

## **VARIATION/REMOVAL OF CONDITION** **DRAFT DECISION NOTICE**



**WOKINGHAM**  
**BOROUGH COUNCIL**

**Expiry Date:** 6 January 2025

**Application Number:** 242136

**Location:** Nigra Building (The Mulberry Centre), Mulberry Business Park, Fishponds Road, Wokingham, RG41 2GY

**Proposal:** Application to vary condition 2 of planning consent 240575 for the proposed demolition of the existing building and the erection of 1 no. building for employment purposes (Use Classes E(g), (iii), B2 and B8) with new vehicular access and associated infrastructure works including service yard, car parking, boundary treatments and landscaping. Condition 2 refers to the approved plans, and the variation is to make amendments to the proposed siting of the substation, outdoor seating area, boundary treatments, access door to north elevations, bin storage area, cycle parking area, car park spaces and entrance access gates.

**Recommendation:** Approve

### **Conditions and/or Reasons**

Condition 1 now reads:

The development hereby permitted shall be begun before the expiration of three years from the date of 25 June 2024.

Reason: In pursuance of s.91 of the Town and Country Planning Act 1990 (as amended by s.51 of the Planning and Compulsory Purchase Act 2004).

Condition 2 now reads:

This permission is in respect of the submitted application plans and drawings numbered P100 Rev D - Proposed Floor Plan; P110 Rev A - Proposed Roof Plan; P200 Rev D - Proposed Elevations; P402 Rev O - Proposed Site Plan (B8); P403 Rev N - Proposed Surface Treatments Plan; P404 Rev N - Proposed External Furniture Plan; P405 Rev P - Proposed Boundary Treatments Plan; P407 Rev M - Proposed Site Plan (B2); and, P500 Rev L - Proposed Streetscene, 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

All other conditions of planning permission [INSERT] apply to this planning permission, viz:

1. As above

2. As above

3. Prior to any above ground construction works of the development hereby approved, samples and details of the materials to be used in the construction of the external surfaces of the building/s shall have first been submitted to and approved in writing by the local planning authority. Development shall not be carried out other than in accordance with the so-approved details.

Reason: To ensure that the external appearance of the building is satisfactory. Relevant policy: Core Strategy policies CP1 and CP3

4. Prior to any above ground construction works, full details of both hard and soft landscape proposals shall be submitted to and approved in writing by the local planning authority. These details shall include, as appropriate, proposed finished floor levels or contours, means of enclosure, car parking layouts, other vehicle and pedestrian access and circulation areas, hard surfacing materials and minor artefacts and structure (e.g. furniture, play equipment, refuse or other storage units, signs, lighting, external services, etc). Soft landscaping details shall include planting plan, specification (including cultivation and other operations associated with plant and grass establishment), schedules of plants, noting species, planting sizes and proposed numbers/densities where appropriate, and implementation timetable. All hard and soft landscape works shall be carried out in accordance with the approved details prior to the occupation of any part of the development or in accordance with a timetable approved in writing by the local planning authority. Any trees or plants which, within a period of five years after planting, are removed, die or become seriously damaged or defective, shall be replaced in the next planting season with others of species, size and number as originally approved and permanently retained.

Reason: In the interests of visual amenity. Relevant policy: Core Strategy policy CP3 and Managing Development Delivery Local Plan policies CC03 and TB21 (and TB06 for garden development).

5. a) No development or other operation shall commence on site until an Arboricultural Method Statement and Scheme of Works which provides for the retention and protection of trees, shrubs and hedges growing on or adjacent to the site in accordance with BS5837:2012 has been submitted to and approved in writing by the local planning authority. No development or other operations shall take place except in complete accordance with the details as so-approved (hereinafter referred to as the Approved Scheme). b) No operations shall commence on site in connection with development hereby approved (including any tree felling, tree pruning, demolition works, soil moving, temporary access construction and or widening or any other operation involving use of motorised vehicles or construction machinery) until the tree protection works required by the Approved Scheme are in place on site. c) No excavations for services, storage of materials or machinery, parking of vehicles, deposit or excavation of soil or rubble, lighting of fires or disposal of liquids shall take place within an area designated as being fenced off or otherwise protected in the Approved Scheme. Public: Information that can be seen and used by everyone inside and outside the Council. d) The fencing or other works which are part of the

Approved Scheme shall not be moved or removed, temporarily or otherwise, until all works including external works have been completed and all equipment, machinery and surplus materials removed from the site, unless the prior approval in writing of the local planning authority has first been sought and obtained.

