

Mr J Markwell
Reading Borough Council
Civic Offices
Bridge Street
Reading
RG1 2LU

12th November 2020

Dear Mr Markwell,

Former SSE Offices, 53 – 55 Vastern Road, Reading (200188)

Thank you for your email dated 22nd October 2020 which detailed the Councils' current position on our proposed scheme at Vastern Road, Reading.

We are of course extremely disappointed with the Councils' position and the initial reasons which you have outlined why the Council recommend refusal of the application, nonetheless, we are grateful for the extension of time to 11th December to try and resolve the key issues and enable a positive local decision to be made. As you are aware, we have undertaken extensive engagement with key stakeholders and the wider public and as always we are keen to work with you and your officers. In light of this, we have prepared a response for the Council to consider including supporting information to explain our position and to clarify outstanding matters of concern for the Council. In general and particularly where noted, we would welcome further discussion on any of the points noted herein.

In support of this letter, the following supporting information is enclosed:

- Towpath Proposal Section (448.300.LAND.002);
- The Old Power Station Design Addendum (2020_11.12);
- Block B and C Ground Floor Plans (448.PL.BC.110 rev D)
- Block D Ground Floor Plan (448.PL.D.100 rev C)
- Affordable Floorplans (448.PL.BC.500, 448.PL.BC.501, 448.PL.BC.502, 448.PL.BC.503, 448.PL.BC.504, 448.PL.BC.505, 448.PL.BC.506, 448.PL.BC.507 and 448.PL.BC.508);
- Affordable Housing Location Plan (448.PL.SI.500); and
- River Thames Mark Up (448.300.LAND.003) (showing RBC and EA owned river edge areas).

For clarity, what follows is a response to the 'future reasons for refusal', as outlined in your email of 22nd October, taken also in that order for consistency.

Highways – North/South Link

Your email of 22nd October noted that the future reason for refusal in this regard is likely to include:

*"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."*

In response to this, we would note the following:

- To support our note sent on 25th September 2020 please find enclosed a further supporting document "Design Addendum" outlining the design rational behind the north south link given the existing constraints on the site. The booklet highlights that a straight link cannot be achieved in any event between the station and Caversham because of the location of the retained SSE equipment. However, the scheme proposed provides a direct link which is the strongest and

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clearest link possible without significant development on the northern and middle section of the site being lost altogether.

- The policy position in relation to the north/south link is contained within CR3, CR11 and the Reading Station Area Framework SPD (RSAF). A detailed response to this was set out in the supplementary transport note dated 24th September.
- The Council, in their Transport and Policy response, maintained their position that the relevant policies required a straight line of site from the Station to the River, quoting 7.10 of the RSAF and CR11g. The Council also noted that it would be beneficial to demonstrate why alternative arrangements would not work. Therefore, the Design Addendum booklet which accompanies this letter considers in some detail the various alternative approaches to securing a straight line of site from the Station to the River, and clearly demonstrates that due to the retention by SSE of part of the allocated site, this is not physically possible to achieve.
- Other alternatives are also considered, including a more direct line within the site, concluding that amenity, public realm, design and highway safety principles are compromised to a point that would reduce the quality of the final design solution. Mr Cook forwarded his view that given the policy priority afforded to the north south link it should have been planned first, with the rest of the scheme then designed around it.
- Mr Cook's approach however focusses on the straightness and cycle element of the north south route. Taking this approach disregards the range of objectives that the route is designed to achieve, namely: directness, an attractive environment, strong public realm, active frontages, integration into the development, good wayfinding and a strong sense of place. Divorcing the route from the site would offend all of these aspirations and therefore offend the policies that underpin it. Therefore, the scheme has been designed holistically in order for all the above objectives to be achieved, with minimum compromise.
- The route proposed is as direct as possible within a high quality environment linking the river to Vastern Road, where it will then link through the other emerging development sites and to the station. It is our view that the proposed north south link accords with the site specific policies, and the RSAF, in addition to the broader transport and design policies identified.
- In their note, the Council suggest that a 3m wide route is too narrow, which we note is a point not previously raised. In addition and within the pre application discussions with the Council, the pedestrian / cycle route through the site was considered 'acceptable in itself from a Transport Planning perspective'.
- From the technical information previously provided and as set out in our note of 24th September, it is clear that the site meets technical guidance relating to a route of this nature. It has been demonstrated that the proposed route can work successfully, and that in places it exceeds 3m. We are therefore of the view that the proposed route accords with technical and policy requirements.

