

Vastern Court, Reading, RG1 8AL

TOWN AND COUNTRY PLANNING ACT 1990 APPEAL UNDER SECTION 78
APPEAL BY AVIVA LIFE & PENSIONS UK Ltd AGAINST THE FAILURE OF READING BOROUGH
COUNCIL TO DETERMINE WITHIN THE PRESCRIBED PERIOD A PLANNING APPLICATION

Statement of Common Ground: Wind Microclimate

Between

Aviva Life & Pensions UK Ltd and Reading Borough Council

Application Reference: 200328

INSPECTORATE REFERENCE: APP/E0345/W/21/3289748
READING BOROUGH COUNCIL REFERENCE: 200328/FUL

April 2022



Contents

1	INTRODUCTION	3
2	THE SITE AND SURROUNDINGS	3
3	DESCRIPTION OF DEVELOPMENT	5
4	PLANNING POLICY AND GUIDANCE	7
5	MATTERS OF COMMON GROUND	11
6	MATTERS IN DISPUTE	21
7	DECLARATIONS	25

1 INTRODUCTION

- 1.1 This Statement of Common Ground (SoCG) relates only to Wind Microclimate issues. This statement has been prepared by Xi Engineering Consultants on behalf of Aviva Life & Pensions UK Ltd (hereafter referred to as ‘the Appellant’), and by the Building Research Establishment (BRE) on behalf of the Local Planning Authority Reading Borough Council (‘RBC’). The SoCG is submitted in relation to the appeal made by the Appellant under Section 73 of the Town and Country Planning Act 1990 for non-determination by RBC of the planning application relating to Vastern Court (‘the Site’).
- 1.2 The purpose of the SoCG is to set out the matters agreed between the parties and those that are not, the aim being to focus on the issues that separate the parties in respect of the proposed development and narrow the areas of disagreement.
- 1.3 The following two wind microclimate reports were submitted originally by the Appellant to support the Vastern Court planning application (Reference 200328/FUL)
- i) ES Vol 1 Chapter 9 Wind (Core Document **CD1 Ref 1.9.9**), and

ii) ES Vol 3 Technical Appendix 9.1 Wind (Core Document **CD1 Ref 1.9.30**).

1.4 BRE were commissioned by RBC to undertake a peer review of the above documents; this review is given as Core Document **CD7 Ref 7.35**. In this review, it was noted that the Appellant claimed that the “LDDC wind comfort criteria” had been used to assess the wind conditions. In the peer review BRE noted that they believed that the Appellant had not interpreted correctly the LDDC criteria (the LDDC criteria are given in Core Document **CD 7 Ref 7.53**).

1.5 In the BRE review made other criticisms and concerns about the quality of the wind microclimate information provided to RBC. The concluding comments of the said BRE report were:

“The level and nature of information submitted in the Technical Appendix is not considered to be sufficient or robust. There are several omissions and/or clarifications required in the Technical Appendix, in particular with regards to whether the effects of gust wind speed has been considered. Section 5.3.47 of the Reading Borough Council Local Plan states that ‘Wind should be assessed against the Lawson Criteria’, the assessment as presented does not fully implement the Lawson methodology because a seasonal analysis of wind conditions has not been presented.

As mentioned in this review, at some locations the predicted wind safety conditions are not credible.

The analysis and conclusions reached within the wind microclimate chapter of the ES (Chapter 9) are generally reasonable and robust, based on the results presented. Some clarification and additional information is required, as indicated in Section 3 of this review, in particular with reference to how the seasonal target wind conditions were assessed when only annual data are presented.

The relevant components of Policies CC3 (Adaption to Climate Change) and CC8 (Safeguarding Amenity) of the Reading Borough Council Local Plan 2019 have been considered. However, Policy CR10 (Tall Buildings) has not been cited as relevant local planning policy so it is not clear if this has been considered – this should be confirmed.

The wind microclimate assessment predicts that there will be several areas around the proposed scheme where the wind conditions will be either uncomfortable or unsafe. Such conditions would be unacceptable. Mitigation measures are suggested, which could be conditioned and implemented at the detail design stage. We agree that the efficacy of these measures should be established via a wind tunnel assessment”

1.6 A Statement of Case (SoC) was made by RBC (Core Document **CD3 Ref 3.1**) which, with regards to the wind, was based upon the findings of the BRE report (**CD7 Ref 7.35**). The planning balance and conclusion of the “Wind” section (Paragraph 7.47 of Section 7) of the RBC SoC was:

“7.47 Officers consider that the application has to be considered on the basis of the evidence provided to the Council. It is therefore considered that the predicted wind conditions would be so bad that the mitigation measures set out in the ES would not be sufficient to provide the required level of mitigation. Accordingly, until these issues are adequately addressed, it is Officers view that planning permission should be refused on the basis of conflict with policies CC3 and CC8.”

1.7 At the time the RBC SoC (Core Document **CD3 Ref 3.1**) was prepared, the wind microclimate reasons for refusal were stated therein. This refusal was based upon the information provided to RBC at that time by the Appellant. As documented in the BRE review of the Appellant’s information

(Core Document **CD7 Ref 7.35**) there were concerns about the quality of the information provided, aspects of the analysis the approach used, and the incorrect interpretation of the Lawson LDDC wind comfort and wind safety criteria. Furthermore, the information presented to RBC at the time of the RBC SoC suggested that the Proposed Development would create a significant number of unsafe wind conditions around the Site and surroundings.

