

Donna Williams

Subject: FW: 55 Vastern Road, Reading (200188)

From: Kim Cohen <Kim.Cohen@bartonwillmore.co.uk>
Sent: 22 October 2020 18:29
To: Caroline McHardy <Caroline.McHardy@berkeleygroup.co.uk>
Cc: Craig Pettit <Craig.Pettit@bartonwillmore.co.uk>
Subject: FW: 55 Vastern Road, Reading (200188)

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Dear Giorgio

Many thanks for taking the time to call me this afternoon in relation to the above planning application.

As discussed, my clients are very disappointed to receive the email below, and are seeking the opportunity to enter into discussions with the Council with regards to their letter dated 14th October, and other outstanding matters. The first and only affordable housing meeting with Steve Hicks and BPS took place on 7th October, and the letter dated 14th October was sent by my clients following that meeting with the intention of creating a framework for discussion.

In his email today, Jonathan Markwell has given my client until 9am on 2nd November to withdraw the application, prior to refusing it under delegated powers by 5th November. With half term taking place next week, this effectively reduces any response time to 1 working day. This is the first time we have had a written response covering the entire application, which whilst negative, is still helpful in the fact it at least it gives an agenda for discussion.

My client would like to agree an extension of time in order to undertake a further meeting with the appropriate officer's to explore further the affordable housing offer, and to resolve the below outstanding points, some of which are new to my client.

I trust that this email is of assistance, and I look forward to hearing from you tomorrow. I can be contacted on the same number as today.

Many thanks

Kim Cohen

Partner



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From: Markwell, Jonathan <Jonathan.Markwell@reading.gov.uk>

Sent: 22 October 2020 14:45

To: Caroline McHardy <Caroline.McHardy@berkeleygroup.co.uk>; Craig Pettit <Craig.Pettit@bartonwillmore.co.uk>

Subject: 55 Vastern Road, Reading (200188)

Dear Ms McHardy / Mr Pettit,

Further to previous correspondence, most substantially the affordable housing letter from Ms McHardy on 14/10/2020, I write with an update on this application. Having discussed the contents of the affordable housing letter with various colleagues, I can advise that, put simply, the offer, and moreover the terms attached to such an offer are not acceptable to officers. As such, officers conclude that there are a number of fundamental elements associated with the proposals which are unresolved and there appears, despite the extensive discussions which have taken place (both at pre-application and application stage) to be little sign or scope for these matters being satisfactorily resolved or progressed. Whilst acknowledging that you have sought to provide responses and more information in relation to a variety of matters, in short these have not brought about the level / nature of changes to the scheme which officers have consistently advised are required to progress the application with a positive officer recommendation.

Accordingly, I can advise that it in discussion with my managers, I will now proceed to compile and complete my officer report recommending refusal of the application.

My managers have discussed this with members, who have confirmed that (in accordance with changes to the scheme of delegation in April 2020) the application will be determined under delegated powers by the agreed deadline of 05/11/2020. Whilst officers would have far preferred to reach a position which would have enabled a positive officer recommendation to be made to committee, and this has always been our intention from the outset in a positive and proactive manner, there are simply too many fundamental concerns with the proposals which remain unresolved to enable that to happen. Accordingly, this point in time appears a natural and reasonable point to effectively agree to disagree on a number of matters and determine the application accordingly.

With specific regard to your affordable housing letter of 14/10/2020, officers have significant concerns with the offer itself, summarised as including:

- As detailed previously, a 0% affordable housing position, based on viability, is not agreed by officers.
- There appear to officers to be inherent difficulties in getting grant funding from Homes England if the 20% shared ownership is not reported as on-site affordable housing in any officer committee report / s106 legal agreement. Officers consider there is no clear way for your on-site affordable housing offer not to be reported or recorded.
- The lack of a deferred mechanism is not agreed, bearing in mind emerging SPD guidance and the proposed offer not providing the policy compliant 30% level of affordable housing.
- 20% shared ownership units represents a 0/100 tenure split, contrary to the 70/30 split referenced in supporting text to Policy H3, or 62/38 split referenced in emerging SPD. The non-provision of the rented tenure in the offer is of concern in relation to policy.
- As an aside, no details of the mix or location of the proposed units are detailed, so it is unclear if they relate to a single block, or part of one (and associated service charge concerns from RPs)

In addition, the terms (referenced as assumptions in your letter) attached to the offer are further areas of concern. For example, in terms of energy/ EA matters, please see separate sections of this response below. Regarding being considered at Planning Applications Committee on 04/11/2020 for approval, it was verbally communicated to Kim Cohen at Barton Willmore on 16/10/2020 that the application would not be ready to be advanced to committee positively on 04/11/2020 in light of the range / nature of additional information submitted (or yet to be submitted, given it was advised that energy based information would be forthcoming, which duly followed on 19/10/2020).

Given officers are not agreeable to your affordable housing offer and your letter details that housing offer was on a without prejudice basis, I will assume that this offer is withdrawn by you and officers will revert to consider the proposals on the basis of your original 0% affordable housing (due to viability reasons) proposal.

