

P23-2535

02 October 2024

FAO: Mark Croucher
Planning Department
Wokingham Borough Council
Shute End
Wokingham
RG40 1BN

Dear Mark,

**Re: Nigra House, Mulberry Business Park, Fishponds Road, Wokingham. RG41 2GY –
Section 73 Application to amend condition 2 (approved details) of Planning Application Ref.
240575**

We write on behalf of our client's Tungsten Properties Ltd and Cherwell Wokingham Ltd ('the Applicants') to submit a planning application pursuant to Section 73 of the Town and Country Planning Act 1990 to amend the recently approved planning application referenced 240575 for the proposals at Nigra House, Mulberry Business Park. Planning permission was granted under delegated officer powers by Wokingham Borough Council on 25th June 2024 for the following:

'Full application for the proposed demolition of the existing building and the erection of 1 no. building for employment purposes (Use Classes E(g)(ii), (iii), B2 and B8) with new vehicular access and associated infrastructure works including service yard, car parking, boundary treatments and landscaping.'

This application seeks to vary condition 2 of the permission, the condition reads as follows:

2. This permission is in respect of the submitted application plans and drawings numbered P100 REV C, P110 REV A, P 200 REV C, P300 REV A, P400 REV B, P402 REV E, P403 REV D, P404 REV D, P405 REV D, P407 REV D, and P500 REV D received by the local planning authority. The development shall be carried out in accordance with the approved details unless otherwise agreed in writing by the local planning authority.

Reason: For the avoidance of doubt and to ensure that the development is carried out in accordance with the application form and associated details hereby approved.

4 The Courtyard, Church Street, Lockington, Derbyshire, DE74 2SL
T 01509 670806 E EastMidlands@pegasusgroup.co.uk
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This application is accompanied by the following plans, which seeks to amend some of the plans referenced under condition 2, with all other plans to remain as approved;

- Drawing No. P100 Rev D – Proposed Floor Plan
- Drawing No. P110 Rev A – Proposed Roof Plan
- Drawing No. P200 Rev D – Proposed Elevations
- Drawing No. P402 Rev O – Proposed Site Plan (B8)
- Drawing No. P403 Rev N – Proposed Surface Treatments Plan
- Drawing No. P404 Rev N – Proposed External Furniture Plan
- Drawing No. P405 Rev P – Proposed Boundary Treatments Plan
- Drawing No. P407 Rev M – Proposed Site Plan (B2)
- Drawing No. P500 Rev L – Proposed Streetscene

In respects to the plans submitted above, this application seeks minor amendments to the approved proposals, these amendments are:

- Proposed siting of substation to be relocated from the north east boundary, adjacent to the highway, to the north west boundary and north east corner of the proposed building;
- Outdoor seating area to be relocated from the north west boundary to the north east site boundary and north east corner of the proposed building, effectively swapping locations with the substation;
- Siting of the boundary treatments changed to reflect the above layout changes and to provide a more appropriate site access;
- Boundary treatment proposed along the north east boundary, a section has been amended from a 2.4m high paladin fence to a 0.75m high brick wall, with pillars and timber infill fencing;
- Proposed relocation of access door to north elevations;
- Proposed relocation of bin storage area from side elevation to service yard;
- Proposed relocation of cycle parking area, moved closer to the building entrance and provides an increased area for soft landscaping;



- Reconfiguration of car park spaces but no change to parking provision for both B2 and B8 uses; and
- Change to entrance access gates so that they open inwards.

In addition to the above amendments as the original application was submitted after 12th February 2024, we are required to submit information about Biodiversity Net Gain, as such the following information has also been submitted:

- Detailed Landscape Proposals – Drawing No. 1631-L-D-PL-200 Rev V4
- Biodiversity Net Gain Report – Produced by BLADE dated September 2024
- Statutory Biodiversity Metric Calculation Tool

This application seeks to vary condition 2, which relates to the approved details and goes on to list the drawing numbers of the approved plans. The principle of development has therefore been established and hence the council's assessment should only consider matters which are relevant to the condition concerned. Taking this into account along with the plans as amended and the site and its environs; the main issue central to the determination of this application is the impact the changes would have on the overall design and layout of the scheme and the impact on the amenity of surrounding occupiers.

It is not considered that the proposed changes would be harmful to the character of the street scene and would provide improved design and functionality, with the substation now being more accessible. The proposed brick wall along the external north east boundary, would provide a softer, higher quality finish to the proposals whilst also ensuring the site is fully secured. In terms of the impact on amenity, the changes would have no impact in terms of overlooking, overshadowing of surrounding residential occupiers. The relocation of the small outdoor seating area would move it away from the boundary with Indigo House which has an extant consent for residential development in the form of an additional floor. The amendments to the parking layout and cycle parking provide improved functionality and access to the building, without changing the overall parking provision, as a result of the changes it has resulted in an increased area of soft landscaping at the front of the site, which is considered a design improvement and also provides increased biodiversity benefits. It is important to note that the proposals do not include any amendments to the proposed building other a minor amendment to move a pedestrian access door on the north elevation.

The proposed amendments do not fundamentally alter the permission, do not affect the approved description of development and remains consistent with the overall intent of the original application and, as such, should be approved under S73 of the Town and Country Planning Act 1990.

The application fee of £293 has been paid in full via the Planning Portal and I trust the above to be acceptable and look forward to receiving your written confirmation that the application has



been validated. However, should you require any further information please do not hesitate to contact me.

Yours

Tom Beardsmore



Senior Planner
tom.beardsmore@pegasusgroup.co.uk

Enc.