

COMMITTEE REPORT

BY THE DIRECTOR OF ENVIRONMENT AND NEIGHBOURHOOD SERVICES
READING BOROUGH COUNCIL
PLANNING APPLICATIONS COMMITTEE: 11 January 2017

ITEM NO. 8

Ward: Abbey

App No.: 162087

Address: Kings Point, 120 Kings Road, Reading

Proposal: Demolition of existing building and the erection of a part seven, part nine, part eleven, part twelve and part seventeen storey building comprising 103 residential units and 351.5 sqm GIA of commercial (A1/A3) floorspace at ground and mezzanine floor level together with parking and associated landscaping (without complying with conditions (2, 7, 8, 9, 18, 19, 28 of planning permission 150019) to allow the removal of sub-basement, enlargement of basement level and internal and external alterations at the basement, ground and mezzanine levels (amended description).

Applicant: Carrigmay Developments (Jersey) Limited

Date received: 3 November 2016

Major Application 13 week target decision date: 2 February 2017

RECOMMENDATION:

- Subject to the satisfactory completion of a s106 legal agreement (further Deed of Variation) to link this planning permission to previous permission 150019 (with Heads of Terms as set out in the attached reports by 2 February 2017, delegate to the Head of Planning and Regulatory Services (HPDRS) to GRANT s.73 variation planning permission to planning permission 150019.
- If the legal agreement is not completed by 2 February 2017, delegate to the HPDRS to refuse planning permission.

Conditions to include:

Those conditions as set out in planning permission 150019 to be set out again, with the following changes, as approved by this variation (summarised):

2 (approved plans): alter to refer to revised lower level plans (see end of this report)

7 (sustainable drainage): update to reflect strategy already approved in discharged condition

8 (surface water): update to reflect strategy already approved in discharged condition

9 (piling scheme/foundation designs): update to include updated plans/details

18 (security strategy): update to reflect strategy already approved in discharged condition

19 (landscaping scheme and ecological enhancements)

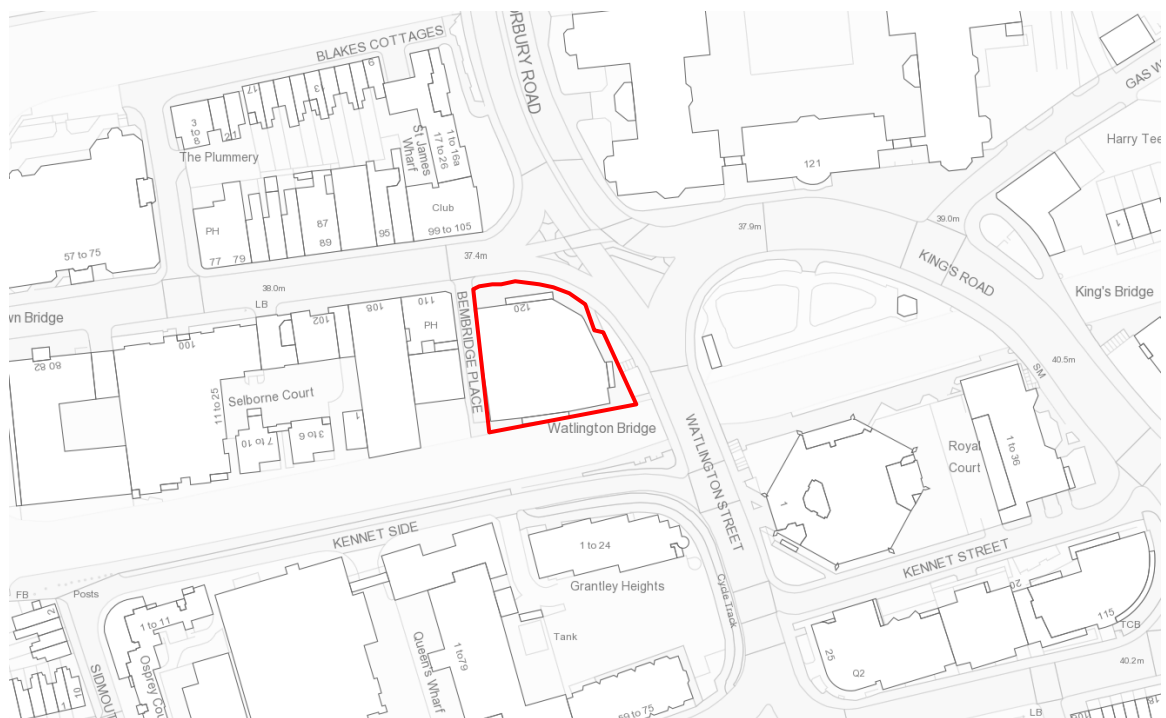
28 (cycle storage spaces): alter to refer to amended ground floor plan.