Highways - Servicing / Internal Vehicle Arrangements

Your email of 22nd October noted that the future reason for refusal in this regard is likely to include:

*"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."*

In response to this we would note the following:

- We can confirm following the transport and policy comments (attached to your email of 22nd October), dropped kerbs will be provided from the disabled parking bays in order to ensure that residents will have step free access to their properties. We believe that this addresses the Council's concerns in this regard and that this detail can be secured by condition.
- We have amended the drawings within Blocks B and D to ensure that a separate dedicated access is provided to both cycle stores so the access is no longer through the bin store, please see

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enclosed Block B and C Ground Floor Plans (448.PL.BC.110 rev D) and Block D Ground Floor Plan (448.PL.D.100 rev C). We believe that this addresses the Council's concerns in this regard.

- We are aware of a recent scheme which received Highways approval from RBC for a residential development in West Reading at Colliers Way/Tudor Court for 14 homes, where a new access across an existing shared pedestrian and cycle path is to be provided with priority for pedestrians/cyclists. We understand that this application, in an out of town location and with subsequently higher intensity HGV use than proposed at Vastern Road, accepts the principle of vehicles crossing the path, so would hope that our proposals could also be deemed acceptable. The only vehicle at Vastern Road that would need to reverse across the foot/cycle way would be a weekly refuse truck which would be assisted by banksmen and reverse alarms.

Vastern Road Crossing

Your email of 22nd October did not specifically make mention of this within the body or within the future reasons for refusal. However following previous discussions, we understand that there were some outstanding queries and we therefore hope the below clarifies our position:

- In relation to the Vastern Road Crossing, the initial estimates provided for the crossing shown on drawing 47500/550/SK030 were in the region of £100,000-£150,000, with Berkeley proposing a £50,000 contribution for the crossing to be delivered.
- In the intervening period, we have received detailed quotations for the works, which when including additional items such as traffic management, bring the total budget to deliver the crossing to £200,000. We would be happy to share this with you if it would be of interest.
- In order for the delivery of the scheme to provide a further benefit to the wider area, Berkeley would be willing to agree to make the full payment of £200,000. We would suggest that this payment is secured within the S106. Berkeley have increased this contribution as we share RBC's desire to provide a safe crossing for the local community and to secure this important element of the strategic north/south link.

Environment Agency Response in respect of Proposed Heights of Buildings Fronting onto the River Thames

Your email of 22nd October noted that the future reason for refusal in this regard is likely to include:

"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.

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The provision of green roofs to the building, previously raised by the Natural Environment officer, is also unresolved."

In response to this, we would note the following:

- The Environment Agency's response (attached to your email of 22nd October), which considered the options available to the applicant in order to mitigate the impacts of the development, provides a reasoned understanding as to why mitigation planting and biodiversity improvements are most appropriate in order to allow development to come forward – as noted under 'Option 2' within their response.
- The existing marginal planting installed underneath and around the bridge is already impacted by shading below the bridge and under the ramps. We have offered to install further shade tolerant plants, in consultation with the EA, in order to supplement and enhance the marginal planting in this location.
- We suggested an area for additional mitigation upstream between Christchurch Bridge and Caversham Bridge which was rejected by RBC as officers do not believe it is sufficient to address current concerns and the location suggested would not be suitable because of its use as a launching station for the boat club.
- A further area we were keen to explore with officers was the river bank adjacent to Christchurch Meadows, as we understand this was used to mitigate the impact of shading from the bridge. On the basis the bridge shades a similar part of the river to the development we had hoped officers would be supportive of this further enhancement to this stretch of river which is enjoyed by the public. Therefore, I would ask officers to consider again whether the southern bank of Christchurch Meadows provides a suitable alternative area for mitigation in addition to the areas outlined on the attached 'River Thames Mark-Up (448.300.LAND.003)'.
• Further to my email on 13th October, I would also welcome a discussion with RBC and the EA as to how best to bring this planting forward. As you correctly raised in your email dated 22nd October, we have not discussed whether a floating option, riverbank planting or riverbank realignment would be the most suitable in this instance.
- Our preference for mitigation would be to add or supplement (depending on the location) coir rolls to the river bank and a concept design is shown on the attached 'Towpath Proposal Section (448.300.LAND.002)'. These would be attached to the river bank and supplemented by riverbank planting to ensure that a meaningful marginal strip of planting can be installed, similar to that currently under the Christchurch Bridge.
- Should officers still be minded to not take the EA's proactive mitigation approach, which enables development to come forward, a reduction in building heights or setting back of buildings from the river would impact further on the delivery and viability of the site.
- The EA states that a usual rule of thumb would be for the building to be stepped back from the river bank the same distance as the height of the building to prevent shading. In this case, the proposed building would require a setback of an additional c.15m from the riverbank which would not be possible given the constrained space already present on this site and the density required to make it a viable development as per the sites allocation.
- In order to have a minimal impact on the River Thames, assuming the partial shading caused by the neighbouring Lynmouth Court properties was acceptable, for our development to be a similar height we would need to reduce the height by 6 storeys. In this instance, we would lose between 35 and 45 dwellings depending on the extent of cut back required.
- Given the scheme is already shown not to be viable, a reduction of between 35-45 dwellings would present a fundamental challenge to the delivery of any development on the site.
- Further to the above, we hope we can reach an agreement which removes the requirement to lose any quantum of development and meets the EA's objectives and RBC's aspiration to enhance riverside settings and enjoyment of the river by the public.
- We note that that the provision of green roofs is still unresolved and this fundamentally hinges on our energy strategy. With our current all electric strategy and provision of PV panels as submitted we can confirm it is possible to introduce green roofs alongside the PV panels as per your request. We would welcome the finer details of this to be agreed through condition.

