 (Sun/Bank Holidays), following a favourable officer recommendation and assessment of amenity impact.

This application seeks a further modest amendment to Condition 6 to allow evening operation until 22:00 across the week, in response to operational needs and customer demand.

3. The Proposed Amendment

The application seeks to amend Condition 6 of permission 181351 (as previously amended) to read:

"The premises shall not be open to the public outside the hours of 06:00 to 22:00 Monday to Saturday and 07:00 to 22:00 on Sundays and Bank Holidays."

The proposed amendment relates solely to operating hours and does not entail any physical changes to the building, nor alterations to any other conditions, including those related to deliveries, servicing, or plant equipment (Conditions 3 and 4 of the original permission).

4. Assessment of Materiality

In determining whether the amendment is non-material, regard has been had to the principles set out in Section 96A of the 1990 Act and guidance contained within the Planning Practice Guidance (PPG). Key tests include:

- Scale and nature of change: The proposal is confined to trading hours and does not alter the form, function, or intensity of the development beyond what is reasonable in a commercial context.
- Impact on third parties: The proposed extended evening hours are not considered to result in material harm to nearby occupiers, particularly given the site's orientation and separation from sensitive receptors.
- Consistency with the planning permission as a whole: The proposal does not undermine the operative part of the permission or its original purpose.

It is submitted that the proposed change is non-material and capable of approval under Section 96A.

5. Planning Policy Considerations

5.1 Local Policy

The proposal has been considered against the Reading Borough Local Development Framework, in particular:

- Policy CS34 – Pollution and Water Resources: This policy seeks to prevent pollution and disturbance. The extended hours proposed remain within reasonable commercial limits and are unlikely to give rise to noise or nuisance beyond typical expectations for a retail unit in an urban mixed-use setting.
- Policy DM4 – Safeguarding Amenity: The proposal maintains appropriate safeguards to protect residential amenity. The previous officer assessment noted that the earlier morning openings did not attract objections or enforcement and concluded there would be no undue disturbance. The proposed evening extension to 22:00 remains consistent with this assessment.

5.2 National Policy

The National Planning Policy Framework (NPPF, 2023) promotes sustainable economic growth and supports the flexibility of town centre uses. Relevant passages include:

- Paragraph 81: Planning should help create conditions in which businesses can invest, expand, and adapt.
- Paragraph 130: Planning decisions should ensure that developments function well over their lifetime.
- Paragraph 187: Where existing businesses may have impacts, planning policies and decisions should ensure that new development can integrate effectively, rather than unjustifiably constraining operations.

The proposed change supports the viability of the premises and contributes to the vitality of the area without compromising the amenity of local residents.

6. Amenity Considerations

The previous officer report under 181743 confirmed that the orientation of the unit and the lack of objections indicated the premises could open earlier without harmful amenity impact. The proposed later evening hours are:

- Within typical operating periods for retail/commercial uses in Reading;
- Modest in extension (2 hours Mon–Sat, 5 hours on Sundays compared to current);
- Controlled through existing conditions on delivery hours and mechanical plant.

No increase in activity is proposed beyond what is already deemed acceptable, and the site remains subject to noise and operational controls under planning and environmental health legislation.

7. Conclusion

The proposed amendment to Condition 6 is:

- Modest in nature and effect;
- Justified by operational need and consistent with the character of the area;
- Compliant with national and local planning policy; and
- Non-material, not affecting the approved development's description, design, or broader planning impacts.

Accordingly, it is respectfully requested that the Local Planning Authority exercise its discretion under Section 96A to approve this non-material amendment to planning permission 181351.

Mr M Kilic
Planning Consultant