

DELEGATED OFFICER REPORT



**WOKINGHAM
BOROUGH COUNCIL**

Application Number:	252453
Site Address:	Five Guys, Reading Road, Winnersh, Wokingham, RG41 5HG
Expiry Date:	4 December 2025
Site Visit Date:	11/03/2022 – See 220312
Proposal: Prior approval submission for the proposed installation of 24 no. roof-mounted Photovoltaic panels.	

PLANNING CONSTRAINTS/STATUS

Flood Zones 2 and 3
Green Routes and Riverside Paths
Scale and Location of Development Proposals - Countryside
Minerals Site Consultation Area
Replacement Mineral Local Plan
Landscape Character Assessment Area
SSSI Impact Risk Zones
Green Routes and Riverside Paths Consultation Zone
Ordinary Watercourses Consultation Zone
Historic Flooding Points Consultation Zone

PLANNING POLICY/LEGISLATION

Town and Country Planning Act 1990 (as amended)

Section 55	Provides that 'development' includes the carrying out of building operations on land, and 'building operations' includes structural alterations or additions to buildings.
Section 57	Planning permission is needed for all development of land.
Section 187a	Enforcement for breach of conditions

The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended)

Section 7	Prior approval applications: time periods for decision
Article 3	In conjunction with Schedule 2, Part 14 Class J grants planning permission for installation or alteration etc of solar equipment on non-domestic premises
Article 4	Provides that the planning authority may give direction to restrict the effect of Article 3

PLANNING HISTORY

Application No.	Description	Decision & Date
250296	Application for submission of details to comply with the following condition of planning consent	Approved, 04/04/2025

	240795 dated 29.10.2024. Condition 4 relates to landscaping.	
250294	Application for submission of details to comply with the following condition of planning consent 220312 dated 09.05.2022. Condition 4 relates to landscaping.	Approved, 04/04/2025
240795	Full application for the erection of a drive thru facility at Five Guys restaurant, including a drive thru lane and changes to the existing landscaping.	Approved, 29/10/2024
240794	Full application for the proposed installation of canopies for drive thru lane.	Approved, 29/10/2024
231585	Application for advertisement consent for 4no. internally illuminated adverts (1no. Totem Pole with 4no. adverts).	Approved, 21/09/2023
232293	Application for submission of details to comply with the following conditions of planning consent [220312] dated [9/5/2022]Full application for the proposed erection of a restaurant building with external seating area, associated hard and soft landscaping and car parking spaces. Condition 3 - External Materials details.	Approved, 30/10/2023
220312	Full application for the proposed erection of a restaurant building with external seating area, associated hard and soft landscaping and car parking spaces.	Approved, 09/05/2022
210984	Application for submission of details to comply with the following condition of planning consent 202753 dated 14.12.2020. Condition 4 - Landscaping Condition 5 - Cycle parking Condition 6 - Construction method statement Condition 7 - New discharge point to ordinary watercourse Condition 8 - Parking	Split Decision 17/06/2021
202753	Full application for the proposed erection of a restaurant building with external seating area, associated hard and soft landscaping and car parking spaces	Approved 14/12/2020
181944	Advertisement consent for proposed erection of 1no. double sided, internally illuminated totem sign.	Conditional approval 24/09/2018

43748	Multiplex cinema and parking	Conditional approval 27/07/1995
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CONSULTATION RESPONSES

Internal

None

External

None

REPRESENTATIONS

Parish/Town Council	No comments received
Ward Member(s)	No comments received
Neighbours	No comments received

PART J.1.2.3 APPRAISAL

Town and Country Planning Act 1990 (as amended)			Yes	No
1	s.55	Does it constitute development?	✓	
2	s.191	Would it be contrary to an enforcement notice?		✓
3	s.187a Art.3 (4)	Would it be contrary to any condition imposed by any planning permission granted or deemed to be granted?		✓
The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended)			Yes	No
4	Art.3 (5)	Are the building operations involved in the construction of the original building lawful? *Although planning permission ref. 202753 has not yet been fully implemented, the Case Officer's site visit confirms that the building itself is substantially complete on site.	✓	
5	Art.4	Is there an 'Article 4 Direction' in effect for the site?		✓
6	Sch.2 Pt. 14	Does it consist of the installation, alteration or replacement of— (a) microgeneration solar thermal equipment on a building; (b) microgeneration solar PV equipment on a building; or (c) other solar PV equipment on the roof of a building	✓	
7	J.1(a)	Would the solar PV equipment or solar thermal equipment be installed on a pitched roof and would protrude more than 0.2 metres beyond the plane of the roof slope when measured from the perpendicular with the external surface of the roof slope?		✓
8	J.1(b)	Would the solar PV equipment or solar thermal equipment be installed on a flat roof, where the highest part of the solar PV equipment would be higher than 1 metre above		✓