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Affordable Housing

Your email of 22nd October noted that the future reason for refusal in this regard is likely to include:

“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).”

In addition, within the body of your email you noted the following:

- *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 response to this we would note the following:

- We submitted a viability appraisal with our planning submission which demonstrated that this development does not viably support the provision of any affordable housing. We understand that the Council has had this externally assessed by BPS, but the conclusions and final report have not been made available for Berkeley. RBC have also not presented their full position on the viability to Berkeley, so we are unable to comment on this.
- We were invited to make an offer for our submission to include affordable housing on a without prejudice basis. Our offer was for 20% shared ownership housing to be delivered on the site, however we understand this has not been considered acceptable due to lack of tenure mix and the requirement to seek Homes England Funding.
- I would like to clarify that our offer was not contingent on Homes England funding, moreover that Berkeley wanted RBC's support to apply for the funding in order to help support delivery of a currently unviable scheme and would have welcomed further discussion on this point.
- Further to your comments and full response we understand your concern and requirement for a mix of tenures on the site and would like to enhance our offer as follows;
 - Berkeley will be willing to provide 20% affordable housing on the basis of a scheme for 209 homes.
 - Of the 42 affordable homes, 45% (19) of these will be affordable rent as these plots can be provided with their own dedicated core.
 - The homes will be provided within the early phases of our development within Block B1 and B2. Please see enclosed Affordable Housing Location Plan (448.PL.SI.500) and Affordable Floorplans (448.PL.BC.500-508) showing the location of these homes.
 - On the basis Berkeley are able to start on site as envisaged in Summer 21' these homes would be delivered in 2023 as they will form one of the early phases of our scheme.
 - To clarify our offer is not reliant upon Homes England Funding but in the spirit of our partnership we would welcome the Councils support to seek any funding which may be available prior to finalising the S106 agreement.
 - As stated above this offer is on the basis of our current 209 home submission under consideration by officers and that officers are able to find a way to support this favourably at a local level.
 - If this is only possible with further significant changes to our scheme as submitted which will further impact the viability, this will need to be reviewed.

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- We also would like to clarify that on the basis the BPS report agrees with our conclusion that the site is unviable, that this offer will be a significant betterment and so no further review mechanism will be required.
- We trust that the above revised offer is acceptable to the Council, and we would welcome further talks to discuss this in more detail.
- Notwithstanding the offer as described above, should officers still be minded to refuse the application, in an appeal scenario, our affordable provision will be as per our submitted viability position of 0%, with the inclusion of a deferred mechanism.
- We are aware that the Council have just released for consultation a new Affordable Housing SPD which covers deferred mechanisms. We are of the view, as currently drafted, that these mechanisms are unsustainable and we will be responding to the consultation setting out these concerns in due course.
- For clarity and in reference to a potential appeal scenario as noted above, we would propose the same deferred mechanism which was adopted at Kenavon Drive (ref 170509). It is considered that this would be suitable given the emerging guidance is not yet adopted and the mechanism is in a format that has been acceptable to both the Council and Berkeley in the past.
- We hope the above is clear but if you have any further questions we would welcome an opportunity to discuss them with you.

Energy Strategy

Your email of 22nd October noted that the future reason for refusal in this regard is likely to include:

*“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.”*

We note you have not yet concluded your final review of our revised energy assessment sent to RBC on 19th October, so we will await to hear from you on this matter before responding fully on this point but would like to take the opportunity to reaffirm the rationale behind our proposed strategy as follows:

- The proposed energy strategy firstly seeks to prioritise measures which first and foremost reduce energy demand before assessing the means of energy supply for the proposed development.
- Berkeley follow a ‘fabric first’ approach on all developments in order to prioritise measures which minimise energy demand. Thereafter, Berkeley seek to supply the proposed development with low and zero carbon technologies to further reduce site wide CO2 emissions as well as providing a source of on-site electricity generation.
- This will deliver CO2 savings in the long-term through a future-proofed energy strategy and a financial contribution payable in order for the development to achieve a status of Zero Carbon after on-site measures have been accounted for.
- We are aware that Reading have declared a climate emergency with the Vision for 2025 setting out that Reading are working towards net zero carbon emissions by 2030 and that the intention is for Reading to ‘go electric’.
- Alongside our fabric first approach we also include low carbon technologies (including smart technologies) in order to further reduce emissions. As set out in our submission the added benefit of this is that it ensures we also provide the most cost effective heating strategy for future residents, which given 20% of the housing will now be for those on lower income’s should be taken into consideration.
- As you are aware the impact of any change to the strategy will have significant impacts on the scheme’s viability, however if officers still feel our strategy needs to be amended we would request having sufficient time to review this in advance of the 11th December deadline.

