

24th March 2026

Wokingham Borough Council
Civic Offices
Shute End
Wokingham
RG40 1BN

Dear Mr Small,

UNITS 31-33 SUTTONS BUSINESS PARK, EARLEY

Planning Application submitted via the Planning Portal (reference PP-14803434).

Application for a Certificate of Lawfulness (CLEUD) to confirm that development has commenced at Suttons Business Park, Earley.

This letter accompanies an application for a Certificate of Lawful Existing Development to confirm that development at Suttons Business Park, authorised by planning permission ref: 230219 has lawfully commenced within the three-year timescale required by Condition 1 of the permission.

Payment of the required application fee has been made via the planning portal.

The applicant (Pheonix Life Limited) is the freehold owner of the land that this application relates to.

Planning Context

Planning permission was granted on the 12th of May 2023 for the following development:

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.

At the time of submission, the site comprised a two-storey building totalling 8,114 sqm of floorspace, as evidenced within the approved planning permission material.

Condition 1 of the planning permission requires that development begins no later than three years from the date of permission. Accordingly, the permission remains extant until the 12th May 2026.

When considering what constitutes the implementation of a planning permission, Section 56(2) of the Town and Country Planning Act 1990 states “*development is taken to have begun on the earliest date on which a material operation is carried out*”.

Section 56 (4) confirms that material operations include any works related to construction, demolition, digging foundations, laying out or constructing a road, as well as a material change in the use of the land.

The planning permission was subject to a number of conditions relating to various stages of the development, including pre-commencement conditions and conditions requiring discharge prior to the undertaking of specific activities, some of which have been formally discharged.

Initial Works on site March 2024

Initial works commenced on site on 3rd March 2024. These works included the following:

1. Demolition of unit 31-33 Suttons Business Park

These works constitute a material operation as defined by Section 56 of the TCPA and therefore the development permitted by the Permission was lawfully implemented as these operations occurred within the three-year time period as set out within Condition 1 of the Permission.

All relevant pre-commencement conditions were discharged prior to undertaking these works, as summarised in the below table.

Condition Number	Trigger	Application Reference	Discharge Date
7	No development shall take place, excluding any works of demolition	240441	10.04.2024
9	Not development shall take place until a measured survey of the site	240441	10.04.2024
13	No development or other operation shall commence on site until an Arboriculture Method Statement and Scheme of Works have been submitted.	240441	10.04.2024
14	Development shall not take place until an exceedance flow routing plan for flows above the 1 in 100+40% climate change event has been submitted to and approved in writing by the Local Planning Authority.	240441	10.04.2024
16	Prior to the commencement of the development, the applicant shall submit to the planning authority a remediation statement as recommended in the conclusions and recommendations in the Phase II Environmental Site Investigation, dated December 2023 by Ramboll UK Ltd.	240441	10.04.2024

Table 1: Conditions Relevant to Initial Site Works

Conditions 7 and 16 have been partially discharged insofar as they relate to the demolition phase of the development. Further details will be submitted in due course to address subsequent phases of development.

Conditions 6 and 9 are pre-commencement conditions in relation to construction work. These are not relevant to the demolition phase as the wording of the conditions specifically notes that these relate to the subsequent construction phase of works to build the new unit.

All other conditions are not pre-commencement conditions and do not prevent the lawful commencement of development.

Supporting Information

In addition to the required application form and the site location plan, in accordance with the requirements of the Development Management Procedure Order 2015, and to demonstrate that development has lawfully commenced as per Section 56(4) of the 1990 Town and Country Planning Act, the following information has been provided to support this application:

1. Discharge Notice for the relevant pre-commencement conditions.
2. Section 80 Notice (Dated 1st February 2024)
3. Certificate of Practical Completion (Issued 8th August 2024) – this confirms that the demolition took place in 2024 and
4. Site photographs

The submitted information provides clear evidence of the works undertaken and demonstrates that a material operation has occurred prior to the 12th May 2026.

Pre-commencement conditions were discharged on the 10th April 2024, as evidenced by the Discharge Notice for application ref: 240441, which was prior to the commencement of the demolition works.

The Section 80 Notice confirms that appropriate notification was provided to Building Control ahead of the proposed demolition. At the time that the Section 80 Notice was prepared, it was anticipated that the demolition would take place in March, however this operation commenced on the 15th April, following the discharge of the pre-commencement conditions. The start date of the demolition operation is evidenced by the Practical Completion certificate issued to the demolition contractor.

The Practical Completion certificate also clarifies that the successful demolition of the properties completed on the 8th August, and the site photographs that support this application show the site following the completion of the demolition works.

I trust that this submission provides sufficient information to certify that development granted under planning permission 240441 has lawfully commenced.

Should you require any further information then please let me know.

Yours sincerely,

Matthew Thomas
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