- 1.8 After the RBC SoC had been prepared a response to the RBC SoC was provided by Xi Engineering Consultants (Core Document **CD 8 Ref 8.8**). This response clarified a number of the issues raised by BRE, and stated that the numerical model (used to assess the wind conditions) would be re-run to take into account the effect of wind gusts (a fundamental requirement of the Lawson approach). The response also stated that measured long-term wind data from a nearby meteorological station would be used in the re-assessment; this would address a technical concern raised in the BRE review.
- 1.9 After the RBC SoC had been prepared, the facts that the numerical model was re-run by the Applicant's wind consultants and the method of analysis changed vindicates the concerns raised in BRE's review (Core Document **CD7 Ref 7.35**); these concerns are echoed in the RBC SoC (Core Document **CD3 Ref 3.1**). These actions by the Appellant alone infer that the original material that had been provided to RBC was deficient.
- 1.10 The following two revised wind microclimate reports were submitted recently by the Appellant to RBC to support this planning application.
 - i) ES Vol 1 Chapter 9 Wind (Core Document **CD8 Ref CD 8.9**), and
 - ii) ES Vol 3 Technical Appendix 9.1 Wind (Core Document **CD8 Ref CD 8.10**).
- 1.11 From a wind microclimate standpoint, the two above documents contain new and additional information. This is because the findings contained therein, and the conclusions drawn from those findings are different from the original information provided to RBC. Henceforth in this SoCG, the wind microclimate results and findings provided in these two revised ("new") documents will be considered.
- 1.12 For the avoidance of any doubt, it is worth stating at this point that it is the new information provided by the Appellant (Core Document **CD8 Ref CD 8.9** and Core Document **CD8 Ref CD 8.10**) that is the reason that the matter of wind microclimate can be dealt with by condition. That is, the agreed condition would allow the RBC reason for refusal to fall away.

2 MATTERS OF COMMON GROUND

- 2.1 This section sets out the matters of Common Ground between the RBC and the Appellant. These are agreed between the parties, subject to the imposition of appropriately worded conditions.
- 2.2 It is agreed that the Technical, Spatial and Temporal scope described in ES Chapter 9 (given in Volume 1 of the Environmental Statement) is considered to be appropriate.

- 2.3 It is agreed that the relevant RBC Planning Policies relating to wind microclimate have been considered.
- 2.4 It is agreed that CFD is an acceptable methodology for wind microclimate assessments.
- 2.5 It is agreed that the CFD modelling of the inclusion of buildings within a 300m radius of the application site is considered to be acceptable.
- 2.6 It is agreed that the level of detail used in the CFD modelling is sufficient for an outline planning application.
- 2.7 Three scenarios are considered:
- i) the existing site and surrounding conditions (baseline scenario),
 - ii) the proposed development including existing surrounding developments, and
 - iii) the proposed development including future cumulative surrounding developments.

It is agreed that these scenarios are consistent with the requirements of an Environmental Impact Assessment (EIA), and represents best practice.

- 2.8 It is agreed that the wind microclimate assessment being carried out for 16 wind directions is acceptable.
- 2.9 Given that site-wide colour contour plots (sometimes referred to as “heat maps”) are also created, it is agreed that the results presented at 50 specific locations is considered acceptable.
- 2.10 It is agreed that the LDDC version of the Wind Comfort and Wind Safety Criteria used is appropriate for this Proposed Development.
- 2.11 BRE believes that the stated method of determining the effects of wind gusts (GEM) is not the same as that propounded by Lawson. The Lawson GEM approach is described in Core Document **CD 7 Ref 7.53**. BRE believes that the results submitted by the Applicant are actually conservative, and on this basis it is agreed that the results provided by the Appellant (**CD8 Ref CD 8.9 and CD 8.10**) can be used to underpin the wind microclimate assessments.
- 2.12 Taking everything into account it is agreed that for initial planning purposes, the two wind microclimate reports provided by the Appellant (**CD8 Ref CD 8.9 and CD 8.10**) are sufficient and robust.
- 2.13 Given the urban and suburban surroundings and the heights of the Proposed Development buildings, it is agreed that the wind comfort and wind safety conditions are reasonable and within expected ranges.
- 2.14 The assessments undertaken by the Appellant (**CD8 Ref CD 8.9 and CD 8.10**) did not include planting, balustrades, or other wind mitigation measures. As a result, it is agreed that the findings presented by the Appellant are likely to be conservative.
- 2.15 It is agreed that the significance criteria used are consistent with normal best practice, and the assignment of a major adverse effect for breach of safety criteria for strong winds is also considered acceptable.
- 2.16 It is agreed that there are a small number of localised ground level locations that require wind mitigation.
- 2.17 It is agreed that if sufficient appropriate wind mitigation measures are introduced, then it is likely that the winds at these windy locations can be reduced to levels that are suitable for their intended pedestrian activity.

- 2.18 It is agreed that there are roof top level locations (especially above Plot D) that require wind mitigation, and that the Appellant will provide a robust back-up plan in case the wind conditions there cannot be sufficiently mitigated.
- 2.19 It is agreed that conditioning a wind tunnel study at the detail design stage would be an appropriate course of action.

3 MATTERS IN DISPUTE

- 3.1 With regards to wind microclimate considerations, **there are no matters of dispute.**

4 DECLARATIONS


- 4.1 The above matters have been agreed by RBC and the Appellant.
- 4.2 Signed and dated on behalf of Reading Borough Council



Gordon Breeze

Date 12/4/22

Signed and dated on behalf of the Appellant



DR MP BUCKINGHAM

Date 12/4/22

