
Section 78 Appeal by Aviva Life & Pensions UK Ltd

Reading Station Park
Vastern Court, Vastern Way, Reading

Summary Proof of Evidence of
Paul Newton BA(Hons) DiP TP MRTPI

Appeal Reference: APP/E0345/W/21/3289748

LPA Ref: 200328

Prepared by Barton Willmore LLP on behalf of Aviva Life & Pensions Uk Ltd

March 2022

TOWN AND COUNTRY PLANNING ACT 1990 – SECTION 78

APPEAL AGAINST THE NON-DETERMINATION OF PLANNING APPLICATION FOR:

“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.”

READING STATION PARK, VASTERN COURT, VASTERN WAY, READING

**SUMMARY PROOF OF EVIDENCE OF PAUL NEWTON BA (HONS) DIP TP MRTPI
FOR
AVIVA LIFE & PENSIONS UK LTD**

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1.0 QUALIFICATIONS AND EXPERIENCE

- 1.1 My name is Paul Antony Newton.
- 1.2 I am the holder of a Bachelor of Arts degree with Honours from Oxford Polytechnic and a Post Graduate Diploma in Planning from Oxford Brookes University. I am a member of The Royal Town Planning Institute. I am a Partner with Barton Willmore, a leading independent practice of Chartered Town Planners based in the London office.
- 1.3 I have over 25 years' professional town planning experience, dealing with a broad range of land use planning issues and commercial property types, including Town Centre and out-of-centre retail schemes, office developments, residential development, and other land uses and currently act for several major developers.
- 1.4 I am familiar with the Appeal Site, Reading Town Centre and the surrounding area.
- 1.5 My evidence focuses on the main planning issues and supplements the evidence provided by other witnesses on behalf of the appellant.

2.0 BACKGROUND AND APPEAL SCHEME

- 2.1 The Appeal Site extends to approximately 1.9 hectares (ha) in size and is located to the north of Reading Railway Station and approximately 200m south of the River Thames.
- 2.2 The Site is currently operated as the Reading Station Shopping Park which comprises large commercial buildings (occupied by Aldi, The Range, One Below and Majestic Wine) and a separate building in restaurant use (TGI Fridays), set within a surface level car park providing 280 spaces.
- 2.3 All of the current commercial leases on the Site will expire or are subject to a break clause in 2025. This provides a window of opportunity for the Site to be redeveloped.

The Wider Area

- 2.4 In addition to the Appeal Scheme there are a number of relatively large-scale proposals being promoted immediately adjacent to the Site including the former Royal Mail Sorting Office site on Caversham Road (Hermes), to the south and the Scottish and Southern Energy (SSE) site to the north on the opposite side of Vastern Road (Berkeley). Both are relevant to the consideration of the Appeal Scheme.

Appeal Scheme

- 2.5 The Appeal Scheme (Ref: 200328) follows the submission of an outline application in February 2020, and which was subsequently amended in October 2021. The application proposed the comprehensive redevelopment of the site to provide mixed use residential, office and retail/leisure scheme arranged in four development plots (A-D) running west to east across the Site, with a maximum height of 112.9 AOD (Plot D only). Access to the proposed development will be provided via Caversham Road and egress onto Vastern Road, as is presently the case.
- 2.6 New public realm spaces would be created within the scheme, including a high-quality pedestrian/cycle link through the Site between Plots C and D, linking the train station and underpass with Vastern Road and beyond to the River Thames.
- 2.7 The application was supported by a set of Parameter Plans, Development Parameter Schedule and a Design Code for approval.

2.8 Following the submission of this Appeal (against the failure of the Council to determine the application) the Council prepared a report to the Council's Planning Applications Committee on 15th February 2022. Whilst the Council was no longer able to determine the application had they been in a position to do so they would have refused planning permission for twelve reasons:

1. Scale, height and massing
2. Tall buildings
3. Views and townscape
4. North-South link
5. Heritage
6. Public realm
7. Daylight/Sunlight (existing and future residents)
8. Wind
9. Landscape, trees and green network
10. Failure to provide appropriate public open spaces
11. Sustainability
12. Failure to secure S106

3.0 PLANNING POLICY FRAMEWORK

- 3.1 The National Planning Policy Framework (NPPF) sets out the three dimensions of sustainable development: economic, social and environmental. Paragraph 10 sets out the presumption in favour of sustainable development and Paragraph 11c) confirms that for decision-taking this means approving development proposals that accord with an up-to-date development plan without delay.
- 3.2 At the local (Reading Borough) level, it is evident to me that the adopted Development Plan, SPD's and evidence-based documents provide clear support for the land uses proposed.
- 3.3 The policy position establishes a number of clear principles. These include:
1. The Site falls within the Central Core and Office Core wherein new retail, leisure and office floorspace will be supported (Policy CR1).
 2. The Site falls within an identified Tall Buildings Cluster wherein the principle of tall buildings are supported and encouraged (Policy CR10).
 3. The Site falls within a Major Opportunity Area (MOA) and is a Site Identified for Development or Change wherein high density mixed-use is supported and encouraged (Policy CR11). Retail, leisure, office, and residential uses are supported.
 4. The Site is considered one of the most accessible locations in the South-East (Policy CR11).
 5. There is a pressing need for additional housing in Reading and the surrounding area (paragraph 4.4.1).
- 3.4 On the basis of the above there is clear, in my view, planning policy support for the principle of the Appeal Scheme subject to the careful consideration of a number of detailed development management considerations. In my judgement, the Appeal proposals accord with the Development Plan.

4.0 RELEVANT PLANNING MATTERS

4.1 I have assessed the Appeal Scheme against the relevant development plan policies to demonstrate its acceptability. I note here and at the outset that the Council do not take issue with the principle of the proposed development and that no statutory consultees object to the Appeal Scheme.

