**LAND AT 55 VASTERN ROAD, READING RG1 8QT**

**Appeal reference: APP/E0345/W/21/3276463**

**APPEAL BY BERKELEY HOMES (OXFORD AND CHILTERN) LTD**

**OPENING SUBMISSIONS FOR THE APPELLANT**

**INTRODUCTION**

1. These are the opening submissions for the Appellant, Berkeley Homes (Oxford and Chiltern) Ltd in its appeal against the refusal of planning permission by Reading Borough Council (“the Council”) for the following development proposals at 55 Vastern Road, Reading RG1 8QT (“the Site”):

“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. In summary, the scheme will provide housing in an area where there is a significant need for housing, on a site allocated for that purpose and which itself is highly sustainable, being a brownfield site with excellent accessibility by travel modes other than the car. The scheme conforms with the development plan and with national policy and there are no sound reasons why it should be refused. It should be welcomed and planning permission granted as soon as possible.
2. The remainder of these submissions deals with the following matters:
   1. The scheme and the application process:
   2. Principle of the proposals:
   3. Design (first reason for refusal):
   4. Relationship of blocks D and E to the Thames Path and the River Thames (second reason for refusal):
   5. Ecology and trees (third reason for refusal):
   6. Living conditions for residents (fourth reason for refusal):
   7. Loss of 55 Vastern Road (fifth reason for refusal):
   8. Comprehensive development (sixth reason for refusal):
   9. Other matters: and
   10. Conclusion.

**THE SCHEME AND THE APPLICATION PROCESS**

1. The scheme proposes demolition of the existing structures and construction of a new residential community. The housing provided will comprise 209 new homes of various types and sizes. The residential accommodation will be supported by a café with riverside terrace. Importantly, the proposals also include a new north-south pedestrian/cycle link, connecting Christchurch Bridge to Vastern Road towards Reading Station.
2. The Appellant has engaged with both the Council and the local community in a lengthy and thorough consultation process, both before and after submission of the application on 4th February 2020. As set out in the Statement of Comon Ground[[1]](#footnote-1), the Appellant attended ten meetings with Council officers pre-submission, including six formal pre-application meetings. Further meetings with officers took place after the application was submitted. The Appellant listened to the views of officers and of the local community and amended its proposals to take account of the opinions expressed.

**PRINCIPLE OF THE PROPOSALS**

1. The principle of a residential-led mixed use development of the Site is firmly established in the Local Plan. The Site forms part of land which benefits from a site-specific allocation in policy CR 11 g, RIVERSIDE. CR 11 g allocates the Site and the neighbouring SSE site mainly for residential development with the 1.24 ha allocation area identified with an indicative capacity for 250-370 dwellings.
2. The Site is in a highly accessible location by all means of travel, particularly by public transport, walking and cycling, and from a transport perspective is ideally suited for a higher density development which has a low dependency on travel by car.[[2]](#footnote-2)
3. The proposals are fully consistent with the National Planning Policy Framework (“the Framework”). The Framework promotes sustainable development that delivers economic, social and environmental benefits. To achieve this, the efficient use of land is required (para 125), with development on previously developed, vacant or underutilised sites being promoted, in particular for housing (para 120 (d)).
4. The strong policy support for the principle of development is confirmed in the Statement of Common Ground[[3]](#footnote-3) and in the officers’ report to the Planning Applications Committee where it was stated:

“..there is a strong case for achieving the best use of this allocated residential site when coupled with the significant need for housing in Reading and the need to maximise the efficient use of land, particularly brownfield land in such a location close to facilities.”[[4]](#footnote-4)

**QUALITY AND EFFECTIVENESS OF THE PROPOSED NORTH-SOUTH LINK (FIRST REASON FOR REFUSAL)**

1. The scheme provides an excellent north-south link in full accord with the relevant Local Plan policy and the Reading Station Area Framework. Policy CR 11 g states that

“Development should continue the high-quality route including a green link from the north of the station to the Christchurch Bridge, with potential for a small area of open space at the riverside.”

