



Department for Levelling Up,  
Housing & Communities

Mr Martin Evans  
Martin.evans@cms-cmno.com

Our ref: APP/E0345/W/21/3289748  
Your ref: 200328

*Sent by email only*

21 March 2024

Dear Sir

**TOWN AND COUNTRY PLANNING ACT 1990 – SECTION 78  
APPEAL MADE BY AVIVA LIFE & PENSIONS UK LTD  
VASTERN COURT, CAVERSHAM ROAD, READING, RG18AL  
APPLICATION REF: 200328**

*This decision was made by the Minister of State for Housing, Planning and Building Safety on behalf of the Secretary of State*

1. I am directed by the Secretary of State to say that consideration has been given to the report of Susan Heywood BSc(Hons) MCD MRTPI, who held a public local inquiry on various dates between 26 April and 16 November 2022 into your client's appeal against the failure of Reading Borough Council to determine your client's 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, in accordance with application Ref. 200328, dated 21 February 2020.
2. On 8 March 2022, this appeal was recovered for the Secretary of State's determination, in pursuance of section 79 of, and paragraph 3 of Schedule 6 to, the Town and Country Planning Act (TCPA) 1990.

**Inspector's recommendation and summary of the decision**

3. The Inspector recommended that the appeal should be dismissed, and planning permission refused.

Department for Levelling Up, Housing & Communities  
Lewis Thomas, Decision Officer  
Planning Casework Unit  
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London SW1P 4DF

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4. For the reasons given below, the Secretary of State notes the Inspector's conclusions, but disagrees with her recommendation. He has decided to allow the appeal and grant planning permission. The Inspector's Report (IR) is attached. All references to paragraph numbers, unless otherwise stated, are to that report.

### **Environmental Assessment**

5. In reaching this position, the Secretary of State has taken into account the Environmental Statement which was submitted under the Town and Country Planning (Environmental Impact Assessment) Regulations 2017. Having taken account of the Inspector's comments at IR13-14, the Secretary of State is satisfied that the composite Environmental Statement and other additional information provided complies with the above Regulations and that sufficient information has been provided for him to assess the environmental impact of the proposal.

### **Procedural matters**

6. The Secretary of State notes that, prior to the submission of the appeal, the original application was amended as described by the Inspector in IR2. As noted at IR3 the description of development set out in paragraph 1 of this letter is agreed between the parties and reflects the amended scheme.
7. The Secretary of State notes that, as explained at IR3, the Development Parameters Schedule was further amended during the appeal process. For the reasons given in IR4 he agrees with the Inspector that no prejudice would arise from consideration of the latest amendments.
8. As the inquiry proceeded on this basis, and the amendments were therefore included in the Inspector's considerations, the Secretary of State does not consider that the amendment of the proposals raises any matters that would require him to refer back to the parties for further representations prior to reaching his decision on this appeal, and he is satisfied that no interests have thereby been prejudiced in this regard.
9. The Secretary of State notes the matters set out by the Inspector at IR 8 and IR10-12.

### **Matters arising since the close of the inquiry**

10. A revised version of the National Planning Policy Framework (the Framework) was published on 20 December 2023. The Secretary of State referred back to parties on 17 January 2024. Representations including comments on housing land supply and design were received from the appellant and Reading Borough Council and these are listed in Annex A to this decision letter. The Secretary of State is satisfied the issues raised do not change the consideration of this appeal. Copies of the letters listed in Annex A may be obtained on request to the email address at the foot of the first page of this letter. The IR contains paragraph references to the previous version of the Framework; this decision letter refers to both the old and the new paragraph numbers, where these are different.
11. Provisions relating to mandatory Biodiversity Net Gain (BNG) have been commenced for planning permissions granted in respect to an application made on or after 12 February 2024. Permission granted for applications made before this date are not subject to mandatory BNG.

## **Policy and statutory considerations**

12. In reaching his decision, the Secretary of State has had regard to section 38(6) of the Planning and Compulsory Purchase Act (PCPA) 2004 which requires that proposals be determined in accordance with the development plan unless material considerations indicate otherwise.
13. In this case the development plan consists of the Reading Borough Local Plan (RBLP) 2013-2036 adopted November 2019. The Secretary of State considers that relevant development plan policies include those set out at IR30 to IR57.
14. Other material considerations which the Secretary of State has taken into account include the Framework and associated planning guidance (the Guidance) including the Reading Station Area Framework (RSAF) adopted in 2010, as well as the documents listed in IR67-69.
15. In accordance with section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the LBCA Act), the Secretary of State has paid special regard to the desirability of preserving those listed buildings potentially affected by the proposals, or their settings or any features of special architectural or historic interest which they may possess.

### *Local Plan Update*

16. Reading Borough Council undertook a review in March 2023 of the RBLP. This concluded that a Local Plan Partial Update was required and a consultation on scope and content was undertaken from November 2023 until January 2024. Paragraph 48 of the Framework states that decision makers may give weight to relevant policies in emerging plans according to: (1) the stage of preparation of the emerging plan; (2) the extent to which there are unresolved objections to relevant policies in the emerging plan; and (3) the degree of consistency of relevant policies to the policies in the Framework. As the Local Plan update is at an early stage the Secretary of State affords it no weight in the determination of this appeal.

## **Main issues**

### Development Parameters vs Illustrative Scheme

17. For the reasons set out in IR362-375 the Secretary of State agrees that the Illustrative Scheme (IS) offers an example of the type of development that could come forward, but it is also possible that a scheme which fills more of the maximum parameters on some of the plots could come forward at reserved matters stage. The Secretary of State therefore agrees with the Inspector's approach at IR375 of assessing the scheme on the basis of both the maximum parameters and the IS.

### Design/Character Appearance

18. The Secretary of State has carefully considered the Inspector's analysis on a range of design issues at IR376-469, and has noted her conclusions as set out in IR 470-477. He notes that the Station Area is identified as an area of potential for tall buildings and RBLP policy CR10 of the RBLP identifies the area as a major mixed-used destination where there will be "a new cluster of tall buildings with the station at its heart". He concludes

that there is in principle support for the appeal scheme in those terms, in line with RBLP policies CR1 and CR11.

#### Cluster / Dome

19. He notes the Inspector's conclusions that the development, both in the Development Parameters scheme and the IS, would fail to comply with the principles set out in the RBLP and the RSAF of a cluster of tall buildings with the station at its heart and stepping down in height from the centre towards the lower heights of the surrounding areas, and that it would also fail to provide an appropriate transition between tall buildings on the appeal site and low-rise residential areas to the west, and to the transition to the North for plots A, C and D. He further notes her overall conclusion that on balance, the design of the development would have a significant harmful impact on the character and appearance of the surrounding area having regard to building heights, landscaping, loss of TPO trees and the public realm.
20. However, in respect of these matters, the Secretary of State prefers the evidence of the appellant. He notes that the adopted policies in the RBLP do not stipulate how high the buildings on the appeal site should be, and agrees that the RSAF is to be treated as setting out broad development principles. As a Supplementary Planning Document the RSAF is a material consideration in the determination of this appeal. The Secretary of State considers that the new area is to be characterised by tall buildings and there is no dispute that the site falls within a 'tall building area'. While the general pattern is to be tall buildings at the centre of the cluster and the lowest at the fringes, he agrees with the appellant that this does not preclude tall buildings towards the edges of the allocated site. He notes that the heights of plots B, C and D were not objected to by the Council. He further agrees with the appellant at IR126 that Plot D would be subordinate to Station Hill, and that Plots C to A would be spaced out, legible within the cluster and would step down towards the edges. He agrees that the cluster has a coherent shape with the larger elements towards the centre and closest to the railway line and station. He therefore disagrees with the Inspector at IR380, and he concludes that the effect of the development, either as proposed in the IS or the Development Parameters, would not have the effect of diminishing the townscape benefits of the tall buildings cluster or 'dome' as a well-defined part of central Reading, nor would it lead to the sprawl of the area of tall buildings towards the edges of the Station Area and result in a 'cliff-edge' at the fringes of the development.
21. In respect of the shorter-distance views, specifically AVR4, the Secretary of State again agrees with the appellant's evidence. He considers that, as set out in the TVIA, development would combine with other schemes to improve views towards the centre through locally distinctive built form with variety in massing and heights as well as improvements to legibility of the public realm. He disagrees with the Inspector's conclusion that effects have been underestimated in the TVIA.

#### Views from / stepping down to the west

22. The Secretary of State has carefully considered the Inspector's analysis in IR390-403. He again prefers the evidence of the appellants with regard to the issue of stepping down to the west. In particular he has considered that the development would be seen in the context of the scheme on the Hermes site. While he recognises that the development on the southern part of plot A would be significantly taller than the Hermes development on Caversham Road, he disagrees with the Inspector's conclusion in respect of AVR7 that the TVIA underestimates the visual impact which would result from the significant

contrast in heights between the tall building on plot A in relatively close proximity to the two-storey residential development on Northfield Road. He agrees with the analysis set out in the TVIA that the variety in massing and heights and cumulative impact with other approved schemes would lead to a small magnitude of impact i.e. an unobtrusive change in the view, and a negligible beneficial significance of effect i.e. a barely perceptible improvement.

23. For the reasons given above, the Secretary of State therefore disagrees with the Inspector's conclusion at IR403 that the proposal would fail to comply with Policy CR10(v) of the RBLP and the RSAF. He considers that the appeal scheme is compliant with that policy and guidance. He considers that the appeal proposal would not harm the appearance of the surrounding area, and that both the IS and Development Parameter schemes would comply with the requirement in CR10(ii) (referring to site CR10a) and CR11(vi) of the RBLP to step down development towards low rise residential development at the fringes.

Stepping down to the north

24. In respect of stepping down to the north, for the reasons given in IR404-407, the Secretary of State agrees with the Inspector that Plot A development would result in an excessively sharp contrast in built form despite the large width of Vastern Road, and that the building in this location would appear overly dominant in the street scene and would appear oppressive when seen from the properties facing the site. For the reasons given in IR408-411, the Secretary of State agrees with the Inspector that the development heights on plots B and C (as it immediately abuts Vastern Road), in both the IS and Development Parameters scheme, would be appropriate in the context of their surroundings.
25. The Secretary of State has considered the Inspector's analysis set out at IR412-419. He considers for the reasons set out in those paragraphs that development on Plot D and to the south of plots C and D in the IS would create an acceptable transition towards development to the north. In terms of the impact of those areas under the Development Parameters scheme, he notes that the RSAF specifies a minimum height for Plot D but no maximum. He has considered the evidence put forward on behalf of the appellant on design matters, and he prefers this evidence to that of the Inspector. He agrees that the appeal proposal builds upon the RBLP and RSAF in that development heights create a gradient reaching a maximum close to the station. He has taken into account that the height of Block D was reduced from c128m AOD to 112.9m AOD in response to consultation feedback. Plot D is described as a Local landmark and would remain subordinate to Plot S2 of the Station Hill redevelopment as identified in the RSAF (consented at c128m AOD), designated a District Landmark. Taking all of the above into account, he does not agree with the Inspector's conclusions at IR415, that the proposals in the Development Parameters scheme would appear out of context and significantly harmful to the character and appearance of the surroundings.
26. Taking all of the above into account, the Secretary of State disagrees with the Inspector at IR417. He finds that that Plot A, while otherwise acceptable, would result in an excessively sharp contrast in built form despite the large width of Vastern Road in terms of stepping down to the north. However, he concludes for the reasons set out above that in terms of plots B, C and D, he does not consider that the development would fail to

comply with RBLP policies CR10(a), CR11(vi) and the guidance in the RSAF in terms of stepping down to the north.

#### Landscaping

27. The Secretary of State has given regard to the points raised by the Inspector at IR420-435. He agrees with the Inspector for the reasons set out in those paragraphs that the proposal (in either the IS or Development Parameters scheme) would conflict with policy EN12(a) in failing to maximise opportunities to enhance the green network, and with policy EN14 in making appropriate provision for tree planting on the Vastern Road frontage. In assigning weight to this failure, he has taken into account the vision in the RSAF to reduce the dominance of traffic along Vastern Road and to transform it to a tree-lined avenue. He has also borne in mind the substantial planting elsewhere within the site: on the secondary streets between the plots; within podium gardens; within the plaza or 'pocket square' adjacent to plot A; and along the east-west link road. While these features would not compensate for the lack of appropriate planting within the site boundary on the important Vastern Road frontage, the substantial other planting taken in conjunction with the vision set out in the RSAF, leads the Secretary of State to attribute moderate weight to this issue.

#### Existing TPO Trees

28. For the reasons set out at IR436 to IR446, the Secretary of State agrees with the Inspector that the development would be contrary to policy EN14. The Secretary of State considers that the loss of TPO trees would harm the character and appearance of the surrounding area. He has taken account of the possibility of retaining a Norway Maple tree referred to as T9 and agrees with the Inspector at IR 441 that there would be a benefit to the character and appearance of the area in retaining T9. Overall, he attributes moderate weight to the harm arising from this matter.

#### Public Realm and Open Space

29. The Secretary of State notes that IR448 sets out that the Council is satisfied that, subject to the S.106, the overall quantum and type of open space would be appropriate. He agrees with the Inspector at IR 448 that there would be no conflict with policy EN9.

30. The Inspectors concerns at IR450-459 regarding station square north and Vastern Road are noted, but the Secretary of State considers that the IS and Development Parameters Scheme illustrate what could be delivered, but the design quality will be governed by future reserved matters applications. At IR687 the Inspector suggests conditions relating to the Parameter Plans, Schedule and Design Code. The Secretary of State agrees with the suggested conditions and concludes they would secure high quality design that will be delivered through reserved matters applications.

31. For the reasons set out in IR 460-465, the Secretary of State agrees that a comprehensive design with adjoining sites is required for the east-west link road in the interests of good urban design and to meet the requirements of RBLP policy CR11(viii).

#### Conclusion on design issues

32. Taking into account the above, the Secretary of State concludes that there is in principle support for the appeal scheme providing a cluster of tall buildings as part of a mixed-use

destination close to the station, in line with RBLP policies CR1 and CR11. For the reasons set out above, the Secretary of State concludes that the effect of the development would not have the effect of diminishing the townscape benefits of the tall buildings cluster and the proposal would comply with RBLP Policy CR10(v) and the RSAF. Furthermore, he notes the proposed development on plot A would provide a sharp contrast to existing low rise development, but he considers that taking the scheme as a whole, this would not result in unacceptable development, and the appeal scheme would not harm the appearance of the surrounding area overall, and would comply with RBLP policies CR10(a), CR11(vi) and the guidance in the RSAF in terms of stepping down towards the fringes. Overall, the Secretary of State concludes that that design issues carry neutral weight.

33. As noted in paragraphs 27-28 above, the Secretary of State attributes moderate weight to the landscaping harms identified. In line with paragraph 30 and 31 above, the Secretary of State concludes that subject to the appropriate conditions and obligations identified, high quality design can be secured through subsequent reserved matters applications.

#### Heritage Assets and Townscape View from south

34. For the reasons given in IR478-543, the Secretary of State agrees with the Inspector that there will be less than substantial harm to the Grade II Listed Station Building (moderate degree of less than substantial harm), the Grade II\* Town Council Chamber (minor degree of less than substantial harm), and the Market Place and London Street Conservation Area (minor degree of less than substantial harm). In accordance with Framework paragraph 208 (formerly 202), he attaches great weight to this harm.

#### North-South Link

35. For the reasons given in IR544-561, the Secretary of State agrees with the Inspector that the north-south route proposed would provide an active, attractive landscaped route, which would assist in providing permeability and ease of movement through the area to the north of the station and the route would be legible. He agrees with the Inspector at IR565 that it would achieve a long-standing aim of the regeneration of the area north of the station and would be a significant benefit of the proposals. He considers it carries significant weight in favour of the scheme. In addition to this, the reuse of the site which is currently marked as Brownfield land weighs in significant favour of enhancing the existing public realm.

#### Daylight and Sunlight

36. The Secretary of State has carefully considered the Inspector's conclusions at IR625-635, and the reasons given at IR711 concerning the harm caused to living conditions of existing and future occupiers. The Secretary of State considers that the amendments to the design code set out at IR631 provide an adequate baseline standard in the urban context and subject to the suggested conditions relating to the Parameter Plans, Schedule and Design Code at IR687, the Secretary of State considers that appropriate daylight and sunlight levels would be secured through subsequent reserved matters applications. As such, the Secretary of State affords moderate weight to the harm identified.

#### Climate Change/Sustainability

37. For the reasons given at IR 636-670, the Secretary of State agrees with the Inspector that the sustainability measures incorporated into the design of the residential development would not be sufficient to meet the requirements of local and national policy for mitigating and adapting to climate change. However, like the Inspector, as the development takes account of some aspects of sustainability, he gives the matter moderate weight against the proposals in the overall balance.

#### Other Matters

38. The Secretary of State agrees with the Inspector's conclusions at IR702 that the construction of around 600 and potentially up to 1,000 new homes on a highly accessible site attracts significant weight in favour of the scheme. The Secretary of state also agrees at IR702 that the reuse of a brownfield site attracts substantial weight in favour of the proposal.

39. For the reasons set out at IR703 the Secretary of State agrees the development would generate significant economic benefits and he affords this significant weight.

40. The Secretary of State agrees with the Inspector's conclusions at IR671-672 that the opportunity for redevelopment provided by the break in existing commercial leases carries minimal weight. He further agrees with the conclusions at IR673-674 that the loss of retail in accordance with the site allocation, the availability of public transport being optimised and impacts from commercial units are neutral in the planning balance. For the reasons stated at IR704 the Secretary of State agrees the Community Infrastructure Levy (CIL) contributions and New Homes Bonus attract a small amount of weight, but prefers the term minimal weight.

#### Planning obligations

41. The Secretary of State has had regard to the Inspector's analysis at IR675-683, the planning obligation dated 30 November 2022, paragraph 57 of the Framework, the Guidance and the CIL Regulations 2010, as amended. For the reasons given at IR684, he agrees with the Inspector's conclusion that the obligation complies with Regulation 122 of the CIL Regulations 2010 and the tests at paragraph 57 of the Framework.

#### Planning Conditions

42. The Secretary of State had regard to the Inspector's analysis at IR685-699, the recommended conditions set out at the end of the IR and the reasons for them, and to national policy in paragraph 56 of the Framework and the relevant Guidance. He is satisfied that the conditions recommended by the Inspector and set out at Annex B comply with the policy test set out at paragraph 56 of the Framework and should form part of his decision.

#### Planning balance and overall conclusion

43. For the reasons given above, the Secretary of State considers that the appeal scheme is in accordance with Policies CR1 and CR11, CR10(a), CR10(v), CR11(vi), EN14, EN12(a), CR2(b), CR3, CC7, H2, H10, CC8, CR10, CR11(vi), CC2, CC3 and CR10(v) of the development plan, and that although the development does not comply with every policy it is compliant with the development plan as a whole. He has gone on to consider whether there are material considerations which indicate that the proposal should be determined other than in line with the development plan.



44. Weighing in favour of the proposal is the benefit of reusing brownfield land which carries substantial weight; the provision of housing, the economic benefits and the provision of the north/south link which each attract significant weight; the removal of the car-dominated existing development which carries moderate weight; and the lease break clauses, CIL, New Homes Bonus each carry minimal weight.
45. Weighing against the proposal is the impact of the new development on daylight/sunlight for current and future residents, which carries moderate weight, landscaping and sustainability/climate change issues which each carry moderate weight, and 'less than substantial' harm to designated heritage assets which carries great weight.
46. In line with the heritage balance set out at paragraph 208 of the Framework (formerly 202), the Secretary of State has considered whether the identified 'less than substantial' harm to the significance of the designated heritage assets is outweighed by the public benefits of the proposal. Taking into the account the public benefits of the proposal as identified in this decision letter, overall, the Secretary of State disagrees with the Inspector at IR710 that the benefits of the appeal scheme are not collectively sufficient to outbalance the identified 'less than substantial' harm to the significance of the Grade II Listed Station Building, the Grade II\* Town Council Chamber, and the Market Place and London Street Conservation Area. He considers that the balancing exercise under paragraph 208 of the Framework is therefore favourable to the proposal.
47. The Secretary of State therefore concludes that planning permission should be granted.

### **Formal decision**

48. Accordingly, for the reasons given above, the Secretary of State disagrees with the Inspector's recommendation. He hereby allows your client's appeal and grants planning permission subject to the conditions set out in Annex B of this decision letter 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, in accordance with application Ref. 200328, dated 21 February 2020.

### **Right to challenge the decision**

49. A separate note is attached setting out the circumstances in which the validity of the Secretary of State's decision may be challenged. This must be done by making an application to the High Court within 6 weeks from the day after the date of this letter for leave to bring a statutory review under section 288 of the TCPA 1990.
50. A copy of this letter has been sent to Reading Borough Council and notification has been sent to others who asked to be informed of the decision.

Yours faithfully

*L. Thomas*

Decision officer

*This decision was made by the Minister of State for Housing, Planning and Building Safety on behalf of the Secretary of State, and signed on his behalf*

Richborough

## ANNEX A SCHEDULE OF REPRESENTATIONS

Representations received in response to the Secretary of State's letter of 17 January 2024

<b>Party</b>	<b>Date</b>
CMS on behalf of the Appellant	31 January 2024
Reading Borough Council	31 January 2024
CMS on behalf of the Appellant	12 February 2024
Reading Borough Council	12 February 2024

Richborough

## **ANNEX B SCHEDULE OF CONDITIONS**

### ***Time Limits***

1. Application for approval of the first Reserved Matters shall be made to the Local Planning Authority no later than three years from the date of this outline permission and all reserved matters applications shall be made to the Local Planning Authority no later than five years from the date of this outline permission.
2. The first phase of the development hereby permitted shall be commenced no later than either:
  - a) the expiration of three years from the date of this permission; or
  - b) the expiration of two years from the date of approval of the last Reserved Matters to be approved under the terms of this permission, whichever is the later.

### **Reserved Matters Details**

3. No development of any phase as shown on the Phasing plans under Condition 9 shall commence on site including demolition and preparatory works until details of the following matters (in respect of which approval is expressly reserved) for that phase have been submitted to, and approved in writing by, the Local Planning Authority:
  - a) The scale of the development;
  - b) The layout of the development;
  - c) The external appearance of the development;
  - d) The landscaping of the site; and
  - e) The means of access to the site.

The details of the means of access to the site submitted to the Local Planning Authority for approval may include separate details for all, or any one of, or any combination of:

- (a) access solely to the site without the delivery of a shared access road providing for access to development to the south of the site (consistent with Parameter Plan 17043 PP-101 P2); and /or
- (b) access to the site from a shared access road provided as part of development to the south of the site (consistent with Parameter Plan 17043 PP-115 P1); and/or
- (c) a shared access road within the site which provides for access both to the development hereby permitted and to development to the south of the site (consistent with Parameter Plan 17043 PP-116 P1).

The development shall thereafter be carried out fully in accordance with the approved reserved matter details.