Regarding the application as a whole, I can advise that the future reasons for refusal are likely to include the following:

- Not providing sufficiently high quality north-south link through the site and related safety, directness concerns - including connecting to the site to the south, largely due to the alignment of the site/buildings (primarily contrary to Policies CR11ii and CR11g and the RSAF, but also EN11, CC7, CR2, CR3 and TR3 / TR4) *see Transport and Planning Policy advice notes attached for more details.
- Servicing / internal vehicle movements impacting on pedestrian and cycle safety - more specifically, reversing movements over this proposed pedestrian and cycle route (primarily Policies TR3 and TR4) *see Transport advice note attached.
- Car parking layout leading to potential conflict between vehicles and pedestrians/cyclists (primarily Policies TR3 and TR5) *see Transport advice note attached.
- Insufficient justification on the impact of the height of the proposed buildings fronting onto the River Thames on the river and resultant impact on shading of the Thames, impact on marginal habitats and lack of a sustainable long-term relationship between the riverside buildings and large canopy trees. The EA sent a further response on 16/10/2020 maintaining their objection (attached), and previous concerns raised by the RBC Ecology consultant remain unresolved in terms the proposals being in conflict with Policy EN11 in particular, and also EN12, CC7 and CR2. In terms of the information submitted on 13/10/2020, it is initially advised that officers do not consider that option 2 (additional marginal planting) put forward by the EA is sufficient to address current concerns (as previously advised by RBC Ecology i.e. the development would be harmful to the waterspace and the mitigation hierarchy of avoiding harm has not been followed) and the EA's option 1 (reduce the size of the buildings) should be followed. Had officers considered option 2 to be appropriate in principle, the off-site location proposed on the northbank of the Thames by Reading University Boat Club would not have been suitable in any event, given the need to maintain the launching station for the boat club to the river at this point. It is also noted, for information, that based on the single initial plan submitted, it is unclear whether the proposed planting would have been in the river itself (floating option), or whether the intention would have been to provide planting on the land (riverbank) element, or indeed alter the alignment of the riverbank at this point. Inherently linked to these concerns the Natural Environment officer has further considered the proposals following the latest response from the EA. In light of the maintained concerns, officers reiterate earlier concerns raised regarding the height and proximity of the buildings to the river not allowing sufficient space for a successful long-term relationship with large canopy trees within the riverside buffer (contrary to EN13, EN14 and objectives of the adopted and revised Tree Strategies). The current proposals do not allow a long term sustainable relationship between the riverside buildings and large canopy trees and therefore it is considered that this forms a component can reasonably be included in an overall condition dealing with the detrimental impact on the Thames environs. The provision of green roofs to the building, previously raised by the Natural Environment officer, is also unresolved.
- Lack of sufficient justification for proposed 0% affordable housing & a s106 legal agreement to secure suitable affordable housing and associated deferred mechanism, together with a related obligation whereby affordable housing would be applied on a cumulative basis should the buildings subsequently be extended / altered (to create further units) or units sub-divided in the future (contrary to Policies H3 and CC9, together with current and emerging Affordable Housing SPD).
- *Proposed energy strategy not sufficiently demonstrating that it is not suitable, feasible or viable for the inclusion of decentralised energy / future connections to nearby sites within the cluster

area (primarily Policy CC4 and guidance within the sustainability SPD) * This is under review further to your submission of additional information on 19/10/2020, which is presently being considered.

- Failure to demonstrate a suitable quality of accommodation for future occupiers - through reasons of: the mitigation measures proposed are not adequate to minimise the impact of nearby noise pollution (i.e. the response from 24 Acoustics received on 05/10/2020 is not accepted) and possibly wind impacts too (the further information submitted on 14/10/20 is currently under review) - contrary to policies CC8, EN16, CR6.
- In light of the above concerns, officers are in the process of re-reviewing the impact of the demolition of the locally listed building, bearing in mind the benefit of the proposals in relation to the wider public benefits of the scheme against the heritage value of the non-designated heritage asset in the planning balance. In short, the harm of demolishing the locally listed building has not been outweighed by the benefits of the proposals.
- *Lack of a section 106 legal agreement for an ESP, open space contribution, carbon offsetting financial contribution (based on your submitted proposal), affordable housing (based on your submitted proposal - as detailed separately above) and various transport based components * Without prejudice to any future application or appeal, you are advised that these reasons could be overcome by entering into a Section 106 Legal Agreement or unilateral undertaking for a scheme that was in all other respects acceptable.

In terms of next steps, officers will no longer be considering any further material submitted by you on this application. Naturally, you are advised of your right of appeal. Alternatively, you may prefer to withdraw the application prior to a formal decision being issued. If this is your preferred approach, please advise me in writing (by email) by 9am on 02/11/2020. If I do not hear from you by 9am on 02/11/2020, I will assume that you wish for the decision to be issued.

Although this feedback will naturally come as a disappointment to you, I hope that this update is nevertheless of assistance to you. Please note that I am on leave during week beginning 26/10/2020, returning on 02/11/2020.

Yours sincerely,

Jonathan Markwell
Principal Planning Officer
Planning Section | Directorate for Economic Growth and Neighbourhood Services

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In addition, please note that the advice contained within this email (and attachments – if applicable) is that of an officer of the Borough Council and is provided without prejudice to the decision of the Borough Council.

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