1. The link enables a key and final link to the north-south spine, directly linking central Reading to the Christchurch Meadows, Caversham and beyond to the north. It has been designed as a focal point to the Site, enabling the creation of a well-designed, green and integrated public realm. A key element of the design was to ensure that the link does not bypass the Site but integrates with it. Not only does this offer opportunities for social interaction, but active frontages are created to aid surveillance and security.
2. The route is set within a high-quality green landscape context which changes as one moves through the Site from the urban edge of Vastern Road and to a new, open, public space with riverside café and bridge link to the river and beyond. The link complies with the relevant standards and will be safe to use.
3. The Council’s objection to the alignment of the link is misplaced. The attitude of the Reading Civic Society is to be preferred, commending the “high quality” of the link.[[5]](#footnote-5)
4. A footpath down to the towpath branches off the main north-south link. It is both unnecessary and inappropriate for safety reasons for the path to be of a gradient and width suitable for use by cyclists, and there is no policy requirement to that effect.

**RELATIONSHIP OF BLOCKS D AND E TO THE THAMES PATH (SECOND REASON FOR REFUSAL)**

1. The proposals will have no detrimental effect on the setting or character of the Thames path or the Thames itself. Rather, they will bring significant improvement to the character of the river corridor and views across and along it, by replacing the existing utilitarian character of the Site with a visually interesting and locally distinctive arrangement of built form, soft landscape and public realm across the river frontage.
2. Development on the riverside frontage of the Site must take account of the fact that the Site is within the Local Plan policy CR 11 Major Opportunity Area where high density development is proposed. Also relevant are the Site’s role as strategic gateway to the centre of the Reading, and other development adjacent to the river. The scheme will assist in marking this important gateway, while being subordinate in scale to the planned development around the station. Blocks D and E and the riverside element of the scheme generally will fit in with the prevailing pattern of existing development enclosing the southern edge of the river corridor.

**ECOLOGY AND TREES (THIRD REASON FOR REFUSAL)**

1. The Council’s ecological objection arises from its concern that the appeal proposals will detrimentally affect the marginal vegetation on the riverbank as a result of overshadowing. Marginal vegetation can be found in areas which are in shade, partial shade and dappled shade. The sunlight that will remain, together with diffuse skylight, will be sufficient to sustain the existing marginal vegetation adjacent to the Site. In any event, additional marginal vegetation planting is proposed at a location on the south bank of the river to the east of the Site as compensation for any impact. Also, there will be very substantial ecological gains on-site as a result of the scheme.
2. The mitigation hierarchy is complied with. Any limited impact that occurs cannot reasonably be avoided when balanced against the loss of housing delivery that would occur if buildings are set back or reduced in height as the Council seeks, on this allocated and highly sustainable site and in the context of Reading’s significant need for housing.
3. Overall, there is no reason to refuse permission for the proposed development on ecology grounds.
4. Part of the Council’s case in relation to the third reason for refusal concerns tree planting at the riverside. It is said that there would not be sufficient space within the riverside buffer for “the required large canopy trees.” The scheme proposes substantial landscaping on the riverside, including a large canopy tree. It appears to be agreed that there is no requirement in policy for every new tree to be of a large canopy species. The “right tree, right place” principle is fully respected by the scheme, which provides a large canopy tree (oak) at a nodal point complemented by trees of narrower form which can be accommodated successfully on the built frontages.

**LIVING CONDITIONS FOR RESIDENTS (FOURTH REASON FOR REFUSAL)**

1. The Council’s case is that residents will not enjoy satisfactory living conditions because of noise from the transformer equipment on the neighbouring SSE site. Noise from the substation is characterised by a continuous low level, low frequency “hum” from the operation of the transformers and from the very infrequent operation of the transformer cooling fans. The Appellant’s assessment has considered the noise impact both externally and inside the new dwellings.
2. The noise environment to external amenity areas will be acceptable. The transformer hum will not have a significant impact. The noise from the transformer cooling fans on the infrequent occasions when they operate will be greater, but the noise level will be acceptable from this element also.
3. In order to achieve an appropriate internal noise environment, it will be necessary for some windows in a proportion of the Site to be closed at some times. Where it is necessary for windows to be closed to achieve a satisfactory internal noise environment, full alternative means of ventilation together with measures to prevent overheating will be provided. The resulting internal noise environment will comply with the relevant standards. There is therefore no reason on noise grounds why planning permission should not be granted for the appeal scheme.