### ***Approved Parameter Plans***

4. The development hereby approved shall be implemented in accordance with the following Parameter Plans (received 8<sup>th</sup> October 2021 unless otherwise stated):
  - Development Footprint Drawing Ref: PP-100\_P1
  - Site Access & Egress Drawing Ref: PP-101\_P2, received 27<sup>th</sup> July 2022
  - Building Plots Drawing Ref: PP-102\_P2
  - Plot Heights Drawing Ref: PP-103\_P3, received 18<sup>th</sup> March 2022
  - Basement Footprint Drawing Ref: PP-104\_P2

### **Parameter Plans, Schedule and Design Code**

5. Details of Reserved Matters shall accord with the approved Parameter Plans, and the Amended Development Parameter Schedule (July 2022, received 14<sup>th</sup> July 2022) and the mandatory requirements set out in the Design Code (15<sup>th</sup> November 2022). Each Reserved Matters application for each phase shall be accompanied by a completed Design Code Mandatory Checklist for that phase to demonstrate how the development of the relevant phase complies with the mandatory requirements set out in the Design Code (15<sup>th</sup> November 2022).

### **Use Classes and Floor Space**

6. The maximum gross external floorspace (excluding plant) of each use across the whole development shall not exceed the following:
  - Residential (Use Class C3) – 79,257 sq m
  - Office (Use Class B1a) – 24,495 sq m
  - Retail (Use Classes A1, A2, A3, A4 & A5), Community Facilities (Use Class D1) and Leisure (Use Class D2) – 7,000 sq m

The total overall development shall not provide more than 87,002 sq m gross external areas (excluding plant).

7. The minimum office floorspace across the whole scheme shall be no less than 4,350 sq m GEA (5% of the total GEA).

### **Phasing Strategy**

8. Prior to commencement of the development, but no later than the submission of the first Reserved Matters application, a Phasing Strategy setting out the sequence in which the following phases of the development are to be commenced and/or confirming if one or more of them are to be commenced simultaneously shall be submitted to and approved by the Local Planning Authority:
  - Phase 0 Drawing Ref: PP-110\_P1
  - Phase 1 Drawing Ref: PP-111\_P1
  - Phase 2 Drawing Ref: PP-112\_P1
  - Phase 3 Drawing Ref: PP-113\_P1
  - Phase 4 Drawing Ref: PP-114\_P1

provided that such Phasing Strategy shall identify Phase 0 as being the first phase to commence unless otherwise agreed in writing with the Local Planning Authority.

The Phasing Strategy will define:

- i) Target timescales relating to the commencement of a phase, length of construction and completion of the phase;
- ii) Details of the co-ordination of access and junction infrastructure into and through the application site and connections or potential connections to the adjoining development site;
- iii) Footpath and cycle links within the site and connecting to the external movement network;
- iv) Co-ordinated means of treatment of hard surfaces areas between the site and adjacent public realm/hard landscaping areas;

v) Public realm.

The phasing of the development shall be carried out in accordance with the approved Phasing Strategy.

### **Detailed Design Code**

9. Prior to the approval of Reserved Matters applications for any phase of the development pursuant to Condition 3 above, a Detailed Design Code shall be submitted to and approved in writing by the Local Planning Authority. The Detailed Design Code shall accord with the approved Parameter Plans and Amended Development Parameters Schedule (under Conditions 4 and 5 above) and include the following:
- a) Principles for determining quality, colour and texture of external materials and facing finishes for roofing and walls of buildings and structures including opportunities for using locally sourced and recycled construction materials;
  - b) Built-form strategies to include density and massing, street grain and permeability, street enclosure and active frontages, type and form of buildings including relationship to plot and landmarks and vistas;
  - c) Principles for hard and soft landscaping including the retention and inclusion of important trees and structural landscaping;
  - d) Principles for boundary treatments;
  - e) Structures (including street lighting, defensible space, boundary treatments for commercial premises, street furniture and play equipment);
  - f) Design of the public realm, including layout and design of squares, areas of public open space and areas for play;
  - g) Sustainable urban drainage requirements;
  - h) A strategy for a hierarchy of streets and spaces;
  - i) Alignment, width, and surface materials (quality, colour and texture) proposed for all footways, cycleways, roads and vehicular accesses to and within the site;
  - j) On-street and off-street residential and/or commercial vehicular parking and/or loading areas;
  - k) Cycle parking and storage;
  - l) Means to discourage casual parking and to encourage parking only in designated spaces;
  - m) Measures to demonstrate how the development would achieve Secured by Design principles;
  - n) Integration of strategic utility requirements, landscaping and highway design; and
  - o) Measures to ensure sustainable design and construction in accordance with the Sustainable Design and Construction SPD (2019) or successor document.

The details submitted under a) – o) shall include details of how they ensure a comprehensive approach to the delivery of the CR11 site allocation. All applications for Reserved Matters applications shall be accompanied by a Design Statement which shall explain how the proposals conform to the requirements of the approved Parameter Plans.

### **Materials**

10. No development of any phase or part of a phase above foundations shall commence until a schedule of all the materials to be used in the construction of the external surfaces of that phase of the development, including all external fixtures, fittings, window frames, and doors, have been submitted to and approved in writing by the

Local Planning Authority. Details shall include the manufacturers' specification details and samples of materials (to be provided on-site of a minimum 1 metre square each, and the approved details to be retained on site throughout the duration of the construction of the development). The development shall be carried out using only the approved materials and thereafter maintained in accordance with the approved details.

### ***Building Maintenance and Cleaning Systems***

11. Prior to the beneficial occupation of any phase, plans and details of external building maintenance and cleaning systems in respect of each building within that phase shall be submitted to the Local Planning Authority for approval. The plans and details shall include all related plant, screens, rails, cradles, building maintenance units, etc. and how these aspects, where applicable, will be integrated within the relevant building(s). The development of the relevant building shall thereafter be undertaken in accordance with the approved building maintenance and cleaning system details.

### ***Dwelling Mix, Numbers, Type and Tenure***

12. Concurrently with the submission of Reserved Matters for each phase or part of a phase which includes residential dwellings, details of the residential numbers, mix, size of units and tenure, in respect of the relevant phase, shall be submitted to and approved in writing by the Local Planning Authority, and the development of the relevant phase shall thereafter be carried out in accordance with the approved details.

### ***Flood Water Storage Compensation Scheme***

13. Prior to the commencement of development of any phase or part of a phase a flood water storage compensation scheme for that phase shall be submitted to and approved in writing by the Local Planning Authority. The flood water storage compensation scheme shall:

- (i) Be developed in accordance with the principles noted within the submitted Flood Risk Assessment and Flood Risk Assessment Technical Note prepared by Simpson/TWS, reference P19-418 (dated 24<sup>th</sup> July 2020, received 18<sup>th</sup> October 2020);
- (ii) Provide compensation on a level-for-level basis and where this is not possible, on a volumetric basis with justification for this approach;
- (iii) Provide appropriate compensation for all fluvial flood events up to and including the 1% annual probability with a minimum 31% allowance for climate change flood extent and level;
- (iv) Demonstrate that the fluvial compensation areas are hydraulically linked to the fluvial flood plain and how they will drain following a flood event;
- (v) Include a maintenance details/schedule confirming how the flood water storage compensation areas shall be retained and maintained for the lifetime of the development.

Thereafter, the development shall be carried out and maintained for the lifetime of the development in accordance with the approved scheme.

### ***Flood Mitigation Measures***

14. The development shall be carried out in accordance with the submitted Flood Risk Assessment and Flood Risk Assessment Technical Note prepared by Simpson/TWS, reference P19-418 (dated 24/7/20, received 18<sup>th</sup> October 2020), including the mitigation measure that finished floor levels shall be set no lower than 38.59m above Ordnance Datum (AOD).

## **Contamination**

### Assessment

15. Prior to the commencement of development of any phase or part of a phase, an assessment of the nature and extent of contamination for that phase shall be submitted to and be approved in writing by the Local Planning Authority. This assessment must be undertaken by a competent person, and shall assess any contamination on the site, whether or not it originates on the site. Moreover, it must include:

- (i) a survey of the extent, scale and nature of contamination;
- (ii) an assessment of the potential risks to:

- human health;
- property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes;
- adjoining land;
- groundwaters and surface waters;
- ecological systems;
- archaeological sites and ancient monuments; and
  - water supply pipes.

### Remediation

16. No development of a phase or part of a phase shall commence on site excluding demolition and any preparatory works until a detailed remediation scheme to bring the land within the phase to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historic environment if required has been submitted to and been approved in writing by the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, an appraisal of remedial options, and proposal of the preferred option(s), and a timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

### Remediation scheme – implementation and verification

17. The approved remediation scheme under Condition 17 shall be implemented in accordance with the approved timetable of works. A validation report (that demonstrates the effectiveness of the remediation carried out) that includes results of sampling and monitoring carried out shall be submitted to and approved by the Local Planning Authority before construction above foundation level.

### Unidentified Contamination

18. In the event that contamination not previously identified is found at any time when carrying out the approved development not previously identified, development shall be halted on that part of the site.

An assessment of the nature and extent of contamination shall be undertaken and where remediation is necessary a remediation scheme, together with a timetable for its implementation, shall be submitted in writing to the Local Planning Authority for its written approval.



The measures in the approved remediation scheme shall be implemented in accordance with the approved timetable. Halted works shall not be re-commenced until the measures identified in the approved remediation scheme have been completed and a validation report has been submitted to and been approved in writing by the Local Planning Authority.

### ***Piling***

19. Prior to any piling using penetrative methods being carried out within any phase or part of phase, details shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

### ***Drainage***

20. No drainage systems for the infiltration of surface water to the ground are permitted other than with the written consent of the local planning authority. Any proposals for such systems must be supported by an assessment of the risks to controlled waters. The development shall be carried out in accordance with the approved details.

### ***Construction Method Statement***

21. No development of any phase or part of a phase shall commence on site, including any works of demolition, until a site-specific Construction Method Statement covering that phase of development has been submitted to and been approved in writing by the Local Planning Authority. The Statement shall provide for where required:
- a) Space on site where vehicles of site operatives and visitors can be parked with details of how site operatives and visitors will be required to make use of the parking area provided;
  - b) Location on site for storage of plant and materials used in constructing the development;
  - c) The erection and maintenance (including removal of any graffiti or fly posters) of security hoarding around the site;
  - d) Identification of any footpath closures or road closures needed during construction;
  - e) Required wheel washing facilities on site;
  - f) A scheme for recycling waste resulting from the construction works;
  - g) Measures for controlling the use of site lighting whether required for safe working or for security purposes;
  - h) Required measures to control the emission of dust, dirt and other airborne pollutants during demolition and construction;
  - i) Provisions to be made for the control of noise coming from the site during demolition and construction; and
  - j) Full details of pest control measures following any demolition required. Where necessary, capping of drains/sewers and baiting arrangements.

The measures within the approved Statement shall be adhered to throughout the demolition and construction period.

### ***Hours of Construction***

22. No construction, demolition or associated deliveries shall take place outside the hours of 0800hrs to 1800hrs Mondays to Fridays, and 0800hrs to 1300hrs on Saturdays, and not at any time on Sundays and Bank or Statutory Holidays.

### **No bonfires**

23. No materials or green waste produced as a result of the clearance of the site, demolition works or construction works associated with the development hereby approved shall be burnt on site.

### **Fire Statement / Strategy**

24. No development (barring demolition) shall commence on any phase until a fire statement for that phase has been submitted to and approved in writing by the Local Planning Authority, in consultation with the Health and Safety Executive. The statement shall include:
- the principles, concepts and approach relating to fire safety that have been applied to each building in the development;
  - the site layout;
  - emergency vehicle access and water supplies for firefighting purposes; and
  - what, if any, consultation has been undertaken on issues relating to the fire safety of the development; and what account has been taken of this;

The fire strategy for the relevant building shall be completed in accordance with the approved details prior to the first beneficial occupation of the relevant building in the development. The fire strategy shall be managed and maintained thereafter in accordance with the agreed strategy.

### **Landscape Strategy**

25. Prior to the approval of any Reserved Matters application for any phase of the development, an overarching Landscape Strategy, including a Landscape Masterplan, for the whole site shall be submitted to and approved in writing by the Local Planning Authority. The Landscape Strategy shall be in accordance with Local Plan Policies and other relevant adopted documents current at the time of submission and shall demonstrate consistency with adjacent developments. Details shall include landscape principles, including provision of large canopy trees, links with retained landscape features, tree rooting volume provision, landscape-led SuDS, management responsibility division and an expectation for the inclusion of green or brown roofs and green walls; indicative service routes; location of hard landscaping, street furniture, lighting locations and how soft & hard landscaping features will support the finding of the approved daylight, sunlight and microclimate assessments.

Development shall be carried out in accordance with the approved Strategy unless otherwise agreed in writing by the Local Planning Authority.

### **Hard and Soft Landscaping**

26. No development shall commence on each phase until a comprehensive scheme of hard and soft landscaping for that phase has been submitted to and approved in writing by the Local Planning Authority. Details shall be in accordance with the approved Landscape Strategy (as approved under Condition 25 and shall include:
- a) Proposed finished ground and floor levels or contours, means of enclosure (boundary treatments, including mammal gaps where appropriate), car parking layouts, other vehicle and pedestrian access and circulation areas;
  - b) Hard surfacing materials and minor artefacts and other ancillary structures (e.g. furniture, play equipment, refuse or other storage units, signs, lighting, external services, etc);

- c) Soft landscaping details shall include planting plan (specifying native and wildlife friendly species), specification (including cultivation and other operations associated with plant and grass establishment), tree pit specifications, schedules of plants, noting species, planting sizes and proposed numbers/densities where appropriate, and implementation timetable;
- d) Routes and details of proposed and existing functional services above and below ground including foul and surface water drainage, soakaways and SUDs details, power, communications cables and water and gas supply pipelines, including access points;
- e) Details of the public realm; and
- g) Full details of green roofs.

The approved hard and soft landscaping scheme shall be carried out in accordance with the approved details prior to the beneficial occupation of any part of the relevant phase or in accordance with a timetable approved in writing by the Local Planning Authority.

Any trees or plants which, within a period of 5 years from the date of planting, die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, to be agreed in writing by the Local Planning Authority.

***Landscaping Management Plan***

- 27. Prior to the beneficial occupation of each phase/plot a long-term landscape management plan, in accordance with the approved overarching Landscape Strategy (as approved under Condition 25) and approved detailed landscaping for that phase and including long term design objectives, management responsibilities, timescales and maintenance schedules for all landscape areas, other than privately owned, domestic gardens, shall be submitted to and approved in writing by the local planning authority. The landscape management plan shall thereafter be carried out in accordance with the approved details and for the period specified.

***Tree Survey and Arboricultural Impact Assessment***

- 28. Concurrently with the submission of Reserved Matters for each phase or part of a phase of development an up-to-date Tree Survey and Arboricultural Impact Assessment shall be submitted to and approved in writing by the Local Planning Authority in accordance with British Standard: BS 5837.

***Arboricultural Method Statement and Tree Protection Plan***

- 29. No development of the relevant phase or part of a phase, including demolition (Phase 0 as shown on Plan ref: PP-110\_P1) shall take place until an Arboricultural Method Statement and Tree Protection Plan in accordance with the relevant recommendations of appropriate British Standards or other recognised Codes of Good Practice for all existing trees that are not shown as being removed on the drawings approved pursuant to Condition 3 and 30, both within and adjacent to the site, has been submitted to and approved in writing by the Local Planning Authority. Development shall thereafter be carried out in accordance with the approved details.

***Ecology***

- 30. Prior to commencement of any phase or part of a phase, a biodiversity enhancement scheme shall be submitted to and approved in writing by the Local Planning Authority, which includes bird, bat and invertebrate boxes integrated into the buildings. The scheme shall include a programme of implementation and ongoing maintenance. The

biodiversity enhancement scheme shall thereafter be implemented and adhered to in accordance with the agreed programme.

31. Prior to the beneficial occupation of a phase or part of a phase a 'closing out' report, from a suitably qualified ecologist, confirming that the features have been installed as per the approved details under Condition 31, shall be submitted to and approved in writing by the Local Planning Authority.
32. If demolition/clearance is planned to take place during the bird nesting season, a suitably qualified ecologist will check all buildings and vegetation to be demolished/removed immediately prior to clearance and advise whether nesting birds are present. If active nests are recorded, no vegetation clearance or other works that may disturb active nests shall proceed until all young have fledged the nest.
33. No development (barring demolition) hereby permitted shall commence until a Biodiversity Impact Assessment Calculation using the DEFRA 3 Metric (or its successor) based on the landscaping plans submitted under Condition 3 and the offsetting scheme detailed in the legal agreement or unilateral undertaking hereby agreed, demonstrating a net gain of at least 10% in biodiversity units, has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be implemented in accordance with the approved details.

#### ***Car Parking***

34. The Reserved Matters for any phase of the development shall include details of car parking for that phase in accordance with the relevant approved Parameter Plans and Detailed Design Code for that phase.

No building within that phase shall be occupied until the vehicular accesses, driveways, parking and turning areas to serve it have been provided in accordance with the approved details and retained as approved thereafter.

#### ***Servicing***

35. The Reserved Matters for any phase of the development shall include details of servicing and access arrangements for that phase in accordance with the relevant approved Parameter Plans and Detailed Design Code for that phase and details approved under Condition 8 relating to phasing. No building within that phase shall be occupied until the vehicular accesses, turning and servicing areas to serve it have been provided in accordance with the approved details and these shall be retained as approved thereafter.

#### ***Cycle Parking***

36. The Reserved Matters for any phase of the development shall include details of cycle parking for that phase in accordance with the relevant approved Parameter Plans and Detailed Design Code for that phase. No building within that phase shall be occupied until the cycle parking servicing that phase have been provided in accordance with the approved details and retained as approved thereafter.

#### ***Parking Permits***

37. No development shall commence until arrangements have been made to secure the development as a car-free development, except for disabled parking, in accordance with a detailed scheme to be submitted and approved in writing by the Local Planning Authority. The approved scheme shall ensure that:

- i) occupants/ prospective occupants of the development are excluded from entitlement to a resident's parking permit;
- ii) any occupiers of the approved development shall surrender any such permit wrongfully issued or held; and
- iii) measures are in place to communicate this requirement to future occupiers of the proposed development, including their successors in title any persons occupying the premises as a tenant of licensee.

The implementation of the approved scheme shall commence prior to first beneficial occupation and be operated thereafter for the lifetime of the development.

### ***Electric Vehicle Charging Points***

38. Prior to beneficial occupation of a dwelling within a phase or part of a phase, details of an electric vehicle (EV) charging Scheme comprising a layout plan and detailed specification for a minimum of ten percent of all vehicle parking spaces within that phase to be provided with electric vehicle charging points, and a further ten percent of spaces provided with cabling and other supporting infrastructure reasonably required to enable EV charging points to be fitted, to be submitted to and approved in writing by the Local Planning Authority. The scheme is to be fully provided in accordance with the approved details. The spaces shall be maintained for vehicle charging in accordance with the approved Scheme at all times thereafter.

### ***Car Parking Management Plan***

39. Prior to beneficial occupation of any phase or part of a phase of the development hereby approved, a Car Parking Management Plan (CPMP) for that phase or part of a phase of the development shall be submitted to and approved in writing by the Local Planning Authority.

The CPMP shall include full details of how the allocation of the car parking spaces for residents and commercial uses will be distributed for that Phase and details of the proposed on-site parking enforcement to restrict overspill parking and obstructive servicing operations for that Phase.

The approved CPMP shall be implemented in full, from the date of first beneficial occupation of the phase or part of a phase and maintained for the lifetime of the development.

### ***Highway Works***

40. No development shall commence within any phase until details of the highway works (including any proposed planting within the highway) for that phase have been submitted to and approved in writing by the Local Planning Authority. These will include the following where required for the relevant phase:

- Vehicular access modifications
- Vehicular egress creation
- Closing up of the existing vehicle exit
- Pedestrian and cycle improvements / widening surrounding the site on Vastern Road, Caversham Road and Trooper Potts Way
- Creation of a lay by on Trooper Potts Way
- A schedule for delivery of the proposed work.

The highway works are to be completed in accordance with the approved schedule for the delivery of the proposed works.

### ***Sustainable Urban Drainage***

41. Prior to the commencement of development of any phase or part of a phase a Sustainable Urban Drainage (SuDS) Strategy and associated detailed design, management and maintenance plan of surface water drainage for that phase using SuDS methods are to be submitted to and approved in writing by the Local Planning Authority. The Strategy and plan shall include:
- i. A timetable for its implementation; and
  - ii. A management and annual maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the SuDS scheme throughout its lifetime.

Prior to first beneficial occupation of a phase or part of a phase, the SuDS scheme for the phase is to be completed in accordance with the submitted and approved details and shall be managed and maintained thereafter in accordance with the agreed management and maintenance plan.

### ***Archaeology***

42. No development of any phase shall take place, other than demolition to ground level until a Written Scheme of Investigation for that phase has been submitted to and approved in writing by the local planning authority. The scheme shall include an assessment of significance and set out the programme and methodology of site investigation and recording;
- i) the programme for post investigation assessment;
  - ii) the provision to be made for analysis of the site investigation and recording;
  - iii) the provision to be made for publication and dissemination of the analysis and records of the site investigation;
  - iv) the provision to be made for archive deposition of the analysis and records of the site investigation;
  - v) the nomination of a competent person or persons/organization to undertake the works set out within the Written Scheme of Investigation.

No development shall take place other than in accordance with the approved Written Scheme of Investigation.

### ***Foul Drainage***

43. No development of a phase or part of a phase shall commence until the submission to and approval in writing by the Local Planning Authority, in consultation with Thames Water, of either:
- a) Details that foul water capacity already exists off-site to serve the phase; OR
  - b) A Development and Infrastructure Phasing Plan.

In the case of a Development and Infrastructure Phasing Plan being agreed, development shall take place in accordance with this, and in the case where foul water network upgrades are required to accommodate the additional flows, such work should be completed prior to occupation of that phase.

### ***Noise Assessment and Mitigation - Residential***

44. No development of any building containing a residential use shall commence until a detailed scheme, informed by an assessment of the current noise environment, for

protecting the dwellings from the external noise environment of the area has been submitted to and approved, in writing, by the Local Planning Authority. The scheme itself shall be designed, specified and constructed so that the sound insulation performance of the structure and the layout of the dwellings are such that the indoor ambient noise levels do not exceed the values detailed in Table 4 of BS 8233:2014 and that the individual noise events do not exceed 45 dB LA,max,F more than 10 times a night. Where opening windows will lead to an internal noise level increase of 5 dBA or greater above BS 8233:2014 recommended internal levels, the scheme shall include provision of alternative mechanical ventilation with minimum performance equivalent to a mechanical heat recovery (MVHR) system with cool air bypass as an alternative means of cooling and ventilation. Noise from the MVHR system should not result in BS8233 internal levels being exceeded in the residential properties.

Thereafter, the development shall be carried out in accordance with the approved scheme which shall be completed before any part of the accommodation hereby approved is occupied.

#### ***Hours of Deliveries / Waste Collection***

45. Hours for deliveries and/or waste collection for residential and commercial uses are restricted to 08:00 to 22:00 hours on Mondays to Saturdays and 10:00 to 18:00 on Sundays or Bank/other holidays.

#### ***Hours of Use***

46. No commercial uses (Use Classes A1-A5, D1 and D2) within a phase, shall be occupied until details of the hours of use have been submitted to and approved in writing by the Local Planning Authority. The relevant phase of the development shall not be used except in accordance with the approved details at all times thereafter.

