

COMMITTEE REPORT

BY THE DIRECTOR OF ENVIRONMENT & NEIGHBOURHOOD SERVICES

READING BOROUGH COUNCIL

ITEM NO. 13

PLANNING APPLICATIONS COMMITTEE: 7th November 2018

Ward: Redlands

Application No.: 180683/FUL

Address: Land adjacent to 300 Kings Road Reading

Proposal: Construction of a part five part three storey building of 14 residential apartments (C3) and associated undercroft car parking

Date received: 10th May 2018

Application target decision date: 9th August 2018

Extension of time date: 10th November 2018

RECOMMENDATION

Grant Full Planning Permission subject to satisfactory completion of a Section 106 legal agreement by 10th November 2018 and the following conditions:

If the Section 106 legal agreement is not completed by 10th November 2018 delegate to the HPDRS to refuse the above application unless the HPDRS approves an extension of time.

Legal Agreement to secure the following:

1. Provision of 4 on-site residential units as affordable housing, comprising of 2 x 1 bed and 2 x 2 bed shared ownership units
2. Commuted off-site affordable housing contribution of £35,000. Payable on first occupation and index-linked from date of permission
3. Employment Skills and Training Plan financial contribution towards construction-phase training of £2, 825

Conditions:

1. Time Limit
2. In accordance with the approved drawings (to include amended plans)
3. Material samples to be submitted
4. Submission and implementation of archaeological written scheme of investigation
5. In accordance with approved glazing and ventilation specification
6. Cycle store details to be submitted
7. Hard and soft landscaping scheme to be submitted
8. Implementation of landscaping scheme
9. Landscaping Maintenance
10. Landscaping replacement
11. Biodiversity enhancement details to be submitted

12. Construction Method Statement to be submitted
13. Vehicular parking spaces to be provided
14. Bin storage to be provided
15. In accordance with approved sustainability/energy efficiency reports
16. Photovoltaic details to be submitted
17. No parking permits - address details to be submitted
18. No parking permits - future occupants to be informed
19. Contaminated Land 1: site characterisation report
20. Contaminated Land 2: remediation scheme
21. Contaminated Land 3: implementation of remediation scheme
22. Contaminated Land 4: reporting any unexpected contamination
23. Standard construction hours
24. Flat roof area not to be used as a terrace or balcony
25. Retention of lift (inclusive access)

Informatives:

1. Building Control
2. Terms and conditions
3. Positive and Proactive Statement
4. Damage to the highway
5. No parking permits
6. Noise between residential properties - building regulations sound insulation of any building
7. Section 106 Legal Agreement
8. Clarification over pre-commencement conditions
9. CIL

1. BACKGROUND

- 1.1 This application was deferred at 10th October 2018 Planning Applications Committee following receipt of a letter from a solicitor acting on behalf of the adjacent landowner/development (no. 286 Kings Road). The letter raised concerns regarding the requisite notice not having been serviced on the neighbouring land owner given that the proposal would intrude upon the neighbouring site and eaves of the neighbouring building. The letter advises that they would mount a legal challenge to any permission that may be granted. The application was deferred to allow the issues highlighted to be considered by Officers, the Council's Solicitor and the Applicant.
- 1.2 The Officer report from October Planning Applications Committee is attached to this report as Appendix 1 and the updated report from October Planning Applications Committee is attached as Appendix 2.
- 1.3 Following the deferral the Applicant has submitted a response letter confirming the Applicant's position along with some additional information and a set of amended drawings.

- 1.4 The Applicant has confirmed that they consider the land to which the application relates to be within their ownership and as such there is no requirement to serve notice on the owners of no. 286. They also advise that no alterations to the eaves of the neighbouring building would be required.
- 1.5 However, for the avoidance of doubt further amended plans have been submitted which have stepped the flank wall of the proposed development a further 200mm inwards from the adjacent building. The relevant parts of the amended plans are shown below.



