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# 55 Vastern Road, Reading

APP/E0345/W/21/3276463

Town Planning Proof of Evidence of Kim Cohen BSc (Hons) MCD MRTPI  
on behalf of Berkeley Homes (Oxford & Chiltern) Ltd

September 2021



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PINS Ref: APP/E0345/W/21/3276463

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## **APPENDIX**

Appendix 1 – Sunlight Amenity Assessment of Thames Court.



## **1.0 INTRODUCTION**

### **Personal Details**

- 1.1 My name is Kim Cohen. I am a Planning Partner at Barton Willmore LLP. I have a Bachelor of Science Degree with Honours in Geography from the University of Reading and a Master of Civic Design Post Graduate Degree from the University of Liverpool. I have 24 years' experience as a town planner. I am a Chartered Member of the Royal Town Planning Institute.
- 1.2 Barton Willmore is one the UK's leading planning and design consultancies. Founded as an architectural practice in the 1930s, it developed into a comprehensive planning, architectural, landscape and urban design practice in the 1970s to 1990s and has strong track record in the design and implementation of major housing and mixed-use development. I have been a Partner at the Reading Office of Barton Willmore LLP since April 2013, having joined the company as Senior Planner in May 2001. I have given advice on a wide range of planning projects, including site promotion; preparation of planning appraisals and applications; S78 Appeals heard by way of written representation, informal hearing, and public inquiry throughout the country for both public and private sector clients.
- 1.3 I have acted on behalf of the Appellants, Berkeley Homes (Oxford and Chiltern) on the former SSE Site, Vastern Road, Reading since September 2019. I led the preparation and submission of the full planning application by Barton Willmore, now subject to this appeal.
- 1.4 I am familiar with the appeal site and the surrounding area and have made myself aware of the planning policy background and relevant issues to these appeals.

### **Statement of Truth**

- 1.5 The evidence which I have prepared and provide for this appeal is true and has been prepared in accordance with the guidance of my professional institution and I confirm that the opinions expressed are my true and complete professional opinions. I confirm that my evidence complies with the requirements of the RTPI Code of Professional Conduct.

## The Appeal

- 1.6 This Public Inquiry is being held to consider the following planning appeal against the refusal of full planning permission relating to 55 Vastern Road, Reading which has been made on behalf of Berkeley Homes (Oxford & Chiltern) Ltd. The description of development to which this appeal relates is as follows:

**“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.”**

- 1.7 The appeal was submitted following the refusal of planning permission by Reading Borough Council (RBC) by notice dated 9<sup>th</sup> April 2021.

## Scope of Evidence

- 1.8 The full case for the Appellant was set out in the Statement of Case (SoC) and Associated appendices which formed the Appeal submission. My Proof of Evidence (PoE) does not repeat the SoC, and instead my planning evidence on behalf of the Appellant addresses the specific following matters:

- National policy, including the changes made in the revised National Planning Policy Framework (NPPF) published in 2021.
- Housing land supply, demonstrating that there is a need to plan for the delivery of housing to help meet the present and future needs of the Borough.
- Response to matters raised by the LPA, Rule 6 Party and other interested parties in their submissions in response to the appeal.
- A summary and conclusion, setting out a summary of my evidence and concluding that, subject to the imposition of appropriate conditions and completion of a Section 106 obligation, planning permission should be granted for the appeal proposal.

- 1.9 My PoE should be read in tandem with that of:

- Mr Taylor who provides evidence on design matters;
- Mr Clark who provides evidence on townscape and visual matters;
- Mr Witchalls who provides evidence on transport matters;



- Mr Weeks who provides evidence on heritage matters;
- Mr Corbyn who provides evidence on ecology matters; and
- Mr Peckham who provides evidence on noise matters.

## **2.0 CHANGES IN THE NPPF 2021**

- 2.1 The Government's planning policies for England are set out within the NPPF, a revised version of which was published on 20<sup>th</sup> July 2021. The previous NPPF was considered in the submitted SoC, which demonstrated that the appeal proposal was consistent with national policy at that time. I consider that the revised NPPF strengthens the position that the appeal should be allowed, as I discuss in detail below.
- 2.2 The revised NPPF maintains emphasis on sustainable development, with the presumption in favour of sustainable development remaining 'at the heart of the Framework' (paragraph 10). Paragraph 8 identifies three objectives for the planning system in order for it to contribute to achieving sustainable development: economic, social and environmental. The objectives remain broadly as per the previous NPPF with minor changes made consistent with additional references to beauty elsewhere within the revised NPPF, as I discuss below.
- 2.3 Paragraph 11 maintains that for decision-taking the presumption in favour of sustainable development means 'approving development proposals that accord with an up-to-date development plan without delay'.
- 2.4 The revised NPPF also maintains emphasis on the Government's objective of significantly boosting the supply of homes. Alongside this, the revised NPPF includes additional references to 'beauty', 'attractiveness' and 'sustainability', informed by recent national design guidance including the national design guide and national model design code as well as the work of the Building Beautiful, Building Better Commission. These are included alongside retained references to promoting the efficient use of land, including support for the development of under-utilised land and buildings especially if this would help to meet identified needs for housing where land supply is constrained. The appeal proposal would contribute to the achievement of the objective of significantly boosting the supply of homes and be in accordance with all other aspects of the revised NPPF. It is therefore consistent with the NPPF. I have set out my detailed comments on changes to individual paragraphs below, with reference to the PoEs submitted by Mr Taylor, Mr Clark and Mr Witchalls.
- 2.5 The revised NPPF includes references to 'attractive' and 'well-designed' pedestrian and cycle routes (paragraphs 92 and 106). The submitted SoC addresses how the appeal proposal will create attractive and well-designed routes for both pedestrians and cyclists. The design philosophy for the site has been heavily influenced by the provision of

- attractive and well-designed routes for all users, including a well-lit pedestrian and cycle north-south route which is overlooked on both sides and has good visibility. The submitted SoC and PoEs of Mr Taylor and Mr Witchalls demonstrate that alternative routes through the site would result in a development which is less accessible, less attractive and less well-designed. The references to attractive and well-designed routes support the case that the proposed north-south route through the site (and the proposals for pedestrians and cyclists more generally) should be supported and that the appeal should be allowed.
- 2.6 The appeal proposal will deliver new public open space, including a landscaped, green corridor linking the River Thames to Vastern Road. In that regard, the appeal proposal will help to deliver benefits for health and well-being and nature and support efforts to address climate change, as emphasised in paragraph 98 of the revised NPPF.
- 2.7 As Mr Witchalls demonstrates in his PoE, the appeal proposal is consistent with national guidance and so is consistent with paragraph 110 of the revised NPPF.
- 2.8 Paragraph 126 refers to 'beautiful and sustainable buildings'. The visual attractiveness of the appeal proposal is discussed in detail in the submitted SoC (see paragraph 5.21 onwards in Appendix 14 in particular), with the SoC demonstrating that the proposal is consistent with, and supported by, the revised NPPF. Mr Taylor in his PoE reiterates this conclusion.
- 2.9 Mr Clark notes within his PoE (paragraph 2.3) that 'beautiful' means not only the visual interest and appeal of the built forms and landscape design but also consideration of and contribution to locally distinctive character. Mr Clark demonstrates that the appeal scheme has achieved this within his PoE.
- 2.10 With regard to sustainability, the appeal proposals have been designed using a fabric first approach and include a centralised energy strategy, as set out in the submitted Energy Statement (CD1.122). To this end, the appeal proposals are consistent with, and supported by, the revised NPPF.
- 2.11 The appeal proposal includes a key north-south route within the site which will be tree-lined. Trees are also incorporated elsewhere in the appeal proposal, including the retention of existing trees along Vastern Road and new tree planting along the edge of the River Thames, providing substantial gain in terms of the quantity and character of vegetation within the site. Long-term maintenance of this planting can readily be secured by an appropriately worded condition. The appeal proposal balances provision of significant canopy-level vegetation with the need to avoid future conflict between trees and buildings. In this regard, the appeal proposal is in line with the revised NPPF.

- 2.12 In accordance with paragraph 134 of the revised NPPF the proposal reflects local design policies and guidance as well as national guidance, and is a design which is outstanding and innovative, promoting high levels of sustainability and helping to raise the standard of design in the area.
- 2.13 In line with paragraph 180, the appeal proposal integrates opportunities to improve biodiversity on the site as part of the design, enabling net biodiversity gains to be secured. Mr Corbyn within his PoE concludes that an increase of biodiversity value on-site of 118% will result from the appeal scheme.
- 2.14 In summary, for the reasons set out in the submitted SoC and its appendices and above, I consider that the appeal proposal responds positively to the NPPF, including the recent (July 2021) revisions. Indeed, as I have set out above, there are aspects of the revised NPPF which provide further support to the case that the appeal proposal should be approved.

### 3.0 HOUSING LAND SUPPLY

- 3.1 To support the Government's objective of significantly boosting the supply of housing, it is important that a sufficient amount of land can come forward where it is needed. Paragraph 8 of the NPPF outlines overarching objectives for the planning system including:

**To help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity.**

...

**To support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations.**

- 3.2 In this context, it is important to consider whether the future supply of housing in the Borough will meet identified needs for housing in full as part of this Appeal. I provide comments on both the housing requirement and supply below.

#### The Requirement

- 3.3 Paragraph 74 of the NPPF states:

**Local planning authorities should identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing against their housing requirement set out in adopted strategic policies<sup>38</sup>, or against their local housing need where the strategic policies are more than five years old<sup>39</sup>.**

- 3.4 Footnote 38 states 'for the avoidance of doubt, a five year supply of deliverable sites for travellers – as defined in Annex 1 to Planning Policy for Traveller Sites – should be assessed separately, in line with policy in that document'. Footnote 39 states 'unless these strategic policies have been reviewed and found not to require updating. Where local housing need is used as the basis for assessing whether a five year supply of specific deliverable sites exists, it should be calculated using the standard method set out in national planning guidance'.
- 3.5 Policy H1 of the adopted Local Plan identifies that provision will be made for at least 15,847 homes (averaging 689 homes per annum) in Reading Borough over the plan period 2013 to 2036. This requirement was informed by the Berkshire Strategic Housing Market

Assessment (2016) which identified a housing need for Reading Borough of 16,077. Policy H1 explains that the Council are unable to identify sufficient sites to fulfil the housing requirement over the plan period, with a shortfall of 230. Policy H1 states that the Council will continue to work with neighbouring authorities within the Western Berkshire Housing Market Area to ensure the shortfall of 230 dwellings will be met over the plan period.

3.6 The revised method for calculating local housing need published by the Government in December 2020 identifies an increased requirement for Reading Borough which, at December 2020, equated to 876 dwellings per annum.

