

Development Management
Wokingham Borough Council
Shute End
Wokingham
Berkshire
RG40 1BN

9 August 2024

Dear Planning Team,

Pinewood Campus, Nine Mile Ride, Wokingham, RG40 3EW

Notification and Prior Approval Application for Change of Use from Use Class E to Use Class C3 under Class MA

On behalf of our client, Legal and General Assurance (Pensions Management) Ltd, we enclose notification of the proposed change of the existing building from Use Class E to Use Class C3 to provide 109 flats, under The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), Schedule 2, Part 3, Class MA, and the need or otherwise of prior approval.

There are no external alterations proposed as part of this application.

In addition to this covering letter, the application submission comprises the following documents:

- Completed Application and CIL Form;
- Site Location Plan (dwg ref. RHBW 2024 / 001), prepared by Chetwoods;
- Application drawings, prepared by Chetwoods;
- Accommodation schedule, prepared by Chetwoods;
- Transport Statement, prepared by i-Transport;
- Flood Risk Assessment, prepared by Tetra Tech;
- Daylight Assessment, prepared by MES Building Solutions; and
- Land Contamination Statement, prepared by Mason Navarro Pledge.

The application fee of £13,625 has been paid to Wokingham Borough Council via planning portal (PP- PP-13235719).

Based on the information submitted with this application, as listed above and set out below, prior approval is not required. However, should the Local Planning Authority (LPA) consider that prior approval is required, the information submitted with this application demonstrates that prior approval should be granted.

Site and surroundings

The site is located to the southeast of Wokingham within the Wokingham Borough Council administrative boundary. The site is bound by the Nine Mile Ride with housing to the south, open land to the north; wooded area with Pinewood Leisure Centre to the east and Pinewood House, set in woodland to the west.

The site comprises an existing commercial office building (Class E) which is three storeys in height and is used by Johnson & Johnson.

The site is located approximately 4km south-east of Wokingham Town Centre. It is not within the defined settlement boundary, however, immediately south of Nine Mile Ride is the Crowthorne (Pinewood) settlement boundary.

Approximately 210m to the east of the site is the Pinewood Centre which is used by a range of community clubs and societies. There are residential areas to the south of the site, with the closest to the site being the residential properties located south of Nine Mile Ride.

The site has limited public transport access. The nearest public bus stop is Pinewood Crossroads located approximately 320m east of the site entrance. Wokingham Railway Station is located approximately 6km north-west of the site and provides South Western Railway services to London and across the UK.

There are no Public Rights of Way (PROW) through the site.

The building on site is not listed and there are no listed buildings in the immediate surrounding area nor is the site located within a conservation area. The site is located in Flood Zone 1 which has the lowest probability of flooding.

Relevant Planning History

In 2005 planning permission was granted for the redevelopment of the site to provide 32 B1 office units (11,98sqm) and a 60-bed nursing home (LPA ref. F/2005/4373).

In 2007 planning permission was granted for the redevelopment of the site to provide offices within use class B1 together with landscaping servicing, car parking and associated works (LPA ref. F/2006/9192). The south part of the consented building has been built out.

There are no planning conditions attached to permission F/2006/9192 which restricts the use of the building.

The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), Schedule 2, Part 3, Class MA (GPDO)

Class MA permits development consisting of a change of use of a building and any land within its curtilage from a use falling within Class E (commercial, business and services) to a use falling within Class C3 (dwellings), subject to prior approval by the Local Planning Authority (LPA), if prior approval is required.

On 5 March 2024, the GPDO was amended and made two changes to the Class MA. First, the 1,500sqm floorspace cap for the amount of floorspace that can be converted in a building has been removed. Second, the requirement that the building must have been vacant for a continuous period for at least 3 months immediately prior to the date of an application for prior approval has been removed.

Prior approval is a light-touch process which applies where the principle of the development has already been established (National Planning Practice Guidance) (Paragraph: 028 Reference ID: 13-028-20140306).

All residential units comply with the nationally described space standards and this is set out in the accommodation schedule, prepared by Chetwoods, submitted to support this application.

