

Planning Statement

Lawful Development Certificate

Office 137, Green Park, 200 Brook Drive, Reading RG2 6UB

May 2024

Ref: 24074
Rev: A

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I. INTRODUCTION

- I.1 Plande has been appointed to submit a supporting statement to establish that the use of Office 137 for use as an admin and operations centre for the purpose of running a virtual Private Hire company, via a computer or telephone, with no signage, customers/ public/ drivers visiting the property or taxi vehicles located, based, parked or waiting at or near the property, would be lawful.
- I.2 This statement, which should be read in conjunction with the supporting information submitted with the application, aims to give an appraisal of the planning issues and merits in context with planning and other policies, guidance and material considerations.
- I.3 This planning statement seeks to provide an overall summary of the existing site and surroundings; the relevant planning history of the site, and to provide justification for the proposed works, in order to support Reading Borough Council in the determination of this proposal and demonstrate that the proposed works would be lawful. The report is structured in the following format:
 - Section 2: Site & Surroundings
 - Section 3: Relevant Legislation
 - Section 4: Proposed Use
 - Section 5: Scheme Assessment
 - Section 6: Conclusion
- I.4 This statement has been prepared for the exclusive use of the applicant as part of their application and in accordance with the agreed scope of the project. The document may not be reproduced in whole or in part, without the prior written consent of Plande. The copyright in this document (including its electronic form) shall remain vested in Plande. Plande will not be liable for the contents or use of this document by any person for any purpose.

2. LOCATION AND CONTEXT

- 2.1 200 Brook Drive, Reading RG2 6UB is a modern multi-storey commercial property within the Green Park Business Park. It is a modern contemporary building with a light-filled interior spaces.
- 2.2 The application site, includes a range of serviced offices offered by Regus, including Office 137 which measures approximately 13m².
- 2.3 The property is accessed directly off the public highway by road and pavement. There is easy access to Reading city centre.
- 2.4 The immediate vicinity consists primarily of other office buildings with the Business Park itself is landscaped with elements of woodland, wetland, and lakes
- 2.5 The site is not located within a Conservation Area but is located within flood zone 2.