3.7 Mr Markwell states at paragraph 6.7 of his SoC that this 'is not of relevance to this appeal'. I disagree. I consider that it is of significant relevance to this appeal for the reasons I set out below.

3.6 The Local Plan was adopted in November 2019. As such, from November 2024, a minimum of five years of housing against the local housing need figure for Reading Borough will be required, unless strategic policies have been reviewed and found not to require updating. I consider that in this context footnote 39 will not be engaged and the future review of the Local Plan will identify a need to update the housing requirement. Therefore, the increased housing requirement is of significant relevance to this appeal, given it will come into effect in just over three years' time, i.e. within the five-year period. In the interim, up to November 2024, the housing requirement of 689 homes per annum will be applied in accordance with paragraph 74 of the NPPF.

3.7 Therefore, the housing requirement for Reading Borough over the remainder of the plan period is anticipated to be as set out in Table 1 below:

<b>Monitoring Year</b>	<b>Housing Requirement</b>	<b>+5% buffer (rounded)<sup>1</sup></b>
2021/22	689	723
2022/23	689	723
2023/24	689	723
2024/25	767 (based on the adopted requirement being in force for 7 months of the monitoring year and local housing need for the remainder of the year)	805
2025/26	876	920

<sup>1</sup> 5% buffer applied in line with paragraph 74 of the NPPF based on current Housing Delivery Test results. I note that the buffer would increase to 20% if RBC are unable to satisfy the Delivery Test in future.

2026/27	876	920
2027/28	876	920
2028/29	876	920
2029/30	876	920
2030/31	876	920
2031/32	876	920
2032/33	876	920
2033/34	876	920
2034/35	876	920
2035/36	876	920

- 3.8 In the current five-year period, 2021/22-2025/26, the baseline requirement equates to 3,710. With the inclusion of a 5% buffer, in line with paragraph 74 of the NPPF, the requirement equates to 3,896.
- 3.9 I consider that the increasing housing requirement compared to that at the time of the adoption of the Local Plan supports the case for the appeal proposal to be approved, particularly when anticipated supply shortfalls are taken into account as I discuss below.

### **The Supply**

- 3.10 As stated in paragraph 3.5 above, the adopted Local Plan makes provision for 15,847 homes over the plan period.
- 3.11 The latest Annual Monitoring Report published by RBC (dated December 2020) covers the period 1<sup>st</sup> April 2019 to 31<sup>st</sup> March 2020. The report identifies that there are currently 6.65 years supply of housing (Indicator 11) based on an annual requirement over the remainder of the plan period of 717 dwellings plus a 5% buffer.
- 3.12 However, I consider that RBC's anticipated supply over the five-year period is overly optimistic, particularly in respect of the elements I discuss below.
- 3.13 A windfall allowance of 127 dwellings per annum is included within the anticipated supply. Whilst I acknowledge that windfall sites contribute to the delivery of new housing in the Borough, delivery on windfall sites has been below 127 dwellings in all years of the plan period except 2014/15 and 2017/18. A total of 817 dwellings have been delivered on windfall sites over 7 years, equating to just under 117 per annum. No evidence has been prepared by RBC to demonstrate that windfall delivery is likely to increase. On this basis,

I consider that RBC have assumed an unrealistic supply from windfall sites and a reduced contribution to supply from such sites should be expected.

- 3.14 I note that RBC rely on 296 units coming forward between 2023/24 and 2025/26 at land at Madejski Stadium, Shooters Way (ref 160199). It is acknowledged that 196 of the units form part of the detailed element of a hybrid planning permission, with the additional 100 forming part of the outline scheme. It is noted that pre commencement conditions are not yet applied for. Further the consent is structured such that other elements of the detailed consent are required to come forward first, including a multistorey car park, convention centre and transport exchange. In addition, 100 of the units form part of the outline permission for which no reserved matters applications have been submitted, and which, as currently structured, will come forward following delivery of the detailed element of the scheme. Therefore, it is reasonable to assume that some slippage in the delivery of these units beyond the current five-year period can be anticipated.
- 3.15 It is also noted that 56 units are assumed to be delivered in 2022/23 at Alexander House, Kings Road, Reading (ref 162057). This application was granted on 17<sup>th</sup> May 2017, was not implemented and has therefore lapsed. Prior approval was given for change use of the existing office building into 22 dwellings in June 2021 (ref 210536). Prior approval for 13 additional units within the roof space of the building and on ground and first floor was refused in July 2021 (ref 210906). An application for an upwards extension to create 8 additional units, submitted alongside 210906 and envisaged to be delivered as one development (according to the submitted planning statement), is currently pending determination (ref 210902). It is therefore doubtful that 56 units will be delivered on this site, with only 22 units approved.
- 3.16 I note that 282 dwellings are anticipated to be provided at the Broad Street Mall on Broad Street, in 2023/24 and 2024/25. This anticipated delivery is in spite of there being no signed Section 106 Agreement for the site following resolution to grant in March 2020. Further, the site was for sale in June 2021 and it is unknown whether future owners would seek to secure and implement consent for residential development. In this context, I do not consider the site to currently be deliverable in line with Annex 2 of the NPPF.
- 3.17 Having regard to the above, I consider that it is highly likely that the supply anticipated by RBC will not be delivered in full within the five-year period. On this basis, while I acknowledge that supply is likely to remain above five years, unrealistic assumed delivery rates in this period lead me to question whether the totality of supply across the wider plan period will be realised.



- 3.18 Across the remainder of the plan period, Mr Markwell of RBC states at paragraph 6.4 of his SoC that 'based on 2019-20 figures the Council is expecting to exceed plan targets by 556 dwellings, which gives substantial headroom to accommodate the 230 dwelling shortfall identified in the Local Plan'.
- 3.19 Importantly, however, I note this is based on the Local Plan housing requirement rather than the local housing need figure which will be used to assess supply from November 2024. From this period, the annual requirement is anticipated to increase significantly resulting in the need to deliver a significantly greater quantum of housing in the remainder of the plan period.
- 3.20 Moreover, the anticipated supply relies on 204 units being delivered on the appeal site (as stated at paragraph 6.5 of Mr Markwell's SoC). This figure is based on a lapse rate of 20% being applied to the quantum of development stated in the site's allocation policy (255 dwellings). In this regard, RBC are relying on 204 units being delivered in order to realise current anticipated supply.
- 3.21 In this context, I find that the delivery of units on the appeal site is important. Mr Markwell states at paragraph 6.4 of his SoC that 'the Council is expecting to exceed plan targets by 556 dwellings'. This is based on a Local Plan target of 16,224 dwelling across the plan period, which includes the requirement of 15,847 stated in Policy H1 as well as requirements for residential care and student accommodation (in line with policies H6 and H12 respectively). Importantly, the 16,224 target does not include the 230 dwelling shortfall allowed for in Policy H1. When this is accounted for, the likely exceedance of the Local Plan target (according to RBC) is 326. In the context of my comments on windfall sites, I consider the buffer is likely to be further reduced. The appeal site contributes 204 units towards RBC's anticipated supply, any reduction in the quantum of dwellings on the site would further reduce the buffer to supply. This reduction could potentially be considerable as I discuss further within this PoE. Moreover, this is before any increase in the requirement due to the incoming local housing need figure is taken into account, which I anticipate will result in supply falling short of the requirement.
- 3.22 As I discuss further below, the appeal scheme represents the efficient use of a sustainably located brownfield site. It would deliver a significant quantum of housing, assisting in the meeting the need for housing in the Borough.
- 3.23 RBC have raised a number of concerns relating to various aspects of the appeal scheme and in response suggested that elements of the appeal scheme should be reduced in size or scale.

- 3.24 As Mr Taylor demonstrates at paragraphs 3.132-3 of his PoE, the reductions required to address the concerns raised by RBC could be as high as 91 dwellings. This loss would result in the number of dwellings being delivered on the site being significantly less than envisaged in the Local Plan and Housing Trajectory, even if viability considerations did not prevent the delivery of any development at all
- 3.25 Given the context I discuss above, such a situation cannot be afforded if sufficient housing is to be delivered in the Borough, and if the most sustainable locations are to be developed.

## **4.0 RESPONSE TO THE LPA'S STATEMENT OF CASE**

4.1 In this section of my evidence, I respond to RBC's SoC which was received on 13<sup>th</sup> August 2021. I do not repeat the case set out in my SoC here and instead respond only to the points raised in RBC's SoC.

### **Reason for Refusal 1**

4.2 Reason for Refusal 1 relates to the north-south route through the site. RBC's case is that a high-quality route has not been provided due to concerns about public realm, safety and directness. I have responded to these points in detail from paragraph 3.36 of my SoC. The SoCs prepared by Mr Taylor and Mr Witchalls also provide detailed responses to Reason for Refusal 1 and are supplemented by their PoEs. I therefore focus below on responding to the comments made by Mr Markwell, Mr Doyle and Mr Cook in their SoCs.

4.3 Mr Markwell suggests that the north-south route provided as part of the appeal scheme is 'not strategic' and 'a weak link in the strategic route from the town centre to the river' which will 'throttle the proper functioning of the route' (paragraph 6.10 of his SoC). I wholeheartedly disagree with Mr Markwell's contention as the appeal scheme will deliver a high-quality, safe and attractive route which will provide a key part of the north-south route which RBC aspire to create, as I discuss in my SoC.

4.4 Moreover, I note that at no point in either the Local Plan or the RSAF is the north-south route specified as a "strategic" link. CR11ii requires that development will 'help facilitate greater pedestrian and cycle permeability, particularly on key movement corridors' with north-south links through the area noted as being of particular importance. The appeal scheme will help facilitate greater permeability for pedestrians and cyclists, providing a significant improvement compared to the current situation. CR11g sets out that 'development should continue the high-quality route including a green link from the north of the station to Christchurch Bridge'. The appeal scheme provides a high-quality green, sensitively landscaped route (both hard and soft landscaping) link connecting Vastern Road to Christchurch Bridge. As such, the appeal scheme is consistent with CR11ii and CR11g.

4.5 Mr Doyle comments at paragraph 2.9.10 that 'a straight link should be provided through the appeal site except where insurmountable site constraints prohibit this'. The directness of the route and the configuration of ramps are addressed by Mr Taylor at paragraphs 3.3-3.38 and by Mr Witchalls at paragraphs 5.1.1-5.3.5. The provision of a straight route is not a development plan policy requirement for the site. As set out in paragraph 3.53

of my SoC, should the straightness of the route have been a requirement of RBC it should have been included in the wording of the site-specific adopted policies, CR11 and CR11g. In this context and noting the constraints of the site which are discussed and demonstrated to be insurmountable by Mr Taylor in his SoC and PoE, the appellant has designed the scheme to achieve the best possible alignment of the north-south route as part of high-quality new development. I consider that the proposed route is attractive, well-designed, clear and legible for both pedestrians and cyclists, in accordance with paragraph 92 of the revised NPPF. It will provide an enhancement compared to the existing situation, consistent with the Local Plan. It is fully fit for purpose and will not 'throttle' the overall north-south link between the town centre and river, contrary to what Mr Doyle suggests at paragraphs 2.10.1-2.