Amended Plan Proposed North Elevation



Highlighted Area Shown in More Detail

- 1.6 Based on the information provided officers are satisfied that the proposed works are solely within the red line ownership area of the applicant and that the separation with the adjacent building as shown on the amended plans is such that the proposal would not encroach on neighbouring land nor require any alteration to the eaves of the neighbouring property.
- 1.7 In addition to the above and for the avoidance of doubt the Applicant has now also submitted a revised ownership certificate, serving notice of the application on a different company, albeit one also under the Applicant's control, which they advise owns the application site and is related to the company under which the application was submitted. The related company has confirmed to the Council that it has no objection to the application.
- 1.8 The neighbouring objector at no. 286 has been re-consulted on the amended details. No additional comments have been received at the time of writing this report, but any comments which are subsequently received will be reported to you.

Other

- 1.9 Officers also seek to clarify the position with regard to Paragraph 6.19 of the report to October Planning Applications Committee and the relevance of the Party Wall Act (1996).
- 1.10 Under the Party Wall Act an adjoining owner cannot generally prevent a building/land owner from carrying out works that it is entitled to undertake. However, the adjoining owner in such circumstances has the right to raise a dispute in response to the building/land owner's notice under the Act, which triggers a dispute procedure and a requirement for a party wall surveyor to make an award that will usually govern the manner in which the works are carried out and deal with compensation for any loss or damage. An award may determine:
 - (a) the right to execute any work;
 - (b) the time and manner of executing any work; and
 - (c) any other matter arising out of or incidental to the dispute including the costs of making the award.
- 1.11 As such the Party Wall Act would be relevant to the method of construction of a development, but would not provide a further formal opportunity to object to the proposed development itself.
- 1.12 Notwithstanding the above clarification, the party wall matters discussed would be carried out under separate legislation and the current application should continue to be determined on its own merits.
- 1.13 This opportunity is also taken to clarify to members of the Committee the content of the petition received which is referenced in paragraph 4.4 of the

October Planning Applications Committee report. A copy of the petition letter (supported by 30 signatories) is attached to this report as Appendix 3.

2 CONCLUSION

- 2.1 Following consideration of the matters discussed above officers are satisfied that the requisite notices have been served by the Applicant and that there is no reason why the application cannot proceed to determination. The officer recommendation is to grant full planning permission as per the terms set out in the October Planning Applications Committee report attached as Appendix 1 but to update proposed condition 2 in respect of the approved plans to reference the amended plans submitted by the applicant.

Appendices

Appendix 1 - Officer report to October 2018 Planning Applications Committee

Appendix 2 - Update report to October 2018 Planning Applications Committee

Appendix 3 - Copy of petition

Amended Drawings Submitted:

Drawing no.s:

PL03 Revision B – Proposed Site Plan

PL04 Revision D – Proposed Floor Plans

PL05 Revision D – Proposed Elevations

PL08 Revision C – Proposed Section

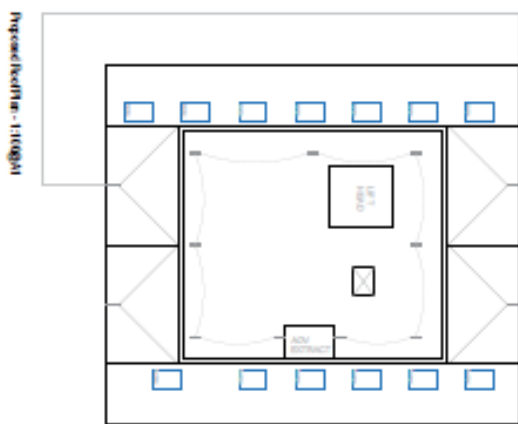
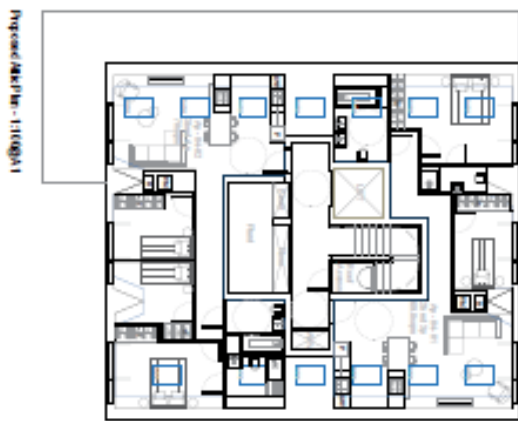
Received by the Local Planning Authority on 18th October 2018

