

PLANNING PERFORMANCE AGREEMENT (PPA)

Former Bristol and West Arcade, 173 – 175 Friar Street & 27 – 32 Market Place

Reading

23 February 2018

Between:

Reading Borough Council,
Civic Offices, Bridge Street, Reading, RG1 2LU

And

Sonic Star Properties Limited, c/o Accurro Trust (Switzerland) SA
1 Rue du Pre-de-la-Bichette, Geneva 1, Switzerland 1202

1. RECITALS AND PROJECT DESCRIPTION

- 1.1 Reading Borough Council (RBC) is the local planning authority for development within the area in which the site is located. The applicant is Sonic Star Properties Ltd.
- 1.2 The applicant has entered into formal pre-application discussions with Reading Borough Council regarding the proposal for the demolition and the redevelopment of 173 – 175 Friar Street and the repair, refurbishment and re-use of 27 – 32 Market Place including an element of change of use in Reading, RG1
- 1.3 Given the complexity of the proposals and the range of issues involved, it is acknowledged by the Applicant and RBC that the Council is unlikely to be in a position to formally determine the planning application(s) within the statutory period of 13 weeks. Nevertheless both parties wish to ensure that the application(s) are considered in a timely manner and as expeditiously as is practicable, having regard to the timetable set out in this agreement and compliant with relevant statutory procedures.
- 1.4 This Planning Performance Agreement is made pursuant to Section 111 of the Local Government Act 1972, Section 2 of the Local Government Act 2000 and Section 93 of the Local Government Act 2003 and part 1 of Chapter 1 of the Localism Act 2011.
- 1.5 This agreement will not restrict or inhibit the Applicant from exercising the right of appeal under Section 78 of the Town and Country Planning Act 1990 (as amended).

2. OBJECTIVES

2.1 The objectives of this PPA are to:

- Provide clarity in respect of submission dates;
- Provide clarity in respect of determination timescales;
- Establish regular review mechanisms;
- Provide a framework to allow for renegotiation of timescales and the submission of additional information / drawings as may be necessary;
- Ensure that issues surrounding the development of the site are identified early on in the planning application process and are appropriately addressed by the project team;
- Ensure all technical matters are resolved as far as possible;
- Ensure resources are appropriately allocated from all parties to deal with the forthcoming planning application and matters arising from its consideration;
- Ensure appropriate consultation and engagement with Council Members and the public;
- Ensure transparency and clarity in the application and decision making process.

2.1 Nothing in this Agreement fetters the Council's statutory powers to grant or refuse planning permission.

3. PARTIES TO THE AGREEMENT

- o Reading Borough Council as the Local Planning Authority (LPA)
- o Sonic Star Properties Ltd as the Applicant

4. WORKING AGREEMENTS FOR THE APPLICATION STAGE

APPLICATION SUBMISSIONS

4.1 The application will be submitted on the 23 February 2018 for the following development:

“Demolition of vacant former Bristol & West Arcade (173 – 175 Friar Street) and redevelopment of site to provide an eight storey mixed –use building plus one level of basement comprising 35 residential units, 4,212 sqm of B1 office floorspace, and 5 retail units (A1/A2/A3), together with the change of use of 27 - 28 Market Place at first, second and third floors and basement to provide 2 residential units, change of use of 29 - 31 Market Place at first, second and third floors to provide 3 residential units, change of use of 32 Market Place from A2 use to provide part basement and ground floor flexible retail use (A1/A2/A3) and 3 residential uses at first, second and third floors, retention of 260.4 sqm of A4 use at ground and basement floor at 29-31 Market Place and change of use at ground and basement of 27 - 28 Market Place to flexible retail use (A1/A2/A3) and demolition of rear parts of 29 – 31 Market Place and 32 Market Place, associated internal and external works to the Listed Buildings, landscaping, refuse, plant, cycle stores and substation at basement level”

5. DISPUTES PROCEDURE

5.1 In the event of the parties not agreeing on any matter at the regular project meetings the project managers will meet together and seek to resolve differences. In the event of no resolution a special meeting of the Project Steering Group can be called by either party and this meeting shall take place within 10 working days of the request being received. It remains open for the applicant team to appeal against any decision or non determination, and for the Council to determine the application where the agreement has not been followed.