Informatives:

Standard s73 informatives, terms and conditions, positive and proactive requirement

1. INTRODUCTION

- 1.1 The application site is 0.1 hectares of land which was formerly occupied by the Kings Point office building, which stood on the site at the junction of Kings Road and the IDR (Watlington Street) from about 1970, until its demolition in 2016. Members may have noticed that the building has now been completely demolished and the site is hoarded. Its demolition was the first phase of implementation of the redevelopment proposal for a 17-storey residential tower with 103 residential units, two commercial units, a concierge and parking/servicing/landscaping, which was approved in September 2015 under full planning permission 150019. The associated reports are here: <http://www.reading.gov.uk/article/8830/Planning-Applications-Committee-03-JUN-2015> (Item 13)
- 1.2 This year, the applicant has been working through the pre-commencement conditions with your officers and also presenting statements, plans and reports in order to satisfy the various clauses in the associated s.106 legal agreement.
- 1.3 In preparing the above documents, the applicant has found that it is necessary to refine various aspects of the proposal to improve the efficiency of the build and in consultation with officers, it is these changes which now require a variation of the original full planning permission, as the changes are considered to constitute more than non-material amendments.



Location plan (not to scale)



Photo of the former Kings Point building in September 2016, hoarded and undergoing demolition.

2. PROPOSAL

2.1 The main differences from the existing permission can be summarised as follows:

- Removal of the sub-basement level
- Enlargement of the basement footprint
- All car parking spaces now to be provided at basement level
- Relocation of plant area to the ground floor level underneath the pedestrian entrance ramp on the east elevation
- Increase and relocation of the refuse store to accommodate bulky waste
- Rationalisation of cycle storage from two stores into one
- Additional commercial back of house area.

2.2 The application has been submitted with the following supporting information:

- Amended plans of the lower levels of the proposed building
- Covering letter
- 'Post Consultation Design Changes' report (similar to a DAS)
- Amended/updated landscaping information
- Energy Statement
- Sustainability Statement
- BREEAM Pre-Assessment
- Acoustic report
- Utilities report
- Security Statement
- Archaeological update letter
- Contaminated land update letter
- Flood risk assessment update letter
- Surface water drainage update letter

- Transport update letter
- CIL form

2.3 The changes proposed affect a number of the conditions of permission 150019 and this is covered in the amended description (see top of this report). The application also presents whether the matters which are affected by pre-commencement conditions need to be updated in this variation application.

3. PLANNING HISTORY

3.1 The planning history below concerns only those applications in relation to the current redevelopment scheme.

Reference	Description	Decision/Status	Comment
150019	Demolition of existing building and the erection of a part seven, part nine, part eleven, part twelve and part seventeen storey building comprising 103 residential units and 351.5 sqm GIA of commercial (A1/A3) floorspace at ground and mezzanine floor level together with parking and associated landscaping (amended description).	Full permission with s.106 agreement 30/9/16	
160351	Non-material amendment to pre-commencement Condition 5 of 150019 to allow the submission of a Demolition Management Plan prior to demolition and the submission of a Construction Management Plan prior to construction.	Agreed 18/4/16	
160767	Application for approval of details reserved by condition. (160351)	Condition discharged 27/6/16	This approved the Demolition Method Statement (DMS) only, to allow the building to be demolished.
161567	Discharge of planning condition 14 of planning permission 150019.	Condition discharged 11/11/16	This approved the noise insulation scheme for the proposed flats.
161598	Application for approval of details reserved by condition. (150019)	3/11/16	This approved the details of materials other than those principal materials which were already approved by the Planning Applications Committee.
161649	Discharge of Condition 6	Condition	

	(Written scheme of Investigation) of planning permission 150019.	discharged 17/10/16	
161728	Non-material amendment to pre-commencement Condition 17 of planning permission 150019 to allow the submission and approval of full details of building maintenance and cleaning systems prior to the construction of the frame of the building to the 10th Floor.	Agreed 12/10/16	
161937	Application for approval of details reserved by condition. (150019)	Condition discharged 9/11/16	This approved the foundation design.
161984	Application for approval of details reserved by condition. (150019)	12/12/16	SUDS and surface water disposal scheme.
161985	Application for approval of details reserved by condition. (150019)	9/12/16	This approved the security strategy.
162001	Application for approval of details reserved by condition. (150019)	Pending consideration	This is the landscaping scheme.