4.6 Mr Doyle identifies three purposes of the north-south route at paragraph 2.10.3. Mr Doyle has based these on CR11 and the RSAF, however I note his specified purposes are not stated within the Local Plan or the RSAF. I respond to each of his suggested purposes in turn. Firstly, Mr Doyle suggests the route is intended to connect high density residential districts to open spaces. Paragraph 3.6 of the RSAF refers to routes to enhance movement and linkages across the area, noting that redevelopment sites provide opportunities for public space. As I discuss at paragraph 3.39 of my SoC, the appeal scheme will provide enhanced movement and linkages across the area, consistent with the RSAF. Indeed, it will provide direct access to Christchurch Meadows through the provision of a connection to Christchurch Bridge. Secondly, Mr Doyle refers to paragraph 5.6 of the RSAF and suggests a purpose of 'reconnecting rivers'. The appeal scheme provides a new connection south from the river which will form part of the wider connection between the Rivers Thames and Kennet. Thirdly, Mr Doyle refers to 'a strategic walking and cycling route from the central core through the station to the River Thames'. As I discuss above, at no point is the route described as strategic in the Local Plan or RSAF, nevertheless the appeal scheme provides a new route which will enhance access between Vastern Road and the Thames for all users. I therefore consider that the appeal scheme provides a route compliant with the requirements of CR11 as well as the wider Local Plan.

4.7 Mr Markwell states at paragraph 6.14 of RBC's SoC that 'the proposed development fails to deliver the visual link between the Thames and the Station required by policy (e.g., paragraph 7.10 of the RSAF)'. There is no development plan policy basis for requiring a visual link with no reference within policy wording to a visual link or unbroken line of sight being required. Paragraph 5.4.6 of the Local Plan refers to the north-south link being the main priority for the site, however it does not refer to or seek to require an unbroken line of sight. Instead, paragraph 5.4.6 states that 'if visual links are provided, this will help change the perception of the area north of the station as a separate entity'

(my emphasis). On this basis, it is clear that the Local Plan is not seeking to impose a requirement for a visual link across the area.

- 4.8 The RSAF is not development plan policy. Whilst I accept it has some weight as a material consideration, it is neither a development plan document, nor an adopted masterplan for the north-south route nor an up-to-date reflection of the situation on the ground, as I discuss from paragraph 3.32 of my SoC. In this regard, Mr Cook's comments at 4.9.8 are incorrect, not only because the RSAF is not policy but also because the RSAF precedes rather than follows the Local Plan (as Mr Cook appears to think is the case from the fact that he says the RSAF "builds on" the Local Plan).
- 4.9 Moreover, RBC's case regarding where a line of sight is sought is inconsistent. Mr Doyle purports that the line-of-sight RBC require is from the Station Square immediately to the north of the Station to a new area of public open space adjacent to the river on the appeal site. This is inconsistent with Mr Markwell's SoC as well as that of Mr Cook who also refers to a line of sight between the Thames and the Station (paragraph 4.9.5). It is also inconsistent with the RSAF which refers to the north-south link between the Station and the Thames (paragraph 7.10). I note that Figure 7.2 in the RSAF identifies that new views are to be created from the points which Mr Doyle refers to; however, there is no reference to an unbroken line of sight between those two points. Further, CR11g does not specify a location for new public space within the site; require there to be a line of sight to such a space; or even require that new public space is provided. Rather it refers to a link between the Station and the Bridge and identifies potential for an area of open space at the riverside. As such, there can be no policy basis for requiring a line of sight to such new public space.
- 4.10 An unbroken line of sight between the Station and Thames itself (as is referred to in paragraph 7.10 of the RSAF) is impossible to achieve due to levels, as Mr Clark and Mr Taylor discuss within their PoEs (paragraphs 3.18-3.23 and 3.6-3.7 respectively).
- 4.11 RBC have accepted within their comments of 22<sup>nd</sup> October 2020 (Appendix 13 to my SoC) that the line of sight is not going to be achievable as I note at paragraph 3.53 of my SoC.
- 4.12 Mr Markwell alleges that 'the proposed buildings have been intentionally positioned to terminate sight lines' (paragraph 6.14). As Mr Taylor demonstrates within his PoE, a straight route cannot be achieved due to immovable constraints. In this regard, the appellant has not 'intentionally' designed the site to terminate sight lines, rather it is not possible to achieve a straight line of sight from the Station to the Thames given the constraints present and so the optimum and most direct link possible is proposed.

- 4.13 Notwithstanding this, as Mr Clark demonstrates in his SoC (from paragraph 3.29), a direct line of sight is not necessary to achieve a high-quality route. The appeal scheme provides an appropriate design for the north-south route as part of a wider high-quality development.
- 4.14 Mr Doyle comments at 2.14.4 that the total area of landscaped spaces provided in the appeal scheme is too small and fragmented; Mr Taylor responds to this at paragraphs 3.39-3.45.
- 4.15 Width is addressed by Mr Witchalls at paragraph 6.4 of his SoC and paragraphs 5.4.1-5.4.6 of his PoE. There is no policy basis for requiring a specific width. Moreover, the width as proposed is consistent with standards as set out in Mr Witchalls' PoE and Mr Cook's SoC (paragraph 5.4.1).
- 4.16 Mr Markwell comments at paragraph 6.12 that the appeal scheme will provide 'the narrowest section of the wider north-south spine'. No planning consent has been secured for the sections of the route between Vastern Road and the station and therefore the width of that section, as well as its alignment, is not confirmed at the time of writing.
- 4.17 The link to the towpath is addressed by Mr Witchalls in his PoE at paragraphs 6.1.1-6.3.9. There is no policy basis for requiring cycle access to the towpath. Should such access have been sought by RBC, I consider it should have been specified in CR11g. CR11g requires that development should maintain and enhance public access along and to the Thames, which will be achieved and enhanced through the appeal scheme which provides a new connection to the towpath.
- 4.18 Mr Markwell and Mr Cook raise a concern that the gradient of the route is not compliant with the Department for Transport Inclusive Mobility guidance document. I note that this document is guidance only and not a standard which is required to be adhered to, and in any event does not apply to ramps such as that which is proposed. Mr Witchalls notes at paragraph 6.3.7 that the minor deviation from the Inclusive Mobility guidance (of 12mm) can be addressed through the detailed design of the site. In this regard, the finished route would be entirely in accordance with guidance and the NPPF.
- 4.19 Servicing movements are also addressed by Mr Witchalls at paragraphs 7.1.1-7.2.15. As Mr Witchalls demonstrates, the design would not be detrimental to the safety of pedestrians and cyclists, having been designed to prioritise the north-south route, and is therefore consistent with Policy TR3.

- 4.20 Mr Doyle appears at paragraph 2.17.4 to define 'quality' as relating to directness, visual links, width and landscape. This definition is not provided by policy. I consider that quality relates to the overall design approach, and how it addresses policy requirements and objectives holistically. The route is designed to be an integral element of the over-all design solution, it has active frontages and informal surveillance from the residential units which line the route; its hard and soft landscaping forms part of the overall approach to the scheme, and a green tree lined route is achieved from Vastern Road to the point that the public open space opens up towards the river. A scheme of public art and wayfinding will be integrated into the design solution. Further, Mr Witchalls demonstrates that the technical specifications of the route, which include width, gradient, layout of the switch backs, and vehicular crossing points, have been developed to achieve the optimum solution. I consider that the appeal proposal is a high-quality development on the basis it complies with relevant policies and effectively balances the objectives for the route which are set out in Policy and within the RSAF.
- 4.21 Mr Taylor from paragraph 3.52 identifies that Mr Doyle's suggested alternative schemes are flawed for a number of reasons, not least the layouts involve more changes of direction, particularly for pedestrians, than in the appeal scheme. Mr Taylor also notes that Mr Doyle's suggested layouts include the same link to the towpath as proposed by the appellant, despite RBC's objection to this. As such, the alternative routes are not considered to be better than that proposed as part of the appeal scheme, indeed I consider them to be an inefficient use of land that will not result in as high-quality and attractive a place as that proposed by the appellant.
- 4.22 Mr Doyle at paragraph 4.11.2 comments that 'it is puzzling that the appellant can demonstrate how the smaller and narrower SSE site [the remainder of the CR11g allocation] can provide a direct link when the larger and wider appeal site cannot'. As with Mr Markwell's SoC, there has been a failure to acknowledge the constraints which Mr Taylor demonstrates precludes an entirely straight route through the site.
- 4.23 Importantly, without the appeal scheme, no route from the station to the river would be possible. Having regard to the importance placed on delivering a north-south route by RBC (as evident at paragraph 5.4.6 of the Local Plan) and by Mr Doyle at paragraph 2.9.2 of his SoC, I consider that this strongly supports the case for the appeal scheme.
- 4.24 RBC have applied a narrow focus in relation to the north-south link and in doing so have failed to consider the route in the context of the wider urban design aspirations for the appeal site as a whole. The failure to look at the scheme as whole means the opportunity

for a high-quality development, including a high-quality new connection between Vastern Road and Christchurch Bridge, as proposed by the appellant has been overlooked.

- 4.25 Overall, I consider that the proposed north-south route is consistent with the site-specific policies CR11, CR11g, as well as Policies EN11, CC7, CR2, CR3, TR3 and TR4.

### **Reason for Refusal 2**

- 4.26 Reason for Refusal 2 relates to the relationship of the appeal scheme, specifically Blocks D and E, to the Thames Path. RBC contend that the proposals would harm the setting and character of the path and the River Thames. I have responded to these points from paragraph 3.99 of my SoC, with Mr Taylor and Mr Clark providing detailed responses in their SoCs. I do not repeat those points below and instead address the points raised by Mr Markwell and Mr Doyle in their SoCs.
- 4.27 Mr Markwell acknowledges at paragraph 6.28 of his SoC that massing concerns (other than in relation to impact on ecology) were only drawn out at a late stage of RBC's consideration of the application, i.e. at the point that the Committee Report was being prepared.
- 4.28 Mr Doyle relates the proposals to RBC's Tall Buildings policy (CR10) at paragraphs 3.6.9 and 3.13.4. The proposals are not 'tall buildings' when considered against RBC's definition as clearly stated in Policy CR10, and as Mr Doyle agrees at paragraph 3.13.3. Therefore, contrary to Mr Doyle's view as expressed at his paragraph 3.6.9, CR10 is not relevant to the appeal proposal, and the principles of the policy cannot be applied to buildings which fall below (to any degree) the stated working definition. Mr Doyle and Mr Markwell also refer to the Tall Buildings Strategy. As Mr Clark notes the effects of built form in the appeal scheme are explained in the submitted Townscape and Visual Impact Assessment through careful consideration of beneficial and adverse change in relation to the relative sensitivity of townscape and visual receptors. Mr Clark demonstrates that the balance of change results in almost entirely beneficial effects (paragraph 3.81 of his PoE).
- 4.29 Mr Clark responds within his PoE (at paragraph 2.6) to comments made by Mr Doyle at paragraph 3.6.4 of his SoC) regarding how the bulk, height and massing respond to the National Design Guide. He confirms the appeal proposals are in accordance with the guide.
- 4.30 Policy EN13 is referred to by Mr Doyle. EN13 is not referred to within the Reason for Refusal and as such I do not consider that it is relevant to the consideration of this issue. Notwithstanding this, Mr Clark demonstrates that the appeal scheme will not detract from the character or appearance of the Thames valley, and therefore is consistent with EN13.



