

Vastern Court - 3289748

Council's Response to Outstanding Information, in the Inspector's Note to Parties of 27/7/22, with a Deadline of 29th July 2022

29th July 2022

- ***Parties to consider additional sitting dates (3 days?) - provisional dates***

The Council has liaised with the appellant and the possible dates for provisional additional sitting extra days during October and November 2022 are as follows:

No dates would be possible within October.

The 1st, 2nd and 4th of November, and any days within weeks commencing 14th, 21st and 28th November. However, the Appellant has stated that it is likely that Rupert Warren QC would **not** be available for the 1st, 2nd and 4th of November, and they have, therefore, requested that the 3 days be found within the weeks commencing 14th, 21st and 28th of November 2022.

- ***Council's legal note on the ES further information [with respect to Daylight and Sunlight]***

See attached note to the covering email of 29/7/22

- ***What statutory consultees were consulted on the ES? What were the responses?***

Full responses are available to view on the Council's website via: http://planning.reading.gov.uk/fastweb_PL/detail.asp?AltRef=200328&ApplicationNumber=200328&AddressPrefix=&Postcode=&Submit=Search

The following table includes a summary.

Two consultations were undertaken, one for the original submission (February 2020) and one following receipt of amended information (October 2021).

<i>Statutory Consultee</i>	<i>Response</i>
Environment Agency	<p><u>Original comments received 14 May 2020</u></p> <p>In the absence of an acceptable flood risk assessment (FRA) we object to this application and recommend that planning permission is refused.</p> <p>To overcome our objection, the applicant should submit additional information which addresses the points highlighted above, specifically:</p> <ul style="list-style-type: none">•How will the volumetric compensation be installed and what volume is being compensated.

	<p>•Are there any alternative locations to provide compensation avoiding the egress and access routes?</p> <p><u>Following Technical note from the appellant the EA further responded 16th February 2022</u></p> <p>We have reviewed the Flood Risk Assessment Technical Note prepared by Simpson TWS, reference P19-418 and the submitted flood risk assessment included in the Environmental statement document prepared by Ramboll.</p> <p>The additional information and clarity does address the majority of our fluvial flood risk concerns and demonstrates that a fluvial flood water storage compensation scheme can, in principle, be provided within the site. However, prior to the approval of reserved matters full design details for an appropriate flood water storage scheme, preferably on a level-for level basis, will be required to ensure that the proposed layout of the development will not increase flood risk elsewhere in accordance with national and local planning policy.</p> <p>Also, Reading Borough Council will need to consider the potential implications of some of the proposed flood water storage compensation areas being located in the same location as some of the proposed safe access and egress routes from the site during a time of flood. Please refer to our further advice below regarding safe access and egress.</p>
Network Rail	<p><u>Received 27th April 2020</u></p> <p>No objection in principle, however, before seeking detailed planning consent the applicant should consider the risk of solar glare affecting train drivers' view of signals when they approach the station from both ends. Standard advice is provided to the developer on fencing, drainage, demolition, lighting, site layout (all buildings be situated at least 2 metres from the boundary fence), environmental issues and scaffolding, cranes and plant.</p> <p><u>Received 9th November 2021</u></p> <p>Network Rail has no objection in principle to the above proposal but due to the proposal being next to Network Rail land and our infrastructure and to ensure that no part of the development adversely impacts the safety, operation and integrity of the operational railway we have included asset protection comments which the applicant is strongly recommended to action should the proposal be granted planning permission.</p> <p>Any works on this land will need to be undertaken following engagement with Asset Protection to determine the interface with Network Rail assets, buried or otherwise and</p>

	<p>by entering into a Basis Asset Protection Agreement, if required, with a minimum of 3months notice before works start. Initially the outside party should contact assetprotectionwestern@networkrail.co.uk.</p> <p>Soakaways / attenuation ponds / septic tanks etc, as a means of storm/surface water disposal must not be constructed near/within 5 metres of Network Rail's boundary or at any point which could adversely affect the stability of Network Rail's property/infrastructure. Storm/surface water must not be discharged onto Network Rail's property or into Network Rail's culverts or drains. Network Rail's drainage system(s) are not to be compromised by any work(s). Suitable drainage or other works must be provided and maintained by the Developer to prevent surface water flows or run-off onto Network Rail's property / infrastructure. Ground levels - if altered, to be such that water flows away from the railway. Drainage is not to show up on Buried service checks.</p>
Historic England	<p><u>Received 21st April 2020</u></p> <p>The proposed development is likely only to have impacts on designated heritage (listed buildings, conservation areas) through the development being seen in important views. In this case, there is an important channelled view looking north along Station Road towards the listed Station building. Whilst it was remodelled in the 1860s it retains the form of the Brunel 1840 station and is one of the few between Paddington and Bath that is anything like its Brunel form, and is therefore significant and rightly listed at Grade II. The coming of the railing transformed Reading's fortunes and the linear connection and views along Station Road (and the listed Queen Victoria Street in that direction) reflect the importance of the Station building and the connection with London, Bristol and the Empire beyond.</p> <p>The visibility of Blocks C and D in views looking north along Station Road have not been sufficiently explored and the impact of them on the Station building is not clear. In order to understand the possible impact of the proposals in outline form a rectified view looking north would provide clear information, and we request this further piece of information is provided, in line with paragraph 189 of the NPPF. We would welcome the opportunity to comment further once the additional information has been provided.</p> <p>Historic England has concerns regarding the application on heritage grounds. We consider that the issues and safeguards outlined in our advice need to be addressed in order for the application to meet the requirements of paragraphs 189 of the NPPF.</p>
Natural England	<p><u>Received 8th April 2020</u></p>

