

**TOWN AND COUNTRY PLANNING ACT 1990
PLANNING AND COMPULSORY PURCHASE ACT 2004**

**APPEAL BY AVIVA LIFE & PENSIONS UK LTD
VASTERN COURT, VASTERN WAY, READING**

APP/E0345/W/21/3289748

Inquiry opened 26 April 2022

APPELLANT'S OPENING POINTS

Appearances

Rupert Warren QC, instructed by CMS Cameron McKenna Nabarro Olswang LLP; calling:

Roy Collado RIBA MBA ARB MRIAI, Director of Collado Collins Architects Ltd (scheme architect)

Matthew Chard BA(Hons) Dip(Hons) MAUD CMLI, Partner, Barton Willmore LLP now Stantec (townscape analysis)

Dr Chris Miele IHBC MRTPI, Senior Partner, Montagu Evans LLP (heritage)

James Crowley, CHP Surveyors Ltd (daylight and sunlight)

Mark-Paul Buckingham, Xi Engineering (Microclimate – may not give evidence)

Moditha Wickamaratna, Watkins Payne (Sustainability and energy – may not give evidence)

Paul Newton, BA(Hons) DiP TP MRTPI, Partner, Barton Willmore now Stantec (planning)

Opening Points

1. The appeal scheme is intended to form an integral part of the regeneration and improvement of an under-utilised part of Reading town centre, occupying several large sites adjacent to or near the railway station. It proposes a major mixed-use scheme of residential and office accommodation with activated ground floor uses and substantial public realm improvements.

2. There is very clear development plan support for the scheme:

- (1) The adopted local plan dates from 2019, and covers the period to 2036. It came into being after the Reading Central Area Action Plan (2009) and the Sites and Detailed Policies Document (2012, amended 2015).
 - (2) The site lies with the Central Core (Policy CR1), the Office Core (also CR1) and the Primary Shopping Area (also CR1);
 - (3) It lies in a Tall Building Cluster (Policy CR10), a Major Opportunity Area (CR11) and a Site Identified for Development or Change (CR11).
 - (4) As a consequence, retail development, major office development over 1000 sq m, and other main town centre uses are directed to the site.
 - (5) The Station Area Cluster, governed by CR10, identifies that a “new cluster of tall buildings with the station at its heart will signify the status of the station area as a major mixed use destination and the main gateway to and most accessible part of Reading”. Of the various clusters planned for central Reading, the Station Cluster is intended to be marked by the tallest structures and the densest development, due to the proximity of the transport interchange.
3. The area around the appeal site is also coming forward for re-development. Recently, the SSE site (55 Vastern Road) on the other side of Vastern Road was granted permission on appeal, and the Council itself resolved to grant permission for a substantial scheme on the adjoining Hermes/Former Royal Mail site (80 Caversham Road). There are numerous points, some more and some less important, to make about the ways that these two schemes have come forward, but an important overall observation about them is that they were to some extent considered by the Council to contain compromises, or even to be out of line with some aspirations and policies, but on balance were judged by the decision-makers to constitute sustainable development on their own merits.
 4. Focusing on the design of the scheme, the adopted plan contains several design objectives. CR10 says that within the Station Area Cluster, development should follow a pattern of the tallest buildings at the heart of the cluster close to the station, and should step down towards the lower buildings at the fringes. It also says that high quality public realm should be created, and adequate separation distances ensured between buildings to avoid overly dense townscape. Paragraph 5.3.39 of the text supporting CR10 says that the Station Cluster will be the most extensive of the three intended clusters and make a significant impact on the townscape around

the station and on the town's skyline. If outline applications are to come forward in that area, the plan says at paragraph 5.3.51, then they should establish principles to demonstrate that excellent urban design and architecture will result.