Figure 1: External Image of the Property, courtesy of Regus

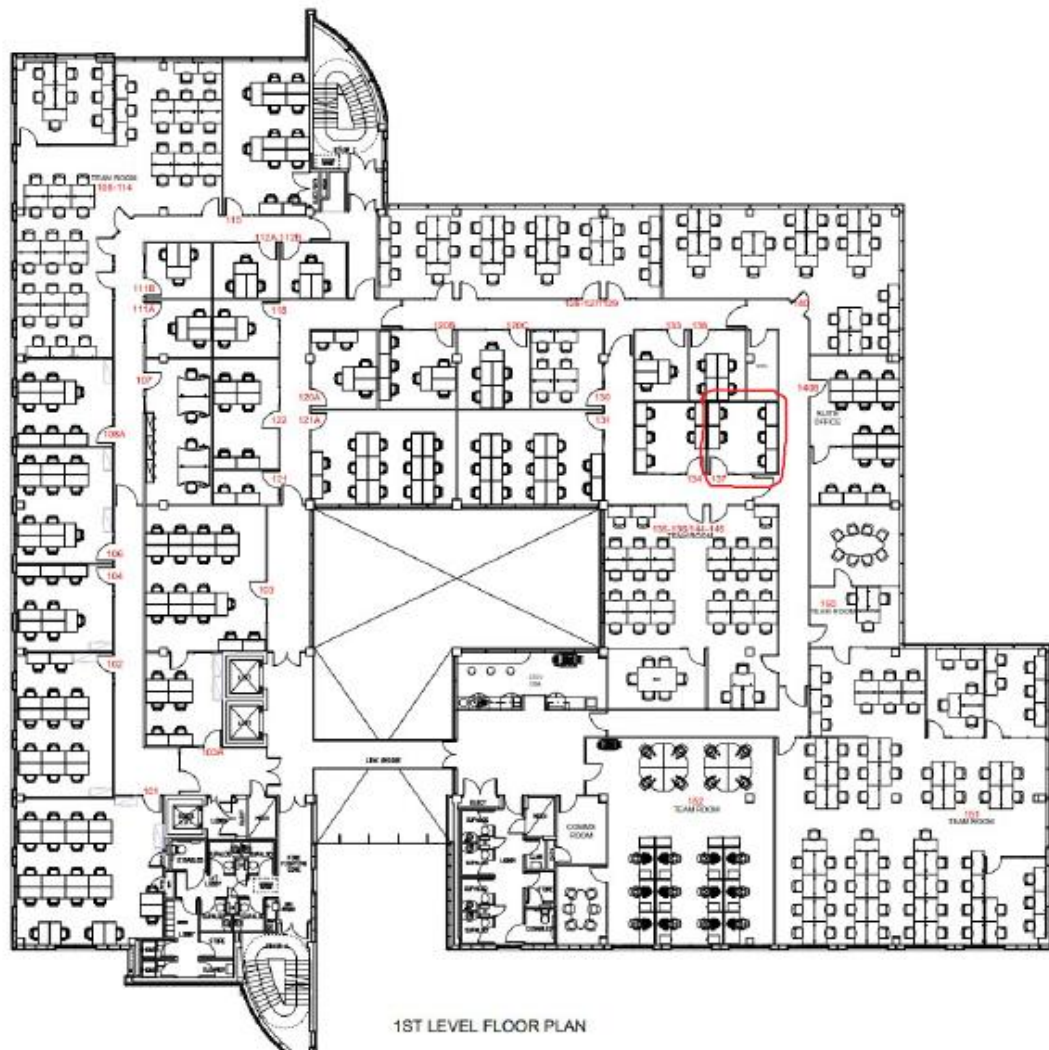


Figure 2: Floor plans of the property, with Office 137 highlighted

3. RELEVANT LEGISLATION

- 3.1 It is suggested that prior to 1st September 2020 the Town and Country Planning (Use Classes) Order 1987 (as amended) defined the relevant use classes associated with the issues as follows.

Class B1. Business

Use for all or any of the following purposes—

- (a) as an office other than a use within class A2 (financial and professional services),*
- (b) for research and development of products or processes, or*
- (c) for any industrial process,*
- being a use which can be carried out in any residential area without detriment to the amenity of that area by reason of noise, vibration, smell, fumes, smoke, soot, ash, dust or grit.*

- 3.2 Changes to the Use Classes Order came into force on the 1st September 2020 with the publication of The Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020 (The Order).

- 3.3 The Order revoked Parts A and D of the Schedule and confirmed:

For the purposes of the Use Classes Order, if a building or other land is situated in England, and is being used for the purpose of one of the following classes which were specified in Part A or B of the Schedule to that Order on 31st August 2020, as—

- (a) Class A1 (Shops),
- (b) Class A2 (Financial and professional services),
- (c) Class A3 (Restaurants and cafes), or
- (d) Class B1 (Business),

that building or other land is to be treated, on or after 1st September 2020, as if it is being used for a purpose specified within Class E (Commercial, business and service) in Schedule 2 to that Order.

- 3.4 Part A of Schedule 2 confirms the details of Class E as follows:

Class E. Commercial, Business and Service

Use, or part use, for all or any of the following purposes—

- (a) for the display or retail sale of goods, other than hot food, principally to visiting members of the public,
- (b) for the sale of food and drink principally to visiting members of the public where consumption of that food and drink is mostly undertaken on the premises,
- (c) for the provision of the following kinds of services principally to visiting members of the public—
 - (i) financial services,
 - (ii) professional services (other than health or medical services), or
 - (iii) any other services which it is appropriate to provide in a commercial, business or service locality,
- (d) for indoor sport, recreation or fitness, not involving motorised vehicles or firearms, principally to visiting members of the public,
- (e) for the provision of medical or health services, principally to visiting members of the public, except the use of premises attached to the residence of the consultant or practitioner,
- (f) for a creche, day nursery or day centre, not including a residential use, principally to visiting members of the public,
- (g) for—
 - (i) an office to carry out any operational or administrative functions,
 - (ii) the research and development of products or processes, or

(iii) any industrial process, being a use, which can be carried out in any residential area without detriment to the amenity of that area by reason of noise, vibration, smell, fumes, smoke, soot, ash, dust or grit.

It is therefore suggested that the current lawful use of the site falls under Use Class E.

- 3.5 While Article 3(6)(f) of the Use Classes Order classifies taxi businesses as "sui generis," meaning they don't fit into a specific category, this classification assumes typical operations like customers and taxis physically visiting the premises.
- 3.6 The Town and Country Planning (Use Classes) Order 1987 (as amended) explanatory notes confirm:
 3. (1) Subject to the provisions of this Order, where a building or other land is used for a purpose of any class specified in the Schedule, the use of that building or that other land for any other purpose of the same class shall not be taken to involve development of the land.

(2) References in paragraph (1) to a building include references to land occupied with the building and used for the same purposes.

(3) A use which is included in and ordinarily incidental to any use in a class specified in the Schedule is not excluded from the use to which it is incidental merely because it is specified in the Schedule as a separate use.
- 3.7 Section 55(1) of Town and Country Planning Act 1990 (The Act) defines the meanings of the term "development" and which includes the making of any material change in the use of any buildings.
- 3.8 Section 55(2) set out what shall not be taken to involve development and further states in (f) that "in the case of buildings ... 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 ... of any part of the buildings ... for any other purpose of the same class."
- 3.9 Section 57(1) of The Act provides that "planning permission is required for the carrying out of any development of land" which includes buildings.
- 3.10 Section 336 (1) defines that "use" *"in relation to land, does not include the use of land for the carrying out of any building or other operations on it"*
- 3.11 Section 192 of The Act (as amended) makes provision for an application to be made to the local planning authority to ascertain whether any proposed use of a building is lawful.
- 3.12 Section 192 (1) clarifies how the lawfulness can be confirmed:

(1) If any person wishes to ascertain whether—
(a) any proposed use of buildings or other land; or
(b) any operations proposed to be carried out in, on, over or under land,
would be lawful, he may make an application for the purpose to the local planning authority specifying the land and describing the use or operations in question.
- 3.13 Section 192 (2) clarifies the process of determining such an application *"If, on an application under this section, the local planning authority are provided with information satisfying them that the use or operations described in the application would be lawful if instituted or begun at the time of the application, they shall issue a certificate to that effect; and in any other case they shall refuse the application."*

4. PROPOSED USE

- 4.1 As above, this application seeks confirmation that the use of Office 137 for the purpose of running an admin and operations centre for a Private Hire company, via a computer or telephone, with no signage, customers/ public/ drivers visiting the property or taxi vehicles located, based, parked or waiting at or near the property, is lawful.