Reason: In the interests of visual amenity. Relevant policy: Core Strategy policy CP3 and Managing Development Delivery Local Plan policies CC03 and TB21 (and TB06 for garden development).

6. Prior to any above ground construction works, a landscape management plan, including long term design objectives, management responsibilities, timescales and maintenance schedules for all landscape areas, other than privately owned, domestic gardens, shall be submitted to and approved in writing by the local planning authority. The landscape management plan shall be carried out as approved.

Reason: In the interests of visual amenity. Relevant policy: Core Strategy policy CP3 and Managing Development Delivery Local Plan policies CC03 and TB21 (and TB06 for garden development).

7. The development hereby approved shall be carried out in accordance with the advice and recommendations set out in Soiltechnics Ground Investigation Report dated April 2023.

Reason: To ensure that any contamination of the site is identified at the outset to allow remediation to protect existing/proposed occupants of property on the site and/or adjacent land. Relevant policy: NPPF Section 15 (Conserving and Enhancing the Natural Environment) and Core Strategy policies CP1 & CP3

8. No development shall take place until details of a scheme (Construction Method Statement) to control the environmental and highway effects of the demolition and/or construction work has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include:(i) the control of noise (ii) the control of dust, smell and other effluvia (iii) the control of rats and other vermin (iii) the control of surface water run-off (iv) the proposed method of piling for foundations (if any) (v) proposed construction and demolition working hours (vi) hours during the construction and demolition phase when delivery vehicles, or vehicles taking materials, are permitted to enter or leave the site. (vii) The management of site operatives, visitors and construction vehicles loading, off-loading, parking and turning within the site during the construction period. The development shall be carried out in accordance with the approved scheme.

Reason: In the interests of the amenities of the area.

9. No work relating to the development hereby approved, including works of demolition or preparation prior to building operations, shall take place other than between the hours of 08:00 and 18:00 Monday to Friday and 08:00 to 13:00 Saturdays and at no time on Sundays or Bank or National Holidays.

Reason: To protect the occupiers of neighbouring properties from noise and disturbance outside the permitted hours during the construction period. Relevant policy: Core Strategy policies CP1 and CP3 and Managing Development Delivery Local Plan policy CC06.

10. All plant, machinery and equipment installed or operated in connection with the carrying out of this permission shall be so enclosed and/or attenuated that noise therefrom does not exceed at any time a level of 5dB[A] below the existing background noise level [or 10dB[A] if there is a particular tonal quality] when measured at a point one metre external to the nearest residential or noise sensitive property.

Reason: To ensure that no nuisance or disturbance is caused to the occupiers of neighbouring properties. Relevant policy: NPPF Section 15 (Conserving and Enhancing the Natural Environment), Core Strategy policies CP1 and CP3 and Managing Development Delivery Local Plan policy CC06.

11. Details of floodlighting and other externally mounted lighting of the site shall be submitted to and approved in writing by the local planning authority. The floodlighting shall be installed, maintained and operated in accordance with the approved details unless the local planning authority gives its written consent to the variation.

Reason: To protect residential amenity, highway safety and ecology.

12. The Development hereby approved 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. The proposed scheme shall identify exceedance flow routes through the development based on proposed topography with flows being directed to highways and areas of public open space. Flow routes through gardens and other areas in private ownership will not be permitted. The scheme shall subsequently be completed in accordance with the approved details before the development is first brought into use/occupied.

Reason: To ensure satisfactory drainage of the site and avoid flooding. It is important that these details are agreed prior to the commencement of development as any works on site could have implications for drainage in the locality.

13. No part of any building(s) hereby permitted shall be occupied or used until the vehicle parking and turning space has been provided in accordance with the approved plans. The vehicle parking and turning space shall be retained and maintained in accordance with the approved details and the parking space shall remain available for the parking of vehicles at all times and the turning space shall not be used for any other purpose other than vehicle turning.

Reason: To ensure adequate on-site parking provision in the interests of highway safety, convenience and amenity. Relevant policy: Core Strategy policies CP3 & CP6 and Managing Development Delivery Local Plan policy CC07.