**LOSS OF 55 VASTERN ROAD (FIFTH REASON FOR REFUSAL)**

1. The Council’s case is that the proposals have failed to demonstrate adequately that retention and re-use of the building has been explored fully and that the benefits of the proposals do not significantly outweigh the harm caused by the loss of the locally listed building 55 Vastern Road.
2. It is important to begin with to set the heritage context. 55 Vastern Road is not listed and therefore it is not a designated heritage asset. It is locally listed only. That means that the Framework policies on harm to designated heritage assets[[6]](#footnote-6), requiring it to be shown that loss of the building is necessary to achieve substantial public benefits that outweigh the loss, do not apply. In relation to loss of a non-designated asset the Framework requires[[7]](#footnote-7) a “balanced judgement having regard to the scale of any harm or loss and the significance of the heritage asset.”
3. In the case of 55 Vastern Road, the balance is clear. The building has a local significance but at a relatively low level. The benefits of the scheme far outweigh its loss. Furthermore, the evidence demonstrates that retention of the building is not practicable within the context of an appropriate redevelopment scheme.

**COMPREHENSIVE DEVELOPMENT (SIXTH REASON FOR REFUSAL)**

1. The Council’s final substantive reason for refusal alleges that the proposed development has failed to adequately demonstrate that it is part of a comprehensive approach. The Council’s case is that it has not been demonstrated how the neighbouring SSE site could come forward.
2. The Appellant showed how the SSE site could be developed in the DAS[[8]](#footnote-8). This satisfied the case officer Mr Markwell, who reviewed the matter in the first Committee Report[[9]](#footnote-9) and then reverted to the issue in the Update report[[10]](#footnote-10) but remained of the view that permission should not be refused on this basis. Mr Markwell was right. Permission should not have been refused on this ground.
3. The relevant Local Plan policy CR 1 (viii) does not require a fully designed scheme for the SSE site to be presented. The work that has been done amply demonstrates that if it does come forward it can be developed. The SSE site itself has constraints. Also, there is no requirement that the two sites must be brought forward together and other constraints inevitably arise if the sites are developed independently.

**OTHER MATTERS**

1. There are no other matters pointing to refusal of permission for the appeal proposals. Third party concerns have been appropriately addressed in the evidence[[11]](#footnote-11). A section 106 obligation will be provided. Many matters are agreed, and it is hoped that any remaining issues will shortly be resolved so that a bilateral agreement can be submitted to the inquiry.

**OVERALL BALANCE AND CONCLUSION**

1. In conclusion, the appeal proposals will regenerate this highly sustainable urban site, in a development that will provide housing in a Borough which has a significant housing need. The development will fulfil the aspirations of Local Plan policy CR 11 g, bringing environmental improvements by reason of its distinguished design including extensive public realm, and pre-eminently, a north-south link to the Thames. These benefits will be achieved without unacceptable impacts. The appeal should be allowed.

**TIMOTHY CORNER, QC 26th October 2021**

**ALEX SHATTOCK**

**LANDMARK CHAMBERS**

**180 FLEET STREET**

**LONDON EC4A 2HG**

1. SOCG paragraph 5.2 [↑](#footnote-ref-1)
2. Appellant Statement of Case on transport matters paragraph 2.1.3, page 3 [↑](#footnote-ref-2)
3. SOCG paragraphs 7.2-7.13 [↑](#footnote-ref-3)
4. CD 2.1 paragraph 6.7 [↑](#footnote-ref-4)
5. Update report to the Planning Applications Committee, CD 2.2 paragraph 1.13 [↑](#footnote-ref-5)
6. NPPF paragraph 201 [↑](#footnote-ref-6)
7. NPPF paragraph 203 [↑](#footnote-ref-7)
8. DAS CD 1.119 page 105. [↑](#footnote-ref-8)
9. Report to Planning Applications Committee CD 2.1 paragraph 6.16 [↑](#footnote-ref-9)
10. Update report CD 2.1 paragraph 7.2 [↑](#footnote-ref-10)
11. Mr Taylor’s evidence, section 4, Ms Cohen’s evidence, section 5 [↑](#footnote-ref-11)