#### ***Mechanical Plant Noise***

47. No mechanical plant shall be installed in the construction of any phase or part of a phase until a noise assessment of the proposed mechanical plant to be used for that phase has been submitted and approved by the Local Planning Authority. The assessment shall be carried out in accordance with BS4142:2014+A1:2019 methodology. The predicted specific sound level (LAeq,TR) (with reference to BS:4142) as measured at a point 1 metre external to the nearest noise-sensitive facade shall be at least 10dB below the pre-existing background sound level, LA90,T when all plant/equipment (or any part of it) is in operation. The predicted rating level, LAr,Tr (specific sound level plus any adjustment for the characteristic features of the sound) as measured at a point 1 metre external to the nearest noise-sensitive facade (habitable window of a dwelling) shall not exceed the pre-existing background sound level, LA90,T when all plant/equipment (or any part of it) is in operation. The plant shall thereafter only be installed in accordance with the assessment and shall thereafter be maintained so that it operates to the same standard.

#### ***Ventilation and Extraction***

48. Prior to the beneficial occupation of any commercial premises serving hot food, an odour assessment is to be carried out and a detailed odour management plan to include scaled plans, odour control specifications and a maintenance plan, shall be submitted to and approved in writing by the Local Planning Authority. Reference shall be made to the EMAQ guidance on the Control of Odour and Noise from Commercial Kitchen Exhaust Systems (Sept 2018) or the (withdrawn) DEFRA version (Jan 2005) when assessing potential odours and selecting appropriate odour control methods.

When assessing potential odours, the assessment shall consider the full range of cooking types that may be conducted under the permitted use. Thereafter, the development shall be carried out in accordance with the approved scheme and maintained thereafter.

***Air Quality Assessment & Mitigation – Proposed Residential Units***

49. No development of any phase or part of phase containing residential units shall commence on site until a detailed Air Quality Assessment to determine whether mitigation is required to protect the residents of the proposed development from the effects of poor air quality is submitted to and approved in writing by Local Planning Authority. Where this Air Quality Assessment identifies that future residents of the proposed development will be exposed to poor air quality, an air quality mitigation scheme shall accompany this assessment demonstrating sufficient mitigation to protect the occupants. The scheme shall be implemented as approved, prior to occupation of any part of the development and retained as approved thereafter.

***Air Quality Assessment – Effect of Proposed Development on Air Quality Management Area (AQMA)***

50. No development shall commence on site until an Air Quality Assessment, to determine whether the proposed development will result in a worsening impact on air quality within the Air Quality Management Area (AQMA), has been submitted to the Local Planning Authority. The assessment must use a full dispersion model to predict the pollutant concentrations at the building façade for the proposed year of occupation as well as any impacts during the development phase. The input parameters used in the assessment must be in accordance with current best practice. Where the assessment identifies a worsening of air quality, a mitigation plan shall be submitted to and approved in writing by Local Planning Authority. The mitigation plan must quantify the impact on emissions or the impact on predicted air pollutant levels that the proposed mitigation will have, in order to demonstrate that any detrimental impact from the development will be offset or prevented. Thereafter, the development shall not be carried out other than in accordance with the approved mitigation scheme, which shall be implemented before any part of the development is occupied and thereafter maintained.

***Waste Management***

51. Prior to the beneficial occupation of each phase or part of a phase the submission of a waste management strategy for each phase, which accords with Reading Borough Council's Waste Management Guidelines and Household Waste Collection Service Standards in force at the date of this permission to include details such as the number/volume of bins, presentation details and ongoing management strategies shall be submitted to and approved in writing by the Local Planning Authority, in consultation with the Waste Management Team, and thereafter retained for such use.

***Bin Storage***

52. Prior to the beneficial occupation of any phase or part of a phase details of refuse and recycling bin stores shall be submitted to and approved in writing by the Local Planning Authority. The details shall include measures to prevent pests and vermin accessing the bin store(s). The approved bin storage, including pest and vermin control measures, shall be provided in accordance with the approved details prior to first beneficial occupation of that phase and shall be retained as approved thereafter.



### **Lighting**

53. No external lighting for any phase or part of phase shall be installed on any phase or part of phase until the submission of detailed plans and specifications of lights and a report detailing the lighting scheme, is submitted to and approved in writing by the Local Planning Authority. The report shall include the following figures and appendices:

- Plan of light locations;
- A layout plan with beam pattern and orientation;
- A schedule of equipment (height, specification, luminance);
- Measures to avoid glare and light spill; and
- An isolux contour map showing light spillage to 1 lux both vertically and horizontally to include light spillage from external light sources, as well as the windows of the new development.

The proposed scheme to include dimming controls post 11pm.

The approved lighting plan shall thereafter be installed, maintained and operated in accordance with the approved details.

### **Scheme of lighting controls**

54. No part of any phase including commercial development shall be first occupied until a Scheme of environmental controls to minimise the impact of light pollution from interior lighting on the local environment has been submitted to and approved in writing by the Local Planning Authority. The development of the relevant phase or part of phase shall not be carried out except in accordance with the approved Scheme and shall be maintained as such thereafter.

### **Wind**

55. As part of the Reserved Matters applications for each phase or part of a phase in respect of Access, Scale, Layout, Appearance or Landscaping, appropriate wind tunnel testing (which includes the simulation of appropriate wind conditions, the use of appropriate instrumentation, and the use of appropriate data analysis and wind statistics used in that analysis) shall be undertaken for the phase or part of phase and a report recommending mitigation shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, there shall be no first public use of the public realm within a phase or part of phase, or first beneficial occupation of any building within that phase until the relevant wind/microclimate mitigation (in the form of landscaping, canopies or other structures, as may be required) has been planted/ installed in accordance with the mitigation report. The wind/microclimate mitigation measures shall be retained and maintained as approved thereafter.

### **Solar Glare**

56. Concurrently with the submission of Reserved Matters in respect of Scale, Layout, or Appearance for each phase, a Solar Glare Assessment detailing the mitigation measures and a timetable for the provision for the relevant phase shall be submitted to the Local Planning Authority for approval. The mitigation measures shall be provided in accordance with the approved mitigation details and timetable before first occupation of any part of the relevant phase. The mitigation measures shall be retained as approved thereafter.

### ***Daylight/Sunlight***

57. As part of the Reserved Matters applications in respect of layout for each phase or part of phase containing residential dwellings, plans showing room layouts and window dimensions/ positions for all rooms within that phase or part of phase and a report demonstrating the degree of compliance with the Average Daylight Factor and Annual Probable Sunlight Hours recommendations in the British Standard, BS8206 Part 2 (or future revision), together with any mitigation measures required, shall be submitted to and approved in writing by the Local Planning Authority. Development shall be constructed in accordance with the approved details.

### ***Crime Prevention***

58. Prior to the commencement of any phase or part of a phase, measures to achieve Secured by Design accreditation for that phase shall be submitted to and approved in writing by the Local Planning Authority in consultation with Thames Valley Police. Development shall be constructed in accordance with the approved details and retained thereafter.

### ***Sustainability***

59. Prior to the commencement of any residential buildings written verification shall be submitted to and approved in writing by the Local Planning Authority demonstrating that all of the dwellings within that building will achieve a minimum of a 35% improvement in the dwelling emission rate over the target emission rate, as defined in The Building Regulations for England Approved Document L1A: Conservation of Fuel and Power in New Dwellings (2013 edition) and commitment in writing that a S106 contribution will be made to the Local Authority to account for any remaining emissions. Such evidence shall be in the form of a 'Design Stage' Standard Assessment Procedure (SAP) Assessment, produced by an accredited energy assessor.
60. Within 3 months of first occupation of any dwelling written verification shall be submitted to and approved in writing by the Local Planning Authority demonstrating that all of the dwellings hereby permitted have achieved a minimum of a 35% improvement in the dwelling emission rate over the target emission rate, as defined in The Building Regulations for England Approved Document L1a: Conservation of Fuel and Power in New Dwellings (2013 edition) and a S106 contribution has been made to the Local Authority to account for any remaining emissions. Such evidence shall be in the form of an 'As Built' Standard Assessment Procedure (SAP) assessment, produced by an accredited energy assessor.
61. No development of non-residential uses within a phase shall commence on site until a copy of an Interim BREEAM Certificate in accordance with the BREEAM Sustainability Standard demonstrating compliance with a minimum standard of BREEAM Excellent rating for the relevant non-residential use within that phase has been submitted to and approved in writing by the Local Planning Authority.
62. Within 3 months of beneficial first occupation of non-residential uses hereby approved, a copy of a Final BREEAM Certificate in accordance with the BREEAM Sustainability Standard following a post-construction stage review carried out by a licensed assessor has been submitted to and approved in writing by the Local Planning Authority, demonstrating that the relevant non-residential use within that phase has attained as a minimum the standard set out in the Interim BREEAM Certificate referred to in Condition 62.

63. Prior to commencement of any residential buildings details of water efficiency measures shall be submitted to and approved in writing by the Local Planning Authority. The water efficiency measures shall be designed to ensure potable water consumption does not exceed a maximum of 110 litres per person per day as specified in Regulation 36 (2) (b) of the Building Regulations 2010 (as amended). The measures shall be implemented in accordance with the details as approved and retained thereafter.
64. Prior to the commencement of any development a detailed feasibility study, detailing the technology and heat source for the centralised heating and cooling plant including the consideration of ground array and borehole technologies, shall be undertaken and submitted to and approved in writing by the Local Planning Authority. The chosen technology and heat source for the centralised heating and cooling plant shall be implemented in accordance with the details as approved and retained thereafter.

#### ***PV Details***

65. Prior to the installation of any roof mounted Photovoltaics, full details shall be submitted to and approved in writing by the Local Planning Authority. These details shall include a roof plan showing the location and position of the Photovoltaics, their dimensions, manufacturer's specification, and ongoing maintenance arrangements. The approved Photovoltaics shall thereafter be installed in accordance with these approved details and maintained for the life of the development in good working order to the satisfaction of the Local Planning Authority.

#### ***Private Amenity Space***

66. Prior to beneficial occupation of any building within a phase containing residential units all approved private amenity areas (including balconies) and approved communal amenity areas within that phase shall be completed and made available for use, or in accordance with a timetable for phased provision that shall first have been submitted to and approved in writing by the Local Planning Authority. All amenity areas shall be maintained by the developer as approved for the use of the occupiers of the related dwellings at all times thereafter.

#### ***On-Site Play Space Facilities***

67. Prior to beneficial occupation of any dwellings within a phase, details of all on-site play-space facilities for that phase shall be submitted to and approved in writing by the Local Planning Authority. The details shall include a plan indicating the locations of the facilities, specifications and designs of the equipment, maintenance and management (including safety inspections) arrangements. The approved scheme shall be installed before beneficial occupation of the relevant block of residential accommodation (within the relevant phase of development) and shall thereafter be maintained in accordance with the approved details.

#### ***Accessible and Adaptable Dwellings***

68. Details demonstrating that all proposed dwellings within a phase will be accessible and adaptable in accordance with M4(2) of the Building Regulations, unless built in line with M4(3) and that at least 5% of the proposed dwellings will be wheelchair user dwellings in accordance with M4(3) of the Building Regulations shall be submitted for approval concurrently with the submission of the Layout and Access Reserved Matters for each phase containing dwellings. The development shall be carried out in accordance with the approved details prior to first beneficial occupation of the relevant phase and retained as approved at all times thereafter.

### ***Removal of Permitted Development Rights for Changes of Use***

69. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification) no change of use to a Class C4 house in multiple occupation shall take place without the further grant of planning permission from the Local Planning Authority.
70. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification) no change of use from a commercial use granted by this permission to a dwelling shall take place on without the further grant of planning permission from the Local Planning Authority.
71. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking or re-enacting that Order with or without modification) no further extension, enlargement (including alterations to the roof or roofs), improvements or other alteration to the building(s) hereby permitted shall be carried out and no building or enclosures shall be erected or installed within the curtilage of the building(s) without the express planning permission from the Local Planning Authority.

### ***Maintaining Active Frontages at Ground Floor***

72. Notwithstanding the provisions of Class 12 of Schedule 3 of the Town and Country Planning (Control of Advertisements) Regulations 2007 (as amended), the retail (Use Classes A1-A5) units hereby approved shall retain appropriate 'active window displays' along the frontages at ground floor level in accordance with the approved Design Code, without the installation of window vinyls, roller shutters, or similar which would obscure visibility between the public realm and the unit during the unit's operating hours.

### ***CCTV***

73. Concurrently with the submission of the first Reserved Matters a site wide CCTV scheme to be delivered in phases with each Phase of the development hereby permitted, which accords with the Council's and Thames Valley Police requirements for such a system, which would link into the CCTV system operating in the central area of Reading and provide for a connection to and control by the Council's town centre CCTV system ("CCTV Scheme"), shall be submitted to and approved in writing by the Local Planning Authority.

Prior to the first occupation of a Phase, the approved CCTV Scheme for the Phase shall be installed and operational.

The approved CCTV Scheme shall be provided, retained and maintained in accordance with the CCTV Scheme at all times thereafter for the lifetime of the development.



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# Report to the Secretary of State

by **Susan Heywood BSc(Hons) MCD MRTPI**

an Inspector appointed by the Secretary of State

Date 20 April 2023

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**TOWN AND COUNTRY PLANNING ACT 1990**

**READING BOROUGH COUNCIL**

**APPEAL BY AVIVA LIFE & PENSIONS UK LTD**

Inquiry Held on 26 April, 3-6, 10, 11, 13 May, 27 & 28 June, 26 & 27 July, 4-7 October, 15 & 16 November 2022

Vastern Court, Caversham Road, Reading RG1 8AL

File Ref: APP/E0345/W/21/3289748

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## **Appendices**

- 1       Appearances**
- 2       Inquiry (Hearing) Documents**
- 3       Core Documents**
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Richborough

**GLOSSARY**

ADF	Average Daylight Factor
AOD	Above Ordnance Datum
AIA	Arboricultural Impact Assessment
AQMA	Air Quality Management Area
BS	British Standard
BRE	Building Research Establishment
BREEAM	Building Research Establishment Environmental Assessment Method
CA	Character Area
CD	Core Document
CIL	Community Infrastructure Levy
DAS	Design and Access Statement
Development Parameters	Plans, Development Parameter Schedule and Design Code
EIA	Environmental Impact Assessment
ES	Environmental Statement
GIA	Gross Internal Area
GPA3	Historic England Good Practice Advice Note 3
HEAN	Historic England Advice Note
Hermes site	Former Royal Mail sorting office at 80 Caversham Road
ID	Inquiry Document
IDR	Inner Distribution Road
IS	Illustrative Scheme
LP	Local Plan
MOA	Major Opportunity Area
NDG	National Design Guide
NMDC	National Model Design Code
NPPF	National Planning Policy Framework
NSL	No Sky Line (a measure of daylight distribution)
PoE	Proof of Evidence
PPG	Planning Practice Guidance
PV	Photovoltaic
RBLP	Reading Borough Local Plan
RCAAP	Reading Central Area Action Plan
RfR	Putative Reasons for Refusal
RPA	Root Protection Area
RSAF	Reading Station Area Framework
RSAF IS	Reading Station Area Framework Illustrative Scheme
RTBS	Reading Tall Buildings Strategy
S106	Section 106 of the Town and Country Planning Act 1990
SCG	Statement of Common Ground
Sq m	Square metres
SoS	Secretary of State
SPD	Supplementary Planning Document



SSE	Scottish and Southern Energy, 55 Vastern Road site
TPO	Tree Preservation Order
TVIA	Townscape and Visual Impact Assessment
VSC	Vertical Sky Component

Richborough

**File Ref: APP/E0345/W/21/3289748**  
**Vastern Court, Caversham Road, Reading RG1 8AL**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for outline planning permission.
- The appeal is made by Aviva Life & Pensions UK Ltd against Reading Borough Council.
- The application Ref 200328 is dated 21 February 2020.
- The development proposed is described as: *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.*

**Summary of Recommendation: That the appeal should be dismissed and planning permission refused.**

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**Procedural Matters**

1. The appeal was made against the non-determination of the application by the Council. It was recovered for a decision by the Secretary of State (SoS) by a direction dated 8<sup>th</sup> March 2022, as it involves proposals for residential development of over 150 units or on sites of over 5ha, which would significantly impact on the Government's objective to secure a better balance between housing demand and supply and create high quality, sustainable, mixed, and inclusive communities.
2. The proposal is submitted in outline with all matters reserved for future consideration. Prior to the submission of the appeal, the original application<sup>1</sup> was amended as follows<sup>2</sup>:
  - reduction in the overall floor space proposed from 115,000 square metres (sq m) Gross External Area (GEA) to 90,850 square metres GEA (excluding plant);
  - removal of land use flexibility in relation to plots A-C, which are now proposed for residential use with activating ground floor uses (Plot D remains flexible);
  - removal of proposed hotel use.
3. The description of development in the heading above is agreed between the parties and reflects the amended scheme. The Development Parameters Schedule was further amended during the appeal process as follows<sup>3</sup>:

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<sup>1</sup> CD1.2 – 1.2.4

<sup>2</sup> CD1.33, CD1.34-CD1.34.11.6

<sup>3</sup> ID61 Rev A and ID2 Rev A

- The total maximum floorspace within the Development as a whole shall not be more than 87,002 sq m GEA (excluding plant).
  - The floorspace within Use Class C3 shall not exceed 79,257 sq m GEA.
  - The total maximum residential units shall not exceed 1,000.
  - The residential accommodation may range between studio apartments to 3 bed dwellings.
  - The total minimum floorspace within Use Classes A1-A5 and D1-D2 shall be 2,000 sq m GEA.
  - The minimum and maximum floorspace by Use Class, by Plot (as defined on Plan PP-102\_P2), and by total is also restricted as per Table 1 in ID61 Revision A.
4. The description of development set out above remains valid despite the further amendments. As the maximum floorspace has reduced in the most recently amended scheme, and as the Council has had an opportunity during the inquiry to comment on the amendments, I am satisfied that no prejudice would arise from consideration of the latest amendments as part of this Report and recommendation.
5. The application (as amended) was accompanied by the following plans (the s)<sup>4</sup>.
- Plan PP-100\_P1 Development Footprint Plan
  - PP-101\_P2 Site Access & Egress Plan<sup>5</sup>
  - PP-102\_P2 Building Plots
  - Plan PP-103\_P3 Plot Heights
  - Plan PP-104\_P2 Basement Footprint
  - Plan PP-115\_P1 Site Access & Egress Option 1 – Hermes First<sup>6</sup>
  - Plan PP-116\_P1 Site Access & Egress Option 2 – Aviva First<sup>7</sup>
6. These plans, the Development Parameters Schedule and the mandatory elements of the amended Design Code (November 2022)<sup>8</sup> are before the SoS for approval. However, the plans show a larger development envelope than that represented in the amended Development Parameters Schedule. I will address the implications of this later in this Report. Together the plans, schedule and Design Code are referred to as the Development Parameters in this Report.
7. The Design and Access Statement (DAS) submitted with the amended application included the Illustrative Scheme (IS)<sup>9</sup>. The IS demonstrates how a scheme could come forward which would provide around 600 dwellings, 20,000 – 24,500 sq m

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<sup>4</sup> CD1.34

<sup>5</sup> ID63

<sup>6</sup> ID74

<sup>7</sup> ID75

<sup>8</sup> ID89

<sup>9</sup> CD1.54 DAS Illustrative Concept and CD1.55 Illustrative Landscape Scheme

- GEA of office space and ground floor retail units. I have treated these details and plans as being indicative only and I address the weight to be given to the IS later in this Report.
8. The planning application pre-dated the coming into force of the Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020, and the references to use classes in the description of development are to those specified in the Town and Country Planning (Use Classes) Order prior to its amendment by the 2020 Regulations.
  9. The appeal relates to the Council's failure to determine the application within the prescribed period. On 15<sup>th</sup> February 2022 the Council resolved that it would have refused the application for a number of reasons (the putative reasons for refusal (RfR)). These are set out at Appendix 3 attached to this report.
  10. Following the submission of further information and discussions between the parties, it was agreed that there are no matters of dispute regarding wind microclimate. RfR 8, relating to wind, therefore falls away and the matter can be dealt with by the agreed conditions (Statement of Common Ground (SCG): Wind Microclimate<sup>10</sup>).
  11. A planning obligation (S106) has been submitted, which has been made between the Council and the Appellant<sup>11</sup>. The obligation includes provisions concerning the need for a joint access road between the adjoining Hermes site and the appeal site; an offset contribution to meet zero carbon homes standard; implementation of employment and skills plans; implementation of a travel plan and car club scheme; provision and maintenance of routes and open spaces within the site; provisions relating to build to rent housing including clawback clauses for affordable housing; review mechanisms to ensure any uplift in viability is captured for affordable housing provision and controls over any affordable housing provided; contributions towards off-site open space provision, a new crossing of Vastern Road and upgrading the underpass beneath the railway; provision of, or contribution to, public art; connection to future District Heating Network.
  12. A list of agreed and not agreed conditions has been submitted<sup>12</sup>. The agreed conditions and the S106 obligation cover the matters set out in RfR 12, which relates to the lack of a S106 obligation.
  13. An Environmental Statement (ES) accompanied the planning application and this was updated when the application was revised. The Committee Report for the application confirms that, at that time, the Council were satisfied that the Environmental Impact Assessment (EIA) process had been undertaken appropriately and the ES was adequate<sup>13</sup>. However, at the beginning of the inquiry the Council indicated that it considered the ES was inadequate in relation to daylight and sunlight information<sup>14</sup>. Following the submission of further

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<sup>10</sup> CD12.3

<sup>11</sup> ID94

<sup>12</sup> ID72

<sup>13</sup> CD3.1, paragraphs 6.22-6.24

<sup>14</sup> ID52

information by the Appellant, the Council verbally confirmed the adequacy of the ES.

14. The original submission was supplemented by additional documentation comprising updated Built Heritage assessments (CD1.39, 1.40, 1.41 and 1.43), updated Townscape and Visual assessments (CD1.42), Sunlight and Daylight information (CD1.46, ID56 and ID70) and updated Cumulative Wirelines (ID47). Together these documents comprise the composite ES. I am satisfied that the composite ES meets the requirements of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011, and I have taken it into account in my consideration of the appeal.
15. A core documents library was established in advance of the inquiry, and can be accessed at <https://www.reading.gov.uk/planning-and-building-control/major-applications-and-appeals/vastern-court-core-documents-library/>. Inquiry documents are detailed in a list appended to this report and can be accessed at <https://www.reading.gov.uk/planning-and-building-control/major-applications-and-appeals/vastern-court-inquiry-documents-library/>.
16. This report contains a description of the site and its surroundings, relevant planning history of the site and its surroundings, an explanation of the proposal, identification of relevant planning policies, details of agreed matters, and the gist of the submissions made at the inquiry and in writing, followed by my conclusions and recommendation. Lists of appearances are in Appendix 1.

### **The Site and Surroundings**

17. The appeal site and surroundings are described in Section 2 of the SoCG (Updated May 2022)<sup>15</sup>. The site is of approximately 1.9 hectares, located to the north of Reading Railway Station and 200m to the south of the River Thames. The site is currently operated as the Reading Station Park. It comprises one large, low rise, commercial building currently occupied by various retail outlets. A second building is in restaurant use, currently occupied by TGI Fridays. The units are set within a large surface level car park.
18. The site adjoins Vastern Road (the A329) to its north beyond which are residential properties and an office building at No. 55, owned by Scottish and Southern Energy (SSE). To the west the site adjoins Caversham Road with residential, commercial and industrial premises beyond. To the south lies the former Royal Mail sorting office, beyond which is the railway line. Trooper Potts Way lies to the east of the site and passes the northern station entrance. The paved northern station square lies beyond the southeastern corner of the site, separated from the site by an access road into the former Royal Mail sorting office. A pedestrian underpass runs beneath the railway line and exits into the northern station square to the south of the site.
19. To the north of the site Vastern Road is a wide four-lane arterial road with a central reservation and footpaths either side. The roundabout at the junction between Caversham Road and Vastern Road is a large and busy highway junction. On the opposite side of the roundabout on both Caversham Road and

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<sup>15</sup> CD12.4

Vastern Road, commercial or part commercial / part residential buildings rise to between 2.5 and 3 / 4 storeys in height.

