

DELEGATED APPLICATION REPORT

Application No: 220529

Address: 26 Prospect Street, Caversham RG4 8JG

Applicant: McClure Fisher

Proposal: Certificate of Lawfulness for proposed conversion from butchers shop into dentist practice.

Target Date: 02/06/2022

Case Officer: Marcie Rejwerska

1. Site Description and Surrounding Area

The application site is a part three storey building on Prospect Street in Caversham. The last use of the building was a butcher's shop. The surrounding area comprises a mix of residential and commercial use. The property is not listed nor in a conservation area.

2. Proposal

This Certificate of Lawfulness application seeks the change of use from a butcher's shop to a dentist practice. As per the changes to the Use Classes Order in England; from 1st September 2020 a butcher's (previously A1 use) now falls under Class E for Commercial, Business and Service uses. Also, as per the changes to the Use Classes Order in England; from 1st September 2020 a dentist practice (previously D1 use) now falls under Class E for Commercial, Business and Service uses.

The proposal includes addition of rooflights; the applicant has submitted this for consideration under a separate full planning application. The addition of rooflights is not taken into consideration within this application.

2.1. Plans Submitted

3833-100 Location and block plan

Received 07/04/2022

3833-201-A Proposed ground floor

3833-202-A Proposed first floor

Received 19/04/2022

3. Relevant Planning History

940529 - Use as reception and shop area for the discussion of requirements and retail sale of goods not specifically collected at time of sale. Certificate of Lawfulness for a proposed use. - Application refused on 23/11/1994

940544 - Change of use from lock-up retail shop and wholesale meat preparation to Class A3 food and drink. - Application permitted on 28/7/1994

950779 - Change of use from retail (A1) lock-up shop to reception and shop area ancillary to wholesale meat preparation business (Jennings of Caversham). - Application permitted on 4/4/1996

970624 - Erection of single storey rear extension - Application permitted on 4/11/1997

4. Consultations

No formal consultations were undertaken for this case as they would be of no consequence in the determination of an application of this type. The decision for this case will have to be based solely on The Town and Country Planning (General Permitted Development) (England) Order 2015 (GPDO) as amended. Reference is also made to the Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020.

5. Relevant Planning Policy and Guidance

National Planning Practice Guidance

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

Town and Country Planning Act 1990 (as amended); Section 192 and Section 55 (2) (f)

The Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020

6. Appraisal

A Certificate of Lawfulness for a change of use class within Class E has been submitted to the Local Planning Authority as the applicant considers the proposal falls within the permitted development rights of the property and would be lawful by virtue of the GPDO and thus would not require a planning permission.

In accordance with Section 55 (2) (f) of the Town and Country Planning Act 1990 (as amended) the change of use is lawful as both uses are, as of 1st September 2020 (with reference to the Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020), within the same use (Class E) and therefore the change of use does not constitute development in line with Section 55 of the Town and Country Planning Act 1990 (as amended).

Section 55 (2) (f) of the Town and Country Planning Act 1990 (as amended)

- **Meaning of “development” and “new development”**
- (2) The following operations or uses of land shall not be taken for the purposes of this Act to involve development of the land-
 - (f) in the case of buildings or other land which are used for a purpose of any class specified in an order made by the Secretary of State under this section, the use of the buildings or other land or, subject to the provisions of the order, of any part of the buildings or the other land, for any other purpose of the same class. **Complies**

7. Recommendation

The proposal has been assessed against Section 55 (2) (f) of the Town and Country Planning Act 1990 (as amended) for the change of use from A1 to D1 and is lawful as both uses fall within the same use, as of 1st September 2020 (with reference to the Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020), and therefore the change of use does not constitute development in line with Section 55 of the Town and Country Planning Act 1990 (as amended).

It can be confirmed that the proposed change of use from A1 to E(a) would be lawful for planning purposes within **use Class E** on the basis of site location plan received on 7/4/2022.

Sufficient evidence has been provided to demonstrate that a Certificate of Lawfulness should be granted for the proposed use.

Informatives