- 3.2 There are two further restrictive conditions which the applicant needs to comply with before commencement: entering into a s.142 Highways Licence with the Council with respect to an area of landscaping on Council-land and also the transfer of a further area of land from the Council, to become part of the landscaped area of the development. These areas both concern land to the east of the proposed building. At the time of writing, conclusions are imminent with respect to both of these agreements.

Legal Planning History

- 3.3 In terms of the Section 106 legal agreement which accompanied the original planning permission, this has itself already been subject to two separate Deeds of Variation (DoV). The first was to include the mortgagee in the agreement; the second corrected an error in the affordable housing calculations, which as originally drafted, left the development unviable. The current variation application would necessitate a further Deed of Variation, to link this proposed variation to the original planning permission. In addition, the applicant has also submitted details of various statements, plans and reports in order to satisfy the various clauses in the associated s.106 legal agreement, for instance details of replacement railings to the Kennetside and the Employment and Skills Plan for the construction period.

4. CONSULTATIONS

4.1 A more restricted range of consultees were asked to comment on this variation application.

(i) Statutory:

At the time of writing, a formal response is awaited from the **Environment Agency** and this will be set out in the Update Report.

(ii) Non-statutory:

RBC Transport Strategy does not raise concern for the loss of two parking spaces when considered against the original permission. The cycle storage will become more efficient, which is acceptable, providing that the type of racks are confirmed. Queries the suitability of the waste storage area in relation to the servicing/loading bay (see discussion below).

RBC Waste Operations Manager has also provided detailed comments on the bin store and collection arrangements.

RBC Environmental Protection notes that the plant room has been moved, which might make it more difficult to achieve the noise levels outlined in the acoustic report, which the applicant should have taken into consideration. No further concerns highlighted at the time of writing this report.

RBC Natural Environment (Tree Officer) considers that the landscaping scheme shown is generally acceptable and agrees with that submitted in order to discharge the relevant pre-commencement condition, although there are some detailed concerns at the time of writing which the applicant is working to address.

The **RBC Ecologist** has not responded at the time of writing.

The Council's **Sustainability Team** has some queries regarding the correct sustainability levels which should be achieved and this is discussed in more detail in the Appraisal below.

Berkshire Archaeology is satisfied that the variation does not raise any new issues and has no objection to the application.

RBC Head of Valuation agrees that the extent of the changes is comparatively minor and advises that this does not warrant re-evaluating the original viability assessment agreed under planning permission 150019.

Crime Prevention Advisor (Thames Valley Police): advises that the proposal is suitable in security terms and that the eastern cycle parking access will have suitable levels of surveillance from the residential concierge and passing pedestrians.

(iii) Public consultation

No letters were sent to residential addresses, but site notices were affixed in the following locations:

Site frontage on Kings Road
Site frontage on Watlington Bridge (IDR)
On front door of St. James Wharf
On front door of Grantley Heights, Kennetside

At the time of writing, no comments or objections from neighbours have been received, but any which are received will be reported to your meeting.

5. RELEVANT PLANNING POLICY AND GUIDANCE

- 5.1 There are no significant changes since June 2015 as set out in the reports attached.
- 5.2 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that proposals be determined in accordance with the development plan unless material considerations indicate otherwise. Material considerations include relevant policies in the National Planning Policy framework (NPPF). An application under Section 73 of the Planning Acts allows for changes to the conditions of the original planning permission and any new permission is read in conjunction with the original planning permission.

6. APPRAISAL

- 6.1 The main issues raised by this Section 73 variation planning application are as follows:

- i. **Overview/principle**
- ii. **Design alterations**
- iii. **Parking, servicing and waste arrangements**
- iv. **Below-ground issues**

- i. **Overview/principle**

- 6.2 These changes have been put forward by the applicant as the design detail of the building has progressed following the issuing of the planning permission in 2015. This has allowed for various opportunities to rationalise floorspace arrangements in the scheme and this has resulted in the basement, ground and mezzanine floor levels being more intensively used and the wholesale omission of the sub-basement level.
- 6.3 Officers had advised the applicant that the scope and potential range of impacts associated with the various changes meant that the alterations put forward were not capable of being dealt with under the non-material amendment (NMA) procedure.
- 6.4 Although there are a number of changes which have been put forward in this variation planning application, at the time of writing, there are comparatively few planning issues raised. There are three main areas to consider in relation to the amendments which can be summarised as design, servicing and implications below ground. These are discussed in turn below.

