

DELEGATED OFFICER REPORT



WOKINGHAM
BOROUGH COUNCIL

Application Number:	242136
Site Address:	Nigra Building (The Mulberry Centre), Mulberry Business Park, Fishponds Road, Wokingham, RG41 2GY
Expiry Date:	6 January 2025
Site Visit Date:	26.11.2024
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.	

PLANNING CONSTRAINTS/STATUS

Major Development Location
Core Employment Areas

PLANNING POLICY

National Policy	National Planning Policy Framework (NPPF) National Planning Policy Guidance (NPPG)
Core Strategy (CS)	CP1 – Sustainable Development CP2 – Inclusive Communities CP3 – General Principles for Development CP6 – Managing Travel Demand CP7 – Biodiversity CP9 – Scale and Location of Development Proposals CP15 – Employment Development
MDD Local Plan (MDD)	CC01 – Presumption in Favour of Sustainable Development CC02 – Development Limits CC03 – Green Infrastructure, Trees and Landscaping CC04 – Sustainable Design and Construction CC05 – Renewable Energy and Decentralised Energy Networks CC06 – Noise CC07 – Parking CC09 – Development and Flood Risk CC10 – Sustainable Drainage TB11 – Core Employment Areas TB12 – Employment Skills Plan TB20 – Service Arrangements and Deliveries for Employment and Retail Use TB23 – Biodiversity and Development

Other	Borough Design Guide Supplementary Planning Document

PLANNING HISTORY		
Application No.	Description	Decision & Date
240575	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.	Approved 25 June 2024
221409	Full planning application for the proposed demolition of Nigra House and the erection of 12 no. employment units (Use Classes E (g) (ii) and (iii) and B8) with new vehicular access and associated works including car parking, servicing and landscaping.	Approved 27 March 2023
212222	Prior approval submission for the change of use from existing office use to 43no. dwellings.	Refused 3 August 2021
212198	Prior approval submission for the change of use from existing office use to 43no. residential apartments.	Refused 30/7/2021
183084	Prior approval submission for the conversion of existing office to 43no residential flats.	Approved 11/01/2019
183174	Full planning application for the changes to fenestration, replacement of existing roof to flat roof together with provision of cycle, refuse stores and car parking.	Approved 18/01/2019
181168	Application for the submission of details to comply with the following condition of planning consent (180526) 12/04/2018. 1/2. Contamination Assessment Report	Approved 12/06/18
180526	Prior approval submission for the conversion of existing office (use class B1 a) 43no residential apartments (Use Class C3)	Prior Approval Approved 12/04/18

180029	Full application for the proposed raising of the height to create in a second-floor extension to create 14 no self-contained residential apartments including a communal garden and upgraded cycle storage and refuse facilities.	Approved 10 April 2019
162051	Full application for the proposed raising of roof height to create a new second-floor extension to create 9no self-contained residential apartments including a communal garden and upgraded cycle storage and refuse facilities.	Approved 27/02/2017
161809	Prior approval submission for the conversion of existing office (Use Class B1(a)) to 42no residential apartments (Use Class C3).	Prior Approval Approved 27/02/2017
160273	Prior approval submission for the conversion of existing office (Use Class B1(a)) to 42no residential apartments (Use Class C3).	Prior Approval Approved 08/03/16
F/2004/3399	Erection of 6 part two and part three storey buildings to provide class B1(a) offices with associated parking and external works	Approved 02/02/05
F/2005/4624	Erection of 6 detached buildings and 2 storey semi-detached units for office accommodation (B1a)	Approved 09/08/06
O/2001/5282	Outline application for the proposed erection of 3 buildings for b1a office use with associated car parking and external work	Allowed at appeal 13/08/03

CONSULTATION RESPONSES

Internal

WBC Drainage – No objection
WBC Highways – No objection
WBC Landscape and Trees – Objection/further information required

External

None

REPRESENTATIONS

Parish/Town Council	No comments received
Ward Member(s)	No comments received
Neighbours	No comments received

Site Description:

The site is within Mulberry Business Park which is characterised by a range of commercial and industrial buildings. There are also new residential development to the west of the site. The application site comprises of a two-storey office building located centrally within the plot, surrounding by a hard surface car park. Trees and other soft landscaping are located around the periphery of the site.

