

**INSPECTOR'S NOTE OF CASE MANAGEMENT CONFERENCE (CMC)
HELD AT 1400 ON MONDAY, 28 FEBRUARY 2022**

APPEAL REF: APP/E0345/W/21/3289748

VASTERN COURT, CAVERSHAM ROAD, READING RG1 8AL

PROPOSED DEVELOPMENT: "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."

1. Ms Susan Heywood was the Inspector who undertook the CMC and who will be holding the inquiry. The Appellants, Aiva Life & Pensions UK Ltd, were represented by Mr Rupert Warren of Queen's Counsel. Reading Borough Council were represented by Mr David Lintott, Barrister. Both main parties confirmed that they had seen and considered the Inspector's pre-conference Note and Agenda, which had been circulated in advance.

Purpose of the conference

2. The inquiry will open on 26 April 2022. The early engagement conference was an opportunity for the Inspector to discuss the management of the case and the procedural arrangements so that the forthcoming inquiry is conducted in an efficient and effective manner. This CMC Note reflects the discussion that took place.
3. It was made clear that there would be no discussion of evidence at the CMC or consideration of the merits of the appeal.

Inquiry procedure

4. The Council expressed a preference for a virtual inquiry and the Appellants were content with this. The Inspector discussed with the parties whether some of the evidence should be heard face to face. Mr Warren confirmed that the Appellants were happy to help with

finding a venue. It was agreed that the Council and Appellants would investigate the possibility of providing a venue large enough to hold the event for the first week or possibly two, in order to hear the main evidence (on townscape and heritage) in person. Alternatively, if this proved not to be possible, it was agreed that a venue should be sought with the intention of holding only the first day as a face to face event. It was agreed that the Council and Appellants would update the Inspector on these discussions before a final decision is made on how the inquiry will be held. A timescale for this is included at the end of this note.

5. The Council will be responsible for arranging any virtual elements and intends to livestream these. The Notification of the inquiry by the Council should include details of how to access any virtual elements of the inquiry. Similar details should be included with the site notice.
6. The application is in outline form with all matters reserved for future consideration. It was confirmed that the amended description of development is as set out above and this was the description used in the Council's consultation of the planning application.
7. The Inspector queried whether this should be amended to reflect changes to the Use Classes Order which came into force on 1 September 2020. The parties pointed out that the application was submitted prior to 1 September 2020. As such, in accordance with the Town and Country Planning (Use Classes) (Amendment)(England) Regulations 2020, the appeal should be determined by reference to the previous Use Classes Order.
8. Mr Warren confirmed that the development parameters are set out in the 'Amended Planning Application Booklet' and will need to be secured by condition in the event of planning permission being granted. The draft list of agreed conditions will need to include securing the development parameters.
9. Mr Warren also confirmed that the development parameters include the areas where the access points will be situated in accordance with the *Town and Country Planning (Development Management Procedure) (England) Order 2015*.
10. The appeal is against the Council's failure to determine the application within the statutory time period. The Council resolved that it would have refused outline planning permission if it had been in a position to do so and has advanced 12 putative reasons for refusal.

Main issues

11. The main issues will relate to the putative reasons for refusal. It was agreed that the parties would work to agree as much as possible in

terms of daylight / sunlight, wind and sustainability issues before the evidence is produced. Evidence would be necessary to cover any aspects that remain in dispute. Putative reason for refusal 12 relates to the lack of a S106 obligation. The parties confirmed that they are working to agree these matters.

12. Mr Warren confirmed that there was unlikely to be much dispute in relation to housing land supply and any matters would be covered in the planning balance evidence. It was agreed that it is unlikely that a separate round table discussion would be needed to consider housing land supply. Mr Lintott confirmed that the Council is waiting for one piece of evidence in relation to affordable housing / viability. Subject to this, the Council is unlikely to contest this issue and it is not expected that evidence will be needed.
13. Mr Warren confirmed that a short statement will be prepared covering matters raised by interested parties but not contested by the Council and witnesses can be made available for questioning if necessary.