14. Prior to any above ground construction works, full details of the construction of roads and footways, including levels, widths, construction materials, depths of

construction, surface water drainage and lighting shall be submitted to and approved in writing by the local planning authority. The roads and footways shall be constructed in accordance with the approved details to road base level before the development is occupied and the final wearing course will be provided within 3 months of occupation, unless otherwise agreed in writing by the local planning authority.

Reason: In the interests of highway safety and convenience. Relevant policy: Core Strategy policies CP3 & CP6.

15. Prior to any above ground construction works, details of the proposed vehicular access on to Fishponds Road to include visibility splays of 2.4m by 43m shall be submitted to and approved in writing by the local planning authority. The access shall be formed as so- approved and the visibility splays shall be cleared of any obstruction exceeding 0.6 metres in height prior to the occupation of the development. The accesses shall be retained in accordance with the approved details and used for no other purpose and the land within the visibility splays shall be maintained clear of any visual obstruction exceeding 0.6 metres in height at all times.

Reason: In the interests of highway safety and convenience. Relevant policy: Core Strategy policies CP3 & CP6.

16. The development hereby approved shall not be occupied until full details of secure and covered bicycle storage/ parking facilities for the occupants of [and visitors to] the development shall be submitted to and approved in writing by the local planning authority. The cycle storage/ parking shall be implemented in accordance with such details as may be approved before occupation of the development hereby permitted, and shall be permanently retained in the approved form for the parking of bicycles and used for no other purpose

Reason: In order to ensure that secure weather-proof bicycle parking facilities are provided so as to encourage the use of sustainable modes of travel. Relevant policy: NPPF Section 4 (Sustainable Transport) and Core Strategy policies CP1, CP3 & CP6 and Managing Development Delivery Local Plan policy CC07.

17. The development hereby approved shall not be occupied until active and passive electric vehicle charging points have been implemented in accordance with the approved Electric Vehicle Charging Strategy set out in Appendix D of the Transport Assessment by ADC Infrastructure ref: ADC3463-RP-A. These shall be maintained thereafter in full working order.

Reason: To encourage electric vehicle use resulting in carbon reductions.

18. Before the use hereby permitted is commenced, details fume extraction, mechanical ventilation and filtration equipment shall have been submitted to and approved in writing by the Local Planning Authority. The equipment shall thereafter be retained, operated and maintained in its approved form and in accordance with the manufacturer's recommendations for so long as the use hereby permitted remains on site.

Reason: To ensure smells, fumes and odours have an acceptable impact on neighbouring uses and residents.

19. The buildings hereby approved should achieve no less than a BREEAM rating of Very Good unless otherwise agreed in writing by the Local Planning Authority.

Reason: To achieve sustainable development and reduce carbon emissions.

20. Prior to above ground construction works of the development hereby approved, details of the buildings of setting a minimum 10 percent reduction in carbon emissions through renewable energy or low carbon technology for major developments shall be submitted to and approved in writing by the Local Planning Authority. The details thereby agreed shall be implemented and maintained thereafter

Reason: To achieve sustainable development and reduce carbon emissions.

21. Prior to the occupation of the buildings hereby approved, a Delivery and Servicing Plan shall be submitted to and approved in writing by the Local Planning Authority. This shall include details of how noise and disturbance will be minimised. The details thereby agreed shall be fully implemented and carried out in perpetuity.

Reason: In the interests of highway safety and convenience in accordance with Core Strategy policies CP3 & CP6

22. Prior to the occupation of the development a Travel Plan shall be submitted to and approved in writing by the local planning authority. The travel plan shall include a programme of implementation and proposals to promote alternative forms of transport to and from the site, other than by the private car and provide for periodic review. The travel plan shall be fully implemented, maintained and reviewed as so approved.

Reason: To promote sustainable transport and a modal shift away from private car use.

23. Prior to the first occupation of the development, a Parking Management Strategy for the management of the parking arrangements shall be submitted to and approved in writing by the local planning authority. The submitted Parking Management Strategy shall include details of the management of all parking spaces and the monitoring and the delivery of additional electric vehicle charging spaces when required and be carried out in perpetuity of the development hereby approved.

Reason: To ensure satisfactory development in the interests of amenity and highway safety in accordance with Wokingham Borough Core Strategy Policies CP1, CP6, CP13 and CP21 and MDDLDP policies CC07 and TB20.

24. Prior to the commencement of development, an Employment Skills Plan shall be submitted to and agreed in writing by the Local Planning Authority. The details within the Employment Skills Plan shall be implemented in full, in accordance with the time scales set, unless otherwise agreed in writing by the local planning authority.

