



**TOWN AND COUNTRY PLANNING ACT 1990
APPEAL UNDER SECTION 78**

**APPEAL BY BERKELEY HOMES (OXFORD & CHILTERN) LTD AGAINST THE DECISION
BY READING BOROUGH COUNCIL TO REFUSE PLANNING PERMISSION FOR
Demolition of existing structures and erection of a series of buildings ranging in height
from 1 to 11 storeys, including residential dwellings (C3 use class) and retail floorspace
(A3 use class), together with a new north-south pedestrian link, connecting Christchurch**

Bridge to Vastern Road

AT

55 Vastern Road, Reading, RG1 8BU

**INSPECTORATE REFERENCE: APP/E0345/W/21/3276463
READING BOROUGH COUNCIL REFERENCE: 200188/FUL**

SUMMARY PROOF OF EVIDENCE

**JONATHAN MARKWELL BSc (Hons) MSc LRTPI
ON BEHALF OF READING BOROUGH COUNCIL**

Date: September 2021

1.0 INTRODUCTION

1.1 This summary of the evidence is submitted on behalf of Reading Borough Council ('RBC') in support of the Council's case against the appeal made by Berkeley Homes (Oxford & Chiltern) Ltd ('the Appellant'). This appeal concerns the refusal of application 200188/FUL at 55 Vastern Road, Reading, RG1 8BU ('the appeal site') for the following proposed development:

'Demolition of existing structures and erection of a series of buildings ranging in height from 1 to 11 storeys, including residential dwellings (C3 use class) and retail floorspace (A3 use class), together with a new north-south pedestrian link, connecting Christchurch Bridge to Vastern Road'.

1.2 There were seven reasons for refusal, relating to (in summary):

- Failure to provide a high quality north-south link through the site (reason for refusal 1)
- Height and proximity of the proposed Blocks D & E to the Thames Path harming the setting and character of the path and The River Thames (reason for refusal 2)
- Impact on marginal habitats and lack of appropriate mitigation and insufficient space within riverside buffer for required large canopy trees (reason for refusal 3)
- Failure to demonstrate sufficient noise mitigation measures for future occupiers (reason for refusal 4)
- Benefits of the proposals are not considered to significantly outweigh harm caused through the loss of non-designated heritage asset and retention and reuse not being fully explored (reason for refusal 5)
- Failure to adequately demonstrate that it is part of a comprehensive approach (reason for refusal 6)

- The absence of a completed legal agreement for various matters (reason for refusal 7).

2.0 APPROACH TO DETERMINING THIS APPEAL

2.1 A central principle of planning law is that development should come forward in a planned way. It should be the subject of local determination by way of the Development Plan process. This is reflected in the fact that development should be plan-led. This is inherent in section 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990, which establish a statutory presumption in favour of the Development Plan. This presumption is re-emphasised in the NPPF at paragraphs 15-20, which provide for strategic policies to address each local planning authority's priorities for the development and use of land in its area.

3.0 THE COUNCIL'S CASE

- 3.1 Reason for refusal 1 identifies conflicts with Policies CR11ii, CR11g, EN11, CC7, CR2, CR3, TR3 and TR4, and guidance within the Reading Station Area Framework SPD. These conflicts with the Development Plan are demonstrated in full at section 3 of Michael Doyle's Design PoE and sections 4.3, 4.4 and 4.5 of Darren Cook's Transport PoE.
- 3.2 Reason for refusal 2 details conflict with Policies CR4, CR11(v), CR11g, CC7, CR2, CR3 and EN11, and guidance within the Reading Station Area Framework SPD. Section 4 of Michael Doyle's evidence demonstrates that the proposals are in conflict with the Development Plan.
- 3.3 Reason for refusal 3 specifies conflicts with Policies EN11, EN12, EN13, EN14, CC7, CR2, CR3, CR4 and CR11. These conflicts with the Development Plan are demonstrated at sections 4 - 7 of both Giles Sutton's SoC and PoE. They are also detailed in full at sections 3 - 5 of Sarah Hanson's Natural Environment SoC and section 5 of the corresponding PoE, as well as section 4.9 of Michael Doyle's Design PoE and section 8 of this proof and the Council's main SoC at paragraphs 6.1 - 6.7 and 6.40 - 6.41.
- 3.4 Reason for refusal 4 specifies conflict with Policies CC8, EN16 and CR6. Rhys Scrivener's evidence demonstrates that the proposals are in conflict with the Development Plan.
- 3.5 Reason for refusal 5 details conflict with Policies EN1 and EN4. Bruce Edgar's Heritage SoC (in particular section 3) and PoE (sections 2 - 4), Chris Rumbold's Surveying PoE, paragraphs 6.63 - 6.72 of the Council's main SoC and section 8 of my PoE, when taken together, demonstrate the conflicts with the Development Plan.
- 3.6 Reason for refusal 6 specifies conflicts with Policies CR2, CR11viii and CR11g and guidance within the Reading Station Area Framework SPD. Section 5 of

Michael Doyle's PoE demonstrates that the proposals are in conflict with the Development Plan.