- ii. **Design alterations**

- 6.5 The upper floors -effectively the entire residential accommodation from the first to the 16th. floors, i.e. to the top of the building - are unaffected by these changes,

either internally or externally. These scheme alterations are being driven by the applicant's desire to refine the internal layout of the lower levels of the scheme and the external changes required as a result are quite minor. On the east and west elevations, the alterations are very minor. The changes to the north elevation would leave this façade very slightly less 'active' (less full-height glazing) but not significantly. The south elevation (the café towards the Kennetside) would appear brighter/whiter but overall, there would be little difference. There are therefore no conflicts identified with the principal design policies: CS7, CS33, RC5 and RC13.

- 6.6 These proposals update the plans in terms of landscaping and ecology, to reflect the submitted landscaping scheme which is currently pending consideration.
- 6.7 In terms of landscaping, the details supplied are effectively the same as those in relation to the pending application to discharge the relevant planning condition of permission 150019 (Condition 19). The landscaping scheme has been considered by the Planning (Natural Environment) Team and is generally considered to be acceptable.
- 6.8 A planting bed originally shown in the new plaza/square in the north-west corner of the site is no longer to be provided and this appears to be due to it obstructing a vent for the sub-station. Nonetheless, space to manoeuvre cycles from the visitor cycle spaces nearby is limited and therefore officers do not object to the non-provision of this planting bed.
- 6.9 At the time of writing, there are outstanding concerns over soil volumes in the planters, protection of rooting systems in this urban environment. In some cases, the limited opportunity for planters and planting beds will mean that some of the trees will not ultimately reach their full growth potential. Detailed discussions on these matters are still being considered at the time of writing and the Update Report will provide further commentary on progress and compliance with policies CS7, CS38, RC14 and DM18. There appears to be an amendment in terms of swift boxes on the roof and the Ecologist's comments are awaited on this change.
- 6.10 At this stage, neither the design nor associated landscaping changes appear to raise any additional notable security concerns in terms of Policy CS7 (and indeed the applicant's security strategy has recently been submitted and approved by officers).. The one point to mention is that the cycle store will now be access from the east only, which is more secluded. However, this is a large store, so it will be busy and in any event, all persons entering and exiting will need to pass the concierge area. Officers and the CPDA are therefore content that this would be a secure and well-surveyed arrangement although adequate lighting will be necessary.

iii. Parking, servicing and waste arrangements

- 6.11 This scheme was approved as a very dense, largely car-free urban development with the majority of car parking provided in a basement level, accessed by a car-lift and the remaining four spaces at ground floor level. There were originally two separate cycle stores - one accessed from the east elevation and the other from the west - and a dedicated servicing entrance on Bembridge Place. Cars would need to enter the service entrance to access the car lift to the rear and this is not proposed to be altered.

- 6.12 The Highway Authority advises that given the sustainable edge of town centre location of the site, together with the parking restrictions and controlled parking areas nearby, the reduction of two parking spaces (previously 29; now 27) would not result in on-street parking and therefore would not be detrimental to road safety. There is also no objection to the joining of the cycle stores, now access from the east only, subject to the type of cycle stands being confirmed. These appear from the plans to be space-saving 'Josta'-type stands, but the applicant will be asked to confirm this.
- 6.13 Changes have been made to the waste and servicing arrangements. Due to the location of an enlarged substation on the ground floor, the new bulky waste store is no longer accessible internally from the loading bay.
- 6.14 The Waste Manager's response indicates that the waste capacity of the proposed bulky waste store is slightly undersized. The approved scheme included a delivery area at the rear which is sufficient to enable refuse vehicles as well as 7.5 tonne rigid good vehicles to turn. However, the Highway Authority considers that it is now highly unlikely that refuse vehicles will collect from the delivery area, as the refuse store has been relocated further away from the service bay. The Highway Authority and the Council's Waste Manager have considered whether the stationing of vehicles on Bembridge Place would lead to unacceptable obstruction of the highway and an unacceptable 'pull distance' for the bins. The Highway Authority's view is that whilst it may be slightly noisier and would obstruct the highway for a short time, the pulling distance from the store is within the required ten metres and collecting from the kerbside may in fact reduce the overall time taken for waste collection. Further thoughts from the Waste Manager are anticipated and any further comments will be set out in the Update Report.