	<p>No objection. Based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on statutorily protected nature conservation sites.</p> <p><u>Received 8th November 2021</u></p> <p>The proposed amendments to the original application are unlikely to have significantly different impacts on the natural environment than the original proposal.</p> <p>Should the proposal be amended in a way which significantly affects its impact on the natural environment then, in accordance with Section 4 of the Natural Environment and Rural Communities Act 2006, Natural England should be consulted again.</p>
<p>Sport England (although they advised that non-statutory in this instance)</p>	<p><u>Received 2nd April 2020 (Duplicate response received 26th October 2021)</u></p> <p>The site is not considered to form part of, or constitute a playing field as defined The Town and Country Planning (Development Management Procedure) (England) Order 2015 (Statutory Instrument 2015 No. 595), therefore Sport England has considered this a non-statutory consultation.</p> <p>It is understood that is a Community Infrastructure Levy (CIL) charging authority and as such, the proposed development is required to provide CIL contribution in accordance with the Councils adopted CIL Charging Schedule.</p> <p>It is acknowledged that there is no requirement to identify where those CIL monies will be directed as part of the determination of any application. That said, Sport England would encourage the Council to consider the sporting needs arising from the development as well as the needs identified in its Infrastructure Delivery Plan (or similar) and direct those monies to deliver new and improved facilities for sport.</p> <p>The absence of an objection to this application, in the context of the Town and Country Planning Act, cannot be taken as formal support or consent from Sport England or any National Governing Body of Sport to any related funding application, or as may be required by virtue of any pre-existing funding agreement.</p>
<p>Lead Local Flood Authority</p>	<p><u>Received 17th December 2021</u></p> <p>No objection.</p>

	<p>The drainage strategy is deemed acceptable in principle subject conditions securing sustainable drainage (to be approved) and sustainable drainage (as specified).</p>
Thames Water	<p><u>Received 30th November 2021</u></p> <p>The application indicates that surface water will not be discharged to the public network and as such Thames Water has no objection. Should the applicant subsequently seek a connection to discharge surface water into the public network in the future then we would consider this to be a material change to the proposal, which would require an amendment to the application at which point we would need to review our position.</p> <p>With the information provided, Thames Water has been unable to determine the foul waste water infrastructure needs of this application; a condition is required.</p> <p>Thames Water recognises this catchment is subject to high infiltration flows during certain groundwater conditions. The scale of the proposed development doesn't materially affect the sewer network and as such we have no objection, however care needs to be taken when designing new networks to ensure they don't surcharge and cause flooding.</p> <p>Following initial investigations, Thames Water has identified an inability of the existing water network infrastructure to accommodate the needs of this development proposal; a condition is required.</p> <p>There are water mains crossing or close to your development. Thames Water do NOT permit the building over or construction within 3m of water mains.</p> <p>The proposed development is located within 15m of our underground water assets; an informative required.</p>

- ***Where there any other responses on the ES?***

Only those consultees who made direct reference to the Environmental Statement (including reference to specific technical appendices etc within it) have been included in the table below. However, it is assumed that other consultees would have reviewed the ES and its technical appendices in order to prepare their comments on the scheme overall, albeit they did not directly mention it in their comments.

Comments from the neighbours were more general in their terminology, but did raise the issues of daylight and sunlight impacts, the height of new buildings and impacts overall on the proposed 80 Caversham Road scheme.