20. Existing trees, the subject of a Tree Preservation Order (TPO)<sup>16</sup>, lie along the frontages of the site with Vastern Road and Caversham Road. The application was accompanied by an Arboricultural Impact Assessment (AIA)<sup>17</sup>.

### **Planning history of site and surroundings**

21. The existing buildings on the site were granted planning permission in 1988. In 2008 planning permission was granted for the change of use of 2,322 square metres of floorspace from retail to leisure and retail use. The parties agree that there is no other relevant planning history for the appeal site.
22. There are a number of relevant planning applications / permissions for nearby sites. A significant redevelopment is proposed on the former Royal Mail sorting office to the south of the site (this site is also known as the 'Hermes' site or '80 Caversham Road'). An outline application was submitted in 2018 for the demolition of all existing buildings and erection of new buildings ranging between 2 and 24 storeys to provide residential (620 units), office and commercial floorspace along with associated landscaping, car parking and access<sup>18</sup>. At the close of the inquiry this application was undetermined but with a resolution to grant planning permission subject to the completion of a S106 obligation<sup>19</sup>. After the close of the inquiry the parties provided the completed S106 obligation for the Hermes site<sup>20</sup>.
23. To the north, the site at 55 Vastern Road (also known as the 'SSE site') was granted planning permission on appeal in March 2022<sup>21</sup> for the demolition of existing structures and erection of a series of buildings ranging in height from 1 to 11 storeys, including residential dwellings and retail floorspace, together with a new north-south pedestrian link connecting Christchurch Bridge to Vastern Road.
24. To the south of the railway line planning permission has been granted for a mixed-use development at Station Hill North. This comprises an office building rising to 17 / 18 storeys on Phase 2 and other tall buildings within Phase 3, one of which would have a maximum height of 123m Above Ordnance Datum (AOD) (equivalent to around 30 storeys)<sup>22</sup>.

### **The Proposal**

25. The proposal is for the construction of four blocks of buildings on plots A-D on an axis running northwest to southeast along the site. The mixed-use development would comprise predominantly residential development with retail / leisure / community uses at ground floor on plots A, B and C. Plot D could be either office

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<sup>16</sup> CD7.38

<sup>17</sup> CD1.16

<sup>18</sup> See extract plans and elevations at ID8, ID9, ID10, ID11, ID12

<sup>19</sup> CD7.57 Committee Report for 80 Caversham Road

<sup>20</sup> ID99

<sup>21</sup> CD 5.1, APP/E0345/W/21/3276463

<sup>22</sup> ID17-ID23

- use, residential use, or a mix of the two, again with ground floor retail / leisure / community uses.
26. The maximum height of plots as shown on the Parameter Plan – Plot Heights PP-103 P3 would be as follows:
- Plot A between 71.1m AOD (33m building height) and 94.4m AOD (56.3m building height);
  - Plot B between 55.1m AOD (17m building height), 64.45m AOD (26.4m building height) and 92.8m AOD (54.7m building height) on different parts of the plot;
  - Plot C between 79.1m AOD (41m building height) and 94.4m AOD (56.3m building height);
  - Plot D between 87.9m AOD (49.8m building height) and 112.9m AOD (74.8m building height).
27. A minimum 5 metre strip from the pavement edge along Vastern Road is shown on the Development Footprint plan (PP-100 P3) as being a no development zone, except for open space, public realm and highway improvements. A no development zone is also shown adjoining Caversham Road in the vicinity of existing TPO trees along that frontage.
28. Whilst access is a reserved matter, the Site Access and Egress plan (PP-101 P2) shows a zone for access to the site from Caversham Road, a zone for site egress onto Vastern Road and a zone, on Trooper Potts Way, for servicing access and egress. The IS shows an internal access road along the southern boundary of the site adjoining the Hermes development to the south. Further access and egress zones to and from the Hermes site are shown on plans PP-115 P1 and PP-116 P1. These plans are alternative proposals depending on whether the Hermes site or the appeal site is developed first. The matter is dealt with through the S106 obligation and is addressed later in this Report.
29. A north-south pedestrian and cycle route is proposed running between plots C and D. This is a mandatory element in the Design Code<sup>23</sup>.

## **Planning Policies and Guidance**

### ***The Development Plan***

30. The Development Plan includes the Reading Borough Local Plan 2013-2036, adopted November 2019 (RBLP)<sup>24</sup>. The following policies are referred to in the putative RfR:
31. **Policy CC2** seeks to ensure that the design of new buildings and site layouts use energy, water, minerals, materials and other natural resources efficiently and take account of the effects of climate change. It sets out the requirement for major non-residential development to meet BREEAM 'Excellent' standards where possible.

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<sup>23</sup> ID89 Section 6.1.1

<sup>24</sup> CD4.1, CD4.2-4.57

32. **Policy CC3** requires development to demonstrate how it has been designed to incorporate measures to adapt to climate change. In particular it requires, where possible, new buildings to be orientated to maximise the opportunities for natural heating and ventilation and reducing exposure to wind and other elements; proposals must demonstrate how they have been designed to maximise resistance and resilience to climate change, for example by including solar shading, thermal mass, heating and ventilation, appropriately coloured materials, green and brown roofs, green walls etc.; development must also incorporate the appropriate use of trees and landscaping for shading of amenity areas.
33. **Policy CC4** sets out that developments of more than 20 dwellings or 1,000 sq m consider the inclusion of decentralised energy provision.
34. **Policy CC7** requires all development to be of a high design quality that makes a positive contribution towards character, the quality of the public realm, provision of green infrastructure and landscaping, amongst other things. The policy also aims to ensure that development protects and enhances the historic environment.
35. **Policy CC8** seeks to ensure an acceptable living environment for existing and new residents. Access to sunlight and daylight and the impact of wind are of particular relevance in this appeal.
36. **Policy EN1** relates to the protection and, where possible, enhancement of the historic environment, including listed buildings, Conservation Areas and their settings. Harm should be avoided in the first instance, but any harm requires clear and convincing justification, usually in the form of public benefits.
37. **Policy EN3** relates to the conservation and enhancement of Conservation Areas, requiring development to make a positive contribution to local character and distinctiveness.
38. **Policy EN5** aims to ensure the protection of significant views with heritage interest. The views under consideration in this appeal (in particular the view along Station Road towards the listed station building, addressed later in this Report) is not specifically mentioned in the list of views that merit special protection. Nevertheless, the justification to the policy explains that the list is not comprehensive but includes the most significant heritage views that are not protected by other policies. The plan states that other important views are covered by other designations and documents. It specifically points to the Reading Station Area Framework (RSAF) which identifies longer and shorter distance views that are of importance<sup>25</sup>.
39. **Policy EN6** aims to ensure that development is informed and shaped by the historic environment. Factors including scale, height, mass, proportion, significant vistas and views will be considered when determining whether development makes a positive contribution to the existing historic townscape.
40. **Policy EN9** sets out the requirements for open space provision based on the needs of the development. This can be achieved through on or off-site provision or contributions towards provision or improvement of existing facilities.

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<sup>25</sup> Para. 4.2.22 LP



41. **Policy EN12** relates to biodiversity and the green network. It requires the protection, extension and enhancement of the Green Network identified in the Local Plan policies map. The policy also seeks to ensure that development maximises opportunities to create new green space and landscaping. Development should provide a net gain for biodiversity wherever possible.
42. **Policy EN14** requires tree retention, protection and planting in new development, particularly on street frontages.
43. **Policy EN15** states that development should have regard to the need to improve air quality and mitigate the impacts on sensitive uses such as residential in Air Quality Management Areas.
44. **Policy EN18** (referred to in putative RfR 9) relates to flooding and sustainable drainage systems (SuDS). The policy requires SuDS to incorporate tree planting and landscaping. However, as it is agreed that there are no concerns relating to flooding or the provision of SuDS, proposed as a condition, this policy is of limited relevance in the consideration of the issues in this appeal.
45. **Policy H2** sets out that the appropriate density of residential development on sites will be informed by a number of matters, including the character of the area, consideration of heritage assets, the need for high quality design, the need to maximise land use efficiency and minimise environmental impacts, including detrimental impacts on the amenities of adjoining occupiers.
46. **Policy H5** sets requirements for standards for new housing including, of particular relevance to this appeal, that "*all major new build residential development should be designed to achieve zero carbon homes*".
47. **Policy H10**, amongst other matters, requires that outdoor amenity space is not overshadowed by other buildings.
48. **Policy TR3** deals with highway-related matters and identifies the need to consider safety, including of pedestrians and cyclists, congestion and the environment in development proposals.
49. **Policy TR4** relates to the improvement and extension of cycle access to, from and within development.
50. **Policy CR2** relates to design in Central Reading, in which the site lies. Amongst other things, the policy seeks to ensure that development respects the existing grid layout of the central area, contributes to ease of movement through and around the area, uses high quality architectural details and materials, provides well designed public realm including squares and open spaces, high quality landscaped areas and, where possible, green infrastructure.
51. **Policy CR3** includes a number of criteria to ensure that development makes a positive contribution towards the quality of the public realm including the provision of high quality public open space or civic squares. In particular, it requires all proposals on sites of more than 1 hectare within central Reading to provide new public open space or civic squares integrated with surrounding development.
52. **Policy CR10** relates to tall buildings. These are defined as 10 storeys of commercial floor space or 12 storeys of residential, equating to buildings 36

metres tall, or above. Tall buildings are only appropriate within defined "areas of potential for tall buildings". The site lies within the CR10a Station Area Cluster. This sets out that there will be a new cluster of tall buildings with the station at its heart. Tallest buildings will be at the centre of the cluster, close to the station, and buildings should step down in height towards lower buildings at the fringes. Amongst other things, buildings within the Station Area Cluster should be designed to fit within a wider planning framework or master plan, allowing separate parcels of land to come forward at different times in a co-ordinated manner.

The policy sets out that tall buildings should be of excellent design and architectural quality and should meet a number of criteria relating to design, including design of the public realm and green infrastructure; views; heritage assets; maximising energy efficiency; mitigating wind speed; ensuring adequate levels of daylight and sunlight and avoiding significant negative impacts on existing residential properties.

Figure 5.2 shows, in diagrammatic form, an indication of the approach to tall buildings within the Station Area Cluster<sup>26</sup>.

53. **Policy CR11** sets out the requirements for the Station/River Major Opportunity Area (MOA)<sup>27</sup> which the policy describes as *being "one of the most accessible locations in the south east"*. The plan sets out the vision for the area to create a flagship scheme to extend the centre, providing a mixed-use destination centred on the station. The vision includes the integration of transport links and areas northwards towards the River Thames and south into the heart of the centre. Development must meet certain criteria including: providing a high density mix of uses to create a destination; facilitating greater pedestrian and cycle permeability with particular emphasis on north-south links centred on the station and crossing the Inner Distribution Road (IDR); provision of open space and green infrastructure, including a *"direct landscaped link between the station and the River Thames"*; paying careful attention to areas of transition to low and medium density residential areas; conserving and, where possible, enhancing listed buildings, conservation areas and their settings; demonstrating a comprehensive approach to development of the sub-area and contributing towards policy requirements, such as open space, which benefit the whole area.

The policy sets out a number of sub-areas within the Station/River MOA. The site lies within the CR11e North of Station sub-area.

54. **CR11e** sets out the requirement for development with retail and leisure on the ground floor activating the streets and spaces, including the new northern station square. The need for a high-quality route incorporating a green link to the Thames is emphasised.
55. **CR11g**, which relates to the Riverside sub-area, is also mentioned in putative RfR 4. This area lies to the north of the CR11e sub-area and the north-south link towards the Thames runs through this area. However, the policy for the CR11g area does not specifically relate to the development of the appeal site and it is therefore of less relevance in the determination of this appeal.

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<sup>26</sup> CD4.55, page 142

<sup>27</sup> See Figure 5.3 LP, page 149

56. Other relevant policies are as follows:

- Policy CC1: Presumption in Favour of Sustainable development;
- Policy CC5: Waste Minimisation and Storage;
- Policy CC6: Accessibility and the Intensity of Development;
- Policy CC9: Securing Infrastructure;
- Policy EN4: Locally Important Heritage Assets;
- Policy EN7: Local Green Space and Public Open Space;
- Policy EN10: Access to Open Space;
- Policy EN16: Pollution and Water Resources;
- Policy EM1: Provision of Employment;
- Policy EM2: Location of New Employment Development;
- Policy H1: Provision of Housing;
- Policy H3: Affordable Housing;
- Policy H4: Build to Rent;
- Policy TR1: Achieving the Transport Strategy;
- Policy TR5: Car and Cycle Parking and Electric Vehicle Charging;
- Policy RL1: Network and Hierarchy of Centres;
- Policy RL2: Scale and Location of Retail, Leisure and Culture Development;
- Policy CR1: Definition of Central Reading;
- Policy CR6: Living in Central Reading;
- Policy CR7: Primary Frontages in Central Reading;

57. The parties also agree that the following supplementary planning documents (SPD) are relevant in the consideration of this appeal:

***Reading Station Area Framework (RSAF)***

58. The RSAF was adopted in December 2010<sup>28</sup>. It is a supplementary planning document (SPD) prepared to supplement the former Reading Central Area Action Plan (RCAAP) which has now been superseded by the RBLP. The document is referred to in paragraph 5.4.9 of the RBLP as providing more detailed guidance for the development of the Station / River MOA.

59. The RSAF gives guidance on the massing principles (Chapter 6) explaining that tall buildings should rise up around the station "nexus"; *"the approach to building massing should be dramatic with a new cluster of taller buildings forming a new and distinctive skyline"*; *"the 'dome' of development is identified with the 'crown',*

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<sup>28</sup> CD7.1 - The RSAF includes an illustrative scheme (the RSAF IS)

*the area of greatest permissible height, immediately adjoining and to the south of the station entrance."*

60. The RSAF identifies landmark heights and benchmark heights for each of the plot areas within the Station Area. Benchmark heights are the general recommended height for each area. They may be modified upwards or downwards in certain circumstances. Landmark buildings (see Figure 6.4) are *"individual or groups of tall or prominent buildings which can enable people to orientate themselves and recognise where they are, emphasise important places or districts and create a distinctive and memorable skyline."* District landmarks are *"the very tallest and most prominent buildings visible and distinguishable from across the central Reading district."* Local landmarks are *"tall or prominent buildings above ten storeys which are nevertheless clearly subordinate and therefore lower than district landmarks."* Landmark buildings *"may exceptionally puncture the benchmark heights and the general 'dome' massing pattern in order to create emphasis and to mark important places"* (paragraph 6.26).
61. Figure 6.9 identifies the heights for the plots within the appeal site as follows (plots A-D in the appeal scheme are equivalent to plots N3 – N6 in the RSAF):
- Plot A (N3) benchmark heights - 6 commercial storeys and is not identified as suitable for a landmark building;
  - Plot B (N4) benchmark heights – 7 commercial storeys and suitable for a local landmark building;
  - Plot C (N5) – benchmark height – 8 commercial storeys and suitable for a local landmark building;
  - Plot D (N6) – benchmark height likely to be at least 10 storeys and reference made to tall buildings policies and design guidance.
62. RSAF guidance states that heights should step down to relate appropriately to surrounding residential areas to the west and north (paras 6.28 and 6.29).
63. The RSAF states that its purpose is to *"outline broad development principles...to guide the planned redevelopment of the area, individual sites, the public realm, and new transport infrastructure"*<sup>29</sup>. It includes an Illustrative Scheme (RSAF IS) which provides an indicative vision but represents only one possible scheme that would comply with the RSAF<sup>30</sup>.
64. The RSAF was based on previous studies on height and massing around the station, including the Reading Tall Buildings Strategy (RTBS) 2008<sup>31</sup>. Whilst the RSAF is now of some age, the RBLP states that the guidance continues to apply. The relevant RBLP policies closely reflect the relevant policies within the RCAAP against which background the RSAF was prepared. Furthermore, whilst the planning context of sites within the Station Area has evolved since the RSAF was prepared, the principles of good urban design set out in the document are still valid despite the passage of time.

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<sup>29</sup> CD7.1 paragraph 1.5

<sup>30</sup> CD7.1 paragraph 14.1

<sup>31</sup> CD7.44

65. The RSAF is also in line with the approach in the National Planning Policy Framework (NPPF) to achieving well-designed places, the National Design Guide (NDG)<sup>32</sup>, National Model Design Code (NMDC)<sup>33</sup> and Historic England's Tall Buildings Advice Note 4 (HEAN 4)<sup>34</sup>.
66. The parties agree that the RSAF is a material consideration in this case but dispute the weight to be attached to it. Whilst the document is of some age, for the above reasons, I agree with the Inspector in the 55 Vastern Road appeal that *"the RSAF remains of relevance as a guiding framework"*<sup>35</sup> and consider that a moderate amount of weight can be given to it.

### **Other policy and guidance**

67. The RTBS, which informed the tall buildings policy in the RBLP, and RTBS Update 2018<sup>36</sup> are of relevance in this appeal. The RTBS identifies character areas (CA) with capacity for tall buildings and those without.
68. Also of relevance are: Affordable Housing SPD, adopted July 2013<sup>37</sup>; Employment Skills and Training SPD, adopted April 2013<sup>38</sup>; Revised Parking Standards and Design SPD, adopted October 2011<sup>39</sup>; Planning Obligations Under S106 SPD, adopted December 2019<sup>40</sup>; Sustainable Design and Construction SPD, adopted December 2019<sup>41</sup>; Tree Strategy 2021<sup>42</sup> and Biodiversity Action Plan 2021<sup>43</sup>, which is of relevance in supporting the Tree Strategy and policy EN12.
69. In terms of national planning policy and guidance, the NPPF, Planning Practice Guidance (PPG), NDG and NMDC are material considerations.

### **Agreed Matters**

70. A Statement of Common Ground (SoCG) was agreed between the Council and Appellant<sup>44</sup>. Separate, issue specific, SoCG were also produced for wind<sup>45</sup>, sustainability<sup>46</sup> and daylight / sunlight<sup>47</sup>. The following main matters are agreed (other matters are also set out in the SoCG):
71. The site is previously developed land in an accessible location in close proximity to Reading town centre, Reading Station and a number of bus stops / services.

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<sup>32</sup> CD7.17

<sup>33</sup> CD7.18

<sup>34</sup> CD7.24

<sup>35</sup> CD5.1 paragraph 14

<sup>36</sup> CD7.45

<sup>37</sup> CD7.3

<sup>38</sup> CD7.4

<sup>39</sup> CD7.5

<sup>40</sup> CD7.6

<sup>41</sup> CD7.7

<sup>42</sup> CD7.8

<sup>43</sup> CD7.9

<sup>44</sup> CD12.4

<sup>45</sup> CD12.3

<sup>46</sup> ID53 & ID55

<sup>47</sup> CD12.6 & CD12.5.1, supplemented by ID70

72. The site is located within the Station / River MOA where policy CR11 / CR11e of the RBLP sets the policy requirements applicable to the appeal site. In this context retail, leisure, residential and commercial uses are acceptable in principle.
73. The parties agree that the provision of housing on the site is a benefit of the scheme. Policy H1 of the RBLP identifies a housing requirement of at least 15,847 homes over the plan period to 2036 or 689 dwellings per year. The policy explains that Reading is unable to identify sufficient sites to fulfil the housing requirement over the plan period. However, the latest Annual Monitoring Report shows an expected delivery of 17,473 over the plan period. The Council is able to demonstrate 6.95 years' supply of housing. Nevertheless, it is agreed that these figures are not ceilings on housing supply and that the provision of up to 1,000 dwellings on the site would make a significant contribution to addressing market housing need within the Borough.
74. The revised method for calculating local housing need published in December 2020 would result in an increased requirement for Reading of 872 dwellings per year based on latest figures. However, this will not apply in Reading until November 2024 or until the RBLP is reviewed, whichever is earliest, and this will also depend upon forthcoming changes to the NPPF.
75. It is agreed that the Financial Viability Assessment demonstrates that the proposed development is currently unable to support an affordable housing contribution. The inclusion (in the S106) of a 3 stage review mechanism will ensure that the scheme provides affordable housing should viability improve sufficiently during the construction lifetime. It would therefore accord with policy H3 and the Affordable Housing SPD.

### ***Design and Townscape agreed matters***

76. The appeal site is located within the 'Station Area Cluster' - one of the 'areas of potential for tall buildings' as defined on the Proposals Map<sup>48</sup> and in policy CR10i.
77. The Parameter Plan maximum heights exceed the RSAF benchmark heights and the RTBS tall building threshold.
78. RSAF Figure 6.10 defines areas with 'particular sensitivity' to the effects of tall buildings and areas where listed buildings and public spaces combine to create places where special control should be exercised. This includes views to, from and across these places. The appeal site is in an area in which such special controls apply.
79. The RTBS identifies that Character Area 22, in which the appeal site sits, has a low townscape sensitivity to the inclusion of tall buildings. Tall buildings should not be developed along the north and western boundaries. It is agreed that the development is likely to be visible from adjacent character areas CA1, 2, 4, 6 and 8.
80. A north-south link is of strategic importance as recognised in the RBLP and RSAF. Policy CR11 contains several design principles for the north-south link.

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<sup>48</sup> CD4.57

81. The RSAF defines several important views that could be affected by the development, including View 58 (north along Station Road) and View 56 (north along Duke Street and Market Place)<sup>49</sup>. The development on plots C and D exceeds the Tall Building Threshold and will rise into View 58.
82. The creation of quality public realm should be the foremost consideration in bringing forward development proposals in accordance with the RSAF. The RBLP expects the provision of on-site open space in accordance with policies EN9, CR2, CR3 and CR11 of the RBLP.

### ***Heritage agreed matters***

83. The NPPF seeks to ensure that heritage assets are conserved in a manner appropriate to their significance. Harm to the significance of designated heritage assets is either less than substantial or substantial. The setting of a designated heritage asset is important in terms of what it contributes to the significance of the asset or to the ability to appreciate the asset.
84. The following heritage assets are in proximity to the site and the proposed development has the potential to affect the significance of these through changes to their setting:
- The Locally Listed building at 55 Vastern Road;
  - The Grade II Listed Main Building of Reading General Station;
  - The Market Place and London Street Conservation Area;
  - The Grade II\* Listed Town Council Chamber and Offices with Clock Tower.
85. The Council considers that the development would have a neutral impact on 55 Vastern Road. The Appellant agrees that the impact would not be significant.
86. The listed station building is referred to in the RSAF paragraph 12.6 as one of Reading's most prominent historic buildings. Paragraph 12.9 of the RSAF makes clear that the case in support of alterations to the setting of the station building local plan
87. Policy EN5 of the RBLP seeks to protect significant views of heritage interest. The list of 9 views in the policy is not exhaustive and is focused on views which are not protected by other policies.
88. Both the Market Place and London Street Conservation Area Character Appraisal<sup>50</sup> and the RSAF identify views in the Conservation Area where historic assets form part of the view and where the effect which any change has on the historic asset should be taken into account.
89. The harm caused to designated heritage assets in this case is less than substantial. The proposals fall to be considered under paragraph 202 and 203 of the NPPF. The impact of the highest magnitude in heritage terms is on the setting and significance of the Grade II listed station building.

