

Our Ref CD/CD/45647/4643/F
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Dear Sir/Madam,

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RE CERTIFICATE OF LAWFULNESS FOR THE PROPOSED USE OF UNIT 1B MAYFIELD TRADE CENTRE, READING, RG2 0RJ AS A SOLARIUM (USE CLASS E)

Please find enclosed a Lawful Development Certificate (LDC) application submitted today via the Planning Portal (PP-13500423) on behalf of our client, Consol Ltd.



Figure 1: Application site identified in red.

The Site

The application site is a mid-terrace property on the Mayfield Trade Centre, which occupies a corner parcel of land that is situated to the south of Acre Road and east of the A33. The built complex presently comprises a mixture of retail, industrial and warehousing outlets (Class E (formerly A1, B2 and B8)). To the east of the site, beyond the A33 is Reading Gate Retail Park.



Photo 1: Application site.



Photo 2: Application site.

Proposal

This LDC application seeks to confirm the proposed use of Unit 1B, Mayfield Trade Centre as a solarium (also known as a tanning salon) as a lawful use within Class E. A solarium falls within '*any other services which it is appropriate to provide in a commercial, business or service locality*'. The proposed solarium will provide a service where visiting members of the public (appointment or walk-in) will attend to get an artificial suntan, there is no retail function.

Planning History

There is a large amount of planning history which is not considered to be directly relevant to this proposal however, the relevant planning history of the subject building is summarised below.

Planning Reference	Description	Decision
94/0838/FD	Erection of five industrial/warehouse units, including roadway and parking (Use Class B1(c)/B2 and B8).	Approved – 25.05.1995

The 'Mayfield Trade Centre' development was approved in 1995 (Planning Ref. 94/0838/FD). The following condition (12) was imposed on the decision notice:

12 The use of the buildings and land shall be restricted to Use Classes B1(c), B2 and B8 of the Town and Country Planning (Use Classes) Order 1987 and no part of the development shall be occupied for uses falling within Use Classes B1(a) or B1(b) or any other Use Class set out in the schedule to the Town and Country Planning (Use Classes) Order 1987 and notwithstanding the provision of Article 3 of that Order and Section 55(2) (i) of the Town and Country Planning Act 1991 as amended. Reason: in the interests of amenity and to enable the Local Planning Authority to control future uses of the building.

Figure 6: Condition 12 of the planning application ref. 94/0838/FD

The subject building was permitted with B1(c)/B2 and B8 use, as defined within the Town and Country Planning (Use Classes) Order 1987, as amended.

Change in Legislation

The Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020 amended the Town and Country Planning (Use Classes) Order 1987 and introduced significant changes to the system of 'use classes'. Former Use Classes A, B1 and D, applicable to retail, office and non-residential institutions and assembly and leisure uses respectively, were removed and new use classes were introduced in their place. The new Class E encompasses commercial, business and service, while the new F1 and F2 apply to learning and non-residential institutions and local community use respectively.

Planning Considerations

The proposed use of the building would be as a solarium which provides a service for visiting members of the public through an appointment system or walk-in. A solarium falls within Use Class E (formerly Use Class D2) and, more specifically, Class E (c)(iii) - Other appropriate services in a commercial, business or service locality.

The change of use to another use within Class E is permitted without the need for a planning application as it is not development. This is clearly stated within the Government's Planning Practice Guidance:

'Is movement between uses within the same use class development?

Movement from one primary use to another within the same use class is not development, and does not require planning permission.

The Commercial, Business and Service use class provides for use, or part use, for all or any of the purposes set out in that Class.

Paragraph: 012 Reference ID: 13-012-20140306' - When is permission required?

Additionally, advice from the Planning Portal also states:

"Generally, planning permission is not needed when the existing and the proposed uses fall within the same Use Class. For example, an office could be changed to a nursery, as both are within Use Class E, without the need for planning permission."

Source: https://www.planningportal.co.uk/info/200130/common_projects/9/change_of_use/2

The existing use of the unit (Use Class E (formerly B1) and the proposed tanning salon are considered to fall within the same use class (Class E). Section 55(2)(f) of the Town and Country Planning Act 1990 sets out that a change of use of buildings within the same class is not considered development.

Due to the above, it is contended that the use of the unit as a solarium would remain within Use Class E which is the established Use Class for the unit. As the unit would remain within Class E the change of use to a solarium is not development which requires planning permission.

It is therefore requested that a Lawful Development Certificate be issued confirming that the subject building can be used lawfully as a Solarium (Use Class E).

Yours faithfully,



Charlotte Duff
Town Planning Assistant
For and on behalf of Boon Brown