Reason: To ensure an Employment Skills Plan is implemented in accordance with TB12.

25. No materials, plant, machinery, containers or equipment shall be stored on the site outside buildings except for the waste storage areas shown on the approved drawings, and external areas of the site shall not be used for any manufacturing or other industrial process.

Reason: To ensure a satisfactory visual appearance and to reduce environment health impacts.

26. Prior to above ground construction, details shall be submitted to and approved in writing by the Local Planning Authority demonstrating that the building envelope shall be constructed with a minimum sound reduction of Rw 27 dB, increasing to Rw 33 dB where Class B2 operations are proposed. The details thereby agreed shall be fully implemented prior to the occupation of the building and maintained in perpetuity.

Reason: To ensure satisfactory noise levels.

### **Informatives**

1. Please note that if the works carried out depart from the scope of this planning permission and a retrospective application under Section 73A is subsequently required, there may be CIL liability implications. The scope of any retrospective planning application will cover the chargeable development for the purposes of CIL, this will include past works that are unauthorised and any additional future works included within the planning permission. If the total floorspace of these works is over 100sqm, they will be liable to pay CIL. In such cases, no CIL exemption can be claimed, and payment will become due immediately as development for which planning permission is granted under a subsequent Section 73A or Section 177(1) application must be treated as commencing on the day any such planning permission is granted. Any demolished floorspace will not be able to be considered for offsetting if the relevant building is not on the land on the day that the permission is granted.

2. The applicant is reminded that this approval is granted subject to conditions which must be complied with prior to the development starting on site. Commencement of the development without complying with the pre-commencement requirements may be outside the terms of this permission and liable to enforcement action. The information required should be formally submitted to the Council for consideration with the relevant fee. Once the details have been approved in writing the development should be carried out only in accordance with those details. If this is not clear please contact the case officer to discuss.

3. Bats are a protected species under the Conservation of Habitats and Species Regulations 2017 (as amended). Should any bats or evidence of bats be found prior to or during the development, all works must stop immediately and an ecological consultant contacted for further advice before works can proceed. All contractors working on site should be made aware of the advice and provided with the contact details of a relevant ecological consultant.

4. This permission does not convey or imply any approval or consent that may be required for the display of advertisements on the site for which a separate Advertisement Consent application may be required. You should be aware that the display of advertisements without the necessary consent is a criminal offence liable to criminal prosecution proceedings through the courts.

5. The developer's attention is drawn to the fact that this permission does not authorise the physical construction of the proposed off-site highway works and site access connections to the public highway. A separate legal agreement made with the Council under s.278 of the Highways Act 1980 is required. No work within or affecting the public highway shall commence until the agreement has been completed and the Council, as local highway authority, has approved all construction and installation details together with a programme of works.

6. Adequate precautions shall be taken during the construction period to prevent the deposit of mud and similar debris on adjacent highways. For further information contact the Highway Authority on tel.: 0118 9746000.

7. Any works/ events carried out by or on behalf of the developer affecting either a public highway or a prospectively maintainable highway (as defined under s.87 New Roads and Street Works Act 1991 (NRSWA)), shall be co-ordinated and licensed as Public: Information that can be seen and used by everyone inside and outside the Council. required under NRSWA and the Traffic Management Act 2004 in order to minimise disruption to both pedestrian and vehicular users of the highway. Any such works or events, and particularly those involving the connection of any utility to the site must be co-ordinated by the developer in liaison with the Borough's Street Works team (0118 974 6302). This must take place AT LEAST three months in advance of the intended works to ensure effective co-ordination with other works so as to minimise disruption.

8. The applicant's attention is drawn to the presence of a c.2m wide service strip running adjacent to the surfaced roadway. The service strip forms part of the adopted public highway. It is an offence for any works to be undertaken within this service strip without express permission in writing from the highway authority. The Head of Technical Services at the Council Offices, Shute End, Wokingham (0118 9746000) must be contacted for the approval of any such works.

9. The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received. This planning application has been the subject of positive and proactive discussions with the applicant. 10. The applicant is advised that a Traffic Regulation Order will be required to secure suitable visibility splays.



Recommendation and conditions/reasons agreed:

Date: 06.01.25

**REMEMBER** - The earliest date for a decision on this application is: **7 November 2024**