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<sup>49</sup> CD7.1, Figure 7.2

<sup>50</sup> CD7.43

### ***Daylight / sunlight agreed matters***

90. Agreed matters are set out in the SoCG for Daylight and Sunlight<sup>51</sup> and the Joint response by CHP Surveyors Ltd (for the Appellant) and Building Research Establishment (BRE) on Daylight and Sunlight, 16<sup>th</sup> September 2022<sup>52</sup>.
91. The parties agree to the use of the BRE guide '*Site Layout and Planning for Daylight and Sunlight A guide to good practice*' 2<sup>nd</sup> Edition, 2011<sup>53</sup> (the BRE guide) and the related British Standard BS 8206 '*Code of practice for daylighting*'. During the inquiry the BRE guide was updated by the 3<sup>rd</sup> Edition, 2022<sup>54</sup> which refers to the updated BS EN 17037:2018. Whilst Appendix F of the Appellant's Position Statement (which supersedes Appendix A) gives data on compliance with BS EN 17037:2018, the Council disputes the frame factor used in this data which they say overestimates daylight provision. However, both parties agree that the data within the SoCG: Daylight and Sunlight (which are based on BS 8206) should be given more weight in this appeal. This is because of the amount of additional evidence that would have been required at a late stage in the inquiry and because the minimum daylight recommendations in the UK National Annex of BS EN 17037:2018 are intended to result in similar levels of compliance to those in BS 8206 Part 2 (see SoCG: Daylight Standards<sup>55</sup>).
92. The following matters are also agreed:
- loss of direct sunlight to surrounding existing dwellings would be within BRE guidelines and the Council raise no objection on the basis of loss of sunlight to existing properties;
  - reflected solar glare from the proposed development could be dealt with by condition;
  - the public amenity space between Blocks A and B and C and D will achieve the BRE recommendations. All roof terraces and the courtyard to Block B and two of the roof terraces to Block C of the IS, but not the courtyard or one of the roof terraces to Block C, will also achieve the BRE recommendations;
  - the data set out in Appendices A, B and C to the SoCG can be used to assess loss of light to surrounding properties;
  - the summary of cumulative Vertical Sky Component results (VSC) for 17-51 Vastern Road are that 0 windows will meet the BRE guidelines. All windows analysed would experience an impact ranging from moderate to major adverse;
  - the summary of cumulative daylight distribution results for 17-51 Vastern Road, measured by assessing No Sky Line (NSL), are that 16 rooms (31%) will meet the BRE guidelines and experience a negligible impact. 36 rooms

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<sup>51</sup> CD12.6

<sup>52</sup> ID70

<sup>53</sup> CD7.20

<sup>54</sup> ID95, BRE '*Site Layout and Planning for Daylight and Sunlight A guide to good practice*', 3<sup>rd</sup> Edition 2022

<sup>55</sup> ID70



(69%) would have losses of daylight area outside the BRE guidelines, with impacts ranging from minor to major adverse.

93. At the start of the inquiry, the Council were concerned that inadequate data had been submitted to show the impact of the proposals on the Hermes development. However, following the latest evidence produced by the Appellant at ID70, it is agreed that it would be possible to design the proposed accommodation on the Hermes site with adequate levels of daylight.
94. The parties agree therefore that the matters in dispute are loss of daylight to surrounding existing properties, loss of daylight and sunlight to the consented scheme at 55 Vastern Road and daylight and sunlight provision in the development itself, including sunlight provision within proposed amenity areas to Block C.

### ***Sustainability agreed matters<sup>56</sup>***

95. It is agreed that relevant policies / SPD are: CC2, CC3, CC4, H5 and the Sustainable Design and Construction SPD.
96. The following matters are also agreed:
- that BREEAM 'Excellent' would be achieved and relevant conditions would secure this;
  - that there would be further detail at reserved matters stage;
  - the ES contains some modelling of daylight and sunlight, overshadowing, solar glare, wind microclimate, flood risk and drainage;
  - conditions are proposed requiring further detail on daylight and sunlight, wind microclimate and drainage;
  - that the development will have provision to connect to the district energy network when available;
  - the development would achieve a 49.64% carbon reduction over the target emission rate;
  - the cash contribution required by policy H5 is agreed at £909,216.50 and this will be secured through the S106;
  - changes to the Building Regulations are relevant and reserved matters schemes will be assessed against these new Regulations.

### ***Wind agreed matters<sup>57</sup>***

97. Following the submission of further wind microclimate reports<sup>58</sup>, it is agreed that the assessment of the effect of wind are sufficient and robust. The wind comfort and wind safety conditions are reasonable and within expected ranges.

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<sup>56</sup> ID53, SoCG for Building Regulations, Revision C and ID55, Reading Station Sustainability Statement of Common Ground, Revision D

<sup>57</sup> CD12.3, SoCG Wind Microclimate

<sup>58</sup> CD8.9 and 8.10

98. The assessments did not include planting, balustrades or other wind mitigation measures. As a result, it is agreed that the findings presented are likely to be conservative.
99. There are a small number of localised ground level locations that require wind mitigation. 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.
100. There are roof top level locations (especially above plot D) that require wind mitigation. Conditioning a wind tunnel study at the detailed design stage would be an appropriate course of action.
101. There are no outstanding matters of dispute in relation to wind microclimate.

**Other agreed matters<sup>59</sup>**

102. Highway matters: the proposal would result in a reduction in vehicular traffic to the benefit of the local highway network and highway safety; the site would be suitable for a largely car-free development; site access and egress can be secured at reserved matters stage; the proposal would not lead to unacceptable impact on highway safety and would not lead to a severe impact on the highway network; no objection is raised by the Council in relation to traffic and/or transport matters.
103. Landscape, trees and green network: the site is on a designated treed corridor and within a low canopy cover ward as defined in the adopted Tree Strategy; policy EN14 and the Tree Strategy seek the retention of existing trees; E12 seeks to maximise the enhancement of biodiversity provision on development sites.
104. Ecology: Natural England has raised no objection to the proposed scheme; the scheme is unlikely to adversely affect any protected species, priority habitats or important wildlife sites.
105. Flood risk: The Environment Agency objected to the application in May 2020 but this objection has now been satisfactorily addressed.
106. Education: The need for additional education facilities arising from the appeal scheme will be covered by the Community Infrastructure Levy (CIL).
107. Retail: The site falls within the Central Core and the Primary Shopping Area (policy CR1). Criterion (e) of policy CR11 requires retail and leisure on the ground floor of the development. The appeal scheme will meet this criterion, subject to the imposition of a suitable condition. The existing site provides a total of 6,949 square metres (Gross Internal Area) of retail / restaurant floorspace. The appeal scheme would provide a minimum of 2,000 square metres and a maximum of 7,000 square metres of retail (Use Class A1-A5) and leisure / community (Use Class D1/D2) floorspace. If the minimum floorspace is provided, the net loss of retail floorspace would be minor in the context of total retail provision within Reading Town Centre. The provision of retail / leisure floorspace as part of a mixed residential and employment scheme will offer a number of benefits in terms of resident and office worker spend that would

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<sup>59</sup> CD12.4, SoCG

support the vitality and viability of Reading Town Centre. Consequently, there is no objection to the potential loss of existing retailing from the site, subject to ensuring that main ground floor frontages are primarily in retail and leisure uses.

108. Other: no objection is raised on archaeological grounds and this matter can be dealt with by conditions; any contamination, noise and air quality impacts can be addressed by conditions.

### ***Agreed benefits of the scheme<sup>60</sup>***

109. The parties agree that the following are benefits of the scheme although the weight to be given to these is addressed separately by the parties:

- Redevelopment of a highly accessible, brownfield site;
- Provision of residential and office / commercial accommodation in highly accessible location;
- Improvements to the built environment and commercial attractiveness of this part of the Town Centre;
- New Homes Bonus and Council Tax receipts;
- Creation of employment during construction and operation.

### **The Case for the Appellant**

110. The appeal scheme is a very substantial policy compliant contribution to the regeneration of Reading, in line with national housing, economic and design agenda and with the objectives of the Development Plan.

111. The site is underused, car-dominated, previously developed and allocated, is free from constraints and occupies one of the most sustainable locations in the southeast<sup>61</sup>.

112. The appeal development would meet local policy aspirations for a high-density tall building redevelopment of the site. The Appellant proposes high-quality design which balances all of the relevant matters.

### ***The appeal scheme***

113. In addition to the amended description of development (as set out above) the development would be governed by the S106 obligation<sup>62</sup>, planning conditions, Amended Development Parameters Schedule<sup>63</sup>, the Design Code<sup>64</sup> and the Parameter Plans (as set out above).

114. Judgements can be made about the quality of design of the final detailed scheme from the Design Code such as:

- Generous separation between blocks;

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<sup>60</sup> CD12.4, SoCG

<sup>61</sup> Policy CR11

<sup>62</sup> ID94 and 94.1

<sup>63</sup> ID61 Rev A

<sup>64</sup> ID89

- Daylight and sunlight effects limited to the impact assessed for the IS scheme;
- Public realm, hierarchy of routes and active frontages;
- Plot by plot design details, appearance and materials established;

### ***The Illustrative Scheme***

115. The IS is an indication of the kind of scheme which is likely to come forward at reserved matters stage and a substantial amount of weight should be attached to it<sup>65</sup>. This would be controlled by the following:

- The stipulation in the Design Code that daylight effects on the Vastern Road properties would not be worse than the daylight / sunlight assessment for the IS<sup>66</sup>.
- The stipulation in the Design Code that 80% of residential units in the scheme must meet the 2022 BRE internal daylight guidance. Accordingly, the blocks must be designed so that daylight can penetrate the internal courtyards as shown in the IS.
- The floorspace limits would control the overall volume. It is very unlikely that the buildings would materially increase in volume. With the possible exception of the main office atrium, there is no explanation why developers would make a scheme more expensive by emphasising public foyers with taller ceiling heights without being able to increase the saleable or lettable floorspace.

### ***Policy compliance***

116. The proposal would comply with the following RBLP policies:

- It is within the Central Core, Office Core and Primary Shopping Area (CR1);
- It sits within a Tall Buildings Cluster and Major Opportunity Area (CR11).

117. The principle of the proposed uses is accepted by the Council and is in accordance with the RBLP.

118. The proposal would comply with NPPF paragraph 130 in a number of respects:

- (a) the scheme would function well as a mixed-use scheme next to the railway station within a new quarter which is taking shape.
- (b) the Design Code would ensure a high-quality appearance. The scheme would be visually engaging, the ground floor would be activated, there would be good quality hard and soft landscaping, the buildings would be successfully articulated with appropriate materials.
- (c) A number of the matters in dispute in this case fall to be considered under this paragraph.

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<sup>65</sup> ID77, paragraph 2.6 and 5.3

<sup>66</sup> ID56 (also appended to the Design Code)

- (d) a high density quarter would be created with tall buildings, active ground floor and mix of uses interacting with routes and would achieve a strong sense of place.
- (e) the scheme would optimise the potential of the site.
- (f) the scheme would create safe, inclusive and accessible places.

119. In terms of heritage, the NPPF does not require no harm, but embeds the principle of a balanced approach.

### **Design / Height**

120. Policies CR10 and CR11 focus on the wider Station Area, creating a new destination and place, rather than focusing on the station itself. The new area is to be characterised by tall buildings and there is no dispute that the site falls within a 'tall building area'<sup>67</sup>. The general pattern is to be tall buildings at the centre of the cluster and the lowest at the fringes, but this does not preclude tall buildings towards the edges of the allocated site. Policy CR10 states that the Station Area Cluster is an area for tall buildings which are defined as 10 commercial storeys or 12 residential storeys, equivalent to 36m in height. Adopted policies do not stipulate how high the buildings on the appeal site should be.
121. The Council's approach is to treat the RSAF as a rulebook. This is not in accordance with the NPPF or with the status of the RSAF. Some weight should be given to the RSAF but it should be applied flexibly. The RSAF refers to 'landmark' and 'benchmark' heights, but these are not maxima<sup>68</sup>.
122. The design of the scheme comprises four built blocks with the tallest element nearest the station, a stepped profile to the blocks, laid out in a grid pattern with secondary streets and pedestrian areas between them. This broadly accords with the RSAF layout.
123. The Council does not object to the heights of plots B, C or D. In evidence, the Council did not say that plot D is too tall, the point made is its relationship with the station building.
124. In relation to block A, the northern part adjacent to Vastern Road and the roundabout would be 8-10 storeys and the southern part, facing Caversham Road and the Hermes site, would be 16 storeys<sup>69</sup>. AVR4<sup>70</sup> illustrates this view from the roundabout. The building would not be too tall, it would relate well to the roundabout, Vastern Road and residential development opposite. It would mark the edge of the Station Area and it does not matter that, from this view, it would obscure views of the station building. The height of this building is justified in enclosure, townscape improvement and wayfinding / legibility terms.
125. The 16 storey building would be set back from Caversham Road and would create no unacceptable impacts when viewed from the west, as illustrated in

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<sup>67</sup> CD4.56 Proposals Map

<sup>68</sup> CD7.1 paragraph 6.23

<sup>69</sup> See ID30 agreed heights of 9.2 storeys to the north and 15.6 storeys to the south.

<sup>70</sup> ID47, ID48 & ID49

AVR7<sup>71</sup>. There would be no overshadowing, loss of daylight, over-dominance or privacy issues and the area to the west is relatively insensitive to tall buildings<sup>72</sup>. This part of plot A would mark the important east-west route to the station. The Hermes development would create a similar effect on its surroundings. Caversham Road is part of the internal ring road and the Council in its Report to Committee for the Hermes site describe it as an "urban dual carriageway", having a "wide and assertive segregation"<sup>73</sup>.

### **Cluster / crown / stepping down**

126. The evidence demonstrates that the relationships between built components in the skyline change as one moves around the townscape. Nevertheless, in all important mid and long-distance views, the Station Hill development would appear as the most dominant building<sup>74</sup>. The appeal development would form a layer within that cluster. Plot D would be subordinate to Station Hill. Plots C to A would be spaced out, legible within the cluster and would step down towards the edges. The fact that plots B and C are not obviously taller than plot A does not matter in the overall composition because the cluster has a coherent shape with the larger elements towards the centre and closest to the railway line and station.

### **Views<sup>75</sup>**

127. The RSAF identifies plots N5 and N6 (plot C and plot D of the appeal scheme) as appropriate for local landmark buildings in Figure 6.9. Plot N6 is directly north of the station building. The RSAF shows tall buildings adjacent to the station building and appearing in the backdrop of the station clock tower. The Council's Committee Report also shows views of the station clock tower with tall buildings behind<sup>76</sup>. These views are kinetic in that they will alter as the viewer moves around the townscape.

128. The TVIA identifies CA4 as having a low sensitivity to cumulative development and concludes that the proposed development would cause a small magnitude of impact and a negligible beneficial cumulative effect<sup>77</sup>. The TVIA assessment of AVR10 notes that views would be gained between blocks and pitched roofs on the lower elements of the buildings would contribute to the character of the townscape. It concludes that the increased visual interest, locally distinctive built form and variety in massing and heights causes an adverse very small magnitude of impact. On balance it is concluded that the development would result in a negligible beneficial effect<sup>78</sup>. A similar impact is noted from AVR25<sup>79</sup>.

### **Routes**

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<sup>71</sup> ID47, ID48 & ID49

<sup>72</sup> RTBS Appendix 1, page 29

<sup>73</sup> CD7.57, paragraph 6.2.23 (in part quoting from an appeal at 71-73 Caversham Road, reference APP/E0345/W/20/3263270 (CD5.6))

<sup>74</sup> ID48 - AVR9, AVR11, AVR8

<sup>75</sup> See CD8.11, Matthew Chard Proof of Evidence (PoE), page 40

<sup>76</sup> CD3.1 Figures 16 and 17

<sup>77</sup> CD8.11.1 Appendices to Accompany Townscape PoE, Matthew Chart, MDC-5c page 6

<sup>78</sup> CD8.11.1, MDC-5b, page 11

<sup>79</sup> CD8.11.1, MDC-5b, page 26

### North-South route

129. The Council would like a direct line of sight between the exit to the subway and / or the station and the route into the consented SSE scheme. This is inconsistent with the appeal scheme and would require some form of chamfering of one or more of the blocks.

130. Mr Collado (for the Appellant) questioned the need for a direct line of sight for the following reasons:

- There is no firm basis for this in adopted policy or the RSAF. The line in the RSAF has not proved feasible across the SSE site therefore the underpinning premise of the straight line to the river is of no weight.
- Cutting across the regular grid to provide a line of sight is inconsistent with Mr Doyle's evidence (for the Council) regarding the need for a regular grid pattern.
- The way across Station Square North is signposted by the design of the scheme which would create a very wide landscaped public realm stretching between the station / subway to Vastern Road<sup>80</sup>. Signage could also be provided.
- The entrance to the SSE scheme would be highly visible from within the main body of the appeal scheme route. The crossing of Vastern Road would be highly visible and likely to be staggered to deposit one directly outside the SSE scheme.
- Prior to the appeal decision for the SSE scheme, the Council were relying on an alignment across the appeal site exactly as proposed by the Appellant. The fact of the SSE equipment staying in place was not properly considered by the Council in drafting the RSAF and the whole premise of the direct line of sight has been rejected. As the SSE Inspector found, legibility is about more than simplistic site lines.
- The proposed route is clear, legible and would achieve the functional connectivity between the station / subway and the beginning of the SSE development.

131. The Council have confirmed that there is no criticism of the appeal scheme based on the notional route to the roundabout shown on Local Plan figure 5.3 or the Policies Map.

132. The scheme will provide new and improved connections across Vastern Road, across Caversham Road, and through the subway, all paid for by the scheme or S106 contributions to existing schemes.

### East-West link

133. This would be an important connection for those living to the west of the appeal site. It would lie between the Hermes scheme and the appeal scheme. The design of the scheme and spaces between the buildings would be high quality and would enhance the townscape.

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<sup>80</sup> CD1.55 page 213

134. It is unnecessary to have only one access serving both the Hermes development and the appeal scheme, as suggested by the Council. There is no justification in highway terms for this. A single access is not required to ensure a comprehensive development. RBLP policy does not require such a mechanism. The policy is phrased more in terms of ensuring that parcels of land can come forward independently.
135. The Council say this is needed to achieve good public realm between the two schemes. That underestimates the size of the public realm between the two schemes and the ability of the designers to create interesting and attractive public realm even with two accesses.
136. The Hermes scheme has always been promoted, and was resolved to be granted, with egress across the northern part of Station Square North to Trooper Potts Way. A joint solution would not remove that aspect and provide for purely pedestrian area between the station and plot D of the appeal scheme. The joint solution is reasonably likely to happen, but it is not necessary.
137. If the Secretary of State considers a joint access to be necessary, Schedule 14 of the S106 for the appeal scheme would enable this to be delivered whichever scheme begins first. The only circumstance in which this would not apply would be if the Council has not placed such a restriction in the Hermes S106<sup>81</sup>.

### ***Public realm, open space and trees***

#### Station Square North

138. A sizeable portion of the area lies outside the red line of the appeal scheme and within the Hermes scheme / Network Rail's land<sup>82</sup>. The space overall created by the scheme would be very large at perhaps 35m x 40m x 70m<sup>83</sup> and a huge improvement on the current condition. The fact that Station Square North is to be delivered partly by Hermes and partly as a result of this appeal does not mean that it is fractured or undeliverable. Hermes has been assembling the interests needed to deliver the public realm improvement and the Hermes permission is expected to be issued in the near future.
139. Blocks D and C are different in parameter form and would appear very different, especially if plot D was an office development. Block D is taller and more foursquare in the views across the area. Block C is more modelled and, due to the need for a podium and cut away forms for light penetration, is likely to appear different. So there would be enclosure and variety with ground plane activation. The Council's arguments that it is a crude design and unbalanced is not clear, the scheme will be more balanced than the RSAF IS.
140. The Council argues that the oversailing of Block D would be harmful. This will not be so; the area would receive light, including some sunlight in the summer,

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<sup>81</sup> As stated above, the S106 for the Hermes site has subsequently been signed (ID99). It includes substantially the same obligations in relation to the joint access road.

<sup>82</sup> ID46 and ID81 – 81.4

<sup>83</sup> The Appellant's closing submissions refer to ID42 which shows an area of 3,760 sq m. However, this document was replaced during the inquiry by ID46 which gives a more accurate depiction of land ownership within Station Square North and overall square meterage at 5,867 sq m.



but also provide shelter from weather at other times of the year, and it would provide some variety.

### Vastern Road

141. The footpath widths on Vastern Road would not be uniform, ranging between 5.4m and 5.7m and would not drop below 5m<sup>84</sup>. This is a sizeable width, not markedly different from the width achieved by SSE opposite the appeal site. Both footpath and cycleway can be achieved easily in that area.
142. Mr Chard (for the Appellant) describes the "*cluttered and unstructured nature of the transition between the boulevard of Vastern Road and the broad swathe of surface level car parking*" that currently occupies the existing site frontage. He sets out that careful consideration has been given to the relationship with residential properties on Vastern Road in terms of development offsets, materiality and development frontage. Vastern Road itself is a substantial corridor which provides a physical and perceptual separation between the appeal scheme, comprising an expansion of the town centre, and the edge of centre residential area to the north<sup>85</sup>.

### Trees

143. There would be the possibility of additional tree planting along Vastern Road, despite the presence of services<sup>86</sup>. The precise species of tree would need to be finalised at the detailed stage and in discussion with the highways authority and possibly one or more of the statutory undertakers. The Council says that planting has not been 'proven'<sup>87</sup>, but one would not expect that at this stage and the evidence is before the inquiry to illustrate the room for planting. It need not, as the Council assert, all be within the red line of the scheme (as some may straddle it, depending on precise detail). These are all matters which can be resolved at the details stage.
144. The Council's RSAF-based points about a transforming Vastern Road into a boulevard with one lane of traffic and heavily planted with large-canopy trees may not come to fruition. There is no scheme to narrow Vastern Road and the planting undertaken by the Council has been in the form of fastigate limes in the central reservation. The meaningful, achievable planting gains proposed by the Appellant strike the right balance.
145. Existing trees T17 and 18 will be kept as per the Design Code. T9 can also be kept, as illustrated<sup>88</sup>. The large canopy planting within the scheme itself (along the Spine) will have a marked greening effect when moving through the new quarter. Overall, the public realm and planting would be of a high quality and would greatly enhance the area.

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<sup>84</sup> ID33 Revision A and CD1.55, pages 218-219

<sup>85</sup> CD8.11, paragraphs 7.81-7.88

<sup>86</sup> See ID33 Rev A, and ID68.

<sup>87</sup> See ID39 and ID69.

<sup>88</sup> ID33 rev A at Figures 2 and 3.

## **Heritage assets**

146. The main issues raised by the Council are: (a) the effect of the appeal scheme on the setting of the listed station building when seen from the south<sup>89</sup>; (b) the effect on the Conservation Area and (c) the effect on the listed Town Council Chamber.