In short, the application meets the criteria and conditions set out under Clause MA.1 and MA.2 and prior approval is not required. If the LPA considers that prior approval is required, the information submitted with this application demonstrates that prior approval should be granted.

Our full assessment against each criteria and condition of Class MA of the GPDO is set out below.

M.1 Development is not permitted by Class MA—

unless the use of the building fell within one or more of the classes specified in subparagraph (2) for a continuous period of at least 2 years prior to the date of the application for prior approval;

The use of the building has been in Class B1 (now Class E) for a continuous period of at least 2 years. Criteria met.

if land covered by, or within the curtilage of, the building— (i) is or forms part of a site of special scientific interest; (i) is or forms part of a listed building or land within its curtilage; (ii) is or forms part of a scheduled monument or land within its curtilage; (iii) is or forms part of a safety hazard area; or (iv) is or forms part of a military explosives storage area;

The land is not located within any of the above areas. Criteria met.

If the building is within— (i) an area of outstanding natural beauty; (ii) an area specified by the Secretary of State for the purposes of section 41(3) of the Wildlife and Countryside Act 1981' (iii) the Broads; (iv) a National Park; or (v) a World Heritage Site;

The building is not located within any of the above areas. Criteria met.

If the site is occupied under an agricultural tenancy, unless the express consent of both the landlord and the tenant has been obtained;

The site is not occupied under an agricultural tenancy. Criteria met.

(g) before 1 August 2022, if— (i) the proposed development is of a description falling within Class O of this Part as that Class had effect immediately before 1st August 2021; and (i) the development would not have been permitted under Class O immediately before 1st August 2021 by virtue of the operation of a direction under article 4(1) of this Order which has not since been cancelled in accordance with the provisions of Schedule 3.

The application is submitted after 1 August 2022. Criteria met.

The classes mentioned in sub-paragraph (1) (b) are the following classes of the Use Classes Order—

(a) the following classes of the Schedule as it had effect before 1st September 2020—

(i) Class A1 (shops);

(ii) Class A2 (financial and professional services);

(iii) Class A3 (food and drink);

(iv) Class B1 (business);

(v) Class D1(a) (non-residential institutions – medical or health services);

(vi) Class D1(b) (non-residential institutions – crèche, day nursery or day centre);

(vii) Class D2(e) (assembly and leisure – indoor and outdoor sports), other than use as an indoor swimming pool or skating rink;

(b) on or after 1st September 2020, Class E (commercial, business and service) of Schedule 2.

The building is within Class B1(a) use which now falls within Class E use. Criteria met.

Conditions

MA.2— (1) Development under Class MA is permitted subject to the following conditions. (2) Before beginning development under Class MA, the developer must apply to the local planning authority for a determination as to whether the prior approval of the authority will be required as to—

transport impacts of the development, particularly to ensure safe site access;

i-Transport have assessed the potential transport impacts of the change of use, and a statement supports this application.

The statement demonstrates that the change of use will generate a reduced number of trips, by 53 vehicles during the morning peak period, and 39 vehicles in the evening peak period against the existing Class E use. Therefore, the proposals would result in fewer vehicle movements, using the existing access and fewer traffic movements on the local highway network.

Parking is provided in accordance with the Wokingham Parking Standards, with a total of 126 car parking bays and 140 cycle parking spaces.

The statement concludes that overall, the change of use is acceptable in transport and highways terms as there will be no material traffic impact on the local highway.

Condition met.

contamination risks in relation to the building;

Mason Navarro Pledge have considered the potential contamination risks in relation to the building and a statement is submitted to support this application. The statement concludes that there will be no issues regarding contamination risk.

Condition met.

flooding risks in relation to the building;

Tetra Tech have assessed the potential flooding risks in relation to the building and an assessment supports this application.

The assessment sets out that the site is located within flood zone 1 and there are no significant flooding risks from all sources.

The assessment confirms that there will be no displacement of floodwater and no requirement to consider floodplain compensation as part of the proposed development. Furthermore, there will be no increase in built footprint or external hardstanding as a result of the proposed development and no increase in surface water runoff. The site will continue to drain as per the existing situation.