iv. Below-ground issues

- 6.15 Planning permission 150019 approved a lower basement floor of approximately 208.5 sq.m. which accommodated various plant equipment. Through rationalisation of the lower levels of the scheme, this basement is now no longer required. Whilst this results in reduced excavation downwards, there has been a consequent increase in the area required at basement level, in order provide some of the additional parking spaces which have been moved from the previous ground floor arrangement. Various supporting statements have been submitted in relation to the impact of the changes on below-ground issues, for instance: drainage, contaminated land, archaeology, flooding and none at this time are indicating that there are additional issues which are of concern.
- 6.16 A piling layout and schedule has been supplied, with a covering letter confirming that continuous flight auger (CFA) piling will be used, as previously. The Council's Environmental Protection Team does not raise any concerns with respect to additional issues in terms of contaminated land. The application includes a FRA addendum letter where it is considered by the applicant that there is no material impact on flood risk and the original FRA does not require amending. At the time of writing the Environment Agency has not responded, but it is anticipated that no further issues will be raised as a result of the comparatively limited additional (lateral) basement area proposed. Confirmation that the scheme is in accordance with CS34 is expected, but a fuller commentary will be provided in the Update Report.

- 6.17 Berkshire Archaeology also raises no objections and advises that the test pits and boreholes have already been completed and the site does not look promising archaeologically. The test pits appear not to have contained any archaeology and the boreholes did not record any geo-archaeological potential. The advice officers are receiving it that it looks likely that no further archaeological work will be necessary on this site. The changes therefore raise no conflict with Policy CS33.

Other issues

Sustainability

- 6.18 Your officers' approach to this issue is that given that the development is largely unchanged from that approved in 2015, the development should as far as possible, seek to continue to achieve the same energy conservation/generation standards as previously approved.
- 6.19 The applicant's sustainability/energy rationale seems largely to be a refinement of that proposed in application 150019. The commercial BREEAM target of 66.29% is as previously approved and controlled by condition. At the present time, the Sustainability Team is considering the alterations to the residential element as a result of the withdrawal of the Code for Sustainable Homes and further commentary on this issue will be supplied in the Update Report in order to address the policy and SPD requirements.

Sustainable drainage and surface water

- 6.20 Updated information has been submitted as part of the application, consisting of a covering letter from the applicant's drainage consultant and technical drainage plans. The development is not significantly altering in drainage respects and these conditions have already been discharged, therefore officers do not currently identify any concerns. However, the Council's SUDS Manager has been consulted on this application and if there are any additional issues, these will be set out in the Update Report.

Floorspace alterations/CIL/noise

- 6.21 The original mezzanine level left a number of void areas over the ground floor. The current plans intend to use this leftover space for retail back-of-house storage and plantrooms. These changes have resulted in slight alterations to the commercial floorspaces, which will mean a minor adjustment to the level of CIL to be payable. The applicant is confident that the relocation of plant from the basement to the ground and mezzanine levels will not cause an issue in controlling noise levels. The Council's Environmental Protection Team advises that this is potentially more difficult to achieve the noise levels envisaged in the noise report, but it should be noted that Condition 14 (noise suppression details to the flats) has already been approved and Condition 15 (no installation of air conditioning or plant systems before details have been submitted and approved) will continue to apply.

Access for people with mobility issues

- 6.22 The original scheme was acceptable in terms of access for all and a particular feature of the development is the at-grade access to the mezzanine retail café level from Watlington Bridge (with disabled accessible left down to the Kennetside) which is slightly modified in the current scheme. The basement parking area

continues to provide five disabled parking spaces. The revised scheme complies with Policy CS5.

Equality Act

- 6.23 In determining this application the Council is required to have 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, sexual orientation. It is considered that there is no indication or evidence (including from consultation on the current application) that the protected groups have or will have different needs, experiences, issues and priorities in relation to this particular planning application. In terms of the key equalities protected characteristics it is considered there would be no significant adverse impacts as a result of the development.

7. CONCLUSION

- 7.1 These minor material amendments are considered both individually and cumulatively to be acceptable and subject to the necessary alteration to the original s106 agreement, the officer recommendation is to grant this variation planning permission.