### Listed station building

147. Mr Bridgland (for the Council) considers that the station building would suffer a moderate adverse effect within the category of less than substantial harm and that the Conservation Area and Town Council Chamber would both experience a minor adverse less than substantial harm. Dr Miele (for the Appellant) found that there would be very low adverse effects on the Conservation Area and Town Council Chamber and a low less than substantial harm to the station, subject to the final design of the appeal buildings.

148. Even if plot D were to fill the Parameter Plan, which the Appellant says is unlikely, its appearance would nevertheless reduce any harm to setting. The key point is that the presence of something quite different behind the clock tower would read, due to distance and motion parallax, as separate from it.

149. The ES terminology does not map neatly on to the less than substantial scale in national policy. The degree of distraction caused by the proposal would not go to the heart of the significance of the former station building given how it is anchored to the immediate setting with the development of the city/town centre around and about it.

150. The former station building has been to some extent affected by the change in its use, but its significance lies in its civic importance and the prominent related townscape role it performs. Its significance was assessed in the ES and in the submitted heritage work and given the way the team worked together, as Mr Collado confirmed, it is not correct for the Council to say that the scheme came forward without considering impacts on the station as a constraint. The issue is whether it is a major constraint, given the big picture emerging from the relevant policies and the realities of how the buildings would be seen together.

151. Much attention was given to Station Road views, but one should start with the close-up views from within Station Square South:

- It is from these locations that the station's fabric<sup>90</sup> and formality<sup>91</sup> are best experienced. Because the forecourt of the station is (and always has been) relatively extensive, there are multiple viewpoints of the former station to consider. In many of these, the context of tall buildings already present and under construction is felt, but the station still retains a 'focal' role because of its immediate foreground context<sup>92</sup> and its formality.

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<sup>89</sup> Mr Bridgland (for the Council) confirmed in cross examination that he did not consider the views of the station building from the north play any role in its significance.

<sup>90</sup> As an 1860s remodelling of the Brunel original (ie not the original station): see Dr Miele at 10.5-10.9 (CD8.13).

<sup>91</sup> The relationship with the station forecourt, and with the statue of Edward VII, would not be affected by the scheme.

<sup>92</sup> See CD10.16 (Mr Bridgland's rebuttal), paragraph 3.6.

- The new station building and the clutter of large signage affects this to some degree but the building's townscape presence is relatively robust in the square itself.
  - In the set of relevant views from Station Square South, the scheme would appear behind the station building at times, as would parts of the Hermes scheme, and as would any scheme delivering on the policy and RSAF brief for the site<sup>93</sup>. There would be a new tall building townscape behind it, beyond the railway line, aiming to have the effect of creating a dynamic new skyline to mark the general area surrounding the station in line with policy.
  - The eye would be distracted at times from the station building when in the square, and as part of the kinetic view. At times the proposed building on plot D would lie behind the clock tower and remove the clear sky or silhouette. That is why Dr Miele considers that there would be a negative impact on significance. However, the effect on its overall significance would be minor, given that its key spatial role 'holding' the square would be unchanged.
  - The allocation for a tall building cluster is relevant, not so much to the degree of change or harm, but to the wider judgemental issue of balancing harms and benefits. This will have many of the same impacts in terms of lying behind and catching the eye. Any tall building cluster – even the one illustrated in the RSAF – would be very much higher and lie behind, in a kinetic set of views. Standing in the square, the RSAF IS building on plot D would be seen behind the station in many views from the southwest of the station building. This was considered by Council officers when assessing the Hermes scheme<sup>94</sup>.
  - The general objective of the RSAF to bring forward major change in the town centre without causing any harm at all to heritage assets must be approached realistically. This would go beyond national policy. A balanced approach must be taken in accordance with national policy, as it was for the Hermes scheme.
152. In terms of views towards the station from points to the south on Station Road, Mr Bridgland said<sup>95</sup>, the further one goes south down Station Road, the more the contribution to significance made by setting diminishes. There would be views in which the building on plot D lies behind the station building. To a very small degree that would distract the eye and harm its significance, but:
- There is some dispute as to the real value of the Station Road views to significance. Mr Bridgland did not mention them in his assessment of impact<sup>96</sup> and they are not identified in the RBLP, policy EN5. A general

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<sup>93</sup> The Council's claim that the RSAF scheme simply "frames" the station ignores the fact it would catch the eye in views down Station Road, and appear directly behind the clock tower from parts of the forecourt (ie its immediate setting).

<sup>94</sup> CD7.57 paragraph 6.2.30

<sup>95</sup> In cross examination

<sup>96</sup> CD10.8, Appendix 2, paragraph 5.3

statement in the RSAF, which is not a heritage assessment, is not conclusive.

- Dr Miele judges that, in this view, there would be some low level harm due to some distracting of the eye. However, there are many views in the street from which one would not see the appeal scheme behind the clock tower. Where one would, the harm to prominence would be limited because of the station's relatively diminutive presence in those views. The clock tower would be less distinct in some views but overall would remain clearly visible due to its colour and the fact it is part of a low-level composition with the rest of the building.
- Two dimensional images are limited in demonstrating the impact, because the eye will gauge that the appeal scheme is larger and considerably further away than the station building. It will be distinct from it and not read with it or 'blur' it in those views where it appears. The effect on setting will be limited because the key low level prominence of the building would not be undermined by the presence of a different type of structure behind. This is a common effect and finding in urban settings.
- Dr Miele's judgement about overall effect on the former station building is to be preferred as it fully takes into account all of these factors. If the Council's approach were to be adopted, then harm could be alleged in every case. Even the RSAF IS would be seen behind the clock tower in the immediate setting of the asset from the station forecourt. The approach is too brittle and is inimical to the realisation of what the Council wants to see in the area.

#### Conservation Area and Town Council Chamber

153. The Conservation Area would not be harmed more than to a tiny degree. Mr Bridgland's point about being able to see the scheme from what he described as a 'key thoroughfare' redolent of earlier phases of the town's development does not tell one much about whether the significance would be harmed. The view would be 'incidental'. It is not a vista or a designed view within the town and there is nothing about seeing a glimpse of the scheme that undermines the importance of the Conservation Area itself. The setting of the Conservation Area is the rest of Reading, which is full of modern buildings and continues to evolve. Seeing one of those buildings outside the Conservation Area is just part of the context and does not affect to any material degree what is special about the character and appearance of the Conservation Area itself.
154. That is even more the case for the Town Council Chamber. Its setting is urban Reading. The change only affects a secondary view of the building. Even if one's eye was caught momentarily by the appeal scheme in one secondary view of the Town Council Chamber, the distance and the difference between the two buildings are such that it is difficult to say that any material effect on significance would result.

155. For these reasons, whilst there would be a small adverse effect on the station building due to distraction in its setting, there would be almost none in the cases of the Conservation Area and the Town Council Chamber.<sup>97</sup>
156. There are clear design and townscape reasons for the location, height and scale of the proposal. The scheme does not need to have avoided harm altogether or further minimised it. A key element of the judgement reached by the Appellant's team about the acceptability of the effect was the degree of change envisaged by Policy and by the RSAF, and a rejection of the idea that a well-designed alternative scheme would have less effect.
157. Mr Doyle's evidence about the RSAF IS had to focus almost exclusively on a short section of Station Road to suggest that the appeal scheme was more damaging to the setting of the former station. However, in some views from Station Road, there would be little difference.
158. Clear and convincing justification in NPPF paragraph 200 follows from the 202 balance being struck in favour of the scheme benefits. It is not a separate test.

### ***Daylight / sunlight***

159. The starting point of the assessment is the cumulative effect of the appeal scheme on the daylight at Nos. 17-51 Vastern Road (with both the 55 Vastern Road scheme and the appeal scheme in place). VSC and NSL assessments within the 2nd edition of the BRE are applied, as agreed<sup>98</sup>.
160. In his rebuttal evidence<sup>99</sup>, Dr Littlefair (for the Council) expressed the view that a retained VSC of 24% would be acceptable for 17-51 Vastern Road's windows. That was on the basis that, albeit a level below that in the BRE guidance, Dr Littlefair considered the town centre location of Vastern Road properties justified a different approach<sup>100</sup>.
161. Mr Crowley (for the Appellant) therefore ran a cumulative analysis of the implications that the IS would have on the daylight enjoyed by these properties<sup>101</sup>. The purpose of undertaking the exercise rather than simply applying the daylight impact assessment from the Parameter Plans was to set a benchmark which could then be imposed by condition (or through the Design Code), limiting the effects of any scheme which came forward at the detailed stage to no worse than the modelled effects of the IS<sup>102</sup>. There is no technical rebuttal of these results.

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<sup>97</sup> Dr Miele's evidence concludes that there is a very low level of less than substantial harm to both the Conservation Area (CD8.13, paragraph 8.36) and the Town Council Chamber (CD8.13, paragraph 9.20)

<sup>98</sup> For the basic policy and guidance on applying daylight and sunlight assessments in planning, see the summary contained in Mr Crowley's original position statement (CD8.16, section 4)

<sup>99</sup> CD10.15, paragraph 3.8

<sup>100</sup> In his evidence in chief, Dr Littlefair described 24% retained VSC as "not ideal" – but did not move from his rebuttal position that 24% was a useful benchmark.

<sup>101</sup> ID56

<sup>102</sup> With a relatively few exceptions, the IS broadly equates to the scheme as now defined by Design Code, Parameters and Parameter Schedule. For the purposes of the daylight and

162. The results demonstrate that 8 of the 17 principal windows on the ground floor to 17-51 Vastern Road will achieve a VSC of at least 24%. The remaining 9 windows will achieve a VSC of at least 23.4%, i.e., negligibly less. Average Daylight Factor (ADF) results demonstrated that all rooms achieve an ADF of at least 1.5%.
163. Mr Crowley also updated the daylight distribution results for the principal rooms and these demonstrate that 13 of the 17 rooms will achieve the guidelines<sup>103</sup>. Of the 4 that would not, looking at the comparable results for the RSAF massing, 3 of these will not achieve the guidelines in that scheme, a strong indication that the outcome from the appeal scheme is reasonable as a consequence of achieving the overall objectives for the site.
164. In relation to the bedrooms within No's 17-49, all of these will achieve a VSC of at least 24%, with 36 (90%) achieving a VSC of between 25% and 27% and 2 (5%) achieving a VSC of more than 27%. In addition, the daylight distribution results demonstrate that 55% of these rooms will achieve the guidelines. A further 27% will achieve either a minor or moderate impact. The only rooms that would experience a major impact are at second floor level which are large rooms served by small offset windows. These same rooms, plus an additional 4 would experience a major impact with the RSAF massing.
165. These results for 17-49 Vastern Road are very good for an urban area and the changes in percentage terms reflect the unusually open aspect to the south that those properties have enjoyed for many years; the results are a far cry from the much lower retained values in the 8 Albert Embankment appeal decision<sup>104</sup>, to which Dr Littlefair referred in his evidence<sup>105</sup>.
166. The results for the Parameters version of the scheme are not much worse, with 20.5% retained VSC the worst outcome (for no. 49).
167. With regards to 51 Vastern Road, the principal window to the ground floor will achieve a VSC of 23.6%, with the window to first floor achieving 24.9% and the window to second floor achieving 26.3% all of which are moderate impacts. This is the same with the RSAF massing. The daylight distribution analysis demonstrates that both rooms achieve the guidelines.
168. The BRE guidance does not represent a comprehensive assessment of the acceptability of effects in any case. That is a matter of judgement taking into account contextual matters. However, in this case, the BRE results alone show that no further assessment is necessary, if the degree of impact on the Vastern Road properties is restricted to the impacts from the IS, which the Design Code now does.

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sunlight evidence, the use of the results from the IS as benchmarks for the maximum effect of the scheme is realistic and gives confidence that the effects on Vastern Road will be within the range assessed by Mr Crowley.

<sup>103</sup> ID56

<sup>104</sup> CD5.8

<sup>105</sup> In that case the effect on Whitgift House was much greater and retained VSC values were in the mid to low teens, starting from a much lower base. The judgement reached on daylight in that case was very much on its own facts.

169. Mr Crowley has also provided commentary on the correct approach to retained VSC values in urban areas, in his original position statement<sup>106</sup>, where he notes in relation to the Goldsworth Road appeal<sup>107</sup>:

*5.1.14 The decision recognised that the BRE guidelines state in their introduction that "The advice given....is not mandatory..." and the guidelines "....should be interpreted flexibly..." The decision goes onto state: "Retaining a VSC level of 27% in neighbouring properties is unrealistic; as has been recognised in many appeal decisions and other documents. Even retaining 20% VSC is considered, generally, to be reasonably good, and in urban areas retaining around mid-teens % VSC is considered to be acceptable."*

170. For 55 Vastern Road an acceptable level of daylight and sunlight would be retained and the analysis would reflect similar results accepted by the Council for the 55 Vastern Road site<sup>108</sup>.

171. A further daylight/sunlight issue is whether the appeal scheme would cause unacceptable effects on the Hermes Scheme. Mr Crowley assessed this using modelled data and making reasonable assumptions (based on the Hermes outline drawings and standard room sizes/openings), and found that cumulatively the appeal scheme would not cause an unacceptable diminution in daylight to units in the Hermes scheme.

172. For the proposed scheme, the Design Code stipulates that a minimum of 80% of the units proposed should achieve the BRE level of daylight, which in a dense urban location is an acceptable outcome; some units on the lower levels will not achieve that level of daylight but it is not a requirement of the BRE that every unit in an urban location such as this achieves the benchmark level. As Mr Crowley explained, the values assessed at the outline stage are capable of improvement when the detailed design is finalised, for instance through the re-positioning of balconies, or the use of a larger window openings than modelled.

173. Sunlight access to the lower floors is more challenging due to the position of the Hermes Scheme and the general orientation of the scheme – most of the rooms within ninety degrees of due south are within twenty eight degrees and so access to direct sunlight is difficult. But the overall outcome is not unacceptable given (a) that over 60% of the habitable rooms on the lower three floors of Blocks C and B will achieve APSH of at least 15%, ie. appropriate for an urban location; (b) the good overall daylight penetration guaranteed by the Design Code and (c) the fact that the site lies in what is intended to be a dense area of tall buildings, in order to achieve other planning objectives. Again, some balance and fairness is needed when evaluating these points.

174. In terms of open space the Appellant's Position Statement<sup>109</sup> demonstrates that all areas achieve the BRE recommended level of 50% of the outdoor space receiving at least 2 hours of sunlight on March 21. The only areas not achieving the standard would be Block C where 50% of the total area will not enjoy 2 hours of direct sunlight. However, two areas would achieve this for in excess of 78% of

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<sup>106</sup> The results for the several properties on Caversham Rd are acceptable.

<sup>107</sup> CD5.2

<sup>108</sup> CD8.16, Appellant's Position Statement, paragraph 5.4.2

<sup>109</sup> CD8.16 Appendix B

their area. Future occupiers would therefore have access to areas with very good access to direct sunlight.

175. Overall, there would be nothing unacceptable about the daylight or sunlight effects of the appeal scheme.

### **Sustainability**

176. The main issues are whether there is policy compliance with RBLP Policy H5 and whether there is an objection to the scheme based on orientation or use of natural resources.

177. Policy H5 makes reference to "zero carbon homes". Paragraph 4.4.46 seems clear that where homes have not been designed to be carbon neutral, the policy requirement is discharged by being at least 35% better than the 2013 Building Regulations.

178. The Sustainable Design and Construction SPD (also 2019, published a month after the adoption of the RBLP)<sup>110</sup> contains Table 3.1 which echoes paragraph 4.4.46 of the RBLP. Paragraph 3.1 of the SPD also contains the alternative way to comply with policy, of being at least 35% better than 2013 Building Regulations, but also refers to an off-set payment. Paragraph 3.11 contains additional wording which goes beyond the words of the Policy ("*if [carbon neutrality] is not achievable*") and the Council says that this imposes a further policy test requiring demonstration that carbon neutrality is not feasible. That is well beyond providing amplification to Policy H5. Either the SPD is in line with the policy or if not then limited weight should be given to that phrase.

179. It is agreed that the appeal scheme would be able to satisfy the criterion of 35% better than 2013 Building Regulations. It is not a policy failing of the scheme that it is not designed to be carbon neutral.

180. Passive and low energy design principles that have been adopted in the design of the scheme include high performance glazing and insulation and connection to a future District Energy Network<sup>111</sup>. The evidence shows an energy reduction of 49.64% over target emission rate<sup>112</sup>.

181. The Design Code also contains provisions for alterations to solid to glazed ratios, external shading and maximisation of dual aspect accommodation for natural ventilation as well as for landscaping. The detailed scheme will also comply with the latest Building Regulations.

182. Mr Collado confirmed that he had considered orientation however, the townscape drivers for successful design, including the north-south grid, meant that more idiosyncratic layouts were not deemed appropriate.

183. CD1.5 shows that the development will achieve a BREEAM excellent rating. The score is 82% - 85% against a BREEAM Excellent target of 70%. The requirement for BREEAM Excellent is to be required by condition.

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<sup>110</sup> CD7.7

<sup>111</sup> CD1.19-1.20, paragraph 4.03.01

<sup>112</sup> CD1.19-1.20, Page 39



184. There is no objection to the scheme in terms of wind mitigation or over-heating. The development would accord with policy CC4.

**Benefits of the scheme**

185. Mr Jupp (for the Council) accepts that the scheme would bring significant benefits<sup>113</sup>. It would provide up to 1,000 homes in a highly accessible location and the parties agree that significant weight should be given to providing nearly 2 years' worth of housing supply<sup>114</sup>, notwithstanding the Council's 5 year supply position. This would be in accordance with paragraph 60 of the NPPF to significantly boost the supply of homes.
186. The site is allocated in the RBLP (which has a plan period to 2036). The site's leases are shortly to end. If planning permission is not granted, Aviva will look to re-let the units which would effectively sterilise the site for perhaps a further 10 years, which is the average length of a commercial lease for the type of units on site. If the new leases came to an end in 2034, there would not be time to deliver the regeneration of the site during the lifetime of the RBLP.
187. It is agreed that substantial weight should be given to the re-use of previously developed land, in line with NPPF paragraph 120.
188. Significant weight should be given to the considerable contribution to employment and economic growth generally, in line with NPPF paragraph 81. Mr Jupp took no issue with Mr Newton's figures (for the Appellant) on this point<sup>115</sup> and he also agreed that moderate weight should be given to the spin-off benefits of expenditure in the town centre.
189. The scheme would bring benefits in terms of townscape improvement compared to the current situation. Due weight should be given to public realm, connectivity, design quality and sense of place improvements.
190. Some weight should be given to the removal of a considerable number of vehicular movements from the site and surroundings.
191. A S106 obligation contains provisions for footpath / cycleway improvements including an underpass improvement contribution; Vastern Road crossing contribution; provision of car club and Travel Plan and restrictions on parking permits.
192. Compliance with the NPPF is a weighty consideration in favour of the grant of permission.

**Heritage balance and conclusion**

193. It is not a requirement to justify why harm to heritage assets is "necessary". The correct approach is that the harm is to be set against the benefits, bearing in mind the bias in favour of conservation. The public benefits of the scheme would outweigh the low level of less than substantial harm to three heritage assets.

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<sup>113</sup> CD10.12, Mr Jupp PoE, paragraph 9.22

<sup>114</sup> Based on an average of 689 homes per year as per policy H1. See also CD12.45.11 – 5.18

<sup>115</sup> CD8.17, Mr Newton PoE, page 47, paragraphs 5.16-5.17

194. Overall, the scheme would comply with the Development Plan read as a whole and S38(6) of the 2004 Act and paragraph 11 of the NPPF indicate that permission should therefore be granted.

## **The Case for the Council**

### ***Policy background***

195. In accordance with S38(6) of the Planning and Compulsory Purchase Act 2004 and S70 of the Town and Country Planning Act 1990 there is a presumption in favour of the Development Plan.

196. The RBLP has a spatial strategy and Central Reading suite of policies which seek high quality design. In particular policy CR11e requires a "*high quality, well-designed, mixed-use development*". The RBLP does not just require betterment, it is a key strategic objective to deliver development of the highest quality. This is in accordance with the NPPF, paragraph 134 and the NDG, paragraph 14.

197. The amount of housing provided is subordinate to this aim. The Council has a 5 year supply and a supply throughout the plan period. The policy requirement for the CR11e site is to provide 640 – 960 dwellings. This policy cannot justify poor quality design.

### ***Illustrative Scheme***

198. The latest amendments to the scheme have been put forward without any corresponding reduction in the plot envelope shown in the Parameter Plans. The Amended Development Parameters Schedule<sup>116</sup> reflects a smaller scheme than that which would be capable of being constructed under the Parameter Plans. Allowing the development would give in-principle approval to the plot envelope. The IS does not therefore reflect what could come forward at reserved matters stage.

199. It is accepted by the Appellant that specific parts of the IS cannot be developed within the constraints of the Development Parameters<sup>117</sup>. Mr Doyle has produced measured floor plans<sup>118</sup> to calculate the IS floor areas. The Appellant has not produced equivalent information. Significant doubt exists regarding the accuracy of the IS measurements and limited weight should be given to the Appellant's floorspace figures.

200. The IS could expand to fill a greater proportion of the maximum parameters, resulting in a development with greater impact at reserved matters stage. Plot D could be filled in its entirety by a development with increased floor to floor heights, similar to the office development at Station Hill<sup>119</sup>. This would have an impact on the setting of the Grade II listed station building<sup>120</sup>. Plot A could also be developed up to the maximum of the Parameter Plans envelope by increasing

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<sup>116</sup> ID61 Rev A

<sup>117</sup> ID30 one storey removed from plot Biv; ID85 paragraph 1.6 and 1.7

<sup>118</sup> ID82

<sup>119</sup> ID71 paragraph 2.6

<sup>120</sup> ID71 Figures 15-17

floor to floor heights at ground floor, by the addition of plant and / or parapets to the roofs<sup>121</sup>.

201. The Appellant's solution has been to include phrases in the Design Code to the effect that buildings on each plot shall not result in materially worse daylight / sunlight impacts on properties to the northern side of Vastern Road than the IS scheme daylight / sunlight assessment<sup>122</sup>.
202. It is not possible to rely on these clauses in the Design Code as no assessment has been carried out regarding the extent to which increased height of buildings on the plots would result in a "materially worse" effect. There is no evidence before the inquiry that taller buildings on any of the plots would make the scheme materially worse in sunlight / daylight terms on the buildings along Vastern Road. It is also difficult to define "materially worse".
203. The Appellant could have amended the scheme to limit the height and mass of the scheme to something similar to the IS scheme but they chose not to. The impact of the scheme must be assessed against the Parameter Plans and no weight should be given to the IS.

## **Heritage**

### Listed station building

204. Both parties identify less than substantial harm deriving from the Parameter Plans but differ as to the degree of that harm. Mr Bridgland, for the Council, identifies a moderate degree of less than substantial harm. Dr Miele, for the Appellant, considers it to be a low level of less than substantial harm.
205. Dr Miele considers that detailed design using the Design Code at reserved matters could reduce the harm to neutral or modestly beneficial as a result of 5 factors<sup>123</sup>: slenderness, width and proportion, articulation, use and windows/ palette. Mr Bridgland feels that the Design Code does not address heritage issues and cannot be relied upon at reserved matters to reduce the harm.
206. The Development Parameters will not limit the scale, mass and proportions of the buildings on plots C and D to closely reflect the IS. This affects Dr Miele's analysis as it is not possible to rely upon any detailed scheme being slender or reduced in width and proportion and articulated in such a way as to reduce harm. In terms of use and windows/ palette it is evident from Mr Bridgland's rebuttal proof<sup>124</sup> that these factors would not reduce any harmful effect in any meaningful way.