<p>RBC Ecology</p>	<p><u>Received 6th April 2020</u></p> <p>No Ecological Impact Assessment report has been provided as an appendix to the ES.</p> <p><u>Received 4th February 2022</u></p> <p>The Ecological Impact Assessment (Ramboll UK Limited, Feb 2020) has now been submitted. This has been carried out to the appropriate standard and concludes that the site is of negligible ecological value due to its lack of natural habitats.</p> <p>As per the recommendations given in the documents and in line with national and local policy above, a condition should be set to ensure that full ecological enhancements are provided within the new development.</p> <p>It is considered that overall, biodiversity enhancements could potentially be achieved with conditions requiring submission and approval of details relating to biodiversity enhancements, boundary treatments, lighting and a Construction Environmental Management Plan, appropriately worded for a phased development, at the reserved matters stage.</p> <p>However, there is a fundamental concern that, based on the submitted parameters, and in light of the trees and landscaping concerns, there would be inadequate space for meaningful landscaping and in turn ecological enhancement features, and therefore, it is considered that Policy EN12 would not be fully met with the outline scheme as presented.</p>
<p>Berkshire Archaeology</p>	<p><u>Received 14th April 2020</u></p> <p>In accordance with Paragraph 189 of the NPPF, the applicant has submitted with their application an 'Historic Environment Assessment' (Technical Appendix 2.5). IN summary the assessment concludes that the 1.8ha site has limited archaeological potential, primarily to contain post-medieval reclamation works and remains of the former GWR railway works, the latter of which may be of particular interest. The assessment also concludes that the site has a low potential for prehistoric remains. Limited geotechnical data indicates thick deposits of 'made ground' above alluvium and gravel. The assessment recommends an archaeological watching brief during development, following the monitoring of geotechnical works.</p>

	<p>In Berkshire Archaeology's view the conclusions of the assessment are reasonable but perhaps do not fully acknowledge the archaeological and palaeo-environmental potential of the alluvial deposits, given the site's location within the archaeologically-rich Middle Thames Valley. However, it is acknowledged that the site has had a significant recent development history, although I agree that the potential interest in any remains of the former GWR works should not be under-estimated.</p> <p>I agree that no further assessment through field survey is required at this stage and that a programme of archaeological work can be secured by an appropriately worded condition should the proposal be permitted.</p> <p><u>Received 25th October 2021</u></p> <p>No further comments.</p>
<p>RBC Heritage Consultant <i>(Council's external Conservation Officer at the time)</i></p>	<p><u>Received 24th June 2020</u></p> <p>The verified view provided in the supporting Volume 1 of the Environmental Statement Main Report (Appendix 1.6) shows that the proposed building would be located directly behind the clock tower of the Grade II Listed Building when viewed in the main approach to the station by foot-passengers along Station Road. The impact would be visually harmful and disrupt the aesthetic value of the principal elevation of the Listed Station, in what is the main public view of the station afforded to passengers using it. As detailed in the Built Heritage assessment of the Environmental Statement the:</p> <p><i>“...height and massing of the proposed development would have an adverse effect on the setting of both the Grade II listed Main Building of Reading General Station and the Grade II listed Great Western Building, due to their proximity....The resulting effect on this heritage asset would be adverse and significant. All other heritage assets would not experience significant adverse effects.” (Environmental Statement).</i></p> <p>The ES also outlines the cumulative effects of the proposed development and surrounding cumulative schemes on the Built Heritage. This would have significant adverse effects on the setting of a number of surrounding heritage assets including the Reading General Station; the Great Western House; and 13 and 15 Station Road, which are all Grade II listed buildings. The Townscape and Visual Assessment of the ES also states:</p> <p>“25. View north from Station Square <i>The temporary demolition and construction stage of the proposed development would be seen in the backdrop against the skyline above the Main Building of Reading General Station (Grade II Listed) in addition to the demolition and construction activities for Network Rail</i></p>

	<p><i>Thames Valley site office/Former Royal Mail site, should they coincide. The demolition and construction stage of the proposed development would extend the amount of view demolition and construction activities are visible in behind the historic station building where it would cause a Medium magnitude of impact. This would result in a Moderate Adverse cumulative effect.</i></p> <p><i>The proposed development would be seen in addition to the reasonably foreseeable scheme of Network Rail Thames Valley site office/Former Royal Mail site, where it would occupy the same section of views but would extend the amount of view that tall buildings are visible against the skyline and reduce the prominence of the Main Building of Reading Station (Grade II Listed) causing a Medium magnitude of impact. However, the proposed development in addition to the Network Rail Thames Valley site office/Former Royal Mail site would introduce built form with variety in massing and heights. This would result in a Moderate Adverse cumulative effect as it would alter the composition of the station building in close range view”.</i></p> <p>The proposed development is not considered to achieve the statutory requirement to preserve the settings of the Listed Buildings and would harm the setting of the Conservation Area, contrary to the statutory requirements of Sections 66(1) and Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, the requirements of Reading Local Plan heritage policies and guidance in the NPPF and PPG as well as the guidance in the Reading Station Area Framework (RBC, 2010) and Reading Tall Buildings Strategy (RBC, 2008).</p>
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- ***when were illustrative scheme elevations produced for 80 Caversham Rd compared to timeline of ES?***

182252/OUT application for 80 Caversham Rd was valid from 03/04/2019, meaning that all floor plans and elevations (showing window positions and heights of buildings etc), and the day/sunlight assessment submitted with the application, were available to view/download from the Council’s website around that time.