PART J.1.2.3 APPRAISAL

		the highest part of the roof (excluding any chimney)?		
9	J.1(c)	Would the solar PV equipment or solar thermal equipment be installed within 1 metre of the external edge of that roof?		✓
10	J.1(d)	In the case of a building on article 2(3) land, would the solar PV equipment or solar thermal equipment would be installed on a roof slope which fronts a highway?		✓
11	J.1(e)	Would the solar PV equipment or solar thermal equipment be installed on a site designated as a scheduled monument?		✓
12	J.1(f)	Would the solar PV equipment or solar thermal equipment be installed on a listed building or on a building within the curtilage of a listed building?		✓
13	J.2(a)	Would the solar PV equipment or solar thermal equipment be installed on a wall and protrude more than 0.2 metres beyond the plane of the wall when measured from the perpendicular with the external surface of the wall?		✓
14	J.2(b)	Would the solar PV equipment or solar thermal equipment be installed on a wall and be within 1 metre of a junction of that wall with another wall or with the roof of the building?		✓
15	J.2(c)	In the case of a building on article 2(3) land, would the solar PV equipment or solar thermal equipment be installed on a wall which fronts a highway?		✓
16	J.3	In the case of Class J (c) development would the capacity of the solar PV equipment installed (together with any solar PV equipment installed under Class J (b)) exceed 1 megawatt?		✓

PART J.4 APPRAISAL

Development under Class J is permitted subject to the developer applying to the local planning authority for a determination as to whether the prior approval of the authority will be required as to:

The design or external appearance of the development

The application proposes the installation of 24 roof-mounted photovoltaic panels on a recently constructed single-storey building located on a triangular plot at the junction of Reading Road and Showcase Roundabout. The building forms part of the wider Showcase Cinema de Lux complex to the north.

The building is single-storey, flat-roofed, and rectangular, with no notable architectural merit, contributing neutrally to the character of the area. The proposed PV panels would be set back from the roof edge and sit below the parapet, resulting in limited visibility. Where visible, they would be viewed in the context of existing rooftop mechanical plant.

In line with the conditions of Class J, it is considered that the proposal would not have a cramped appearance, while the minimal protrusion and colour of the panels would not detract from the appearance of the host building, which as stated, is not of any particular architectural merit. Therefore, the proposal would result in harm to the character of the

area or to the appearance of the host building or wider area.

The impact of glare on occupiers of neighbouring land

The surrounding area is predominantly commercial in character. The nearest residential property, no.660 Reading Road, is approximately 80 metres away to the west, with its fenestration oriented away from the application building. To the east lies the Premier Inn Winnersh hotel, which is around 200 metres from the site and partially screened by tall vegetation.

As such, the proposed solar panels would not result in an adverse glare impact upon neighbouring occupiers.

And the provisions of paragraph J.4 (prior approval process)

The application must be accompanied by-

- (a) a written description of the proposed development;*
- (b) a plan indicating the site and showing the proposed development;*
- (c) the developers contact address; and,*
- (d) the developer's email address if the developer is content to receive communications electronically;*

Together with and fee required to be paid.

A written description as contained in the application form and supporting statement along with the relevant plans, fee and contact details.

The local planning authority may refuse an application where, in the opinion of the authority—

- (a) the proposed development does not comply with, or*
- (b) the developer has provided insufficient information to enable the authority to establish whether the proposed development complies with the conditions, limitations or restrictions applicable to the development in question.*

There is no reason to conclude that the proposal would not comply with the relevant conditions, limitations and restrictions under Part 14 (Class J).

The local planning authority must give notice of the proposed development by site display in at least one place on or near the land to which the application relates for not less than 21 days of a notice which describes the proposed development; provides the address of the proposed development; specifies the date by which representations are to be received by the local planning authority; or by serving a notice in that form on any adjoining owner or occupier.

The application site does not adjoin any neighbouring residential properties. A site notice was displayed at the application site on 12 October 2025.

The local planning authority may require the developer to submit such information as the authority may reasonably require in order to determine the application, which may include assessments of impacts or risks, statements setting out how impacts or risks are to be mitigated; or details of proposed building or other operations.

No further information is required.

The local planning authority must, when determining an application, take into account any representations made to them as a result of any consultation under sub-paragraphs (5) or (6) and any notice given under sub-paragraph (8); b) have regard to the National Planning Policy Framework, so far as relevant to the subject matter of the prior approval, as if the application were a planning application; and in relation to the contamination risks on the site, determine whether, as a result of the proposed change of use, taking into account any proposed mitigation, the site will be contaminated land as described in Part 2A of the Environmental Protection Act 1990, and in doing so have regard to the Contaminated Land Statutory Guidance issued by the Secretary of State for the Environment, Food and Rural Affairs in April 2012⁵⁶, and if they determine that the site will be contaminated land, refuse to give prior approval.

Not applicable.

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.

RECOMMENDATION

Conditions agreed:	Not required
Recommendation:	Prior Approval Not Required
Date:	7 November 2025
Earliest date for decision:	3 November 2025

Recommendation agreed by: (Authorised Officer)	<i>MC</i>
Date:	18.11.2025