### Level of harm

207. The methodology in the built heritage sections of the ES<sup>125</sup> is flawed because in table 2.3A<sup>126</sup> a medium magnitude of impact and medium sensitivity equates to minor/moderate scale of effects. The table doesn't allow a scale of effect above

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<sup>121</sup> ID71 pages 33 & 34; ID49 - AVR4

<sup>122</sup> ID56

<sup>123</sup> CD8.13 Dr Miele PoE, page 46, bullet 3

<sup>124</sup> CD10.16, Figure 3.2

<sup>125</sup> CD1.39-1.41 and CD1.43

<sup>126</sup> CD1.43, page 2A-4

minor/moderate unless either the magnitude of impact or the sensitivity of receptor is high.

208. The Council say that a medium magnitude of impact and a medium sensitivity of receptor should give rise to a moderate impact as Mr Bridgland has found. Mr Bridgland says that the station has a low ability to accommodate the proposed change. This is because of the prominence it currently has within the square and the fact that its status as the focal point, a factor of central importance to its significance, would be reduced by the presence of tall buildings behind it. The level of harm identified in the ES should be moderate, rather than minor/moderate.
209. Mr Bridgland explains that the station building has a physical and functional relationship with the station square and a large part of the significance of the station is derived from the fact that it retains its status as the focal point of the public space<sup>127</sup>. Recent development of the station and Thames Tower has been carefully designed to ensure that the historic station building retains this status. The appeal scheme would reduce this prominence<sup>128</sup>. As Mr Bridgland explains in his rebuttal PoE<sup>129</sup>, the proposed development will be behind the clock tower for a large part of the area which Dr Miele has concluded as having key views of the station<sup>130</sup>.
210. Mr Bridgland also demonstrates<sup>131</sup> just how substantially the prominence of the clock tower is reduced with the presence of a large building behind it (even when built out with fenestration and palette). All of which points to it being Mr Bridgland's view that the harm would be moderate rather than low which should be preferred.

#### Detailed design

211. Dr Miele could not point to any place within the Design Code where it specifies width and proportion or use of slender design to reduce the harm. Design Code massing guidance has been stripped away<sup>132</sup>. The Development Parameters will not limit the scale, mass and proportions of the buildings on plots C and D to closely reflect the IS. Design of windows / palette would not reduce harm in any meaningful way.
212. Figure 3.2 on page 8 of Mr Bridgland's rebuttal shows the impact of placing a large building behind the station clock tower. The prominence of the listed station building melts away as the silhouette of the building is subsumed within the large building behind it.
213. Dr Miele accepted that the RSAF does not require a scheme which causes harm to the setting of the listed station building. He conceded that the RSAF IS would not be harmful to the setting of that building as it framed the station on the approach to it rather than appearing behind it. It is of particular importance that on entering station square the built form in the RSAF IS drops down leaving the

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<sup>127</sup> CD10.8, Appendix 2, paras 3.9 and 5.3

<sup>128</sup> See ID24 figure 2 and figures 16-17 of Mr Doyle's supplementary statement (ID71)

<sup>129</sup> CD10.6, paras 3.8-3.10

<sup>130</sup> See Mr Bridgland's figure 3.1 (CD10.16)

<sup>131</sup> CD10.16, figure 2

<sup>132</sup> ID71, paragraph 2.8.2

- silhouette of the station prominent<sup>133</sup>. This is in marked contrast with the appeal scheme<sup>134</sup>.
214. Policies CR10 and CR11 both emphasise the need to "*conserve and where possible enhance*" listed buildings and their settings. CR11, at paragraph 5.4.8, emphasises the need for schemes to be "*carefully designed to avoid detriment*" to the station building.
215. Dr Miele's reliance on the permitted Hermes scheme causing a low degree of less than substantial harm to the station was misplaced as that scheme does not appear behind the station from Station Square South.
216. Mr Collado accepted that the DAS does not identify the station building as a constraint. Neither does the DAS acknowledge that policy says harm to the station building should be avoided. Given that heritage matters were not considered during the design process it is not surprising that the scheme arrived at is harmful to the listed station.
217. The design process of the RSAF IS included a careful analysis of the approach to the station as part of its evidence base<sup>135</sup> and the new rail station building was designed, in line with the RSAF, to be set away from and frame the view of the listed station building from the south<sup>136</sup>.
218. When looking at building heights for Plot N6 (plot D) the RSAF, provides: "*Benchmark height likely to be at least 10 storeys – refer to tall building policies and design guidance*"<sup>137</sup>. Mr Newton agreed that this refers back to policy CR10. The RSAF identifies the historic station building as "*one of Reading's most prominent historic buildings*", it notes the need to alter it to some degree, but nowhere does it countenance harm to its setting<sup>138</sup>.
219. Given the way in which housing is addressed within policy CR11, where it is made expressly subject to the need for a high quality of design, it is simply unrealistic to assert that public benefits outweigh this harm when one applies the NPPF paragraph 202 balance, nor to assert that the harm has received "*clear and convincing justification*" in paragraph 200 terms. This harm alone puts the development squarely at odds with the Development Plan.

#### Grade II\* Listed Town Hall

220. It is common ground that there is harm caused to the Grade II\* Listed Town Hall. Dr Miele says this is a very low level of less than substantial harm which he further qualifies as "*not materially harmful*"<sup>139</sup>. Mr Bridgland says there is a minor degree of harm. The Design Code cannot be relied upon to reduce the harm at reserved matters stage.

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<sup>133</sup> ID24, figure 3

<sup>134</sup> ID24, figure 2 of and ID71, figures 16 and 17

<sup>135</sup> CD10.3, Mr Doyle's LF figure 15

<sup>136</sup> CD10.3, figure 32

<sup>137</sup> CD7.1 figure 6.9 on page 37

<sup>138</sup> CD7.1, paragraph 12.6, 12.8-9

<sup>139</sup> CD8.13, paragraph 9.21 onwards

221. In either case the harm must be given "*considerable importance and weight*" in the planning balance and must have a "*clear and convincing justification*". The presence of such harm is in conflict with the Development Plan which requires development to "*conserve and, where possible, enhance*" the Grade II\* listed Town Hall and its setting.
222. Paragraph 199 of the NPPF explains that the more important the asset, the greater the weight to be placed on its conservation. Accordingly, Mr Bridgland's assessment of a minor degree of less than substantial harm should be considered in the light of the Grade II\* listing of the building. Furthermore, Mr Bridgland explains that Dr Miele's conclusion, that less than substantial harm to a Grade II\* listed building is "*not materially harmful*"<sup>140</sup>, fails to respect the need to give such harm considerable importance and weight, as emphasised in *Barnwell Manor*<sup>141</sup>.
223. Mr Bridgland addressed the 5 reasons why Dr Miele asserted the harm was "not materially harmful"<sup>142</sup>:
- "impact is experienced over some distance" – The Town Hall has an important function as the landmark building in the town<sup>143</sup>. Built as the tallest building at the centre of the town, it is a clear intention that the building can be appreciated over some distance.
  - "The town hall does not orient to the view line" – The role of the Town Hall in views from Duke Street are different to those from Friar Street but allow the Town Hall to be seen in the context of the core of the historic town.
  - "this is a partial view" – Since the building has been designed to form part of the dense urban core, partial views should be expected and can add to appreciation by highlighting aspects of the building not apparent in other views.
  - "the alleged impact will reduce materially as one walks forward into the scene and comes better to appreciate the architectural detailing" – When one is close enough to appreciate the architectural detailing you may be too close to appreciate the Town Hall's visual and symbolic role in the historic town.
  - Dr Miele's assertion that the view is not of value - it is the view towards the Town Hall where one can appreciate its function within the town.

#### The Market Place and London Street Conservation Area

224. Both parties agree that the development would cause a degree of less than substantial harm to the Conservation Area. Dr Miele identifies this as very low whereas Mr Bridgland classifies the harm as minor. As with the Town Hall and Station this harm is not capable of being reduced at reserved matters.

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<sup>140</sup> Cross examination and CD8.13, paragraph 9.21

<sup>141</sup> *Barnwell Manor Wind Energy Ltd v East Northants DC, English Heritage, National Trust and SSCLG [2014] EWCA Civ 137*

<sup>142</sup> Set out at CD8.13, paragraph 9.22-9.26

<sup>143</sup> CD10.8, Mr Bridgland's PoE, Appendix 2, paragraph 3.43

225. Mr Bridgland explains that the heritage asset is the Conservation Area focused on the historic town<sup>144</sup>. In cross examination he explained that:

- The Market Place and London Street Conservation Area Character Appraisal, in discussing the general character and plan form, is clear that Duke Street is at the core of the designation<sup>145</sup>; and
- The Report to Committee gives a full description of the view up Duke Street with a direct line of site possible as far as Market Square: *"the romantic Gothic roofscape of the former Town Council Chamber (Grade II\* listed) appears over the intervening buildings to indicate the historic core of the town. Overall, this is a picturesque streetscape whose character reflects the long, evolved history of this part of Reading."*<sup>146</sup>

226. Historic England's GPA3 guidance on the setting of heritage assets<sup>147</sup> notes that a view may contribute to the significance of a heritage asset where *"the composition within the view was a fundamental aspect of the design or function of the heritage asset"*. As Mr Bridgland explained in re-examination, the Town Hall is a part of the composition of the view which contributes to an understanding of it: *"The way in the 1860s the Town Hall has been placed there is a mark of civic pride to be seen from the historic route coming into the town. It is both symbolic and aesthetic. It is definitely part of the function of that view. There is symbolic functioning as well; Church and state side by side. It is an important part of the function, but also deliberate design."*

227. The development would cause less than substantial harm, albeit of a minor nature, to the Conservation Area because of the impact on the view along Duke Street. As with the other heritage assets, this harm has not been justified in paragraph 200 NPPF terms. It follows that the appeal should be dismissed on heritage grounds both because it is not clearly and convincingly justified in terms of paragraph 200, and because it fails the balance in paragraph 202.

228. Furthermore, the harm puts the development in substantive conflict with the Development Plan in particular EN1 and the CR suite of policies which include the tall building policy CR10 and policy CR11.

### ***Design and Townscape***

#### Benchmark heights / kinetic views of Station from Station Road

229. The NDG makes it clear that the strategic priorities of the LPA should be central to the design process of the development<sup>148</sup> and should *"form the basis for the design characteristics of the development"*. The strategic priorities of the Council are set out in the Central Reading policies and the RSAF. The RSAF provides the *"masterplan or planning framework for the area"* to *"provide further guidance on the relative heights, massing and spacing of the buildings, and the function and quality of public realm around them, along with the relationship with*

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<sup>144</sup> CD10.16Rebuttal PoE 3.15-16

<sup>145</sup> CD7.43, paragraph 7.2

<sup>146</sup> CD3.1, paragraph 8.138

<sup>147</sup> CD7.42 The Setting of Heritage Assets Historic Environment Good Practice Advice in Planning Note 3

<sup>148</sup> Para 14

*the major transport interchange improvements delivered at Reading Station". The RSAF provides the "more detailed guidance" to expand upon the "broad strategy" described in CR11<sup>149</sup>.*

230. Policy CR10(ii) sets out the need for development on the appeal site to form part of a new cluster of tall buildings with the station at its heart. Development should step down in height from the tallest buildings at the centre to lower buildings at the fringes. Any scheme must also both contribute to high quality views<sup>150</sup> and conserve and where possible enhance the setting of the listed station building<sup>151</sup>.
231. Policy EN5 requires that significant views with heritage interest should not be harmed. Policy EN6 which aims to ensure that development is informed and shaped by the historic environment. The RSAF identifies view 58<sup>152</sup> (the view along Station Road) as a shorter-distance view of particular sensitivity as historic assets form part of the composition of the view.
232. The RSAF contains the detailed mechanism to ensure that harm is not caused to the setting of the station or important views of it by giving benchmark heights reducing towards the west from plots D to A<sup>153</sup>.
233. Benchmark heights are 6, 7, 8 and, on plot D, at least 10 storeys will be appropriate. However, on plot D this is subject to policies in the RBLP which set out the need for development to conserve and where possible enhance the setting of listed buildings and make a positive contribution to views<sup>154</sup>.
234. Benchmark heights can be modified upwards but only where necessary to realise urban design or other major planning benefits or where there has been convincing demonstration that impacts can be mitigated<sup>155</sup>. Heights should step down to ensure they relate appropriately to the historic core of the town<sup>156</sup>.
235. To take account of these considerations, the RSAF IS was limited to 12 storeys on plot D and the position and footprint of the buildings on plots D and C were designed to be of a height and in a location which would result in their dropping away as the viewer entered Station Square South<sup>157</sup>. This enabled the station building clock tower to be framed in views along Station Road and to retain its prominence in the series of kinetic views moving towards the station building<sup>158</sup>.
236. By contrast the appeal scheme would be 20.8 commercial storeys on plot D. It would appear to rise from immediately behind the clock tower over a large extent of Station Square South and from much of the approach along Station Road<sup>159</sup>. Consequently, it causes harm to the view from Station Road, as well as to the

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<sup>149</sup> RBLP paragraph 5.3.39 and 5.4.9

<sup>150</sup> Policy CR10(v)

<sup>151</sup> Policy CR10(v) and CR11(vi)

<sup>152</sup> CD7.1, figure 7.2

<sup>153</sup> CD7.1, N6-N3 in figure 6.9

<sup>154</sup> CR10, CR11, EN1, EN5, EN6

<sup>155</sup> CD7.1 paragraph 6.23

<sup>156</sup> CD7.1 paragraph 6.29

<sup>157</sup> ID50 and CD10.14, page 64, figure B

<sup>158</sup> ID24 LF figure 3 and 4

<sup>159</sup> CD10.14, page 31, Figure 14



setting of the listed station building. This is because the DAS does not consider the station as a constraint, neither does it mention or consider view 58 and policies EN5 and EN6 were not mentioned in the ES.

AVR10 – view towards the station from Station Road<sup>160 161 162</sup>

237. This view is considered by Mr Chard, for the Appellant, in the Townscape and Visual Impact Assessment (TVIA). There are a number of errors in Mr Chard's TVIA which cast doubt on its conclusions.
238. The significance of effect is derived from combining sensitivity with magnitude of impact. For AVR10, the sensitivity is medium, but the magnitude of impact is small. From Mr Chard's methodology this should be a minor impact but the TVIA classes this as a negligible impact<sup>163</sup>.
239. The change in this view should be either noticeable or a pronounced deterioration. Mr Chard accepted that if the change in the view is found to be noticeable that would equate to a moderate adverse impact. If it is pronounced that is a major adverse effect. Mr Chard confirmed that the decision maker could use their own judgement based on his methodology.
240. The reason for Mr Chard's assessment is set out in the notes section where it explains that the development would "*complement the approved project of 29 Station Road*" and that "*it would appear below the existing skyline*".
241. AVR10 shows that 29 Station Road<sup>164</sup> has no impact on the view of the station. It does not impact on the eye-level focal point in the lower middle skyline. It is off to one side and frames the station.
242. HEAN4<sup>165</sup> shows how tall buildings placed on the skyline at the focal point of a viewer visually compete with heritage assets and impact the skyline. This is what the appeal development does; it competes with the clock tower and impacts the middle skyline at the focal point of a viewer looking north along Station Road. This would lead to at least a noticeable deterioration in the view and therefore a moderate adverse impact but the Council considers the development to lead to a pronounced deterioration and a major adverse impact.
243. In the TVIA, the sensitivity has been assessed as medium. However, applying the value from table 1.5 a location which is of national importance because it has designated assets should be categorised as being of high value. This would raise the sensitivity of the view above medium as assessed in the TVIA for AVR10. In turn, when combined with magnitude of change, this would raise the significance of effect. The Council say the significance of effect which the development would cause would be major adverse or a pronounced deterioration.

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<sup>160</sup> ID49

<sup>161</sup> CD1.42, Appendix 1.5a

<sup>162</sup> CD1.42 Part 1a 'Methodology' at page 1-4, tables 1.5 - 1.9

<sup>163</sup> CD1.42 Appendix 1.5a, page 32, Cumulative Viewpoint Reference 10

<sup>164</sup> Shown as a vertical line to the left of the view in the middle distance.

<sup>165</sup> CD7.24, page 17, figure 6(a)

#### Character Area 4 (CA4)

244. CA4 is the Character Area in which AVR10 is located. The RTBS<sup>166</sup> identifies the townscape sensitivity of CA4 to the inclusion of tall buildings to be high. It also identifies the station building as a "key townscape feature" which "provides focus to views to the north". But Mr Chard accepted that he had not considered this when arriving at the baseline sensitivity for CA4 in his TVIA. Having regard to the importance of the listed station building in policy, the RTBS and in Mr Chard's own methodology (Table 1.2 provides that designated features or areas of national importance are of "high" value), Mr Chard's assessment of CA4 as having a low sensitivity to the change is incorrect; it should be high<sup>167</sup>.
245. The assessment of a small magnitude of impact giving rise to a negligible beneficial change does not accord with the criteria. Mr Chard has attempted to downplay the impact of the development due to it providing "the perception of increased urbanisation" and "an improvement in the legibility of built form and wayfinding". Neither of these factors are identified as positive in the RTBS.
246. When relevant factors, as identified within the RTBS, are considered and the methodology applied, the value and therefore sensitivity of CA4 is 'high', there would be at least a partial alteration to the existing townscape, a medium magnitude of impact and moderate significance of effect. Applying table 1.9 of the methodology the development would have a moderate or major adverse effect in that it would result in partial deterioration or considerable deterioration of the existing townscape resource.

#### AVR25 – view from Station Square South

247. Mr Chard assesses this view as having medium sensitivity and medium magnitude of impact at operational stage. However, rather than finding the significance of effect to be moderate adverse as he does at construction stage, he concludes it to be negligible beneficial. This is because he considers that more tall buildings add interest and the variety of articulation provides a positive contribution. This ignores the importance of retaining the prominence of the station as the focus of the view as advised in HEAN4 and the RTBS.
248. The effect of tall buildings behind the station would be to compete with it and cause it to lose its prominence. On the basis of the TVIA methodology, there would be a noticeable or pronounced deterioration in the view and therefore a moderate adverse or major adverse impact. The Council considers the change to represent a pronounced deterioration.

#### Heights – stepping down

249. Benchmark heights have been ignored by the Appellant having regard to the need to step the development down from east to west and retain the station as the heart of the cluster. Furthermore, because the development on plot D is too tall, this results in the buildings on plots A-C being excessively high rather than being guided by the benchmark heights.

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<sup>166</sup> CD7.44, Appendix 1, page 11

<sup>167</sup> CD1.42, Appendix 5a, page 16

250. Policy identifies areas to the west of Caversham Road and the north of Vastern Road as being of particular sensitivity and emphasises the need to avoid significant negative impacts on outlook, amenity and residential character<sup>168</sup>. Policy CR11 emphasises the need for development to *"give careful consideration to the areas of transition to low and medium density residential"*.
251. The RSAF IS steps down across the appeal site towards the residential development west of Caversham Road. The appeal development, in contrast, would be 20.8 commercial storeys on plot D, 15.6 storeys on plot C, 15.2 storeys on plot B and rising again to 15.6 commercial storeys on plot A. It therefore maintains its height over a significant portion of plots C-A and does not give the impression of stepping down away from the station<sup>169</sup>.
252. The RSAF does not identify plot A as a suitable location for a landmark building<sup>170</sup>. Plots B-C are identified as suitable for landmark buildings. The benchmark height on plot D must comply with tall buildings guidance. Paragraph 6.26 of the RSAF explains that *"Landmark buildings may exceptionally "puncture" the benchmark heights"*. This is what the RSAF IS shows – tall but slender buildings puncturing the benchmark heights on plots B and C but no such building on plot A. This creates a stepping down effect.
253. The appeal scheme extends tall buildings across a large proportion of each sub plot up to the westernmost building on plot A. The scheme does not step down and ignores the benchmark heights<sup>171</sup>. The Design Code has been amended to remove any requirement for the height to step down from east to west<sup>172</sup>.
254. Mr Collado's views that the building on plot A is tall in order to mark the Caversham Road roundabout is an attempt to retrospectively justify the scheme. However, the tall building on this plot does not address the roundabout, it is off to the side<sup>173</sup>.
255. An attempt to justify this tall building by reference to taller buildings on the 80 Caversham Road scheme does not stand up to scrutiny. The 15.6 commercial storeys on plot A does not compare to the 8 storey residential and part 5 / part 7 storey office building fronting Caversham Road in the 80 Caversham Road scheme.

#### AVR4 & AVR7 – views from west<sup>174</sup>

256. The view at AVR4, along Caversham Road towards the roundabout, is identified as being one of importance in the RSAF (view 39)<sup>175</sup>. In the TVIA<sup>176</sup> sensitivity is given as low-medium. In the sensitivity column it is noted that *"the Thames Tower in particular helps draw the eye towards the station building"*.

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<sup>168</sup> Policies CR10(v), CR11, Figure 5.3 and RSAF figure 6.10

<sup>169</sup> CD10.3.3 Mr Doyle's PoE Large Frame (LF) Figure 32

<sup>170</sup> CD7.1 figure 6.9

<sup>171</sup> CD10.3.3 Mr Doyle's PoE LF Figures 17 and 19

<sup>172</sup> ID71 paragraph 2.8.2

<sup>173</sup> CD10.3.3 Mr Doyle's PoE LF Figure 17 and AVR4 at ID49

<sup>174</sup> ID49

<sup>175</sup> CD7.1 figure 7.2, figure 8.2

<sup>176</sup> CD1.42 Appendix 1.4a page 5

257. In the TVIA the magnitude of impact is medium, but rather than minor/moderate or moderate significance of impact as his methodology would suggest, Mr Chard arrives at a negligible beneficial significance of effect. He does this by seeking to offset positive and negative impacts in a way that is not provided for in his methodology. He also notes that views along Caversham Road would be channelled towards the proposed development and that spatial offsetting between the buildings would allow views towards the existing buildings south of the railway line, such as Thames Tower.
258. In cross examination, however, Mr Chard accepted that views to Thames Tower would not be possible from AVR4 and therefore any role which the Thames Tower had in drawing the eye towards the station would be gone.
259. Applying Mr Chard's criteria in table 1.9<sup>177</sup> this would amount to a noticeable deterioration in the existing view and a moderate adverse significance of effect. This is because the buildings on plots A, B and C are too tall. If the appeal is allowed from this important view it would be the building on plot A, higher than that on plot B, which would appear to be at the heart of the cluster. This is where the observer would expect to find the station.
260. No landmark building is identified on plot A in the RSAF. Nevertheless, the appeal scheme proposes a building of up to 15.6 commercial storeys. The RSAF provides that Station Hill should have a district landmark. These are "*the very tallest and most prominent buildings distinguishable from across the reading district*"<sup>178</sup>. Local landmarks should be "*clearly subordinate to them*". In the appeal scheme the building form on plot A is far in excess of the benchmark heights, the plot contains a local landmark when it should not, and it would not be clearly subordinate. This is poor design which fails to reflect the strategic priorities of the planning authority contrary to the NDC.
261. In the TVIA the view from AVR7, along Northfield Road,<sup>179</sup> is said to have a medium to high sensitivity. Mr Chard agreed this should be high. Magnitude of impact is described as medium, so applying tables 1.8 and 1.9 the significance of effect should be moderate or major adverse not minor beneficial as in the TVIA. Mr Chard's balancing of factors in the notes does not fit with his methodology in tables 1.7 and 1.9 of the methodology.
262. Mr Chard said that the development would not be noticeable from here because of other consented schemes. However, the sensitivity of receptor here is high and the magnitude of change seen in AVR7 is pronounced. The development would cause a major adverse significance of effect on this view.