Principle of Development:

The National Planning Policy Framework has an underlying presumption in favour of sustainable development which is carried through to the local Development Plan. The Managing Development Delivery Local Plan (MDD) Policy CC01 states that planning applications that accord with the policies in the Development Plan for Wokingham Borough will be approved without delay, unless material considerations indicate otherwise.

Policy CC02 of the MDD sets out the development limits for each settlement as defined on the policies map and therefore replaces the proposals map adopted through the Core Strategy, as per the requirement of policy CP9. Policy CP9 sets out that development proposals located within development limits will be acceptable in principle, having regard to the service provisions associated with the major, modest and limited categories. As the site is within a major development location, the proposal is acceptable in principle.

The site is within a Core Employment Area and policy TB11 of the MDD Local Plan and CP12 of the Core Strategy sets out development for business, industry or warehousing will be permitted in these areas. The principle of development complies with this policy as it seeks to replace an office with a modern commercial building with a use for research & development and general industry. The proposal would have a marginally greater cumulative floor area of 95sqm, which equates to an approximate 2.5% increase from the existing building.

The site has prior approval permission to convert the building into 43 residential flats. Whilst policy CP3 of the Core Strategy resists the loss of residential dwellings, the lawful use of the building is still an office and there would be no loss of habitable properties. In addition, the site is within a Core Employment Area where the development plan seeks to locate business and employment development. For the reasons set out in the preceding paragraphs, the principle of development accords with the development plan as a whole.

Character of the Area:

The existing building is two-storey in height and is located centrally on the plot, surrounded by a car park with small areas of soft landscaping around the site periphery. The proposed layout would be oriented so that the carpark is adjacent to fishponds Road and the building set behind this. The proposed building would be a large two-storey monolithic structure, but this is appropriate being in an established business park. The bulk and scale of the building would be somewhat similar to the existing office block, albeit in different position on the site.

There is a residential block of flats to the southwest of the site and whilst these do add some domestic influences on the immediate area, the predominant characteristics of large buildings with commercial features remains in the locality. The development is appropriate for the context of the locality, which is a Core Employment Area.

The proposed amendments to the site plan do not appreciably change the impact of the scheme on the character and appearance of the area. Whilst there are some changes to the layout of bin stores, substations and landscaping, overall the impact of the development would be comparable to the approved scheme and the impact on the character and appearance of the area is acceptable.

Neighbouring Amenity:

There are no material changes to the size and scale of the building and therefore the impact regarding overshadowing, overbearing and outlook on the neighbouring uses and residents remain acceptable - consistent with the previous application. The landscaping along the south and western boundary remains and this would partially screen the development from neighbouring residential flats.

The building to the west (Indigo house) is an office building. There is an extant permission for residential flats on top the building. The impact of the permitted scheme was supported by a noise report which demonstrated an acceptable impact. The proposed changes to the parking layout would not detrimentally impact the amenity of these residents and there is already a carpark serving indigo house that is closer than the proposed parking spaces. An electrical substation has been positioned along the western boundary but given the distance between this and the upper floor flats, it would not result in detrimental levels of noise or hum. It would also have no detrimental impact the occupants of the office building for the same reason.

The proposed changes would not materially affect the occupants of any other office buildings or the occupants to the south-west in Sorbus House. These flats are located approximately 50m from the proposed service yard which itself would be screened by the building. There is no change from the previous application in this regard.

Condition 26 regarding the sound reduction of the building is recommended again for this amendment.

Highway Access and Parking Provision:

The council's Highway Officer has not objected to the proposed development and stated: *"As part of this application, it is proposed that there would be a minor change to the layout of the car park and the cycle parking would be moved closer to the building. Highways is content with this amendment. It is also proposed that gates would be added which open inwards. These gates are set back some 7m from the highways edge which is welcome. Highways is content with the proposed external furniture. Please note that the details of cycle parking has been secured by condition."*

There will be no change to the permitted use of the building and the associated highway impact.