Condition met.

impacts of noise from commercial premises on the intended occupiers of the Development

As noted above, the site is located outside of the defined settlement boundary and there are no commercial premises within the vicinity of the site. The nearest commercial premises is the Newlands Industrial Estate which is located approximately 400m to the north east of the building and is screened and separated by woodland.

Therefore, the proposed scheme is suitable to incorporate new residential dwellings with no significant adverse noise impacts from surrounding commercial premises.

Condition met.

where—

- (i) the building is located in a conservation area, and*
- (ii) the development involves a change of use of the whole or part of the ground floor, the impact of that change of use on the character or sustainability of the conservation area;*

The site is not located within a conservation area.

Condition met.

The provision of adequate natural light in all habitable rooms of the dwellinghouses;

A Daylight Assessment has been prepared by MES Building Solutions and supports this application. The assessment concludes that all habitable rooms assessed will receive adequate natural light.

Condition met.

the impact on intended occupiers of the development of the introduction of residential use in an area the authority considers to be important for general or heavy industry, waste management, storage and distribution, or a mix of such uses;

The proposal is not within an area which has heavy industrial use.

Condition met.

*where the development involves the loss of services provided by—
a registered nursery, or a health centre maintained under section 2 or 3 of the National Health Service Act 2006, the impact on the local provision of the type of services lost; and*

The building is not used for either of these uses.

Condition met.

where the development meets the fire risk condition, the fire safety impacts on the intended occupants of the building. The proposal would not involve a loss of any of the above services. A fire safety report is required if a building is higher than 18 metres in height or contains more than 7 stories.

The proposed scheme does not meet the fire risk condition as the building is below 18m in height.

Condition met.

(3) An application for prior approval for development under Class MA may not be made before 1 August 2021.

The application has been made after 1 August 2021.

Criteria met.

(4) The provisions of paragraph W (prior approval) of this Part apply in relation to an application under this paragraph as if—

(a) for paragraph (e) of sub-paragraph (2) there were substituted— ‘

(e) where—

(i) sub-paragraph (6) requires the Environment Agency to be consulted, a

site-specific flood risk assessment;

(ii) sub-paragraph (6A) requires the Health and Safety Executive to be consulted, a statement about the fire safety design principles, concepts and standards that have been applied to the development,;

(b) in the introductory words in sub-paragraph (5), for 'and highways impacts of the development' there were substituted 'impacts of the development, particularly to ensure safe site access';

(c) after sub-paragraph (6) there were inserted—

(6A) where the application relates to prior approval as to fire safety impacts, on receipt of the application, the local planning authority must consult the Health and Safety Executive.

(d) in sub-paragraph (7) for '(5) and (6)' there were substituted '(5), (6) and (6A)'; The provisions of paragraph W have been complied with where necessary and appropriate to MA.

The provisions of paragraph W have been complied with where necessary and appropriate to MA.

(5) Development must be completed within a period of 3 years starting with the prior approval date.

(6) Any building permitted to be used as a dwellinghouse by virtue of Class MA is to remain in use as a dwellinghouse within the meaning of Class C3 of Schedule 1 to the Use Classes Order and for no other purpose, except to the extent that the other purpose is ancillary to the use as a dwellinghouse.

The Thames Basin Heaths Special Protection Area

The site and access to the site is located within the 5km buffer of the Thames Basin Heath Special Protection Area which is a qualifying European site.

The development would be subject to provide financial contributions to offset any harm to the Thames Basin SPA. This will be secured through a legal agreement requiring SANG and SAMM contributions.

The financial contribution can be dealt with by an informative to the prior approval, if prior approval is required.

Conclusion

We enclose notification of the proposed change of use of the existing building from Use Class E to Use Class C3, under The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), Schedule 2, Part 3, Class MA, and the need or otherwise of prior approval.

The information submitted with this application, demonstrates that the proposed

development is in accordance with Schedule 2, Part 3, Class MA of The Town and Country Planning (General Permitted Development) Order (England) 2015 (as amended). Prior approval is not required. However, should the LPA consider that prior approval is required, this application demonstrates that prior approval should be granted.

Should you wish to discuss any aspect of this application, please do not hesitate to contact me.

Yours faithfully,

George Voss