5. SCHEME ASSESSMENT

- 5.1 The Applicant, as part of their application for a license, is required to confirm that the premises are allowed to be used for their business.
- 5.2 While it is appreciated that normally a Taxi or Private Hire business use is classed as Sui Generis, it is clear from guidance that where there are two uses, it is not always the case that the building is mixed use, particularly if there is a predominant use. This clarification builds on Article 3(3) above (Paragraph 4.2) with Paragraph 010 of the national Planning Practice Guidance section “When is permission required” stating:

“Where land or buildings are being used for different uses which fall into more than one class, then the overall use of the land or buildings is regarded as a mixed use, which will normally be outside a use class and a matter for local consideration (sui generis). The exception to this is where there is a primary overall use of the site, to which the other uses are ancillary. For example, in a factory with an office and a staff canteen, the office and staff canteen would normally be regarded as ancillary to the factory.

Paragraph: 010 Reference ID: 13-010-20140306”

- 5.3 The Applicant has been based at the property since September 2023 however until now, has been run as an administrative office for the business, handling recruitment, sales and marketing tasks for Go Green Taxis. This application seeks to continue with these activities as well as to allow for the use as a virtual Private Hire Operators Centre. The Applicant has numerous such premises across the region, however requires a physical address within each Local Authority area they need a license for.
- 5.4 Specifically, the Applicant, will operate in an office with three members of administrative staff, to operate their business virtually and remotely. The day-to-day operation will only involve only a computer and telephone to operate the business. In addition, no physical changes will be made to the property, internally or externally.
- 5.5 No taxis or private hire vehicles will be dispatched from or stationed, parked or be based at the property (or in the immediate vicinity) and no drivers, customers, or visitors associated with the business, will be permitted. There will be no picking up or dropping off of customers at the site or comings and goings of drivers to the premises. Effectively the use of the property will be administrative only.
- 5.6 The property will continue to look and function as a typical office and will not change its character or disturb neighbouring properties. The use will not impact on the use of the property as a office and the property will remain an office for all intents and purposes.
- 5.7 It is appreciated that a taxi or private hire operating centre would not ordinarily be associated with a such an office, however modern ways of working and the ever-developing use of technology, particularly at the current time, mean that traditional business models and operating procedures have evolved.
- 5.8 Effectively the company will be using a computer and telephone to run a virtual-business from a desk in a small office, like many sole-traders up and down the country.
- 5.9 As part of the recruitment process, potential candidates who wish to become private hire drivers with Go Green Taxis may attend the office for interviews etc. This will be a limited occurrence with no

more than a couple of visits per day. It is suggested that this is no different than other offices or administrative offices and is ancillary to such a use, although appreciate that such visitors may arrive in Private Hire vehicles.

- 5.10 Furthermore, the employees based in Office 137 drive company vehicles, and they hold a Taxi/Private Hire Badge issued by SODC, VALE, or Oxford City. These are the only vehicles of ours that will be parked at the premises, however at the time of arriving and leaving the premises the vehicles will not be functioning as Taxi's only functioning a private vehicle to allow the employees to commute to and from their place of work. As above, no Private Hire vehicles operating as Private Hire vehicles will be based or dispatched from the premises.
 - 5.11 As above, it does not automatically follow that because the two uses are within different use classes there must be a change of use. The description above, clearly illustrates that such a change would be 'de minimis' and as such there would not be a material change of use.
 - 5.12 Notwithstanding the above, if the Council were to consider a change of use from Use Class E, it is proposed that this doesn't amount to a "material" change of use as there is no material difference in the activity to that which may be anticipated in the case of a conventional office use. The premises retain the overall appearance and character of a conventional office and it is further suggested that the use does not give rise to any greater level of disturbance or amenity effects that could be generated by a use associated with the current lawful use or Use Class E generally, which includes a range of more public facing uses.
6. CONCLUSION
- 6.1 The property is still mainly an office and will not appear as Private Hire or Taxi premises. The use of a small office to run an administrative business will not impact on the use of the property as an Office.
 - 6.2 Based on the details above, the use described would not amount to a material change of use and therefore planning permission is not required.
 - 6.3 In conclusion, it is suggested that, by virtue of The Town and Country Planning (Use Classes) Order 1987 (as amended) the lawful use of the property remains as Use Class E.
 - 6.4 Based on the information above, it is considered that no development will occur, and a Certificate of Lawfulness of Proposed Use or Development should be issued accordingly.