Flooding and Drainage:

The site is in Flood Zone 1, where the risk of fluvial flooding is low. The existing car park is at risk from surface water flooding. The site is brownfield and predominantly comprises of impermeable hard surfacing and the existing office building.

The applicant submitted a Flood Risk Assessment, Drainage Strategy and additional correspondence justifying the Drainage Strategy with the originally approved application and this demonstrated an acceptable Flooding and Drainage impact. The proposed amendments have very minor impacts on the location and extent of hard surfacing on the site and it is considered that the development would have satisfactory drainage and flooding impacts subject to recommended conditions

The Council's Drainage Officer has advised that *"the variation does not affect the drainage strategy, so we would have no flood risk concerns."*

Landscape and Trees:

Areas for landscaping are retained around the periphery of the site, including the tree belt to the south, which will partially screen the development from Reeves Way.

The Council's Tree and Landscape Officer has raised some concerns regarding 4 additional parking space in the northeastern corner of the site close to existing trees. Condition 5 however recommends arboriculture information demonstrating the protection of trees and it is considered that the trees shown on the site plan can be adequately protected.

Whilst the landscaping to the north of the site will be eroded from the existing layout, an appropriate strip of landscaping will be retained for the context of the site. As stated, this is a commercial plot within an existing business park and the small loss of landscaping would not be harmful when considered in the overall context for the area.

Ecology:

A Preliminary Ecological Appraisal Addendum was submitted with the approved application and the existing building was assessed as having negligible potential for bat. The survey advises that prior to demolition, the building should be re-surveyed for the potential for bats. The appraisal also identified there would be no detrimental impacts to any other species. The amendments to the application do not warrant any different views on the Ecological Impact.

The development is subject to a mandatory Biodiversity Net Gain of 10%. A Biodiversity Net Gain Metric has been submitted which sets out that net gain would be achieved through a mix of on-site habitat creation and off-site units. The recommended condition set out in government guidance applies and is also set out in the decision notice.

Employment Skills:

Policy TB12 requires Major developments to be accompanied by an Employment and Skills Plan (ESP) to show how the proposal accords opportunities for training, apprenticeship or other vocational initiatives to develop local employability skills required by developers, contractors or end users of the proposal.

Whilst an ESP is normally secured by a S106 due to the contribution in lieu option, the applicant has previously submitted a draft ESP and advised that they want to implement an ESP on the site and not default to a contribution. Given that the draft ESP is in principle acceptable to the council, the condition securing an ESP is carried forward into this permission

Community Infrastructure Levy (CIL):

When planning permission is granted for a development that is CIL liable, the Council will issue a liability notice as soon as practicable after the day on which the planning permission first permits development. Completing the assumption of liability notice is a statutory requirement to be completed for all CIL liable applications.

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.

Conclusion and planning balance:

The principle of development remains acceptable because the application site is within a Core Employment Area and the proposed redevelopment will provide a modern commercial unit with a Research & Development and General Industry use. The design of the buildings and the layout of the development remains appropriate for the proposed use and location of the site within Mulberry Business Park. The site is within an accessible location within Wokingham. Parking, layout and the proposed new access would have a satisfactory impact on highway safety. The proposed development would have an acceptable impact on existing and potential neighbouring residents. The development would result in economic benefits by the creation of modern commercial employment development.

Whilst there would be some loss of trees and soft landscaping this would have limited impact and the does not result in a level of harm that would outweigh the benefits or result in a conflict with the development plan as a whole.

The proposed amendments do not result in any detrimental impacts regarding any other material considerations.

The proposal is recommended for approval subject conditions.

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RECOMMENDATION	
Conditions agreed:	Not required
Recommendation:	Approve
Date:	12 December 2024
Earliest date for decision:	7 November 2024

Recommendation agreed by: (Authorised Officer)	<i>BJC</i>
Date:	06.01.25