

Delegated Application Report

Target Date: 25th of June 2020
Address: 104-105 Friar Street, Reading, RG1 1EP
Application No: 200611
Case Officer: Mr James Schofield
Proposal: Certificate of lawfulness for proposed used as a coffee shop.

Introduction and Proposal

This certificate of lawfulness for proposed use is for the change of use of a former running equipment shop (A1) to a coffee shop.

Plans Submitted

The applicant supplied the following;

Location Plan
Dwg No: 2020/376/3DG/01.A Existing Floor Plans
Dwg No: 2020/376/3DG/02.F Proposed Floor Plans
Block Plan
As received 29th of April 2020

Relevant Planning History

No relevant planning history.

Summary of Consultations

No consultations were undertaken as it is not required for an application of this type.

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 (Use Classes) Order 1987 (as amended), **Assessment**

A Certificate of Lawfulness for a proposed use has been submitted to the Local Planning Authority as the applicant considers the proposal falls within the permitted development rights of the property and be lawful by virtue of not requiring planning permission.

The proposed must be assessed to ensure that it complies with the conditions of Section 191 as amended by section 10 of the Planning and Compensation Act 1991, the Town and Country Planning Act 1991 and the Town and Country Planning (General Permitted Development) (England) Order 2015, which allows for applicants to seek a Lawful Development Certificate to establish whether:

- An existing use of land, or some operational development, or some activity in breach of a planning condition, is lawful
- A proposed use of buildings or other land, or some operations proposed to be carried out in, on, over or under land, would be lawful.

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Furthermore, the Town and Country Planning (General Permitted Development) (England) Order 2015 allows for the automatic permitted change of use between various classes.

As such, it is important to ascertain which class the application site is currently within and whether or not the proposed change of use is identified as permitted in the order.

Google maps images from 2009 to 2019 indicate the site was occupied by a travel agency, and from 2019 to present a running equipment shop. Both uses fall within use Class A1.

The proposed use as a coffee shop would fall under class;

- A1 should the coffee shop be an internet café or limit the sale of food to cold food for consumption off premises, or
- A3 for all other restaurants or cafes.

Class A1 is the currently established use of the site and therefore be lawful. A change of use to A3 would be subject to prior approval and require a prior approval application.

Recommendation

The proposal has been assessed against the Town and Country Planning Act 1990 (as amended) and the Town and Country Planning (General Permitted Development) (England) Order 2015.

It can be confirmed that the proposed operation would be lawful for planning purposes within **use class A1** on the basis of drawings received on:

April 29th 2020

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

Informatives

Building Regulations

Encroachment and Party Wall Act

Construction and Demolition