

PINS

By email: [inquiryappeals@planninginspectorate.gov.uk](mailto:inquiryappeals@planninginspectorate.gov.uk)

**CMS Cameron McKenna Nabarro  
Olswang LLP**

Cannon Place  
78 Cannon Street  
London EC4N 6AF

**DX** 135316 London Cannon Place

**T** +44 20 7367 3000

**F** +44 20 7367 2000

[cms.law](http://cms.law)

**T** +44 20 7367 3112

**E** [Henry.Parkinson@cms-cmno.com](mailto:Henry.Parkinson@cms-cmno.com)

**Email**

**([inquiryappeals@planninginspectorate.gov.uk](mailto:inquiryappeals@planninginspectorate.gov.uk))**

**Our ref** HNPA/CAP/123612.00037

23 December 2021

**Aviva Life & Pensions UK Limited (the “Appellant”)**

**Reading Borough Council (the “Council”)**

**Vastern Court, Caversham Road, Reading, RG1 8AL (the “Site”)**

**Outline planning permission with the details of access, appearance, landscaping, layout and scale reserved for later determination. A demolition phase and phased redevelopment (each phase being an independent act of development) comprising a flexible mix of the following uses: Residential (Class C3 and including PRS); Offices (Use Class B1(a); development in Use Classes A1, A2, A3 (retail), A4 (public house), A5 (take away), D1 and D2 (community and leisure); car parking; provision of new plant and renewable energy equipment; creation of servicing areas and provision of associated services, including waste, refuse, cycle storage, and lighting; and for the laying out of the buildings; routes and open spaces within the development; and all associated works and operations including but not limited to: demolition; earthworks; provision of attenuation infrastructure; engineering operations (the “Application”) with LPA application reference 200328**

**Appeal against non-determination of the Application (the “Appeal”)**

We act for the Appellant in respect of the Appeal and write on the Appellant’s behalf in respect of the most appropriate procedure for determining the Appeal and to set out the proposed timetable for the Appeal.

---

CMS Cameron McKenna Nabarro Olswang LLP is a limited liability partnership registered in England and Wales with registration number OC310335. It is a body corporate which uses the word “partner” to refer to a member, or an employee or consultant with equivalent standing and qualifications. It is authorised and regulated by the Solicitors Regulation Authority of England and Wales with SRA number 423370 and by the Law Society of Scotland with registered number 47313. A list of members and their professional qualifications is open to inspection at the registered office, Cannon Place, 78 Cannon Street, London EC4N 6AF. Members are either solicitors, registered foreign lawyers, patent attorneys or otherwise legally qualified. VAT registration number: 974 899 925. Further information about the firm can be found at [cms.law](http://cms.law)

CMS Cameron McKenna Nabarro Olswang LLP is a member of CMS Legal Services EEIG (CMS EEIG), a European Economic Interest Grouping that coordinates an organisation of independent law firms. CMS EEIG provides no client services. Such services are solely provided by CMS EEIG’s member firms in their respective jurisdictions. CMS EEIG and each of its member firms are separate and legally distinct entities, and no such entity has any authority to bind any other. CMS EEIG and each member firm are liable only for their own acts or omissions and not those of each other. The brand name “CMS” and the term “firm” are used to refer to some or all of the member firms or their offices. Further information can be found at [cms.law](http://cms.law)

Notice: the firm does not accept service by e-mail of court proceedings, other processes or formal notices of any kind without specific prior written agreement.

## Procedure

The Appellant requests that the Appeal proceed by way of the public inquiry procedure.

Pursuant to Annex K of the Procedural Guide for Planning Appeals in England (March 2021), an inquiry is appropriate for the Appeal for the following reasons:

### *Complex issues that require formal questioning by an advocate*

1. Detailed evidence will need to be clearly explained and tested through the Appeal, addressing complex policy issues including:
  - a. Height;
  - b. Massing
  - c. Stepping-down;
  - d. Density;
  - e. Daylight and sunlight;
  - f. Public open space; and
  - g. Heritage.

Design and heritage evidence both have elements of subjectivity and it is therefore generally preferable that such evidence is tested at public inquiry to enable the Inspector to be fully appraised of the issues and form an objective view.

In addition, all of the above matters will involve expert evidence which needs to be cross examined in the event of dispute. A hearing is therefore not suitable.

### *Complex matters requiring technical evidence*

2. The Financial Viability Assessment Report (“FVAR”) accompanying the Application concludes that it is unviable for the proposed development to provide any affordable housing on the Site.

A similar conclusion has been reached in relation to a neighbouring development proposed by Berkley Homes Limited, for which the Council has agreed at appeal (APP/E0345/w/21/3276463) to the provision of no affordable housing at the outset and a viability review mechanism to reassess the viability position as the development proceeds.

The FVAR contains complex, technical data which is most accurately examined in an inquiry procedure and to date the Council has not confirmed its agreement to its contents.

### *Scale of proposed development and local interest*

3. The proposed development is a major, mixed-use development in the centre of Reading comprising a total maximum floorspace of 90,850 square metres gross external area, up to 1,000 new residential dwellings and ground floor retail units. The parameters submitted for approval seek permission for tall buildings of up to 112.9m in height.

4. The Site sits within a wider area designated in local planning policy as a major opportunity area, and one suitable for both tall buildings and a largely medium to high density and massing within which there are live issues under consideration for nearby sites.
5. The proposed development has also generated substantial local interest. 188 people attended the first public consultation for the Original Application and 220 feedback forms were submitted. 79 people then attended the final public consultation, and 173 feedback forms were submitted. Much of the feedback received is contradictory: i.e. some local residents complementing the development for being predominantly car-free, whilst others criticised the lack of car parking provision. Some of the concerns raised are contrary to the Council's policies in its local plan.

An inquiry is the most appropriate procedure to allow local people participation in the process, to ensure transparency and to objectively assess the scheme against local planning policy and local opinion.

### **Timetable**

Given the complexity and potential breadth of material to be considered, and the potential for substantial public participation in the process, the Applicant requests that the Appeal is listed for 12 days.

The Appellant encloses as Appendix 1 to this letter a draft timetable which is based on the PINS timeline showing the process for s78 planning appeals following an inquiry procedure.

As an indication of the Appellant's availability for the window within which an inquiry could potentially take place, the Appellant is available to attend an inquiry between April and July next year on the following dates: 9-26 May; 6-23 June; or 4-22 July. The Appellant understands that a bespoke timetable for the inquiry will be agreed with the Council and the Inspector in due course.

We look forward to hearing from you in response to the request set out in this letter.

If you require any further information please contact Henry Parkinson ([Henry.Parkinson@cms-cmno.com](mailto:Henry.Parkinson@cms-cmno.com)), Tim Stansfeld ([Tim.Stansfeld@cms-cmno.com](mailto:Tim.Stansfeld@cms-cmno.com)) or Martin Evans ([Martin.Evans@cms-cmno.com](mailto:Martin.Evans@cms-cmno.com)) of this firm.

Yours faithfully



**CMS Cameron McKenna Nabarro Olswang LLP**