

COMMITTEE REPORT

BY THE DIRECTOR OF ECONOMIC GROWTH & NEIGHBOURHOOD SERVICES
READING BOROUGH COUNCIL
PLANNING APPLICATIONS COMMITTEE: 2nd June 2021

Ward: Abbey

App No: 171814 - Full Planning permission issued subject to S106 (19th November 2018)

Address: Land at the former Cox & Wyman Site, Cardiff Road - now known as The Printworks

Proposal: Demolition of existing site buildings and boundary treatments and erection of 96 no. dwellings including associated surface car parking, public realm and landscaping on land at the former Cox & Wyman building, Cardiff Road

Developer seeking this Variation: Bellway Homes

RECOMMENDATION:

Delegate to the Head of Planning, Development and Regulatory Services (HPDRS) to agree a Deed of Variation to the S106 Legal Agreement associated with planning permission 171814 to read:

‘The Seventh Schedule - Local Area for Play Obligations

1. Not to occupy or permit occupation of the 50th residential unit until the LAP has been laid out to a standard which is to the satisfaction of the Council.’

1. INTRODUCTION and ASSESSMENT

- 1.1 Full planning permission ref 171814 for the above development was resolved to be granted at Planning Applications Committee on 30th May 2018. This permission has been implemented, the existing building demolished and redevelopment of the above site is now well underway with 96 units under construction.
- 1.2 The permitted scheme was subject to a S106 Legal Agreement that secured the provision of a Local Area for Play (LAP). The S106 requires that none of the permitted units are occupied until the play areas have been laid out to the satisfaction of the Council. Full wording of the Seventh Schedule is shown in the extract at the end of this report. Condition 34 of the planning permission also seeks installation of the play area prior to first occupation - this can also be formally varied under a separate (Non-Material Change) process.

- 1.3 The developer is seeking to vary the S106 document to alter the timing of the provision of the play area to be prior to occupation of the 50th residential unit. This is due to the size of the site and current construction sequence which would mean it would not be safe to allow the use of the play area on the first occupation as there will be constant construction traffic, scaffolding and material stored in these areas until the handover date.
- 1.4 The developer has provided below the draft construction sequence noting the predicted handover dates for the various parcels. As shown on the plan below. This demonstrates that the play areas are respectively located near Phase 1A (due for completion on January/February 2022) & Phase 7 (due for completion on September/October 2022- Material Storage).

AO01 -The Printworks
Cardiff Road Reading
Execution Plan



- 1.5 Leisure officers have confirmed that this approach is considered to be entirely reasonable and has no objection to the delay sought and the reason for it.
- 1.6 It is therefore considered that the change of the provision of the play area from occupation of the 1st to the 50th dwelling still maintains the requirement to secure these play areas to the satisfaction of the Council; but also is the appropriate way to secure the safe handover the play areas for use by existing and future occupiers.

2.0 CONCLUSION

- 2.1 Central government guidance (13th May 2020 re Impact of Covid on CIL) also seeks the positive use of Deeds of Variation to allow Local Authorities to take a pragmatic and proportionate approach to the enforcement of section 106 planning obligations at this time. It is therefore requested the amendment sought in the recommendation box above is agreed by the Committee.

Case Officer: Susanna Bedford

Extract from the signed S106 Legal Agreement:

THE SEVENTH SCHEDULE

("the Local Area for Play (LAP) Obligations")

The Owner covenants and agrees with the Council as follows:-

1. Not to Occupy or permit the Occupation of any Residential Unit until the LAP has been laid out to a standard which is to the reasonable satisfaction of the Council;
2. To maintain and manage the LAP to the reasonable satisfaction of the Council throughout the lifetime of the Development;
3. To permit the public to access the LAP as public amenity space; and
4. Not at any time to dispose of any part of the LAP without the prior written consent of the Council which shall not be unreasonably withheld or delayed.