

DELEGATED APPLICATION REPORT

Ward: Whitley Ward

App Ref: PL/24/1673 Lawful development: Proposed use

Address: Building 1, Arena Business Park, Acre Road, Reading RG2 OSU

Proposal: Certificate of lawfulness of proposed use or development (CLOPUD) application to confirm that the building at 1 Acre Road, Reading' ('the Site') has flexible use to change from existing B2 to B8

Applicant: Hexadex Ltd

Received date: 13/12/2024

Target Decision date (agreed extension): 04/03/2025

Case Officer: Sian Hickey

1. SITE DESCRIPTION

The site comprises a large warehouse unit (currently in B2 use). The northward and eastward site boundaries are lined by trees subject to Tree Preservation Orders (TPO). The site is located within an established area of industrial, office and commercial uses.

2. PROPOSAL AND SUPPORTING INFORMATION

A Lawful Development Certificate is sought to confirm that Building 1, Arena Business Park, Acre Road, Reading RG2 OSU has flexible use to change from existing B2 to B8 without requiring planning permission for a change of use.

3. CONSULTATIONS

No consultations are required for an application of this type. However, the RBC Legal team have been consulted.

4. PLANNING HISTORY

PL/23/0244 – Application to determine if prior approval is required for a proposed: Installation, Alteration or Replacement of other Solar Photovoltaics (PV) equipment on the Roofs of Non-domestic Buildings The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) - Schedule 2, Part 14, Class J. PRIOR APPROVAL GRANTED 25/04/2023

PL/20/1376 - Provision of emergency access and exit door to filter press building approved under planning permission 191563/FUL, dated 09/01/20. NON-MATERIAL AMENDMENT AGREED 09/01/2020

PL/19/1563 - Erection of store and electricity substation, installation of plant and modifications to drainage. PERMITTED 09/01/2020

PL/18/1059 - Change of use from storage and distribution (Class B8) to a flexible Class B2/B8 use. PERMITTED 07/12/2018

PL/17/2301 - Various external alterations including replacement of front facade, installation of condenser and ventilation grilles, and alterations to parking layout. PERMITTED 27/02/2018

PL/02/1490 - Company sign and own label logo's on front side and rear of unit. PERMITTED 24/12/2002

PL/92/0197 - Erection of first floor fire exit and two roller shutter doors. PERMITTED 02/06/1992

PL/89/0234 - Individual letters made from 1mm thick stainless steel with 100mm built up returns & stove enamelled; three 7m flagpoles; and one non-illuminated post-mounted sign. PERMITTED 02/01/1990

5. RELEVANT PLANNING POLICY AND GUIDANCE

National Planning Practice Guidance.

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

6. ASSESSMENT

The application must be assessed to ensure that the site can change use from Class B2 to Class B8 without requiring a new planning permission.

Planning Permission was granted for a change of use from storage and distribution (Class B8) to a flexible Class B2/B8 use on 7th December 2018.

A flexible use planning permission allows for two separate uses which can be interchangeable over a 10 year period without the need for further planning permission. This is controlled under permitted development rights (Class V of Part 3 of Schedule 2) of the General Permitted Development (England) Order (2015). At the end of the 10 year period, whichever use is functioning at the time becomes the permanent lawful use of the property.

Class V – changes of use permitted under a permission granted on an application

Permitted development

V. *Development consisting of a change of use of a building or other land from a use permitted by planning permission granted on an application, to another use which that permission would have specifically authorised when it was granted.*

V.1 Development is not permitted by Class V if—

(a) the application for planning permission referred to was made before 5th December 1988; **no**

(b) it would be carried out more than 10 years after the grant of planning permission; **no**

(c) the development would consist of a change of use of a building to use as betting office or pay day loan shop; **no** or

(d) it would result in the breach of any condition, limitation or specification contained in that planning permission in relation to the use in question. **no**

The agent has confirmed the site is currently in B2 use.

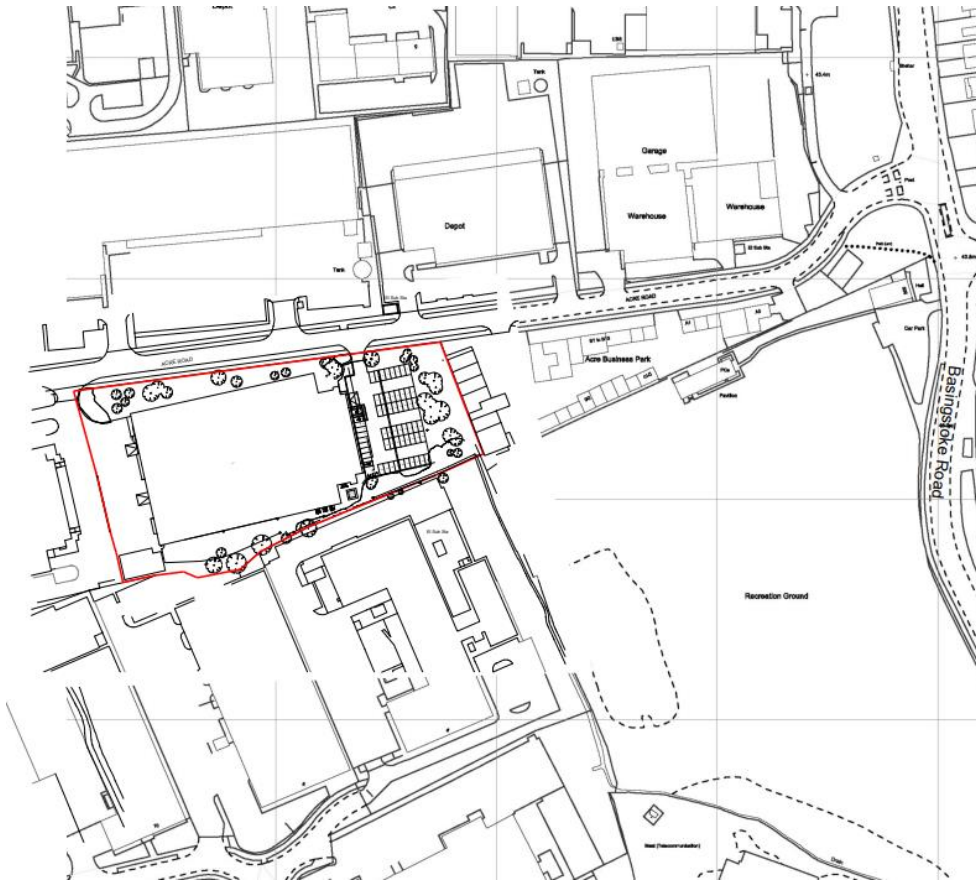
The use remains flexible for a period of 10 years from the date the application is approved, in this case the 10 year date would expire on 07/12/2028. Therefore, as the 10-year period has not passed, planning permission would not currently be required for the change of use to B8.

Whichever use is functioning 07/12/2028 will become the permanent lawful use of the property.

7. CONCLUSION

Sufficient evidence has been provided to demonstrate that a Certificate of Lawfulness should be granted to confirm that the site has flexibility to operate under Class B2 or Class B8 and the use of the site can be changed from B2 use to B8 use without planning permission.

8. RECOMMENDATION - Grant Certificate



Location Plan (not to scale)