- 4.31 Mr Clark responds to criticisms about the TVIA raised at paragraph 3.11.2 and 3.18.1 of Mr Doyle's SoC within his PoE (from paragraph 3.83). He confirms that the impact on towpath users has been considered, specifically within views from Christchurch Bridge which were agreed with RBC as part of pre-application engagement to be representative of near-distance views from the river corridor (paragraph 3.87).
- 4.32 Mr Taylor responds to Mr Doyle's comment at paragraph 3.12.2 regarding the dead frontage of Block D at towpath level and the lower level of the café and terrace within his PoE. I note that there is no policy basis for requiring an active frontage on all buildings. CR11 (iii) seeks developments that 'front onto and provide visual interest to existing and future pedestrian routes and open spaces'. CR3 seeks that developments adjacent to a watercourse provide active elevations facing the watercourse, do not turn their back on watercourses and do not result in blank or mundane elevations facing the watercourse. Mr Taylor responds to these points at paragraph 3.64, demonstrating that the appeal scheme provides active frontages facing the river, in particular at the bridge connection level, whilst also designing a scheme which appropriately responds to flood risk which necessitates uses such as residential being located above the towpath level.
- 4.33 Mr Doyle refers to the Christchurch Bridge mast as being a major landmark at paragraph 3.14.7. It is common ground between RBC and the appellant that the 2018 Tall Building Strategy Update confirms 'Christchurch Bridge is a landmark on the river, but is currently visually separated from the rest of the area'. It is also common ground that the suspension pier of the Bridge is visible from a limited number of points north of the station (Statement of Common Ground (SoCG) paragraph 7.23). Mr Clark provides comments on the mast from paragraph 3.52 of his PoE. He concludes that the mast is only truly prominent in the townscape as perceived along the river corridor to the east and west (and then only from short distances owing to vegetation in Christchurch Meadows and on Fry's Island) and from Christchurch Meadows to the north with the principal legibility function in the townscape being to mark the river crossing and provide a focal point for routes from the west, north and east towards the town centre across the open space. Mr Clark comments that in these angles of view there would be no competition from the proposed built forms (paragraph 3.56).
- 4.34 Overall, I consider that it has been demonstrated that the appeal scheme responds appropriately to the Thames Path and will have a beneficial impact on its setting and character, for the reasons articulated for Mr Clark and Mr Taylor in their SoCs and PoEs. In this regard, I consider that the scheme is consistent with policies CR4, CR11v, CR11g, CC7, CR2, CR3 and EN11.

### **Reason for Refusal 3**

4.35 Reason for Refusal 3 relates to ecology and trees. RBC's case is firstly that the appeal scheme will shade the River Thames and impact its marginal habitats with appropriate mitigation not demonstrated and secondly that large canopy trees are required within the riverside buffer and insufficient space has been provided for these. I respond to these points at paragraph 3.147 to 3.150 of my SoC. Mr Corbyn and Mr Rawlinson also respond to detailed matters within their SoCs. I focus on responding to RBC's SoC below, with my comments supplemented by those provided by Mr Corbyn, Mr Taylor and Mr Clark within their PoEs.

#### Impact of River Thames' marginal habitats

4.36 In relation to the potential impact of the riverside buildings on marginal vegetation, RBC argue that the 'mitigation hierarchy' as set out at paragraph 180 of the NPPF (July 21 revision) has not been appropriately followed. I have addressed this point in my SoC (para 3.147 to 3.150) and expand on these points below. Paragraph 180 a) states that:

**If significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or as a last resort, compensated for, then planning permission should be refused.**

4.37 In considering the application of the mitigation hierarchy it is necessary in the first instance to consider whether significant harm will be caused and whether that harm can be avoided by locating on an alternative site with less harmful impacts.

4.38 Mr Corbyn addresses the significance of any harm in his SoC (paragraphs 3.28-3.31) and PoE (paragraphs 4.1-4.4). He agrees that the River Thames corridor at Reading is of Borough Significance, however he concludes that any potential impacts on marginal vegetation that will be caused by overshadowing from the proposed buildings will be of no more than Neighbourhood Significance, which is of a lower magnitude than 'Borough Significance'.

4.39 Mr Corbyn addresses the overshadowing that the proposed buildings may cause from paragraph 5.2 of his PoE, concluding that it is insufficient to have a significant detrimental impact. Mr Corbyn also says that marginal vegetation can and does thrive in shaded settings and that at worst he would expect a slight reduction in plant vigour and a loss

of small areas of marginal habitat already struggling to establish resulting from any increased over shadowing rather than comprehensive failure. Hence his assessment that any harm, if it occurs, will be of Neighbourhood Significance only.

4.40 In my SoC I address at paragraph 3.1.48 the allocation of this site for housing (Local Plan Policy CR11g). RBC have allocated 12 sites within the Station Major Opportunities Area, and CR11g forms part of the housing trajectory over the plan period. Mr Markwell suggests in his SoC at paragraph 6.4 that RBC will have an excess over and above the housing trajectory of 556 units, and that this is sufficient to demonstrate that RBC do not require the appeal Site CR11g to deliver the 209 units proposed in the appeal application. My evidence at 3.21 above, indicates that an excess of 556 units will be absorbed by other factors leaving a much smaller margin than Mr Markwell anticipates. In addition, I fundamentally disagree with Mr Markwell's dismissal of the increased housing need which RBC will be required to address from November 2024. I do not rehearse here the points I make at 3.6, however I would argue that contrary to Mr Markwell's statement on the matter, the increased baseline housing need from 689 to 876 per annum from November 2024 is very relevant and will impact on both the current five-year housing land supply and housing delivery over the plan period. On that basis, site CR11g will need to deliver in accordance with the allocation, and indeed RBC will be relying on all their allocations in order to meet their housing need. On that basis, it is reasonable to conclude that an alternative site cannot be identified in accordance with the NPPF Paragraph 180 Mitigation Hierarchy, as the alternative sites are already relied upon to meet housing need.

4.41 In his PoE Mr Taylor has set out at his paragraph 3.132-3 the collective impact on housing numbers on the appeal site, if all of RBC's objections and required reductions are addressed. In respect of reason for refusal 3, Mr Taylor at his Fig. Ap. 13, 14 and 15, demonstrates the impact of reducing the height or layout of the riverside buildings to reduce potential overshadowing. In undertaking this exercise Mr Taylor has used the advice set out in the Environment Agency (EA) consultation response (16<sup>th</sup> October 2020, document 4s(2) of RBC's submission), that the usual rule of thumb is to set the building back from bank top by the same distance as the height of the building; this equates to drawing a line at 45 degrees to the bank top and aligning buildings with that line. Mr Taylor has considered 3 scenarios which I summarise below:

	Scenario	Number of units lost
1	Set buildings down (Mr Taylor Fig. Ap. 14)	-48
2	Set buildings back from marginal vegetation	-38

	(Mr Taylor Fig. Ap. 13)	
3	Combination of 1 and 2 above (Mr Taylor Fig. Ap. 15)	-43
	<b>Total number of units lost.</b>	<b>Between 38 and 48</b>

- 4.42 The loss of 38, 43 or 48 units would reduce the number of dwellings on the appeal site to 171, 166 and 161 respectively, notwithstanding any other reductions that RBC consider necessary.
- 4.43 The appeal site is in a highly sustainable location within 170m of Reading Station and within 800m of town centre facilities, including The Oracle Shopping Centre, and employment opportunities. Bus services to a wide range of destinations within the Borough and beyond operate from the bus interchange north of the station and from stops south of the station on Station Road and Friar Street (see Transport Statement for further details (CD1.138)). In my view, this is precisely the kind of site which should deliver in line with its allocation, ensuring the efficient use of sustainable and accessible sites. A significant reduction in the number of units on the site would result in this not being the case, with significantly less housing than envisaged in the Local Plan being delivered. Notwithstanding the collective impact of the amendments to the scheme that RBC appear to consider necessary, the loss of between 38 and 48 units in respect of reason for refusal 3 alone is considered to be significant of itself.
- 4.44 I therefore consider that the relatively low level of harm to marginal vegetation, assessed by Mr Corbyn as of 'Neighbourhood Significance' cannot be avoided when balanced against the loss of housing delivery on this allocated, and highly sustainable site, when considered in the context of Reading's housing need which is set to increase over the plan period.
- 4.45 In their consultation response of 16<sup>th</sup> October 2020, the EA set out 2 Options. The first being an approach to avoiding harm to the biodiversity of the marginal vegetation by reducing height of buildings and/or setting them back further from the river which I refer to in my paragraph 4.41 above, acknowledging that *"we do realise this may not be the preferred option"*. The second option suggests additional marginal planting to be installed as a combination of mitigation and ecological enhancement, plus additional shade tolerant plants to the footbridge planting area to allow for succession to a shadier environment. In their response, the EA also state that there are a number of locations that could be explored for this additional planting.