Notification letters were sent to nearby occupiers on 09/04/2019. A series of site notices were erected on 10/04/2019. A press notice was published on 18/04/2019.

This illustrative information was, therefore, available some time before this current appeal scheme was submitted (February 2020).

It should be noted that the appellant objected to the 80 Caversham Road scheme partly based on the daylight/sunlight impacts. Extracts from the committee report are:

*“4.31.5 An initial objection sent on behalf of **Aviva Investors**, owner of Reading Station Shopping Park / VCRP (to the north of the application site), was received on 16/05/19, summarised as follows: Daylight and sunlight assessment does not establish what VSC (vertical sky component) levels are being achieved; disputes regarding the ADF (average daylight factor) façade analysis methodology;*

*4.31.6 A further objection response was received on behalf of **Aviva Investors** on 20/02/2020, summarised as follows:*

- Aviva have significant concerns regarding the overshadowing impact of the proposals on the Aviva site.*
- More specifically, Aviva’s modelling shows the proposed tower would significantly reduce sunlight within the Aviva site (Plot C), such that residential use could not be delivered in this location. Suggested that the proposed tower would need to be substantially reduced to achieve sunlight penetration into the Aviva site. The applicant should consider alternative options for locating height within their scheme, which would better align with the aspirations set out in the RSAF. Without changes Aviva will have no option but to continue to object to this fundamental point.*

4.31.13 Re-consultation in July 2020: After the submission of revised/additional information and proposals by the applicant, a period of public re-consultation commenced in July 2020. Re-notification letters were sent on 09/07/2020 to nearby occupiers and those who had commented as part of the original consultation. A series of site notices were erected on 24/07/2020. A press notice was published on 16/07/2020.

*4.31.15 **Aviva Life & Pensions UK Limited**, owners of Vastern Court Retail Park (to the north of the application site and on separate correspondence referenced as Reading Station Retail Park), made two separate objections (submitted on their behalf by separate consultants) on 21/07/2020 and 13/09/2021, with the first response summarised as follows:*

.....- While some amendments have been made, these do not address the daylight and sunlight issues previously raised.

- Aviva ask that the Hermes application and the Aviva application are considered together to ensure that neither will prevent the other coming forward as envisaged by the policies and guidance. Aviva seek a daylight/sunlight meeting between the parties and Council, the Council to provide Aviva with any third party studies undertaken and not grant permission for the application where that will have a negative effect on the ability to deliver a policy compliant scheme on the Aviva site.”*

Other

- **Response to revised ID33 from Council**

See attached response to the covering email of 29/7/22.

- ***Inquiry documents list to be updated***

The following documents have been added to the Inquiry Documents library (for those in red only the titles have been amended with the words “superseded by...” added)

Please note: The updated Parameter Plan - Site Access & Egress - 17043 PP-101 Rev P2, received 27th July 2022, will be added to the webpage w/c 1/8/22 and a further updated version of the overall ID list will also be sent to the Inspector (and appellant) and saved to the Inquiry web page at that time.

ID2	Relationship Between Illustrative Scheme and Floorspace Parameters, rec 25-4-22 - superseded by ID2 Revision A
ID2 Revision A	Relationship Between Illustrative Scheme and Floorspace Parameters, dated 13th July 2022, received 14-7-22
ID33	Additional Material - Vastern Road Section received 6th May 2022 - superseded by ID33 Revision A
ID33 Revision A	Additional Material - Vastern Road Sections dated 11th July 2022, received 13-7-22
ID56	CHP Surveyors Ltd Letter Dated 30-5-22
ID57	Email From the Appellant - Legal Note Regarding the EIA Regulations and Daylight Sunlight Information - 30-5-22
ID58	Agreed Draft Conditions Vastern Court 06-05-22 Inspector's comments RBC comments 13-7-22
ID59	Inspector's Note re Disputed Conditions with RBC Comments 13-07-22
ID60	Design Code - ID25 - List of Discrepancies with Parameter Plans and Other Matters Not Agreed - RBC 13-7-22
ID61	Amended Development Parameters Schedule July 2022, received 14-7-22
ID62	Design Code by Collado Collins Architects 14th July 2022