5.2 The principles set out in this document are accepted by the parties as a mechanism for joint working to secure the objectives set out in 2 above.

6. TIMESCALES AND OBLIGATIONS

6.1 Both parties will act with fairness and in good faith in respect of all matters related to the handling of the planning (and related) application(s) and will work jointly in comply with their respective obligations under this agreement.

6.2 Both parties will address expeditiously any requests for clarification and / or further information.

6.3 Both parties undertake to meet and / or discuss matters by telephone or email in a spirit of cooperation and where necessary seek early resolution of any areas of misunderstanding or dispute.

6.4 The applicant and Reading Borough Council will use their reasonable endeavours to adhere to the timetable for the project.

6.5 The timetable will be reviewed between both parties and amended as necessary to take account of any relevant unforeseen matters that might arise.

6.6 The timetable and steps to be undertaken as follows:

- The Applicant will formally submit all documentation, drawings, application fee and other supporting information including draft S106 Heads of Terms by the **23 February 2018**;
- Reading Borough Council will complete the checking and validation of the application(s) **within 10 working days** of receipt of the complete application(s);
- Reading Borough Council will designate an officer / team of officers who will be responsible for the full range of issues raised by the application. The principle contacts will be:

CASE OFFICER	Susanna Bedford
TEAM LEADER	Lynette Baker
DESIGN OFFICER	Tbc
OTHER	TBC

- Reading Borough Council will issue the consultation letters within **5 working days** of the validation of the application(s);
- Reading Borough Council will advise the Applicant in a timely fashion of any issues that arise as a result of consultation responses received on the application(s) so that any matters arising can be addressed by the Applicant;
- The Applicant and the Council will arrange for an initial review meeting within **1 week** following the expiration of the consultation period, as shown in the below table;
- Where revisions are required by Officers, the Applicant will respond with any necessary amendments to the proposals within **10 working days** of being advised by Officers;
- Reading will appoint expeditiously any external consultants necessary to deal with aspects of the scheme that Reading Borough Council is unable to deal with internally;
- Both parties agree that it would be beneficial for work to commence on the Section 106 Agreement(s) as soon as possible after the validation of the application(s); Reading Borough Council will instruct the Council's legal team to progress the draft S106 Agreement in association with the Applicant's legal representative within 6 weeks of validation of the application(s), unless both parties agree otherwise;
- Reading Borough Council will report the application(s) to the relevant Planning Application Committee by **08 June 2018** or within **2 weeks** of receiving any final revisions to the proposal, whichever is the later, unless both parties agree otherwise;
- Subject to the relevant Committee resolving to grant permission for the proposal *and no intervention by Historic England*, Reading Borough Council will aim to conclude the S106 Agreement no later than **6 weeks** after the Committee date, subject to both parties being satisfied with the details of the Agreement.

SUGGESTED APPLICATION MEETING PROGRAMME	
Meeting Topic	Date
Planning application meeting 1 General approach and key principles (including but not limited to): • Agreement of PPA timeline • Principle of land uses (loss of existing use and proposed uses) • Design – scale/bulk/massing/height/general design principles • Heritage • Residential amenity • Initial s106/CIL discussions • Highways/parking • Sustainability • Amenity	w/c 12 March 2018
The Statutory Consultation Period	21 days
The Initial Review Meeting If required, for instance a meeting with other statutory consultees (i.e. Historic England) or relating to a specific topic (i.e. sustainability)	1 week following the close of the Consultation Period
The Second Review Meeting (if agreed by both parties) If required, for instance a meeting with other statutory consultees (i.e. Planning Committee) or relating to a specific topic (i.e. daylight sunlight)	tbc
Anticipated date for planning committee	w/c 11 June 2018 (13 weeks)

Signatures (One signed copy for each party)

Reading Borough Council and the Applicant hereby agree to the content of this Planning Performance Agreement.

Reading Borough Council

Name: _____

Signature: _____

Position: _____

On Behalf Of: Reading Borough Council

Date: _____

Sonic Star Properties Ltd

Name: _____

Signature: _____

Position: _____

On Behalf Of: _____

Date: _____