- 4.46 Paragraph 180 of the NPPF in providing the Mitigation Hierarchy anticipates circumstances where significant harm cannot be avoided. Having demonstrated why the harm cannot be avoided, it is right that the Appellant has identified suitable locations and a detailed scheme for compensation.
- 4.47 Moving to the second stage of the Mitigation Hierarchy, Mr Corbyn addresses RBC concerns relating to the deliverability of the Appellants Options A and B for compensation on the northern and southern bank, focusing specifically on the southern bank (Option B).
- 4.48 Option B relates to a proposed area of compensation on the southern bank of the river in front and to the east of the site. The compensation proposals would increase the width and the area of the planted coir rolls (marginal vegetation) along the existing length to the east of the Christchurch Bridge. The wildfowl fence, which is currently broken, will be removed and a new stronger fence installed on the river edge of the additional coir roll. Mr Corbyn explains that increasing the width of coir rolls in Option B offers more sustainable long-term benefits for biodiversity compared with the existing single coir roll. He also suggests that Option B also offers much better existing conditions for marginal vegetation than the existing area between the bridge ramps as it is more open and the river depth is shallow. A wider strip of marginal vegetation will also be more resilient from boat wash, etc. Mr Corbyn's evidence is supplemented by information provided by Salix which concludes that this location is suitable for additional coir rolls.
- 4.49 Mr Corbyn's evidence is also supplemented by a report from Stantec who reflect on both the depth of the river at the point that the compensation planting will be installed, and the potential impact of the coir rolls on flood conveyance and navigability. They conclude that the river is shallow enough for the marginal planting to establish, and also that any effect on flood conveyance is very unlikely and that there will be no effect on navigability.
- 4.50 Mr Corbyn concludes that the enhancement of marginal vegetation represented by Option B is a deliverable compensation option which would more than compensate for any loss of vigour of the remaining 30m length of marginal vegetation adjacent to the site.
- 4.51 Mr Corbyn also responds to Dr Jenkins who states that mitigation needs to conform to the principle of additionality and that simply enhancing vegetation is insufficient. Mr Corbyn argues that the marginal vegetation proposed by Option B will be more than doubled in area, and that this conforms with the principle of additionality.
- 4.52 In relation to the site as a whole, Mr Corbyn in his PoE confirms that the proposals will result in at least 118% onsite biodiversity increase. The site has very limited biodiversity

value, due to the nature of coverage on the site, which is either built form or hard standing, with only small areas of vegetation towards the north of the site. The landscape scheme (drawing no. BHOC.448.LA.101 Rev E (CD1.74)) responds to the characteristics of the site, providing structured landscaping and a green corridor adjacent to the north south link, which becomes a new public open space to the north of the site, with wildflower meadow and mature trees as the site interacts with the tow path and riverbank on its northern boundary. In conjunction with the compensation scheme proposed for the southern bank marginal planting, the scheme represents a positive approach to increasing biodiversity.

- 4.53 Overall, Mr Corbyn concludes that the proposed development will secure positive ecological benefits throughout the site in addition to enhancing the marginal vegetation off site.

### Trees

- 4.54 In relation to the provision of large canopy trees, RBC argue that large canopy trees are required within the riverside buffer and insufficient space has been provided for such trees.
- 4.55 There is no development plan policy basis for requiring large canopy trees within the riverside buffer, or anywhere within the site. Policy EN11 seeks the provision of a strengthened role for watercourses as wildlife corridors. Policy EN12 seeks the provision of new tree planting wherever practicable. Policy EN14 seeks provision for tree retention and planting. None of these policies, nor any other policy within the development plan, require the provision of large canopy trees. Paragraph 4.2.68 of the Plan says there will be a need to use appropriate large canopy trees, but as Mr Clark points out that does not amount to a requirement to place large canopy trees in every or any particular location.
- 4.56 The Tree Strategy adopted by RBC in March 2021 does not have development plan status, nor is it an SPD. It seeks the provision of large canopy trees; however, the document is guidance only and does not have the weight of a statutory development plan document.
- 4.57 I consider that should the provision of large canopy trees in this location have been a specific aspiration of RBC it should have been reflected in the wording of policy CR11g. It was not. Indeed, no reference is made with CR11g to the provision of tree planting within the site at all.

- 4.58 Notwithstanding this, the appeal scheme includes a large canopy tree. As Mr Clark notes this tree is provided where legibility is most relevant and where it reflects distinctive local character (paragraph 3.95 of his PoE).
- 4.59 In addition to the large canopy tree, 7 other trees are proposed within the riverside buffer. These tree species were chosen based on advice provided by the EA in relation to tree species and in response to concerns raised by RBC about overshadowing and possible physical contact with proposed buildings, as Mr Rawlinson explains in his SoC. As Mr Clark demonstrates at paragraph 3.95 of his PoE, these trees are entirely suitable to provide softening of the built frontages and a progression in scale to them from the Thames Path, whilst not unduly compromising the amenity benefits of riverside views and immediacy of active frontage to the river corridor.
- 4.60 The riverside buffer proposed provides sufficient space for a sustainable long-term relationship between proposed buildings and planting, as demonstrated by Mr Rawlinson within his SoC.
- 4.61 The long-term management of planting can readily be secured by planning condition; this will ensure that there is no future conflict between planting and buildings which could lead to pressure for tree removal from residents.
- 4.62 Mr Taylor addresses the riverside buffer included within the appeal scheme at paragraphs 3.76-3.81 of his PoE. I note that Policy EN11 sets out that where development in the vicinity of watercourses is acceptable it will 'be set at least ten metres back from the watercourse where practicable and appropriate to protect its biodiversity significance'. As Mr Taylor notes at paragraph 3.80 of his PoE, based on additional survey information commissioned following receipt of RBC's SoC, the appeal scheme slightly impinges on the 10m buffer in two small instances, the total area of which is 2.12m<sup>2</sup>. The wider development provides an increased buffer to the river with an additional 63.68m<sup>2</sup> beyond the 10m buffer free of buildings. Policy EN11 seeks a 10m set back where practicable and appropriate; this has been complied with, with the exception of two minor impingements where it is not practicable to achieve without a reduction in the number of dwellings, and nor is it appropriate on design grounds. Furthermore, as Mr Taylor says, for the most part the proposals are located considerably more than 10m back from the river. On this basis, I consider that the appeal scheme is consistent with EN11. Similarly, I consider that the appeal scheme is consistent with CR11g which reiterates the request for development to be set back at least ten metres.

4.63 Overall, in relation to reason for refusal 3 I consider that the appeal scheme is consistent with paragraph 180 of the NPPF as well as policies EN11, EN12, EN13, EN14, CC7, CR2, CR3, CR4 and CR11.

#### **Reason for Refusal 4**

4.64 Reason for Refusal 4 relates to noise. RBC's case is that the appellant has failed to demonstrate sufficient noise mitigation measures to result in acceptable living conditions to future occupiers. I have responded to this case within my SoC (paragraph 3.166 onwards). Mr Peckham also addresses the concerns raised within his SoC, supplemented by his PoE. I respond below to the points raised by Mr Scrivener within his SoC (as reiterated by Mr Markwell in his SoC).

4.65 Mr Scrivener raises concerns regarding the methodology used by Mr Peckham in assessing noise impacts. Mr Peckham responds to these concerns within his PoE.

4.66 Mr Peckham also responds to Mr Scrivener's comments on the conclusions drawn in the noise assessment within his PoE, concluding that the design of the site and the noise impact from the neighbouring SSE operations is mitigated to a minimum and fully compliant with the requirements of the Agent of Change as described in the NPPF and PPG. Mr Peckham's PoE is informed by onsite noise monitoring surveys which have been ongoing between 21<sup>st</sup> May and 20<sup>th</sup> September 2021. Mr Peckham explains that noise from the substation operations is characterised by a continuous low level, low frequency 'hum' from the operation of the transformers and from the operation of the transformer cooling fans. The cooling fans operate infrequently and have been found to operate for a total of 7 hours during the period of onsite noise monitoring. This equates to 0.2% of the time period considered.

4.67 The development is engineered to ensure an acceptable acoustic environment both inside and outside of the proposed new dwellings, and mitigation measures to ensure appropriate noise standards are complied with can readily be secured by condition. Wording for such a condition is agreed by the appellant and RBC and is included within Appendix F of the SoCG.

4.68 Overall, I consider that it has been demonstrated that the appeal scheme is consistent with policies CC8, EN16 and CR6 on the basis that proposed mitigation measures will lead to a suitable quality of accommodation for future occupiers in terms of noise.



### **Reason for Refusal 5**

- 4.69 Reason for Refusal 5 relates to heritage. RBC's case is that it has not been adequately demonstrated that retention and reuse of the locally listed building has been fully explored and that the benefits of the proposal do not significantly outweigh the harm caused to the building's significance. I respond to these points from paragraph 3.174 of my SoC, with detailed comments also provided within Mr Weeks' SoC. I respond below to the points raised by Mr Markwell, Mr Doyle and Mr Edgar, with my comments supplemented by those of Mr Weeks and Mr Taylor within their PoEs.
- 4.70 Mr Edgar suggests that the locally listed building is of high significance in terms of the social and industrial importance to Reading, the quality of the architecture and the influence of the architect linking to his historical associations with Reading and the Reading Electric Supply Company. Mr Weeks responds to each of these points within his PoE. Mr Weeks concludes that the building is of relatively low significance, as is set out in his PoE.
- 4.71 I note that Mr Edgar draws reference to the appellant's consultation website and says that it is 'indicative of the dismissive approach taken to the significance of the building by the developer' and that 'it indicates to me [Mr Edgar] that the appellant has not properly appreciated the significance of the building in coming to the view that it has a relatively low level of significance' (paragraph 3.26). These comments are unwarranted. Heritage has been considered in detail by the appellant, informed by technical work from Mr Weeks. The appellant's website is promotional material for the site used during consultation on draft proposals, it does not represent a detailed heritage assessment and Mr Edgar is wrong to suggest that this material suggests the significance of the building has not been properly considered.
- 4.72 On the basis of Mr Edgar's view of significance, he and Mr Markwell conclude that the loss of the building would be 'a loss to the town on a number of social and historic levels, causing substantial harm to the character and significance of the site' (paragraph 6.65 of Mr Markwell's SoC). Mr Weeks disagrees with the level of harm that would be caused in heritage terms, identifying that a limited level of harm would be caused overall given the relatively low significance of the building.
- 4.73 I also note that, were the appellant minded to do so, they would be able to demolish the locally listed building subject to applying to RBC for a determination as to whether the prior approval of the method of demolition and any proposed restoration of the site will be required (as per Schedule 2 Part 11 Class B of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended)). The building does not

require planning consent for demolition. I consider that were the building to be of as great significance as Mr Edgar suggests, RBC would have sought to go to greater lengths to protect the building from demolition, and the alterations and adjacent development which have already taken place.