5. Policies CR10 and CR11 provide a number of specific and more generic guidelines to ensure high quality development in the area. Paragraph 5.4.9 of the plan refers to the 2010 Station Area Development Framework (SADF, sometimes RSAF), which is said still to apply. That document states its purpose as establishing "broad development principles" as a material consideration. In 2022, whilst acknowledging its age and the way it has been to some extent superseded by the local plan, the SSE Inspector found that the SADF remained relevant as a "guiding framework". However, as supplementary planning guidance it should be applied flexibly to the facts of any particular case – both the SSE and Hermes decisions exemplify that approach and the same should be taken here.
6. Against that policy and guidance background, the appeal scheme has evolved over a relatively extended period and has gone through a number of iterations. It is in outline form, with a detailed and inter-locking set of development parameters and design code requirements. These provide the confidence that policy seeks from an outline scheme that the eventual detailed design will indeed be of a very high standard.
7. A brief word in opening about the way this suite of strictures would operate. There is a set of development parameters, updated in October 2021, which contains: Parameter Plans, land uses, maximum and minimum floorspace levels and key development parameters (the Development Parameter Schedule):
 - (1) There will be a maximum floorspace overall of 90, 850 sq m (GEA)
 - (2) A maximum of 1000 residential units, or 80,000 sq m (GEA)
 - (3) A maximum office floorspace of 24,500 sq m (GEA)
 - (4) Maximum floorspace for other uses at ground floor of 7000 sq m (GEA).
8. Furthermore, the Design Code contains mandatory requirements bearing on matters such as compliance with BRE daylight benchmarks which will have a marked effect on the final design.
9. This set of parameters and mandatory code requirements are important to ensure that the Environmental Statement can test the likely significant environmental effects of the appeal scheme. The parameter 'envelope' is supplemented by an Illustrative Scheme, which shows how the parameters could be developed in detail. Although the 'envelope' allows a certain

amount of flexibility in the disposition of built form, there is no realistic possibility of development ‘filling’ the entire envelope, due to the maximum floorspace restrictions – these are very close indeed to the floorspace of the Illustrative Scheme. The Inspector will have borne that in mind when viewing the TVIA verified images containing ‘wireline’ images of the parameter envelope – they are quite properly the subject of assessment by Mr Chard and Dr Miele, for instance, but they are unrealistic to a certain degree also. One needs to have regard to them as well as the Parameters and Design Code, informed by the Illustrative Scheme.

10. Progress towards a Council resolved position on the application was slow and the Appellant exercised its statutory right of appeal against non-determination. The breadth of the putative reasons for refusal which then followed is a little disappointing given the extensive work which had gone into the scheme, and the way it would deliver the key objectives of the Local Plan in this area.
11. However, the Council pursues issues relating to character and appearance (scale/height/massing, tall buildings, townscape and heritage effects a small number of assets, as well as a concern about the North-South link towards the Thames, public realm and landscaping). It also harbours reservations – some still actively being narrowed by the parties – on daylight/sunlight, and sustainability.
12. As to the townscape and design issues, the Appellant is absolutely confident that the appeal scheme will be a high quality mixed use contribution to the Station Cluster. It has a compelling design logic of its own, locating the tallest element (Block D) closest to the station and forming an wayfinding and legibility marker for the area and at ground level for pedestrians and cyclists through the area north of the station. Blocks B and C would be well separated with good ground floor public realm, and create a varied and interesting group with Block D. Block A will address the edge of the regeneration area with higher elements to aid waymarking into this central area off Caversham Road.
13. Seen together with the Hermes Scheme and the Station Hill scheme to the south of the railway, the appeal scheme will achieve the objective sought – an interesting cluster with priority to the considerably higher buildings to the south of the railway, but also with Block D slightly lower and offset from the tallest element in the Hermes scheme, both of which are to the centre of the overall composition. There is a large element of judgement involved in assessing townscape such as this, given that multiple and kinetic views would exist of the buildings in the area, with perspective and parallax also influencing how the townscape would ebb and flow to the viewer. But the fundamental objectives of a tall building cluster focused to the centre closest to the station, would be achieved.

