

DELEGATED OFFICER REPORT



WOKINGHAM
BOROUGH COUNCIL

Application Number:	260792
Site Address:	Suttons Business Park, Unit 31-33, Suttons Park Avenue, Earley, RG6 1AZ
Expiry Date:	27 May 2026
Proposal: Application for a certificate of existing lawful development to confirm that development at Suttons Business Park, authorised by planning permission 230219, has lawfully commenced within the three- year timescale required by Condition 1 of the permission. Demolition of existing building on site undertaken as a material operation to implement planning permission 230219.	

PLANNING HISTORY

Application No.	Description	Decision & Date
230219	Full application for the erection of an industrial unit with ancillary office space and associated storage areas, along with a new car parking area, access and associated landscaping following the demolition of the existing units.	Committee Approval 12/05/2023
240441	Application for submission of details to comply with the following condition of planning consent 230219 dated 12/05/2023. Condition 7 Construction Method Statement. Condition 9 Ground and Building Levels. Condition 10 Details of Boundary Walls and Fences. Condition 13 Details of Tree Protection. Condition 14 Exceedance Route. Condition 16 Remediation Strategy.	Split Decision 12/04/2024

INFORMATION PROVIDED

By the applicant:

- Discharge Notice for the relevant pre-commencement conditions.
- Section 80 Notice (Dated 1st February 2024)
- Certificate of Practical Completion (Issued 8th August 2024)
- Site photographs

By the Council:

- Historic aerial photography

By third parties:

- None

APPRAISAL

The application is for a Certificate of Lawful Existing Use to confirm that development at Suttons Business Park, authorised by planning permission 230219, has lawfully commenced within the three- year timescale required by Condition 1 of the permission (12th May 2026).

In determining a Certificate of Lawful Existing Use a Local Planning Authority needs to consider whether, on the facts of the case and relevant planning law, the specific matter is lawful. Lawful development is development against which no enforcement action may be taken and where no enforcement notice is in force, or, for which planning permission is not required.

Planning merits are not relevant at any stage in the process however evidence from third parties, including neighbours, can be obtained should the Local Planning Authority consider it necessary to do so. The National Planning Policy Guidance (NPPG) sets out that the onus of proof is on the applicant, not the Local Planning Authority in submitting a Certificate of Lawfulness. However, the NPPG also states that “if Local Planning Authorities have no evidence of their own to contradict or undermine the applicant’s version of events, there is no good reason to refuse the application provided that the applicant’s evidence is clear and unambiguous to justify the grant of a certificate”.

Evidence submitted by the Applicant:

Discharge Notice for the relevant pre-commencement conditions

A summary of all the relevant pre-commencement conditions related to consent 230219 can be seen below:

Condition	Trigger	Date of Discharge
Construction Method Statement (7)	No development shall take place, excluding any works of demolition	Part discharged (Demolition Method Statement approved) 12/04/2024 Application Ref: 240441
Ground and Building levels (9)	No development shall take place	Discharged 12/04/2024 Application Ref: 240441
Details of boundary walls and fences (10)	Before the development hereby permitted is commenced	Discharged 12/04/2024 Application Ref: 240441
Arboricultural Method Statement and Scheme of Works (13)	No development or other operation shall commence	Discharged 12/04/2024 Application Ref: 240441
Exceedance Route (14)	Development shall not take place	Discharged 12/04/2024 Application Ref: 240441
Land Contamination (16)	Prior to the Commencement of development	Part discharged (Remediation Statement and Verification Plan

		approved) 12/04/2024
		Application Ref: 240441

Condition 7 was part-discharged, with the demolition method statement approved prior to demolition commencing on site. This is in accordance with the condition trigger, which restricts all other development commencing except for works of demolition.

Similarly, condition 16 was part-discharged. The condition requires the approval of a remediation statement/verification plan (approved as part of DOC application 240441) but can only be discharged fully in the event the verification report, which can only be completed post-demolition, is approved by the Local Planning Authority.

Overall, the Council are satisfied that the relevant condition details were discharged prior to demolition occurring on site.

Section 80 Notice (Dated 1st February 2024)

This document is a Building Control Solutions Demolition Notice, confirming that demolition was due to commence on 3rd March 2024.

Certificate of Practical Completion (Issued 8th August 2024)

This certificate confirms that demolition of the original buildings on site was completed on 8th August 2024.

Site photographs

The photo below is of the application site post-demolition. The photo is however undated.



Evidence submitted by the Council:

Historic aerial photography

March 2025



Whilst aerials from 2024 are unavailable, the aerial above from March 2025 confirms that demolition on site has commenced prior to 12th May 2026.

Assessment/Summary:

On the balance of probabilities, the demolition works permitted by planning consent 230219 were lawfully commenced prior to 12th May 2026, complying with condition 1 of the consent. Therefore, this application is recommended for approval.

The Public Sector Equality Duty (Equality Act 2010):

In determining this application the Council is required to have due regard to its obligations under the Equality Act 2010. The key equalities protected characteristics include age, disability, gender, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief. There is no indication or evidence (including from consultation on the application) that persons with protected characteristics as identified by the Act have or will have different needs, experiences, issues and priorities in relation to this particular planning application and there would be no significant adverse impacts as a result of the development.

RECOMMENDATION

The relevant test for Lawful Use is the 'balance of probability'. Based on the evidence provided and the Local Planning Authority's own information, it is considered to have been demonstrated that the demolition works permitted by planning consent 230219 were lawfully commenced prior to 12th May 2026, complying with condition 1 of the consent. Therefore, this application is recommended for approval.

Date: 14 May 2026

Earliest date for decision: 29 April 2026

**Recommendation
agreed by:
(Authorised Officer)**

BJC

Date: 18.05.26