- 4.74 With regard to options for the retention and reuse of the building, RBC suggest these have not been fully considered. Mr Taylor provides detailed comments on the suitability of the building for reuse at paragraphs 3.97-3.98 and 3.105-3.114 of his PoE in response to RBC's SoC. Based on these comments, it is considered that the reuse of the building for residential, office or other uses is not practical given the location, size and floor levels of the building. More generally, retention of the building would not be appropriate in design and townscape terms in the context of the site's redevelopment. Mr Taylor also comments at paragraph 3.112 that retention would impose significant costs, thereby potentially impacting on the viability of development.
- 4.75 Options for façade retention have also been considered, as Mr Taylor describes within his PoE. Mr Taylor demonstrates that all possible options have been considered and discounted on the basis they are inappropriate or unfeasible.
- 4.76 Notwithstanding this, Mr Edgar advises that the retention of the façade would result in a medium-high level of harm overall to the significance of the building (paragraph 3.53). In this context, façade retention does not appear to represent a desirable option in RBC's view, or the appellant's view.
- 4.77 Mr Markwell comments at paragraph 6.69 of his SoC that 'the appeal scheme's physical indications towards the past are general imitation and tokenistic, somewhat abstract in nature. Whereas the retention on the locally listed building would enable a genuine part of the earlier power station to feature in the redeveloped site as part of the public realm'. Mr Markwell fails to note here that the building has undergone various detracting alterations since it formed part of the power station and its historic purpose is not evident from the building itself, as Mr Weeks/Taylor note. Moreover, aside from the architecturally unrelated building to the west, the setting of the locally listed building bears no resemblance to that which would have existed originally. Mr Edgar states that 'no 'setting' to the building is required' and that the frontages of the building adjoined by the former SSE buildings are more amenable to change and 'could be adapted howsoever they need to be' (paragraph 3.57). However, I conclude that the building could not readily be included in any redevelopment given its location and that it would appear isolated, with no context to explain the historic use of the building.

- 4.78 In contrast, the design of the appeal proposal, which references the industrial heritage of the site, will signal the heritage of the area. In this regard, I consider that the appeal scheme is consistent with Policy EN4 which outlines that replacement buildings should draw upon heritage elements of the previous design, incorporating historical qualities that made the previous building significant. Policy EN4 identifies this may include appearance, scale and architectural quality. As I set out at paragraph 3.182 of my SoC, the appeal scheme reflects the historical qualities of the former power station, as shown in images included in Mr Weeks' Heritage Statement (CD1.125) through its industrial aesthetic and scale. I note that in response to the planning application, RBC's historic buildings consultant considered the bespoke design proposals of the scheme to be 'a good quality response to the historic context of the proposed development' (Document 4b within RBC's submission).
- 4.79 Mr Markwell comments at paragraph 6.70 of his SoC that a number of the benefits offered by the appeal scheme would be provided by any proposal on the site. At paragraph 6.71 Mr Markwell questions whether the benefits could have been achieved had the proposals included the retention or part retention of the locally listed building. I consider that a number of the benefits offered by the appeal scheme would not have been possible with the retention of the locally listed building. Mr Taylor has provided details of the impact of the retention of the building, most notably that it would result in a reduced quantum of development being possible (see paragraph 3.113 of Mr Taylor's PoE). As a consequence of this the development of the site may not be able to support the provision of the same infrastructure or could become unviable altogether. I consider this would be a particular issue if other reductions to the appeal scheme sought by RBC were to be realised.
- 4.80 Paragraph 203 of the NPPF requires, in weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement having regard to the scale or any harm or loss and the significance of the heritage asset. Mr Weeks has provided evidence to demonstrate that the loss of the locally listed building as part of the appeal scheme would result in limited harm to heritage. In this context, and taking account of the significant benefits offered by the appeal scheme, as discussed in paragraphs 3.180-189 and Section 5 of my SoC, I consider that the loss of the locally listed building is justified.
- 4.81 Overall, I therefore consider that the appeal scheme is consistent with policies EN1 and EN4 as well as paragraph 203 of the NPPF.

### **Reason for Refusal 6**

- 4.82 Reason for Refusal 6 relates to comprehensive development. RBC's case is that it has not been adequately demonstrated that the appeal scheme is part of a comprehensive approach to the CR11g sub-area. I respond to this from paragraph 3.197 of my SoC, with Mr Taylor also responding in his SoC and PoE. I respond below to the points raised within Mr Doyle's SoC.
- 4.83 Mr Markwell comments at 6.75 that the appellant has submitted insufficient information to demonstrate that the appeal scheme will play a full part in the comprehensive development of the CR11g sub-area. The information submitted by the appellant is criticised for its limited detail.
- 4.84 Detailed design would be considered at such time as the remainder of the allocation came forward for development, however there is no policy requirement for this to do be done now, rather that it is to be demonstrated that the site could be developed in line with policy aspirations. Mr Doyle acknowledges this at paragraph 4.8.2. I consider that sufficient information has been provided to demonstrate that the remainder of the allocation is likely to achieve the requirements and aspirations of the Local Plan, consistent with Mr Doyle's request at paragraph 4.8.2.
- 4.85 The illustrative layout included within the Design and Access Statement (Appendix 11 of my SoC) is criticised on design grounds by Mr Doyle (paragraph 4.9.2 and as summarised by Mr Markwell at paragraph 6.76). Mr Taylor provides detailed comments within his PoE (paragraph 3.120) responding to the criticisms made by Mr Doyle and demonstrating that the comprehensive development of the whole CR11g allocation can be achieved.
- 4.86 Mr Doyle also criticises the scheme on the basis that it does not distribute risk, costs and benefits proportionately across the CR11g allocation. I disagree. The appeal scheme has been designed to make efficient use of the site, consistent with paragraph 124 of the NPPF and in line with the plot density advocated within RBC's Housing and Economic Land Availability Assessment (HELAA). Regard has also been had to how the remainder of the allocation could be developed, as has been demonstrated within the DAS and the SoC and PoE of Mr Taylor. I consider that the appeal scheme will enable efficient use to be made of the remainder of the allocation, should it come forward for development. Indeed, as Mr Taylor sets out at paragraphs 3.120 and 3.127, there may be opportunities for additional built footprint within the remaining land, subject to detailed design considerations. This could include the removal of the north-south connection through the site which Mr Doyle considers 'burdens the SSE site'. As discussed above, such details do not need to be resolved now for the appeal scheme to be compliant with policy, rather

the appellant needs to demonstrate that it is possible for the site to be developed in accordance with Local Plan requirements and aspirations, which has been done.

- 4.87 As I note above, the appeal scheme makes efficient use of the land available, consistent with paragraph 124 of the NPPF. Mr Doyle suggest at paragraph 4.13.1 that the illustrative layout for the remainder of CR11g shows an inefficient use of land. As I discuss above, the detailed design of the remaining land would be undertaken should the land come forward for development and there are potential opportunities for additional built footprint. On this basis, as Mr Taylor discusses within his PoE, a plot coverage compliant with the averages suggested by RBC's HELAA is readily achievable on the remaining land.
- 4.88 Mr Doyle suggests at paragraph 4.5.11 that Policy CR3 is relevant to this Reason for Refusal. It is not included within the Refusal for Refusal stated on the decision notice issued by RBC on 9<sup>th</sup> April 2021. Moreover, the appeal site is less than one hectare, the threshold at which the policy applies. I therefore consider that the policy is not of any relevance. Notwithstanding this, the appeal scheme provides a new north-south route which will facilitate access from the surrounding area, including forthcoming development, to existing open space and that which will be provided on the appeal site.
- 4.89 Importantly, none of the policies included within Reason for Refusal 6 (CR2, CR11viii and CR11g) require the appellant to demonstrate that the appeal scheme *would* be part of the comprehensive development of the whole of Station/Riverside area. Mr Doyle implies that this is the case at paragraph 4.15.1. Policy CR11viii explains that development should not prevent neighbouring sites from fulfilling policy aspirations and should contribute towards the provision of policy requirements that benefit the whole area, such as open space. This has been complied with, and Mr Taylor demonstrates how the remainder of the CR11g allocation can be developed consistent with policy requirements; as such, it has been demonstrated that the appeal scheme will not prevent the neighbouring site from fulfilling policy aspirations.
- 4.90 Moreover, the appeal scheme includes a north-south route which will enhance connectivity across the wider Station/River Major Opportunity Area as well as new public spaces and a café. It also provides a connection to a district heat network (should one come forward). These features of the appeal scheme will provide benefits for the whole area including in terms of connectivity, amenity and sustainability. In addition, no features of the scheme will prevent sites south of Vastern Road fulfilling policy aspirations.
- 4.91 Mr Doyle seeks to relate a number of other issues to this Reason for Refusal, for example that 'the lack of a comprehensive approach, stemming from the subdivision of the site, affects the decision not to retain the locally listed building' (paragraph 4.12.1) and that

it is 'puzzling' that a direct link is shown on the SSE site but not the larger and wider appeal site (paragraph 4.11.2). As set out in the SoC, there are a number of constraints which have informed the development of proposals for the site. Mr Doyle suggests that if the SSE site comes forward these constraints will most likely disappear completely thereby justifying the need for a comprehensive and fully integrated scheme for the entirety of CR11g. I disagree. Constraints will remain, for example regardless of the site size the retention of the locally listed building would lead to a reduction in the quantum of homes that could be provided.

4.92 Furthermore, I consider that the appeal scheme provides for and facilitates a comprehensive and fully integrated scheme, whilst also enabling a significant contribution to housing supply in the Borough and the provision of key infrastructure to be realised now.

4.93 In reality, the SSE site is not going to become available for development for a considerable length of time, if at all. In this context and taking account of the need for new housing in the Borough and sustainability of the site, the appellant has designed a scheme which will provide a high-quality development on the brownfield land available whilst also facilitating development of the remaining land should it become available in the future. I consider that this is a sensible approach given the considerable uncertainty regarding whether and when the SSE site will become available for development. I also consider that the ability to achieve a comprehensive development of the CR11g allocation has been demonstrated and as such the appeal scheme is entirely consistent with policies CR2, CR11viii and CR11g.

### **Reason for Refusal 7**

4.94 Reason for Refusal 7 concerns the lack of a Section 106 Agreement. It is common ground between the appellant and RBC that planning obligations are required to be secured by an agreement or undertaking Section 106 of the Town and Country Planning Act 1990. Planning obligations will ensure that the appeal scheme is compliant with the Local Plan Policies and SPDs referenced in Reason for Refusal 7. On this basis, it is also common ground that the Reason for Refusal can be overcome through the execution of a suitably worded planning obligation.

4.95 A Section 106 Agreement will be submitted as part of this appeal (a draft of which is submitted alongside this PoE). Discussion with officers has taken place to inform the content of the Agreement and it has been shared with RBC for their comment.

- 4.96 With respect to affordable housing, it is common ground with RBC that a planning deferred contributions mechanism is appropriate in line with RBC's Affordable Housing SPD (2021). At the time the SoCG was agreed with RBC on 17<sup>th</sup> September, discussions regarding the format of the review mechanism were ongoing. Following these discussions, the Appellant has agreed an Addendum to the SoCG regarding the format of the mechanism as well as the baseline figures with RBC (dated 28<sup>th</sup> September). In summary, the use of the baseline figures set out by Mr Jones of BPS in his SoC for RBC, a benchmark land value of £6,500,000 and developer profit of 17.5%, and that the proforma for the deferred contributions mechanism be undertaken in accordance with the proforma attached to the Section 106 Agreement which is based on an Argus appraisal is now common ground. This is reflected within the Section 106 Agreement.
- 4.97 Overall, taking account of the above, I consider that the appeal scheme is consistent with all policies included within Reason for Refusal 7 (CC3, CC4, CC9, EN9, EN11, EN12, H3, H5, TR1, TR3 and TR5) as well as the included SPDs.