14. Mr Doyle's many and varied criticisms of the scheme place perhaps slightly too much weight on the SADF as a kind of template, something which the actual experience of the Hermes and SSE schemes should warn one against. There is much that is sensible and good about the guidance in the SADF, but there is always room for a degree of difference on these matters and the way the scheme would be orientated, allowing for ample room at ground level and for the public realm (including for traffic movement in one instance), is entirely acceptable; so is the quality of the public realm itself, which would be well laid out and amply sunlit.
15. In terms of heritage, the site lies in a generally rather insensitive location: the points advanced as causing harm by Mr Bridgeland for the Council relate to the clock tower above the public house (listed former station building) and from further to the south some fringe setting points. Dr Miele identifies that the composition of new built form behind the clock tower would not harm its significance; the local plan seeks tall buildings – the tallest closest to the station – in order to mark the significance of the station location, rather than seeking to preserve an unaffected backdrop to the clock tower from the south. The structure is of sufficient historic and architectural interest when seen at relatively close hand within the townscape for the effect of the Council's desired tall building clusters not to cause harm to significance. The same is even more true of limited visual effects on designated assets further afield.
16. As to issues going to design quality within the scheme and between it and neighbours, the Appellant spent much time and effort trying to anticipate what might come forward on the Hermes site to the south; as happens, that scheme is not particularly sensitively designed as far as overall comprehensive development is concerned. However, Mr Crowley has updated his assessment work (as he had to once both SSE and Hermes gained consent/resolution to grant relatively recently) and his work shows that there is no particular detrimental impacts in terms of cumulative or interactive effects as between the schemes. Sun on the ground would be good. Daylight within the scheme would also be good, bearing in mind that in a context such as this – a relatively dense town centre tall building area - there will always be some units which have less daylight than others.
17. The public realm will be of a high quality in terms of size, layout and disposition, and would enable the realisation of the Station North Square, and the route through to the North. Unlike early ideas for an arrow-straight route from the station to the Thames (in the SADF and diagrams in the Local Plan, to some extent), the SSE consent has shown that emphasis should be on legibility and useability instead. The appeal scheme will play a full part in the achievement of those outcomes.

18. As for the technical issues of wind, sustainability and energy, discussions and the exchange of views between experts have been going constantly and in the relevant round table sessions the narrowness of the remaining issues should become clear. There is no in principle deficiency in the scheme with respect to microclimate, sustainability or energy. A draft SCG dealing with the forthcoming Building Regs changes has been prepared.
19. There will be a full set of conditions to consider and a section 106 obligation which will answer the last of the points made by the Council in its report.
20. This is a very substantial scheme which would bring numerous planning benefits, which Mr Newton covers in his evidence. It would bring forward many new homes (some of which could be delivered as Built to Rent, providing more mix and flexibility) in one of the most sustainable locations in the South East outside Central London, as well as office space and other jobs (again, no objection is registered against those by the Council). There should be no dispute over the principle of the development, and in the committee report contains no objection to the principle of high density residential-led mixed use. Although the Council has a five year housing land supply, much needed new homes in a highly sustainable location should be given significant weight. That was the finding of the Inspector in the recent SSE appeal decision.
21. The regeneration of under-used PDL in such a location is something to which the NPPF (in paragraph 120(c)) suggests substantial weight is given; there is an important point about the timing of the development here also – the leases which govern the site’s current commercial uses are due to expire or can be broken in 2025. If that window is missed, then it is likely as Mr Newton says, that they will be re-negotiated, sterilising the potential of the site for a further 5-10 years.
22. As the appeal has been latterly recovered by the Secretary of State, the Inspector will be compiling a report and recommendation after the Inquiry. The Appellant believes that the scheme complies with the development plan and is strongly supported by national policy, and therefore will be respectfully requesting that the recommendation is in favour of the grant of consent.

RUPERT WARREN Q.C.

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