Appearances

14. Subject to the level of agreement which can be reached on the matters set out above, the Council intends to call 9 witnesses:

Steve Jupp – Planning Solutions – Planning balance
Michael Doyle – Doyle Design LLP – Design and Townscape
Mark Worringham – Housing Land Supply
Nick Bridgland - Lichfields – Heritage
Carolyn Jenkins – Open Space
Sarah Hanson – Natural Environment
Sustainability - name to be confirmed if necessary
Gordon Breeze - Building Research Establishment – Wind
Dr Paul Littlefair - Building Research Establishment – Daylight/Sunlight

15. Again, subject to the level of agreement on some of the disputed matters, the Appellants intend to call 7 witnesses:

Mr Collado – Scheme Architect – Design, Natural Environment, Sustainability
Mr Chard – Barton Willmore – Townscape, Natural Environment
Dr Miele – Heritage
Mr Paul Newton – Barton Willmore – Planning balance, Open Space
Mr James Crowley – Daylight/Sunlight
Mr Donald Black – Wind
Mr D Hickman – will be available to answer questions on highways matters.

16. The level of public interest or likely involvement in the inquiry is difficult to assess at the present time. There were a number of representations at application stage but to date the only response at appeal stage has been from Caversham and District Resident's Association (CADRA). No requests for Rule 6 status have been received. It is likely that any interested parties will be heard after the opening statements, but this will need to be flexible depending on the level of interest and any availability issues.

How the evidence will be heard

17. It was agreed that there will be formal evidence on the townscape / design issues and heritage. In relation to daylight/sunlight, wind and sustainability issues, the Inspector indicated that she will need formal evidence if technical issues remain in dispute, otherwise these aspects can be dealt with at round table discussions.

18. Issues relating to the natural environment and public open space will be dealt with by round table discussions. Mr Warren indicated that his design, townscape and planning witnesses would deal with these issues. The Inspector will lead these sessions and will provide an Agenda for these in advance.

19. It was agreed that the evidence will be heard on a topic basis with the Council's witnesses giving evidence on one topic followed by the Appellant's witnesses on that topic before moving on to the next topic.

Inquiry duration, running order and timetable

20. It was agreed that opening statements should be no longer than 10 minutes each. Interested persons would be heard following the opening statements and witnesses for the Appellants may be called to answer questions on matters not in dispute between the main parties. Subject to paragraph 21 below, the formal evidence will then be heard on townscape issues followed by the formal evidence on heritage. Round table discussions on daylight/ sunlight, wind, natural environment, public open space and sustainability (to the degree necessary, subject to agreement being reached on these matters) would take place after the formal evidence. Formal evidence will be heard on the planning balance after the round table discussions. A round table discussion would take place on conditions and the S106 towards the end of the inquiry, followed by closing submissions.

21. Mr Warren indicated that it may be necessary for him to attend for an additional day on a separate inquiry on Wednesday 27th April. If this is the case, a Junior Barrister, Guy Williams, would represent the Appellants on that day. It was agreed that the formal evidence would not be heard on that day, but it would be possible to hold one of the

round table discussions. This was left open to decide once it becomes clear whether Mr Warren is likely to be absent on that day.

22. The inquiry is scheduled for 12 days. It was agreed that 4-5 days would be necessary to hear the townscape evidence and a further 2 days for heritage. The remaining round table discussions could take around ½ day each. The planning balance evidence could take 1½ days. At this stage it is difficult to confirm the duration of the inquiry until the level of agreement on some of the matters has been confirmed. It is also likely that a virtual event will take longer than a physical event due to the shorter sitting days. It was agreed that 12 days is likely to be sufficient, but this needs to be revisited once the evidence has been prepared and it has been decided whether the event will be virtual or physical.

Environmental Impact Assessment

23. The proposal is Environmental Impact Assessment Development. Mr Lintott confirmed that the Council is satisfied that the Environmental Statement is legally compliant, has been properly publicised and is adequate in terms of the topics that it covers. The Inspector noted that para 6.85 of the Council's statement of case states that other properties should have been addressed in the daylight / sunlight information in the Environmental Statement. Mr Lintott agreed to take instruction on whether this has an impact on the EIA / ES. Further confirmation on this matter will be needed.