Case Officer: Richard Eatough

Variation plans to approve:

A2408 1999 P20 Proposed Basement Floor Plan

A2408 2000 P20 Proposed Ground Floor Plan

A2408 2001 P20 Proposed Mezzanine Floor Plan

A2408 3001 P20 Proposed Section AA

A2408 3002 P20 Proposed Section BB

A2408 3003 P20 Proposed Section CC

A2408 4000 P20 Proposed North Elevation

A2408 4001 P20 Proposed East Elevation

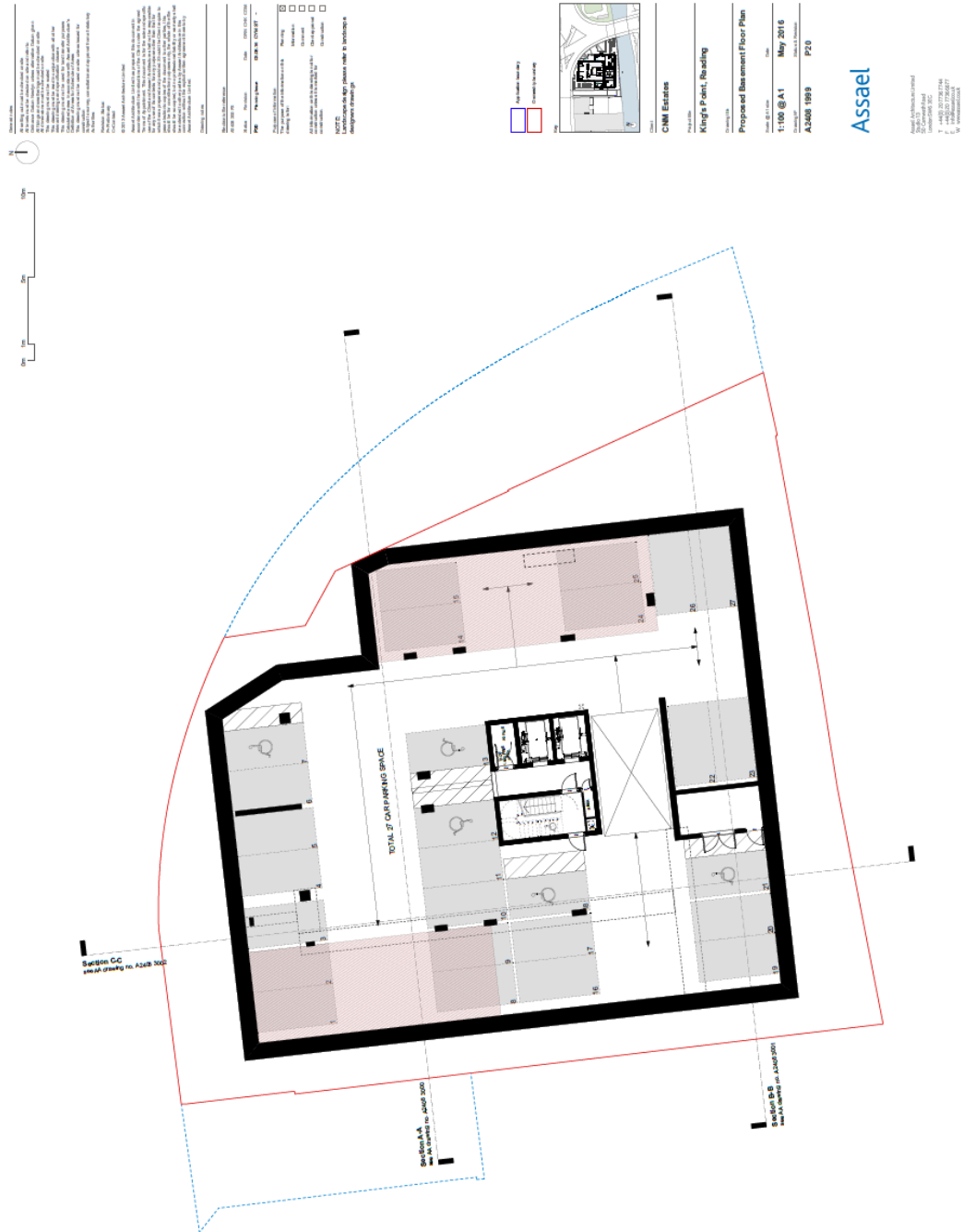
A2408 4002 P20 Proposed South Elevation

A2408 4003 P20 Proposed West Elevation

(Note: previous Proposed Lower Basement Floor Plan to be superseded and not replaced, as this floor is not now to be provided)

Appendices: See officer reports for application 150019 (links above)

New basement plan





New ground floor plan (above) and revised north elevation (below)