## **5.0 RESPONSE TO THE RULE 6 PARTY'S STATEMENT OF CASE AND OTHER INTERESTED PARTIES**

5.1 In this section of my evidence, I respond to comments raised by the Rule 6 party in their SoC as well as comments raised by other interested parties. I do not repeat here the responses to representations made in response to the planning application provided in my SoC.

### **Privacy**

5.2 Mr Sarafian on behalf of the Thames Path Residents Association raises a concern on page 2 of his SoC that buildings of 3-4 storeys would 'seriously impact our privacy and restrict our enjoyment of our properties'. I have responded to this issue from paragraph 4.9 of my SoC. Mr Taylor responds from paragraph 4.5 of his PoE, concluding that the appeal scheme does not cause an unacceptable level of harm to the privacy of the existing Lynmouth Road dwellings.

### **Traffic congestion**

5.3 Mr Sarafian notes a concern regarding deliveries to the site and the impact these may have on surrounding areas. Mr Witchalls responds to this at paragraph 8.1.5 of his PoE.

### **Overbearing**

5.4 Mr Sarafian notes a concern that development would be overbearing. Mr Clark responds to this from paragraph 4.1 of his PoE.

### **Pinch points**

5.5 Mr Sarafian notes a concern about pinch points, referring to paragraph 6.15 of the committee report. Paragraph 6.15 identifies a pinch point between Blocks C and F/G which is said to give the development 'a cramped appearance and closes off views through'.

5.6 Mr Taylor and Mr Clark discuss the appearance and experience of travelling through the site within their SoCs and PoEs. Mr Clark demonstrates that the route through the site is consistent with the well-established design approach of staged, sequential enclosure of views along movement corridors.



- 5.7 I have responded to the back-to-back distance between proposed dwellings in this location at paragraph 4.11 of my SoC, noting that flats have been designed to not directly look into one another, thereby resulting in no detrimental effect on privacy.

### **Impact on residential amenity**

- 5.8 Mr Sarafian raises a concern about the impact of the appeal scheme on residential amenity. The basis of this concern is not specified within his SoC. I have responded to the issue of loss of light from paragraph 4.13 of my SoC. The SoC prepared by Mr Barnes (Appendix 21 of my SoC) confirms that the considered design response to the development has enabled retained Vertical Sky Component levels which are reasonable within the urban context to be achieved. No objection to daylight/sunlight is raised within the committee report. In response to Mr Sarafian's SoC, Mr Barnes has produced a sunlight amenity assessment which considers potential overshadowing of the amenity space serving Thames Court (see **Appendix 1**). The assessment confirms that with the appeal scheme in place Thames Court would see at least 2 hours of direct sunlight to 100% of its area on the 21<sup>st</sup> March. He concludes that the space is therefore fully BRE compliant.
- 5.9 Moreover, at paragraph 6.21 of the committee report it is stated that 'the residential use is likely to be more acceptable in residential amenity terms than the previous general industrial use'.
- 5.10 I therefore consider that the appeal scheme will not result in an unacceptable impact on residential amenity.

### **Outdoor amenity space**

- 5.11 Mr Sarafian raises a concern about the provision of outdoor amenity space for new dwellings, drawing on paragraph 6.22 of the committee report. I note that there is no policy requirement for all dwellings to have private outdoor space in central Reading. Paragraph 4.4.87 of the Local Plan sets out a guide for outdoor space for different types of accommodation, noting that development in central Reading will not always be expected to comply with the standards for dwellings outside central Reading. Open space is nonetheless required, unless exceptional circumstances prevail, to accommodate modest sitting out areas and clothes drying facilities.
- 5.12 It is common ground with RBC that 114 dwellings will be provided with private outdoor amenity space in the form of balconies and terraces. In addition, Juliet balconies are

provided to other dwellings. The provision of usable private outdoor amenity space has been maximised having regard to site constraints and is complemented by communal outdoor space. I consider that the quantum of private outdoor amenity space proposed is appropriate for, and at least consistent with other examples of flatted developments within Reading, particularly given the ease of access to open space within the site and within very close proximity to the site, such as at Christchurch Meadows.

### **Loss of locally listed building**

- 5.13 Mr Sarafian and Ms Williams on behalf of Reading Conservation Area Advisory Committee (RCAAC) have raised concerns regarding the loss of the locally listed building. I have responded to these concerns from paragraph 3.174 of my SoC and paragraph 4.69 above in the context of Reason for Refusal 5. Mr Weeks has provided specialist heritage input in his SoC and PoE and Mr Taylor has provided input on the options for the retention and reuse of the building within his SoC and PoE. As set out above, overall, I consider that the loss of the building is justified in line with local policy as well as the NPPF.

### **Future-proofing of development**

- 5.14 The appeal proposal includes an energy strategy based on an Air Source Heat Pump led heat network which utilises low carbon electricity. The proposal also provides a capped connection to a district heat network, should one come forward in the vicinity of the site. Photovoltaic panels are also proposed, generating further low carbon electricity.
- 5.15 On this basis, I consider that the appeal scheme is future-proofed and consistent with policy. Indeed, at paragraph 4.12.4 of the committee report it is confirmed that 'the energy strategy does comply with the Local Plan energy and carbon policies'.

### **Flood risk**

- 5.16 Mr Sarafian raises a concern about flooding in gardens of nearby houses due to the current ground level being above the ground level of gardens in Lynmouth Road. Mr Taylor notes at paragraph 4.16 of his PoE that the height difference between ground floor levels of Lynmouth Road properties and levels within the site would be 0.5-0.7m, not 1.5m as Mr Sarafian suggests. Levels within the site are in accordance with the requirements of the Flood Risk Assessment submitted as part of the planning application.

- 5.17 The Flood Risk Assessment submitted as part of the application (CD1.124) demonstrates that 'the future occupants and users of the proposed development will be safe from flooding and there will be no detrimental impact on third parties' (paragraph 8.1.3).
- 5.18 A surface water drainage strategy has been prepared (CD1.132) demonstrating a significant reduction in peak runoff rates through the incorporation of onsite SuDS attenuation measures. There is currently no surface water attenuation on the site, which is currently almost entirely impermeable, and the appeal scheme will provide a betterment of more than 50% in terms of attenuation (as stated in paragraph 8.1.3 of the CD1.132), in line with Policy EN18.
- 5.19 No objection was raised by the Lead Local Flood Authority during determination of the application, subject to a condition relating to sustainable drainage (see paragraph 4.8.1 of the committee report). The requested condition is included in the schedule of agreed conditions appended to the Statement of Common Ground (Appendix F, condition 14).
- 5.20 On the basis of the above, I consider that it has been demonstrated that the appeal scheme will not lead to increased flood risk, including in the gardens of nearby houses.

### **Impact of tree planting**

- 5.21 Mr Sarafian notes a concern that tree planting may damage the partitioning brick garden walls on the boundaries of gardens of properties on Lynmouth Road. I note that no concern has been raised by RBC. Trees will only be planted within the appeal site and appropriate consideration has been given to the impact that trees may have on surrounding features, having regard to their growth potential. Mr Taylor responds to Mr Sarafian's concern from paragraph 4.15 of his PoE, noting that tree planting will be in accordance with best practice to ensure no damage would be caused to existing properties. Overall, I consider that there is no planning policy basis to this concern, with no relevant development plan policies.
- 5.22 Tree planting proposed will also assist in maintaining the privacy of existing properties, a concern also raised by Mr Sarafian, as Mr Taylor notes at paragraph 4.13 of his PoE. This is in addition to providing biodiversity benefits, improving the green infrastructure within the site and softening the appearance of built form, thereby enhancing amenity for existing and future residents.

### **Cycle route design**

- 5.23 Mr Elliot and Ms Lambert on behalf of Caversham and District Residents Association (CADRA) comment on the design of the proposed north-south route, in terms of its layout as well as how it will connect to the wider north-south route. I have responded to these points within my SoC (from paragraph 3.36) and in Section 4 of this PoE with detailed comments also provided by Mr Taylor, Mr Clark and Mr Witchalls. Overall, I consider that the design accords with policy requirements and, crucially, will provide significant enhancement in terms of connectivity compared to the current situation.

### **Building heights**

- 5.24 Ms Lambert raises a concern about building heights adjacent the river. I respond to this point in relation to Reason for Refusal 2 above and within my SoC. Mr Clark and Mr Taylor also provide responses within the SoCs and PoEs. Overall, I consider that it has been demonstrated that the buildings are of an appropriate height and will have a positive impact on the character of the area and that mitigation address any impact on the river. I therefore consider that the appeal scheme is consistent with the requirements of the Local Plan.

### **Benefits of development**

- 5.25 I note that Ms Lambert identifies positive aspects of the development which CADRA support. In addition, I note that Mr Sarafian concludes that the residents, represented by the TPRA, support the development of the site. In my view, as set out above and within my SoC, the benefits of the appeal scheme far outweigh the disbenefits.

## **6.0 SUMMARY AND PLANNING BALANCE**

- 6.1 The appeal proposal for 55 Vastern Road represents the complete redevelopment of a sustainably located, brownfield urban site allocated for residential development in the adopted Local Plan. The proposal will provide a significant quantum of new homes to assist Reading Borough Council in delivering enough housing to meet its increasing housing need. Affordable housing will be provided if the viability of the development improves.
- 6.2 The scheme is a well-considered development of high-quality architectural design, layout, detailing and materials which is informed by and responds to the site's former use as a power station. The appeal proposal maintains and enhances the character and appearance of the surrounding area.
- 6.3 Importantly, the scheme facilitates a north-south link between Christchurch Bridge and Vastern Road, connecting the river/Caversham with Reading station and town centre. The delivery of such a link is RBC's key aspiration for the site and has, in that context, been a key consideration of the appellant during the preparation of proposals for the site.
- 6.4 The appeal scheme has been designed to respond appropriately to the site context, including the river. As demonstrated in the submitted Statement of Case and in the Proofs of Evidence of myself, Mr Taylor, Mr Clark, Mr Witchalls, Mr Weeks, Mr Corbyn and Mr Peckham, the proposed development aligns with the site allocation policy CR11g, other relevant policies in the adopted Local Plan and national policy as set out in the revised NPPF (2021).
- 6.5 Contrary to reason for refusal 1, the appeal scheme would deliver a new north-south route between Vastern Road and the River Thames, providing access to Christchurch Bridge and Caversham to the north as well as to the towpath, and part of the link from the north to the Station. The proposed route is of high quality, is safe and legible. In addition, it addresses the range of urban design objectives in accordance with RBC's principal aspiration for the site and in accordance with site-specific and more general policy within the Local Plan, and the RSAF.
- 6.6 Without the appeal scheme, no such route to Christchurch Bridge is possible and the delivery of the principal objective for this area will not be achievable.
- 6.7 The appeal scheme has been designed to respond appropriately to the site context, including the river, contrary to reason for refusal 2.