- 3.7 Should an agreed final draft legal agreement not be submitted by 12th October 2021, then, as set out in reason for refusal 7, the proposals would potentially conflict with Policies CC3, CC4, CC9, EN9, EN11, EN12, H3, H5, TR1, TR3 and TR5, and guidance within the following SPDs: Affordable Housing; Employment, Skills and Training; Revised Parking Standards and Design; Planning Obligations under Section 106; Sustainable Design and Construction.

4.0 THE COUNCIL'S CASE BEYOND THOSE MATTERS REFERENCED BY OTHER WITNESSES

Housing Need (overarching point and also referenced by the Appellant in relation to reason for refusal 3)

- 4.1 The Council can clearly demonstrate a five-year supply of housing, with 6.65 years supply based on the latest 2019-20 figures. The revised local housing need methodology introduced within PPG in December 2020 does not currently apply to demonstrating housing supply in Reading and is considered to be of little significance in the assessment of this appeal proposal.

Verification of the Appellant's Appendix 18 (Heritage SoC) Annex A

- 4.2 I have no personal recollection of Jonathan Mullis stating in a pre-application meeting on 29th January 2019 that the remaining heritage value the building possesses relates essentially to its front façade. This was not stated or reflected in the Council's formal written pre-application response and the Annex A notes were not submitted to the Council for comment or agreement. This point cannot therefore be verified.

Whether the benefits of the development should be required to significantly outweigh the harm caused to the significance of the locally listed building (reason for refusal 5)

- 4.3 The benefits of the development should be required to significantly outweigh the harm caused to the significance of the locally listed building, in line with local policy EN4. When adopted Local Plan policy EN4 was considered to be sound against the background of national policy, which is unchanged in all material respects.

Legal Agreement (reason for refusal 7)

4.4 At the time of writing the legal agreement remains unresolved. Discussions between the parties are envisaged to continue to seek to address the reason for refusal in full. In the event a final agreed draft is not submitted by 12th October 2021, the Council will provide further evidence by 15th October 2021.

5.0 THE PLANNING BALANCE AND CONCLUSION

Harms

- 5.1 The proposal is in conflict with the Policy CR11g Riverside policy; the appeal site forms part of this specific site allocation. Regarding the north-south link, the policy specifies that development should continue the high quality route from the north of the station to Christchurch Bridge. Paragraph 5.4.6 is explicit in stating *“achieving this north-south link is the main priority for the site and this should be given substantial weight in development management”*. The design and transport-based concerns are numerous and substantial. This represents a fundamental conflict with the Development Plan and should be attributed the greatest possible weight in the planning balance.
- 5.2 Policy CR11g also requires development to maintain and enhance public access along and to the Thames. The proximity of the proposed buildings, combined with their mass and height and their blank river path level frontages, form unsatisfactory (and in design terms unresolved) areas of public realm at the level of the towpath.
- 5.3 The proposals conflict with part of the vision for the wider Station/River Major Opportunity Area, to *“integrate the transport links and areas northwards towards the River Thames and into the heart of the centre”* and Policy CR11ii.
- 5.4 The proposals conflict with Policies CR11viii) by limiting or preventing the neighbouring SSE owned land from fulfilling policy aspirations in a variety of ways. These conflicts also tie in with the CR11g allocation and Policy CR3.
- 5.5 The proposals are also in clear conflict with Policy EN11, with the policy wording clear that *“There will be no adverse impact on the functions and setting of any watercourse and its associated corridor”*.

5.6 Design and public realm conflicts are identified (Policies CC7, CR2 and CR3), as are a variety of other Local Plan policies. In all instances I attribute significant weight to these policies in the planning balance.

Benefits

5.7 I attribute limited weight to the Appellant's identified economic, social and environmental benefits of the scheme. In a number of instances such benefits could also be achieved in an appropriately amended scheme which addressed the Council's reasons for refusal of the application.

Conclusion

5.8 Mindful of section 2 above, the Council's strongly held view is that there are no material considerations of sufficient weight to indicate any approach other than to determine the appeal in accordance with the Development Plan. Instead the harmful impacts are clear and substantial when applying an overall planning balance, the Council remain firmly of the view that the proposed development remains unacceptable.

5.9 The Inspector is therefore respectfully requested to dismiss the appeal.