

JOB002001/CB/TC

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Wokingham Borough Council
Development Management
Civic Offices, Shute End
Wokingham
RG40 1BN

18 July 2025

Dear Sir / Madam,

APPLICATION UNDER SECTION 191 OF THE TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED) TO CERTIFY THAT DEVELOPMENT APPROVED PURSUANT TO PLANNING PERMISSION 212717 HAS COMMENCED**AT FORMER DOBBIES GARDEN CENTRE, 166 HYDE END ROAD, SHINFIELD, READING****PLANNING PORTAL REFERENCE: PP-14188418**

On behalf of our client, LXI Property Holdings 4 Limited (*'the Applicant'*), we submit an application for a Certificate of Lawfulness for existing development pursuant to Section 191 of the Town and Country Planning Act 1990 (as amended) at Former Dobbies Garden Centre, 166 Hyde End Road, Shinfield, Reading (*'the Site'*).

Full planning permission to provide a new garden centre retail development incorporating restaurant/café, food hall and veterinary practice with ancillary works at former Dobbies Garden centre, was granted on 21 July 2021 (permission reference 212717). This application has been submitted to confirm that works pursuant to the planning permission have commenced and constitute the lawful implementation of the full planning permission.

This application is comprised of the following information:

- Application form and ownership notification;
- Covering letter, prepared by Montagu Evans (i.e. this letter);
- Site Location Plan, prepared by RGP Architects;
- Demolition Phasing Plan, prepared by RGP Architects;
- 2No. Site Audit Pro Inspection Reports dated the 30th of June and the 17th of July;
- Photographs before, during and following completion of the works;
- Electrical Isolation evidence, including a signed electrical isolation certificate, submitted by Metro Deconstruction Services Ltd;
- Sign in sheet, completed by Metro Deconstruction Services Ltd; and
- Waste removal confirmation, completed by Powerday PLC

The application has been submitted via the online Planning Portal (reference PP-14188418). In line with the Town and Country Planning (Fees for Applications, Deemed Applications, Requests and Site Visits) (England) Regulations 2023, as amended, the statutory planning application fee has been calculated as £383.00, which has been paid via the online payment portal.

BACKGROUND

Planning permission reference 212717 was granted on 21 July 2022, for the redevelopment of the Site to provide a new garden centre retail development at Dobies Garden Centre, 166 Hyde End Road, Shinfield, Reading. The description of development is as follows:

“Full planning application for redevelopment of the site to provide a new garden centre retail development incorporating restaurant/cafe, food hall and veterinary practice with ancillary works including car parking, access, outdoor display areas and landscaping, following demolition of existing buildings”.

This expressly includes demolition within the description of development.

The full planning permission element was granted subject to a number of conditions, including pre-commencement of development conditions which have been discharged by Wokingham Borough Council:

Condition Number	Application Reference	Date of Discharge
13	223560	27/01/2025
16	250951	03/06/2025 (partial)
26	250952	21/05/2025 (partial)
27	223560	27/01/2025
28	223560	27/01/2025
29	250953	13/05/2025 (partial)
37	223560	27/01/2025
38	250950	29/04/2025 (partial)

Condition 1 states that:

“The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: In pursuance of s.91 of the Town and Country Planning Act 1990 (as amended by s.51 of the Planning and Compulsory Purchase Act 2004).”.

On the basis of condition 1, the full planning permission expires on 21st July 2025.

On 4 April 2025, a Non-material Amendment was granted (permission reference 250838) to allow an alteration to the wording of Conditions 11 and 12 to allow for the commencement of demolition on Site without triggering these conditions, to allow for the implementation of planning permission 212717.

Following this, a Non-material Amendment was granted (permission reference 251391) to allow for alterations to the wording of Condition 2 to include the Proposed Phasing Plan in the list of approved drawings. This Plan introduced a phasing for the demolition works permitted as part of planning permission 212717.

COMMENCEMENT OF DEVELOPMENT

Section 56 (1) of the Town and Country Planning Act 1990 states that the development of land shall be taken to be initiated *“if the development consists of the carrying out of operations, at the time when those operations are begun”*.

Section 56 (2) states that development shall be taken to be begun on the earliest date on which any material operation comprised in the development begins to be carried out.

A material operation is defined in Section 56 (4) as:

“a) any work of construction in the course of the erection of a building;

aa) any work of demolition of a building;

b) the digging of a trench which is to contain the foundations, or part of the foundations, of a building;

- c) the laying of any underground main or pipe to the foundations, or part of the foundations, of a building or to any such trench as is mentioned in paragraph (b);*
- d) any operation in the course of laying out or constructing a road or part of a road; and*
- e) any change in the use of any land which constitutes material development”.*

In this instance, operations of “*any work of demolition of a building*” have been carried out.

Demolition works begun on the 25 June 2025, and were completed on the 18 July 2025, in accordance with the approved Demolition Phase Plan and supporting RAMS. This involved the completion of demolition of the greenhouse structure located on the Site, with compacted type 1 aggregate infills used to leave a level finish, as per Phase 1 demolition outlined in the approved phasing plan.

The works undertaken are pursuant to the planning permission and are a material operation as defined by Section 56 (4) of the Town and Country Planning Act 1990 (as amended). We therefore submit that the full planning permission has been commenced within the timescales set out in condition 1 of planning permission reference 212717. The Applicant seeks confirmation from Wokingham Borough Council in this regard.

On the basis that development has commenced in accordance with planning permission reference 212717, the consent has been lawfully implemented and remains extant, meaning that it can be finished at any time subject to compliance with any relevant conditions.

CLOSING REMARKS

We trust that the information provided is sufficient for you to progress with the validation of the application. We will await formal confirmation in this respect. Should you require any further information at this stage, please do not hesitate to contact Craig Blatchford (craig.blatchford@montagu-evans.co.uk / 07984 458485), or Tommy Cooney (tommy.cooney@montagu-evans.co.uk / 07386 956518) of this office direct.

Yours sincerely,



MONTAGU EVANS LLP

On behalf of LXI Property Holdings 4 Limited