

Received Date:	26 November 2024
Expires:	21 January 2025
Application Number:	242914
Site:	398 Reading Road, Winnersh, Wokingham, RG41 5EP
Application:	Application for a certificate of lawfulness for the proposed change of use of the building to a café/restaurant/cocktail bar.

1. Relevant Planning History

Application Number	Proposal	Decision Date	Decision	Relevant Conditions
090495	Application to extend implementation date of Planning Consent F/2007/1272 for a further 3 years for the demolition of existing petrol station and canopy and removal of fuel tanks (underground) and the erection of 12 flats and a building for A1,A2, B1 and D1 use.	23/02/2010	Approved	None
070878	Proposed Demolition of existing petrol station and canopy, removal of fuel tanks (underground) and the erection of new mixed use accommodation comprising of (12 flats and building for A1, A2, B1 and D1 Use).	16/01/2008	Approved	None
960505	Proposed Alterations To Sales Building Including Hot Food Servery And A.T.M (Amendment Of Consent No.95/63173/f).	23/10/1996	Approved	None
961000	Proposed Alteration To Forecourt Canopy.	20/09/1996	Approved	None
950235	Proposed Change Of Use Of Part Of Service Station To Hot Food Take Away (A3). Proposed Extension To provide storeroom and staff area.	30/04/1996	Approved	None
44871	Proposed single storey extension to garage to form enclosed sales area.	22/09/1995	Approved	None

2. Site Description

The application site comprises a car wash and valeting centre and Java café, previously a fuel filling station. The site is located on Reading Road at a crossroad junction with King Street Lane and Robin Hood Lane.

3. Land/ Property Designations

- There are no listed buildings at the site and the property is not within 'Article 2(3) land' (Town and Country Planning (General Permitted Development) Order 2015).
- The site is located in an area suitable for bat roosts.

4. Legislation

Town and Country Planning Act 1990 (as amended)

- s.55 Provides that '*development*' includes the carrying out of building operations on land, and '*building operations*' includes structural alterations or additions to buildings.
- s.57 Planning permission is needed for all development of land.
- s.187a Enforcement for breach of conditions
- s.192 Applications for Certificates of Lawfulness of proposed use or development.
- s.191 Defines operations as 'lawful' if:
 - (a) No enforcement action may be taken in respect of them (whether because they did not involve development or require planning permission or because the time for enforcement action has expired or for any other reason); and
 - (b) They do not constitute a contravention of any of the requirements of any enforcement notice then in force.

Town and Country Planning (General Permitted Development) Order 2015 (GPDO)

- Article 3 In conjunction with Schedule 2 (Part 1) (Class A) grants planning permission for the "*enlargement, improvement or other alteration of a dwellinghouse*".
- Article 4 Provides that the planning authority may give direction to restrict the effect of Article 3.

5. The Public Sector Equality Duty (Equality Act 2010):

In determining this application the Council is required to have due 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. There is no indication or evidence (including from consultation on the application) that persons with protected characteristics as identified by the Act have or will have different needs, experiences, issues and priorities in relation to this particular planning application and there would be no significant adverse impacts as a result of the development.

6. Relevant details of the proposal:

The proposal relates to a certificate of lawfulness for the proposed change of use of the existing building to a café/restaurant/cocktail bar.

Permission granted on 23/02/2010 (application 090495) approved an extension of time to implement permission 070878 (Proposed Demolition of existing petrol station and canopy, removal of fuel tanks (underground) and the erection of new mixed-use accommodation comprising of (12 flats and building for A1, A2, B1 and D1 Use)). This development has not been implemented.

Permission 950235 (F/1995/63173) was granted on 30/04/1996 for the proposed change of use of part of the service station to hot food take away (A3) and a proposed extension to provide a storeroom and staff area. Permission 960505 (F/1996/64374) was granted on 23/10/1996 for the proposed alterations to the sales building including hot food servery and A.T.M (amendment of consent F/1995/63173).

Class A3 (café or restaurant) is now Class E – 'Commercial, business and service: b). food and drink which is mostly consumed on the premises'.

The change of use from the existing use class E to include a cocktail bar would fall within a Sui Generis use class. The proposed changes are not permitted under The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) and would require planning permission.

7. Assessment against legislation:

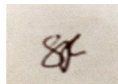
The Town and Country Planning (Use Classes) Order 1987 (as amended) categorises different types of property and land into classes. The Use Class Order 2020 was an update to the Use Class Order 1987. Use classes are divided into six sections. These are Use Class B – business which supply or support others, Use Class C – locations where people sleep, Use Class E – commercial, business and service, Use Class F1 – learning and non-residential institutions, Use Class F2 – local community uses and Sui Generis – this is a category for those locations which are unique in themselves.

Schedule 2, Part 3 – Changes of use of The Town and Country Planning (General Permitted Development) (England) Order 2015 permits certain changes of use but does not permit the change of use from Class E to Sui Generis and would require planning permission.

8. Conclusion:

The proposal would not be permitted development.

DRAFT APPROVED

A small, square, light-colored stamp containing a handwritten signature in dark ink.

Development Management Team Leader

Date: 21.1.25