

Address: Unit 2 Sentinel End, Reading

Application No: 210526/CLP

Proposal: Certificate of Lawfulness to confirm proposed use as A3
Restaurants and cafes

Case Officer: Nathalie Weekes

Introduction & Proposal

The application site comprises a commercial unit no 2, Unit TC11 which is currently vacant. The site forms part of the wider Worton Grange development which comprises a mix of commercial, office and residential uses, following planning permission granted to develop the site in a mixed use development consisting housing, commercial, infrastructure development, transport system and landscaping.

The applicant proposes a change of use to a bakery, offering a range of bakery goods for retail and corporate events and sales from the premises, with an onsite café/restaurant.

Plans Submitted:

The applicant submitted the following plans:

32618/5520/100 Location Plan Worton Grange Site wide landscape masterplan

1894-134 Rev R1 GA floor plan

As received 14 September 2021

Relevant Planning History:

151944 A Hybrid application seeking outline planning permission for the development of up to 175 new homes, including affordable housing(with all matters reserved apart from access), and full planning permission for the development of 12 commercial units in flexible use within Classes B1(c),B2 and B8,two car showrooms with MOT and servicing(Sui Generis), three retail warehouse units (Class A1),120 bed hotel (ClassC1),pub with restaurant facility (Class A4),coffee shop (Class A1), restaurant (Class A3), and bank (Class A2). New vehicular access from Basingstoke Road and Imperial Way. Bus stop facilities, hard and soft landscaping and other ancillary development (Summarised Description). Permitted 14/04/2016

Summary of Consultations:

The legal team was consulted but consultations were not required for an application of this type.

The legal team had no objections.

Communication with applicant

The applicant provided additional information regarding the proposed change of use and information regarding the original planning permission.

Relevant Planning Policy & Guidance:

Section 10 of the Planning and Compensation Act 1991 established a procedure that enables anyone who wishes to do so, to apply to the local planning authority to determine whether a proposed use or operation, or an existing operational development or an existing use of land, or any other matter constituting a failure to comply with any condition or limitation subject to which planning permission has been granted, is lawful, and if so, be granted a certificate to that effect.

A Lawful Development Certificate is a legal document stating the lawfulness of past, present or future development. If granted by the local planning authority, the certificate means that enforcement action cannot be carried out to the development referred to in the certificate. However, the certificate will not protect from enforcement action by the planning authority if the specified use or development is then changed 'materially' without a planning application for it.

The certificate is not a planning permission. The planning merits of the use, operation or activity in the application are not relevant. The issue of a certificate depends entirely on factual evidence about the history and planning status of the building or other land and the interpretation of any relevant planning law or judicial authority. The responsibility is on the applicant to provide evidence to support the application.

The NPPG states that "In the case of applications for proposed development, an applicant needs to describe the proposal with sufficient clarity and precision to enable a local planning authority to understand exactly what is involved. In determining an application for a prospective development under section 192 of the Town & Country Planning Act a local planning authority needs to ask "if this proposed change of use had occurred, or if this proposed operation had commenced, on the application date, would it have been lawful for planning purposes."

Assessment:

A Certificate of Lawfulness for a Proposed Development has been submitted as the applicant considers the proposal falls within the permitted development rights of the property.

In order to satisfy Section 192 of the Town and Country Planning Act 1990, the application should include the following information:

- Specify the land the subject of the application (including a plan identifying the land) **Yes**
- Describe the use or operations proposed **Yes it will be bakery/retail/café use.**
- If the proposal includes a building, plans or drawings should be included to indicate its size and siting, sufficient to enable a determination to be made. **Location plan floor plan provided - There will be no changes to the existing property.**
- Indicate the paragraph of section 192(1) under which the application is being made (ie. use or operations) **It will be a change of use from B1(c), B2 and B8 to Class E bakery, retail and café.**

- In the case of an application involving a proposed use, indicate the use of the land at the date of the application (or, if not used, the purpose for which it was last used) ***It has been a commercial unit.***
- Indicate any Use Class which the applicant considers applicable to the proposed use ***The bakery will provide bakery goods for retail and café sales in use Class E.***
- The applicant's reasons, if any, for regarding the use or operations proposed as lawful ***Reasons given - it would not materially change the use of the commercial as a whole. Permission was granted for a flexible use within Classes B1(c), B2 and B8. Following changes to the Use Classes Order in England from 1 September 2020, Class B1(c) became Class E. Permitted uses within Class E comprise a variety of uses including: any industrial use (which can be carried out in a residential area without causing detriment to the amenity of the area), shops/retail use, café or restaurant provision.***
- Such other information as the applicant considers to be relevant ***The main bakery will be based in Slough with 20% of the proposed baking to be done on site at Unit 2 Sentinel End.***
- A statement setting out the applicant's interest in the land, and the name and address of any other person known to the applicant to have an interest in the land. ***The landlord of the unit is aware of the intension to provide a bakery and is in the process of agreeing the proposed lease and internal fit out of the unit.***

Conclusion

Additional planning permissions may be required for any external changes to the unit or advertisement consent sought as a result of the change of use.

The proposal has been assessed against section 192 of the Town and Country Planning Act 1990 and it has been confirmed that the proposal would be lawful, on the basis of the submitted location plan received on 14 September 2021. The proposed use as outlined is considered deemed consent and would not materially change the lawful use of the unit. This is the reason planning permission is not required and why the certificate of lawfulness is being granted. There will not be any intensification of use from the proposed bakery use.

Therefore the Local Planning Authority will, on this occasion, issue the applicant with a Certificate of Lawfulness for the proposed development.

Recommendation:
GRANT Certificate

Location plan (not to scale)