Case Officer: Matt Burns

PLANS



Proposed Site Plan/Ground Floor Plan

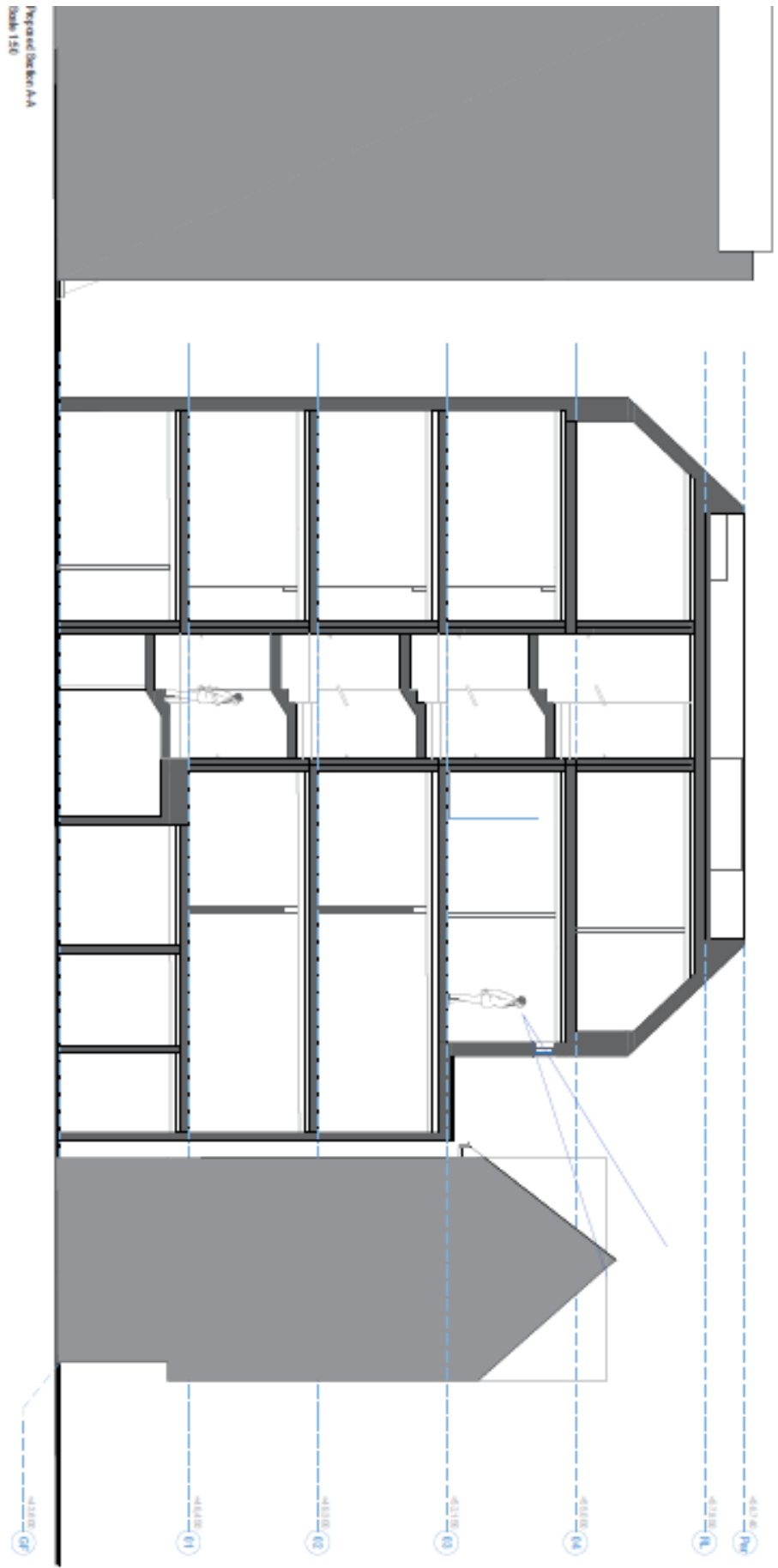


Proposed First, Second and Third Floor Plans



Proposed Elevations

Proposed Section AA
Scale: 1:50



Proposed Section