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Quality of Accommodation for Future Occupiers

Your email of 22nd October noted that the future reason for refusal in this regard is likely to include:

“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 response to this we would note the following:

Noise

- Berkeley have no control over the noise emission from the neighbouring substation and as a result, it cannot be controlled at source.
- The scheme has been designed primarily with back of house areas such as communal corridors, lift shafts and other servicing elements abutting the retained substation equipment, utilising the built form to naturally further mitigate any noise.
- In any instances where residential accommodation might still be affected by the noise, these will be fitted with specialist acoustic glazing, alternative means of ventilation and measures to prevent excess heat build-up.
- The scheme has been designed to ensure that during the daytime, the existing noise level associated with the noise from the substation is no greater than 5dB above the prevailing background noise levels in amenity areas.

Wind

- We note that our further information submitted on 14th October is currently under review and welcome final comments on this when available. Notwithstanding this, we have sought the advice of our consultant, RWDI, who would like to reiterate that we have provided an assessment for all the seasons, specifically the windiest season and the summer seasons, with the Spring and Autumn seasons included despite there being a lack of specific guidance for this within the Lawson criteria.
- Where balcony environments fall below the threshold for their intended use in the summer scenario, or where potential safety concerns might occur, we have proposed mitigation in order to ensure that these balconies would be able to achieve their intended use. These measures include additional planting, semi porous screens and solid balustrades, details of which can be found in RWDI's Pedestrian Level Wind Microclimate Assessment dated 13th October 2020.
- Through the detailed design process, a quantitative assessment will be undertaken at construction stage prior to the installation of the proposed mitigation, to ensure that the density, height and mass of the mitigation is suitable for each balcony so that it can achieve its intended use. We would be willing to agree to a condition to secure this.
- However, should this continue to pose a significant problem for the Council, we would be prepared to remove the balconies which are underperforming in the summer scenario to alleviate your concerns.
- As per our request on the energy strategy we would ask that the Council give us sufficient time in advance of the 11th December to make these changes if required.

Heritage

Your email of 22nd October noted that the future reason for refusal in this regard is likely to include:

“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.”

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In response to this we would note the following:

- The Council have been consistent in their approach to the demolition of the locally listed building throughout the pre application process and this is reflected in the officer's consultation response, i.e. there has been no specific concern raised previously.
- It is considered that the benefits of this scheme do outweigh the loss of the locally listed building and the benefits include but are not limited to:
 - Provision of the north/south pedestrian/cycle route;
 - Full funding of a new crossing on Vastern Road, linking Caversham directly to the station and town centre;
 - Provision of 20% affordable housing (as proposed within this letter, split 45% rent, 55% shared ownership);
 - Provision of a high quality design solution, including public realm and new open spaces which was supported by the Design Review Panel; and
 - High quality town centre apartments providing much needed housing.
- Our proposals will retain references to the heritage of the site through the design approach so the legacy of the old power station lives on. The scheme takes cues from the locally listed building in the arches of the design and materials throughout the scheme.

S106 Agreement

Your email of 22nd October noted that the future reason for refusal in this regard is likely to include:

*"*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."*

As you note this can be overcome by entering into an agreement, therefore we would not note anything specific in this regard, given specific topic area matters have been addressed within this letter. In terms of an Education and Skills Plan, you may be aware that I recently held a successful meeting with Sue Brackley in order to progress the Construction Skills Plan which we are confident can be addressed.

The development at Vastern Road is proposing to deliver 209 high quality new homes through the regeneration of a brownfield site situated in a sustainable town centre location. The NPPF attributes substantial weight to the value of using suitable brownfield land within settlements for the delivery of homes. The retention of the SSE infrastructure presents significant constraints to the sites delivery. The proposed scheme has fully considered these constraints alongside the aspirations within the sites allocation, and is still able to deliver a significant quantum of new homes to assist RBC in delivering enough housing to meet its housing requirements.

We hope this response clarifies some of the outstanding points and that officers are able to review the above and come to a more positive outcome. I hope you agree that we have undergone extensive stakeholder engagement on this scheme in order to reach a favourable decision at a local level and therefore we would welcome a meeting to discuss the above with you in more detail at your earliest availability.

Yours sincerely



Caroline McHardy
Land and Development Director

cc. Kim Cohen/Craig Petit Barton Willmore
Giorgio Frammalicco, Reading Borough Council

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