Biodiversity net gain

24. Mr Warren confirmed that the evidence would deal with this but that some assumptions would have to be made as the Biodiversity Metric does not fit as well with an outline application. Mr Lintott confirmed that the Council are happy with this approach.

Statements of Common Ground (SCG)

25. The Inspector confirmed that SCG would be needed covering issues relating to daylight/sunlight, wind, sustainability, housing land supply and affordable housing. She confirmed that she was flexible regarding whether these are separate documents or one document with separate sections.
26. These should be submitted by 15 March. Mr Lintott indicated that this may be challenging. The Inspector asked the Council to make every effort to achieve that date but agreed to a 'backstop' date of 21 March.

Management of appeal documents

27. It was agreed that the core documents would be accessible electronically. The library will be hosted on the Council's website and must be easy for everyone to access. Mr Lintott confirmed that it will be held within an area dedicated to this inquiry. The Inspector asked that the documents be carefully grouped into folders so that they could be easily found during the inquiry.

28. The Inspector requested:

- that with large documents only the relevant sections should be provided;
- that the whole of the development plan should be included;
- that restraint should be shown with including appeal decisions and, if they are added to the core documents, it should be made clear which part of the evidence they related to;
- that sufficient details of surrounding schemes mentioned in the evidence should be placed in the core documents to enable her to understand the schemes and their inter-relationship with the proposed development.

29. Hard copies of the proofs of evidence and any rebuttals should be provided when the electronic versions are submitted. Rebuttals should only be submitted where necessary and where they would reduce the matters to be discussed at the inquiry. The Inspector's copies should be sent to the Case Officer. The Inspector also requested a hard copy of the Amended Planning Application Booklet in A3 format.

30. Documents handed in at the inquiry should be kept to a minimum and should contain no surprises. They will be accepted at the Inspector's discretion, and she will give them a reference number accordingly. They should also be emailed to the Case Officer with the agreement of the Inspector. All such documents will be added to the document library in their own folder.

Planning Obligation / conditions

31. Mr Warren confirmed that a final draft of the planning obligation would be submitted with the proofs of evidence on 29 March. However, it may be that changes will be needed following discussion at the round table session. In that case the Inspector agreed that a short period of around 2 weeks following the close of the inquiry would be reasonable for the document to be completed.

32. The Inspector requested that the Council submit a CIL compliance statement at the same time as the proofs of evidence. Mr Lintott

confirmed that this was in hand and would be submitted within that timescale.

33. A list of agreed conditions should be submitted with the proofs of evidence. The Inspector requested that the Appellants' written agreement to any pre-commencement conditions would be needed at the same time. Any subsequent amendment to the conditions following the round table session would necessitate updated written agreement.

Timetable for document submission:

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| 14 March 2022 | <ul style="list-style-type: none">• Council's confirmation on whether a venue can be found for the first 1 / 2 weeks of the inquiry |
| 15 March 2022 | <ul style="list-style-type: none">• SCG on daylight/sunlight; wind; sustainability; housing land supply; viability/affordable housing (no later than 21 March)• Council's confirmation on whether the EIA / ES is adequate in terms of its coverage• Core documents on the Council's website |
| 29 March 2022 | <ul style="list-style-type: none">• Proofs of evidence• Agreed draft list of planning conditions• Draft Planning Obligation• CIL compliance statement• Provision of plans booklet |
| 14 April 2022 | <ul style="list-style-type: none">• Rebuttal proofs (if necessary) |
| 20 April 2022 | <ul style="list-style-type: none">• Final timings provided by the main parties for the formal presentation of evidence |
| 26 April 2022 | <ul style="list-style-type: none">• Inquiry opens at 1000 hours, venue or virtual to be confirmed |

34. Mr Warren and Mr Lintott confirmed that no costs applications were intended to be made.

35. The Inspector confirmed that she would see the site and surroundings from publicly accessible places in advance of the inquiry. A further accompanied site visit would be made, either during the course of the inquiry or after its close.

Susan Heywood

INSPECTOR

2 March 2022