- 6.8 In my evidence and in relation to reason for refusal 3 I address the approach to the application of the mitigation hierarchy as set out at paragraph 180 of the NPPF, and conclude that any potential harm caused to marginal vegetation by increased overshadowing of the river and its margins cannot be avoided without substantially undermining the efficient use of urban land and the delivery of a sustainably located allocated site (CR11g). Any additional shading of the River Thames resulting from the appeal scheme, and subsequent impact on the marginal habitats of the river, can be addressed through the implementation of an ecological compensation scheme, as has been proposed by the appellant. Such compensation can readily be secured via a planning obligation.
- 6.9 The proposed tree planting on the riverside frontage is in accordance with policy. Maintenance of the trees to ensure no future conflict with buildings can readily be secured by planning condition.
- 6.10 Acceptable living conditions for all future residents will be achieved through the use of appropriate mitigation. Measures to ensure the noise environment is suitable for all dwellings can readily be secured by planning condition, ensuring that the appeal scheme is consistent with adopted policy.
- 6.11 The feasibility of retaining the locally listed building has been carefully assessed by Mr Weeks and Mr Taylor. Moreover, given the relatively low significance of the heritage asset, its loss is outweighed by the benefits of the scheme.
- 6.12 The appeal scheme provides for a high-quality development which makes efficient use of a brownfield site whilst also not prejudicing the ability to develop adjacent land as part of a comprehensive approach to the site allocation should that land become available for development at a future point in time. The proposals are in line with policy and do not prevent the remainder of the allocation also coming forward in accordance with policy.
- 6.13 Planning obligations will be secured to provide for the infrastructure necessary to mitigate impacts of development. This includes new and improved transport infrastructure and financial contributions towards open space and leisure, carbon offsetting, employment and skills. Whilst the appeal scheme cannot currently viably provide affordable housing, a planning deferred contributions mechanism will enable the provision of affordable housing should the viability improve at a future point in time.

- 6.14 All of the above has been achieved by the appellant as part of development proposals which are in accordance with the Local Plan allocation policy (CR11g) and at a density in line with that envisaged in RBC's Housing and Economic Land Availability Assessment. The appeal scheme will make efficient use of a brownfield site in a highly sustainable location, consistent with the aspirations of RBC as set out in the adopted Local Plan.
- 6.15 The appeal scheme will deliver numerous benefits for the new residential community it will create as well as for the wider Borough.
- 6.16 These benefits weigh significantly in support of the appeal scheme in the planning balance. They outweigh the harm caused to heritage as a result of the loss of the locally listed building.
- 6.17 Within Section 5 of my SoC I conclude that the appeal scheme achieves the three objectives of sustainable development as listed in paragraph 8 of the NPPF. Taking account of the amendments to paragraph 8 in the revised NPPF, I review the planning balance below.
- 6.18 The appeal scheme presents numerous opportunities for significant benefits, not least the following:
- The delivery of 209 new homes on a site allocated for housing in the adopted Local Plan, contributing towards meeting the increasing housing need in the Borough
  - The delivery of a new north-south pedestrian and cycle link connecting Vastern Road to Christchurch Bridge which will provide enhanced access between Reading town centre and the River Thames/Caversham – a key aspiration of RBC
  - The delivery of a new pedestrian link connecting Vastern Road and the River Thames towpath, improving access to the river from the town centre
  - The creation of a new high-quality development, improving the attractiveness of the area for existing and new residents
  - The provision of a riverside café and new public realm, creating an attractive active frontage to river
  - The provision of £200,000 towards the funding of a new pedestrian and cycle crossing on Vastern Road, improving access between the Station and Thames/Caversham
  - The delivery of a net biodiversity gain of 118%, contributing to RBC's environmental aspirations through the delivery of new planting including of trees

- The delivery of flood protection measures in line with emerging Environment Agency proposals
- The construction of sustainable new buildings with a low carbon energy strategy, renewable energy provision and a financial contribution towards carbon offsetting
- An affordable housing deferred contributions mechanism to secure affordable housing contribution if the viability of the scheme improves during build out
- A financial contribution towards open space and leisure improvements in the Borough
- A financial contribution towards the Borough's Employment and Skills Plan

6.19 Despite these benefits which would be delivered by the appeal scheme, RBC object to the proposals. For the reasons I have set out above, as supported by the PoEs of Mr Taylor, Mr Clark, Mr Witchalls, Mr Weeks, Mr Corbyn and Mr Peckham, none of RBC's objections to the proposals outweigh the significant benefits offered by the scheme, particularly as the concerns raised by RBC could readily be resolved through suitably worded conditions and obligations. For example:

6.20 RBC have raised concerns about the appeal scheme resulting in additional shading of marginal vegetation within the River Thames. The appellant has proposed mitigation to address any impact caused by any additional shading and a planning obligation to secure the provision of this mitigation scheme.

6.21 RBC have raised concerns about the noise amenity for new residents. The provision of appropriate glazing and ventilation to ensure acceptable noise amenity can readily be secured by planning condition. The wording of this condition has been agreed with RBC and is included in Appendix F of the SoCG.

6.22 RBC have raised concerns about the lack of an unbroken line of sight to the River Thames. The appellant has responded to these concerns above and proposes the provision of signage as well as public art within the site to assist with wayfinding. This can be secured through planning conditions and obligations, thereby ensuring there will be appropriate measures, further to the design of the development itself, to assist in wayfinding.

6.23 Taking account of the significant benefits offered by the appeal scheme and the relatively low significance of the locally listed building on the site, I consider that the loss of the locally listed building is outweighed by and justified by the benefits that development would provide.



- 6.24 In the context of the above, I consider that the appeal scheme is in accordance with paragraph 8 of the NPPF as well as the wider NPPF. The appeal scheme is also in accordance with the adopted development plan.
- 6.25 On this basis, I submit that in accordance with paragraph 11c) of the NPPF the appeal proposal should be approved without delay.



# **APPENDIX 1**

# Appendix 1 - Sunlight Amenity Assessment of Thames Court



**BRE's Sun On Ground**  
 Area seeing at least two hours of sunlight

Day: 21st March  
 Latitude: 51.4°N  
 Effective day length: 10 hours  
 \*Min solar angle: 10°  
 (BR209 3.3.8)

YES   NO  

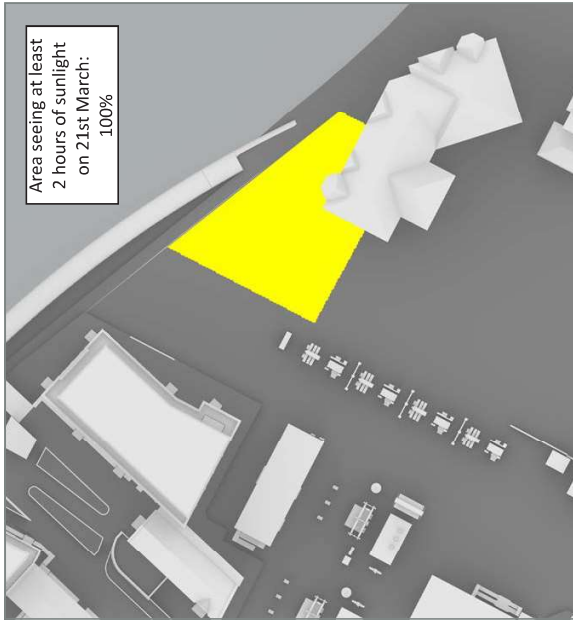


Fig. 2: Proposed

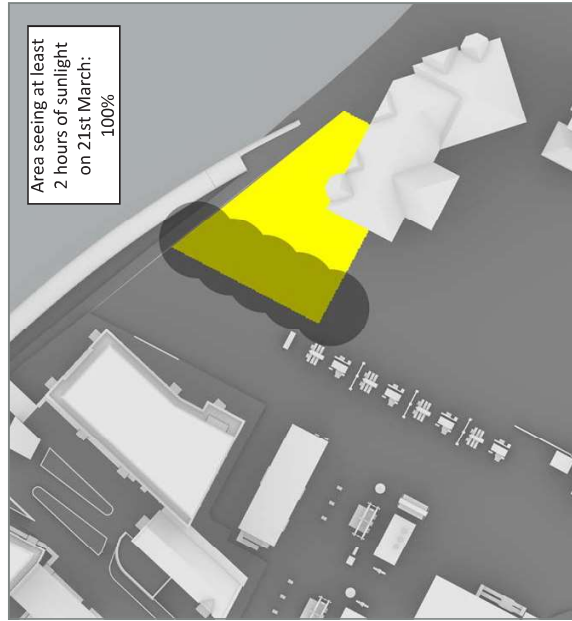


Fig. 4: Proposed with trees



Fig. 1: Existing

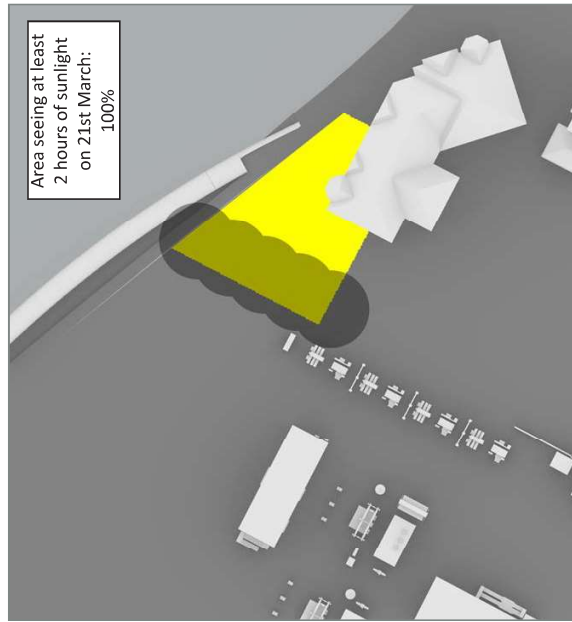


Fig. 3: Existing with trees

\* Trees transparency 20%

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TOWN PLANNING  
MASTERPLANNING & URBAN DESIGN  
ARCHITECTURE  
LANDSCAPE PLANNING & DESIGN  
ENVIRONMENTAL PLANNING  
HERITAGE  
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