4.2 I have assessed the scheme against the following areas:

- Principle of land uses proposed.
- Housing Need.
- Affordable Housing.
- Design:
 - Scale, Height and Massing.
 - Tall Buildings.
 - North-South Link.
 - Landscape, Trees and Green Network.
- Views and Townscape.
- Heritage.
- Daylight and Sunlight.
- Wind.
- Public Realm and Open Space.
- Energy & Sustainability.
- Transport.
- Other Environmental Considerations.

4.3 In assessing the Appeal Scheme against those detailed criteria, I am of the firm view that the Appeal Scheme when considered against the relevant development management planning policy at both the national and local level should benefit from planning permission.

4.4 There is clear planning policy support for the Appeal Scheme site for the proposed uses, which will provide much needed additional housing and employment floorspace as well as delivering the strategically important north-south link between the Railway Station and the Thames. I am therefore of the firm view that the Appeal Scheme accords with the development plan and the NPPF.

4.5 In addition, I believe there are a number of significant benefits that will arise as a result of the scheme including:

- much needed housing in a highly sustainable location;
- provision of commercial Accommodation in a highly sustainable location;
- investment in Reading town centre;
- employment benefits
- a number of environmental benefits.

4.6 In my view, the foremost public benefit of the Appeal Scheme is that the proposal will deliver significant positive change to the Appeal Site sought by adopted planning policy and supplementary guidance. The replacement of the existing poor quality buildings by carefully considered and well-designed buildings, much needed new housing and public spaces would be significant benefits.

4.7 I am firmly of the view that the scheme and benefits identified above are real, significant and should weigh strongly in favour of the Appeal Scheme. They are all consistent with meeting the three dimensions of sustainable development set out at paragraph 8 of the NPPF and are matters that go to the heart of 'sustainable development'.

4.8 The position with the existing tenants on the Appeal Site is also relevant. The existing leases expire on or have a break clause at 2025. This is important as it provides a window of opportunity to deliver the longstanding redevelopment of the site that has been seen as a strategic objective for the Council for a number of years. If permission is not granted then the Appellant is very likely to continue to operate the Appeal Site as it currently does (as a Retail Park), renegotiating existing or new leases. I have been advised that any new leases are likely to be for a period of 10 years with a 5-year break. This would mean that the earliest the site could come forward if this appeal fails is between 2030-2035.

4.9 It would also mean delaying the delivery of the comprehensive development of this part of the town centre, given the recent approval of the Berkeley Scheme and the impending permission on the Hermes site – and a missed opportunity to provide a key part of the strategically important north-south link.

5.0 OVERALL ASSESSMENT

- 5.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 provides that if regard is to be had to the development plan for the purpose of a determination, then that determination must be made in accordance with the plan unless material considerations indicate otherwise.
- 5.2 The NPPF should be applied to decision taking as set out in paragraph 11. Case law indicates that if a proposal accords with paragraph 11, it is by definition sustainable development.
- 5.3 Paragraph 11 sets out that there is a presumption in favour of sustainable development. For decision making this means approving development proposals that accord with the development plan without delay.
- 5.4 As I have set out in Section 4 of my evidence, I believe that the Appeal Scheme accords with the development plan and national planning policy. As a result, it should be approved without delay.
- 5.5 Further the evidence of Mr Collado has demonstrated that the Appeal Scheme has been very carefully considered in terms of height, massing, design and the provision of enhanced, high quality public realm. The residential accommodation meets all of the relevant space standards. I believe the scheme has the potential to enhance the architecture within Reading town centre and set a benchmark for future proposals and that the Parameter Plans and associated Design Code provides sufficient security to the Council that a high-quality scheme will be delivered through subsequent reserved matters applications.
- 5.6 Mr Chard has demonstrated that in terms of townscape and landscaping considerations the overall massing pattern of the Appeal Scheme is concentrated in the south-east corner of the Appeal Site, adjacent to the railway line, where the tallest 23 storey element has been clearly designed to reinforce the legibility of the station. The Appeal Scheme reflects the aspirations of the RSAF and RBLP to create a sense of identity north of the station, improving movement and kinetic views. The new built form will facilitate the identification of the station as an important location in the town centre, improve the quality and legibility of built form and rationalise interrelationships between the buildings and street spaces at ground level.

- 5.7 Dr Meile has re-assessed the impact of the Appeal proposals on the significance of nearby listed buildings. He concludes that in his view there would be a low order of less than substantial harm to the Grade II listed former station building which has the potential to be reduced or removed through careful consideration at the reserved matters stage. In any event this low level of harm would fall to be weighed against the public benefits of the Appeal Scheme. As I set out above, I believe there are significant public benefits that arise from the Appeal Scheme that would outweigh the limited harm to the setting of the adjacent heritage assets.
- 5.8 Further evidence has been provided to demonstrate that the Appeal Scheme complies with daylight/sunlight, wind and sustainability requirements.
- 5.9 There are no highways grounds or any detailed technical grounds of objection that would render the Appeal Scheme unacceptable.
- 5.10 The scheme will moreover give rise to a number of substantial social, environmental, and economic benefits which are supported by the NPPF policies and therefore contribute to the Appeal Scheme being a sustainable development.
- 5.11 The Appellant controls all of the land and with existing leases expiring (or having break clauses) in 2025 there is a clear opportunity to deliver the redevelopment of the Site and the associated benefits in the short term. If the appeal is dismissed, that opportunity will be lost until at least 2030 if not later.
- 5.12 It must therefore follow that the Appeal Scheme should benefit from the presumption in favour of sustainable development and the Appeal should be allowed and planning permission granted.