#### North-south link

263. In dealing with the appeal for the development at 55 Vastern Road, the Inspector accepted that the need to retain electricity equipment on that site justified the deviation of the north-south route around that equipment. As a result, the link will no longer be direct from the station to the Thames.
264. In cross examination, Mr Collado accepted the following (for the Appellant):

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<sup>177</sup> CD1.42 Part 1a 'Methodology' page 1-5

<sup>178</sup> CD7.1, page 33

<sup>179</sup> CD1.42 Appendix 4a, page 8.

- Policy CR11e requires a high quality route.
  - Development capacity figures are indicative only and subordinate to the need for high quality design.
  - RBLP paragraph 5.4.6 states "*Improving links for pedestrians and cyclists through the centre, particularly in a north-south direction, is one of the key principles for the spatial strategy of the centre*". This applies to the north-south link through the appeal site.
  - In accordance with policy CR2 and the Reading City Centre Framework<sup>180</sup> the development should build on and extend the existing grid layout.
  - Routes in an offset grid<sup>181</sup> are less well connected than a distorted grid because the offset grid has three connecting points rather than four in a distorted grid.
  - The strategic priorities of the planning authority should be central to the design process and to achieve a well-designed place the DAS must make the right choice for the layout (NMDG paragraphs 14 and 21).
265. The DAS does not consider whether an alternative route across the site is required following the 55 Vastern Road decision. The DAS illustrative concept (page 128) shows two possible routes through the 55 Vastern Road site but does not contemplate any other route through the appeal site.
266. There is no fundamental constraint to the alignment of the route on the appeal site as there was on the 55 Vastern Road site. The route considered by the 55 Vastern Road Inspector is shown in Mr Doyle's appendix<sup>182</sup>. This shows a distorted grid rather than an offset grid as in the appeal scheme.
267. Mr Doyle's LF figure 28<sup>183</sup> shows three different alignments of the route across the site, none have been considered by Mr Collado. Route C could be achieved by enabling a design similar to the RSAF, which would also protect the significance and views of the station<sup>184</sup>.
268. Mr Doyle's evidence<sup>185</sup> shows the route being terminated when walking either to or from the station. The route north will be blocked by Block B of the 55 Vastern Road scheme and the route south will be blocked by buildings within plot C of the appeal scheme<sup>186</sup>.
269. An indirect route such as this will not change the perception of the area north of the station as a separate entity as set out in CR11, paragraph 5.4.6. A view through to the 55 Vastern Road site could be achieved by shifting the alignment 14 metres to the west<sup>187</sup>.

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<sup>180</sup> CD7.46, page 10

<sup>181</sup> CD10.14, Figure 20, page 42, Mr Doyle's rebuttal PoE

<sup>182</sup> CD10.3, Appendix C, Figure 39

<sup>183</sup> CD10.3 LF Figures, page 20

<sup>184</sup> CD10.14, page 64

<sup>185</sup> CD10.3 LF Figures 24 and 26

<sup>186</sup> See CD 10.14 Figures 21 and 22 and ID 4.6 (Mr Doyle's response to Appellant's rebuttal figures)

<sup>187</sup> See ID4.6 and ID4.7

270. The RSAF states that the north-south link is "*The most significant movement corridor in the RCAAP, and is vital to the success of development in this area*". The NDG<sup>188</sup> notes that "*Prioritising pedestrians and cyclists means creating routes that are direct*".
271. The Appellant relies on the generous width of the route, but quality is not just about width and treatment. It is primarily about alignment and directness. Policy requires a high-quality route. Mr Doyle's evidence demonstrates that the current alignment no longer provides such a route.

### ***Sunlight and Daylight***

272. Mr Crowley, for the Appellant, accepted in cross examination that the proposed development would cause a detrimental impact on the living environment of existing and/or new residential properties in terms of access to daylight, and would therefore breach policy CC8. The only issue between the parties being the extent of the harm.
273. Until the Appellant's letter of 30 May<sup>189</sup> the impact of the IS on existing residential properties had not been analysed. This is because it was recognised that the scheme's effects should be considered against the Parameter Plans. In respect of proposed dwellings within the appeal scheme, however, the IS was used as it is not possible to assess the effects on properties within courtyard blocks using Parameter Plans which do not contain courtyards.
274. The Appellant provided some information at ID56 purporting to address the impact of the IS on existing properties. In response, Dr Littlefair (for the Council) explained that this assessment cannot be relied upon as no massing diagrams have been provided so it is impossible to verify what scheme was analysed<sup>190</sup>. In any event, this analysis shows a significant impact on 64 of the 66 windows analysed at 17-51 Vastern Road (paragraph 2.7).
275. The following submissions are based upon the agreed evidence in the June 2022 SoCG<sup>191</sup>.

#### Existing properties

##### *Loss of Daylight to 17-51 Vastern Road*

276. The witnesses have assessed impacts on the existing properties using both appropriate methodologies: VSC which measures the amount of light reaching a given window<sup>192</sup> and daylight distribution within the room, sometimes called NSL<sup>193</sup>.

##### *Vertical Sky Component*

277. The SCG states:

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<sup>188</sup> CD7.17 paragraph 82, page 13

<sup>189</sup> ID56 CHP letter 30<sup>th</sup> May 2022

<sup>190</sup> ID78 Note on Submission by the Appellant on sunlight and daylight issues, paragraph 2.6

<sup>191</sup> CD12.6

<sup>192</sup> ID54, page 3

<sup>193</sup> ID54, page 4

*"It is agreed that the summary of vertical sky component (VSC) results for 17-51 Vastern Road are that 0 windows (0%) will meet the BRE guidelines and experience a negligible impact. All the windows analysed would experience an impact ranging from moderate to major adverse."*

278. In cross examination, Mr Crowley agreed the following:

- Of the 57 windows he analysed in 17-49 Vastern Road, 39 would experience relative reductions of 33-39.8% and the other 18 windows would have relative reductions of 40% or more<sup>194</sup>;
- In the 8 Albert Embankment call in decision<sup>195</sup> "very significant weight" was given to the harm to the occupiers of Whitgift House and 2 Whitgift Street (paragraph 759) and this was in respect of some reductions of 40% (paragraph 837);
- Whilst only 17 windows in Whitgift House and 2 Whitgift Street were affected by a more than 40% reduction in respect of the 8 Albert Embankment scheme, more windows were so affected in the appeal proposal;
- Furthermore, paragraph 837 of the recommendation in that appeal confirms that any suggestion that higher daylight levels are more applicable in the suburbs and that poorer conditions may be considered acceptable in dense inner-city areas should be treated with "great caution".

#### *Daylight Distribution*

279. The June SoCG confirms the Appellant's acceptance that 36 rooms (69%) would fail to meet the BRE guidelines<sup>196</sup> in terms of daylight distribution.

280. Mr Crowley accepted in cross examination that not only would the effects on daylight distribution be outside the BRE guidelines for 36 of the 50 rooms analysed, but that 11 would have impacts of more than double the BRE recommendation<sup>197</sup>.

281. Although Mr Crowley suggested<sup>198</sup> an alternative daylight distribution target that up to 50% of the room could lie behind the NSL line, Dr Littlefair explained this is not published guidance and could give rise to a large gloomy area covering almost half the room. Furthermore, this is unlikely to be acceptable to the occupants and in any event 15 rooms would fail even this low threshold<sup>199</sup>.

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<sup>194</sup> ID54, page 7

<sup>195</sup> CD5.5

<sup>196</sup> ID95, BRE Site Layout Planning for Daylight and Sunlight A Guide to Good Practice 2022

<sup>197</sup> ID54, page 8

<sup>198</sup> CD8.16, Appellant's Position Statement, paragraph 5.1.19

<sup>199</sup> CD10.4, Dr Littlefair PoE, paragraph 4.18, and CD10.15, rebuttal PoE, paragraph 3.10 and 3.13-15

### *Major impacts*

282. The Appellant may seek to pray in aid the Inspector's decision in the Woking appeal and the "two stage test" to which it refers<sup>200</sup>. However, the Woking Inspector found at paragraph 46 that there was no breach of the Development Plan in respect of sunlight and daylight issues because "*the proposed development would not cause any harm*".
283. Each case must be considered on its own merits. In this appeal, Appendix A to the SoCG identifies "*major*" adverse impacts on each and every property at 17-51 Vastern Road. Policy CC8 provides that development "*will not cause a detrimental impact on the living environment of existing residential properties or unacceptable living conditions for new residential properties, in terms of...Access to sunlight and daylight*". Mr Crowley accepted the proposed development would breach this policy.
284. The supporting text to policy CC8, at 4.1.36, provides that a "*key concern*" is "*to ensure that new development does not reduce the quality of the environment for others, particularly where it would affect residential properties.*" Mr Crowley accepted that the way in which one should test detrimental impact in this case is by reference to the BRE guidelines in accordance with paragraph 4.1.42 of the RBLP.
285. On that basis alone, it is clear that at least very significant weight should be given to the harm to the occupiers of 17-51 Vastern Road which would be caused by the development's effect on their VSC and daylight distribution.
286. This can be compared with the RSAF IS. Although not every window and room in that scheme would meet the BRE guidelines a hugely improved percentage would. As Dr Littlefair explains<sup>201</sup>, with the RSAF scheme only 16 of the windows analysed in 17-49 Vastern Road would not meet the BRE VSC Guidelines as compared to all 57 with the appeal scheme.
287. Returning to the Woking case, the context there included circumstances where the Council had granted development which would have the same effect as that proposed (see paragraph 37). Whereas, in the present case the RSAF demonstrates that the appeal site can and should be developed without causing the level of detriment the appeal scheme would cause.

### Proposed Buildings

#### *Daylight in Illustrative Scheme*

288. The witnesses have measured the daylight levels in the IS by using the ADF which is expressed as the average illuminance in a room divided by the simultaneous horizontal unobstructed illuminance outside (under overcast conditions)<sup>202</sup>.
289. In cross examination, Mr Crowley accepted the following<sup>203</sup>:

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<sup>200</sup> CD5.2

<sup>201</sup> CD54, page 10

<sup>202</sup> ID54 page 12

<sup>203</sup> from ID54 page 14



- If one uses the recommended value of 2% (the kitchen value) for living/kitchen/diners, 63% of the rooms analysed would comply, assuming a realistic frame factor of 0.8;
  - If one uses the lower value of 1.5% (the living room value), 70% would comply;
  - Out of the 180 living/ kitchen/ diners or studios only 18% (33) would meet the recommended value of 2%;
  - If one uses the lower value of 1.5%, of the 180 living/ kitchen/ diners or studios only 38% (68) would meet this value;
290. Three living rooms have an ADF of 0.2% and 2 bedrooms an ADF of 0%.
291. Even for the ID56 revisions, Mr Crowley accepted in cross examination:
- In respect of living/ kitchen/ diners if one uses the recommended value of 2% (the kitchen value) only 40% (36 out of 90 assessed) would meet the value;
  - Again for living/ kitchen/ diners if one uses the lower 1.5% value only 78 or 79% (Mr Crowley said the difference was not material) would meet the value.
292. The revisions in ID56 have included the division of some of the living/ kitchen/ diners to create non-daylit kitchens. Dr Littlefair calculated these to number 31 in total (34%). The BRE guidance provides that non-daylit kitchens should be avoided whenever possible. It is only where a small internal galley type kitchen is "inevitable" that a direction is made for it to be directly linked to a well day-lit living room<sup>204</sup>. Non-daylit kitchens are not "inevitable" in this scheme. The more reliable figures for ADF are those set out in the SoCG.
293. In discussing the acceptability of the proposed building ADF levels Mr Crowley sought to rely upon the Epping Forest decision<sup>205</sup>. Dr Littlefair explained<sup>206</sup> that in their reports for that scheme CHP gave proportions of 88% and 98% meeting the recommendations, and the Inspector gave "worst case" figures of 81% and 83% for living/ kitchens/ diners. For the appeal scheme, whether one takes the "unimproved" scheme figures of 18%/38% or the "improved" figures of 40%/ 78 or 79%, even applying this measure, daylight provision in the proposed building would be inadequate.
294. The Design Code now says<sup>207</sup> that 80% of habitable rooms in the proposed development should meet the minimum standards in the 2022 edition of 'Site layout planning: a guide to good practice.' However, this means that up to 20% of rooms can be below the minimum, including all rooms in some flats. Depending on the mix of flats and level of compliance in bedrooms, it could result in half or less of the living rooms meeting the minimum standard. For example, taking a notional 100 flats, 50 of which are 1 bedroom and 50 two bedroom, this

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<sup>204</sup> CD7.20 paragraph 2.1.14

<sup>205</sup> CD8.16, Appellant's Position Statement, paragraph 5.2.9 (appeal decision not provided)

<sup>206</sup> CD10.15, rebuttal PoE, paragraph 3.20

<sup>207</sup> ID89, paragraph 5.6.7

would give a total of 250 rooms. According to the Design Code amendment, 20% of these, or 50 rooms, could have daylight provision below the minimum standard. If all the bedrooms complied, then half of the 100 living rooms would have substandard daylight.

295. The latest BRE guidance<sup>208</sup> does not mention that only 80% of rooms need comply. The change to the Design Code therefore represents a very substantive worsening of the standard of accommodation in the proposed development. The previous version (ID67) stated that "*Daylight assessments should prove achievement of standard recommendations described in BS8206 - Lighting for Buildings (2008)*" implying full compliance with the then relevant standard. This amendment amounts to an admission that the proposed scheme will produce inadequate daylight provision for proposed residents.
296. *BS EN 17037*: Should the Secretary of State wish to assess the development against EN17037 it would be possible to use the data at the end of Appendix F of the Appellant's Position Statement. However, as Dr Littlefair explains<sup>209</sup> the data use an unrealistic frame factor of 0.9, which will lead to daylight provision being overestimated.
297. Adding up the totals in Appendix F, out of the 180 living rooms analysed only 74 (41% of the total) would meet the lower 150 lux target in the UK National Annex of BS EN 17037. This is with the unrealistic frame factor of 0.9. The way the results are presented, it is not possible to tell how many rooms would comply with a more realistic frame factor, or with the 200 lux target recommended for combined living rooms with kitchens in the UK National Annex of BS EN 17037. However, the compliance rates in each case would be expected to be lower. This underlines that whichever standard is used, the proposed development would fail to meet it.

#### *Sunlight in the proposed Illustrative Scheme*

Inside rooms:

298. The witnesses have measured sunlight inside rooms in relation to BS 8206 Part 2 where sunlight is quantified by calculating the hours of sunlight falling on the centre of a window in a typical year as a % of unobstructed ground. The percentage recommended in the British Standard is 25% year round and 5% in winter<sup>210</sup>.
299. Mr Crowley accepts that:
- A maximum of 13% of all living/ kitchen/ diners considered would meet the recommendation in the British Standard<sup>211</sup>;
  - Dr Littlefair describes this as "*unprecedentedly*" poor<sup>212</sup> and Mr Crowley specifically accepted that he "*couldn't think of a worse scheme*";
  - There are no new figures given for the revised IS.

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<sup>208</sup> ID95

<sup>209</sup> ID54, page 13

<sup>210</sup> ID54 page 15

<sup>211</sup> CD8.16, paragraph 5.2.12

<sup>212</sup> CD10.15, paragraph 3.21

300. Dr Littlefair explains that:

*"It is not credible that James Crowley can extrapolate from a 12% or 13% compliance rate on the lower floors to a compliance rate of 50% or more in the development as a whole, given that there will be fewer flats on the upper floors."*<sup>213</sup>

301. Although the Design Code (ID89 at 5.6.1) speaks of improving sunlight/daylight provision this is meaningless in the face of the poor baseline. On the evidence, should permission be granted, any development which comes forward would be seriously deficient in terms of sunlight received in living/ kitchen/ diners. This would constitute a substantial breach of both the British Standard and policy CC8.

Open Spaces:

302. For open spaces the BRE guidelines recommend that 50% of the space can receive at least 2 hours sunlight on March 21st<sup>214</sup>. In the courtyard and roof terrace to Block C only 4% of the area would have 2 hours of daylight<sup>215</sup>. Mr Crowley's analysis based on the summer solstice<sup>216</sup> is not part of the guidelines.

303. Although the Design Code<sup>217</sup> requires lowering southeast corners of courtyards to enable the necessary amount of sunlight in line with the relevant policy, in the absence of an Illustrative Scheme showing this, there is no demonstration it would result in the guideline being met. The exclusion where external amenity is not provided ignores that this will reduce amenity space provision and may result in a shortfall.

*80 Caversham Road (Hermes site)*

304. The Council accepts, following the latest evidence produced by the Appellant at ID70, that it would be possible to design the proposed accommodation on the 80 Caversham Road site with adequate levels of daylight.

*55 Vastern Road*

305. It is agreed that:

- The Figures set out in the June SoCG for 55 Vastern Road Cumulative ADF<sup>218</sup> are correct but the column entitled "EB7 results from 20/05/2020" should be ignored<sup>219</sup>;
- The CHP results on this table show that the majority of the 12 living/ kitchen/ diners will not achieve the ADF target<sup>220</sup>;

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<sup>213</sup> CD10.15, paragraph 3.21

<sup>214</sup> CD54, page 16

<sup>215</sup> CD10.4, Figure 11

<sup>216</sup> ID56, page 2

<sup>217</sup> ID89, paragraphs 5.6.3 and 5.6.6

<sup>218</sup> CD12.6, Appendix D, page 41

<sup>219</sup> ID70, page 1

<sup>220</sup> ID70, page 2

- 11 of the 12 living rooms analysed would have ADF below the minimum recommendation, compared to 5 with the current retail park<sup>221</sup>;
- Annual sunlight to 7 of these living rooms and winter sunlight to 8 would be below BRE recommendations with the appeal scheme in place<sup>222</sup>;
- In total 10 of the 12 rooms would have losses of sunlight outside the BRE guidelines with 8 losing more than half their sunlight<sup>223</sup>;

306. The Appellant says that this is acceptable, for two reasons. Firstly, this arrangement was accepted at the 55 Vastern Road appeal; and secondly, although not agreed and although no data is before the inquiry, in a letter at pages 8-9 of ID70 Mr Crowley asserts he has rerun the analysis of ADF for 55 Vastern Road and with the IS all living/ kitchen/ diners, and for the parameter missing 10 of the 12, would meet the 1.5% and the remaining 2 would be just 0.1% away.

307. However, both of these reasons are flawed. In respect of the first, as Dr Littlefair explained, the 55 Vastern Road committee decision<sup>224</sup> provides: "*For the proposed dwellings...Where properties in Block A and B might be affected by the proposed development on the south of Vastern Road, as this application was still under consideration this impact could still be addressed*".

308. In respect of the second reason, Dr Littlefair explains<sup>225</sup> that the paragraphs discussing the rerun analysis are incorrect because they are based upon an analysis without balconies. The approved plans for the proposed development at 55 Vastern Road have balconies, and these balconies should therefore be included in any ADF analysis. It follows that the agreed data on page 7 of ID70 should be used which still shows that 11 of the 12 living/ kitchen/ diners would have ADF below the 1.5% standard.

#### Conclusion on Sunlight and Daylight

309. Should it be permitted, it is common ground that the proposed development would cause a detrimental impact on the living environment of existing and new residents in breach of CC8. This in turn would breach policies CR10(v) and CR11(vi) running contrary to paragraph 5.4.8 and guidance in the RSAF. The only question is how severe the detriment would be.

310. It is also common ground that there would be major impacts on all properties 17-51 Vastern Road in terms of daylight reaching those properties.

311. In terms of sunlight impacts on residents within the scheme, Mr Crowley was unable to think of a worse example in terms of the percentage of rooms assessed failing to meet the standard. Dr Littlefair explained that the scheme represents an "unprecedentedly poor" sunlight provision especially considering the large size of the development. Added to this, sunlight provision in the courtyard and roof terrace of Block C would not meet the relevant standard.

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<sup>221</sup> ID54, page 17 and Mr Crowley cross examination

<sup>222</sup> CD12.6 page 42, ID54 page 17 and Mr Crowley cross examination

<sup>223</sup> CD12.6 page 42, ID54 page 17 and Mr Crowley cross examination

<sup>224</sup> CD3.58, paragraph 4.14.2

<sup>225</sup> ID78, paragraph 3.1

312. In terms of daylight provision for residents within the scheme, there is a large percentage of rooms which will not meet the standard. This is underscored by amendments to the Design Code to reflect the fact that 20% of rooms can be below the minimum, including all rooms in some flats.
313. Finally, on the best evidence, allowing the development would consign 11 households within the development at 55 Vastern Road facing the appeal site to substandard daylight provision. Furthermore, 10 households would have losses of sunlight outside of the BRE guidelines with 8 losing more than half their sunlight. This is in circumstances where the committee on that application expected the issue to be resolved through this application / appeal process.
314. These impacts separately represent deficiencies in daylight or sunlight terms which should be given significant weight. Cumulatively they represent development which causes extremely severe sunlight/ daylight impacts, including an unprecedentedly poor impact on sunlight provision for proposed residents of the scheme, which should be given the greatest weight in any planning balance and constitutes a very substantial breach of RBLP policy.

### ***Trees, sustainability, public realm and open space***

#### Trees

315. Paragraph 131 of the NPPF says: "*Applicants and local planning authorities should work with highways officers and tree officers to ensure that the right trees are planted in the right places.*"
316. The NMDC<sup>226</sup> advocates for: "*Careful positioning to allow space for the mature trees without causing obstruction or interfering with property, infrastructure, street lighting or junction sightlines.*"
317. RBLP policy EN12 requires new development to maximise opportunities for enhancing the Green Network. Policy EN14 emphasises the need for new development to make provision for tree retention and planting, "*particularly on the street frontage*" to maintain and enhance the character and appearance of the area, improve tree coverage and biodiversity and adapt to climate change, "*Measures must be in place to ensure that these trees are adequately maintained*".
318. RBLP Paragraph 4.6.28 emphasises that "*there will be a need to use appropriate large canopy species*"<sup>227</sup>. CC7, CR3, CR11e also require high quality design in relation to public realm, green infrastructure and landscaping.
319. The Sustainable Design and Construction SPD<sup>228</sup> specifies, where possible, the use of large canopy species that provide more benefits for climate adaptation. This is more pressing for the appeal site given its location in the designated Air Quality Management Area (AQMA), within a "*low canopy cover ward*" on a designated "*tree corridor*"<sup>229</sup>.

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<sup>226</sup> CD7.18 N.3.iii Street Trees point 27

<sup>227</sup> See CD10.7 Ms Hanson's proof, paras 5.42-5.46

<sup>228</sup> CD7.7, paragraph 5.4

<sup>229</sup> See Tree Strategy CD7.8 as discussed in Mrs Hanson's PoE at 5.32 and following

320. The RSAF, paragraph 5.6, identifies public realm priority projects on Vastern Road and in relation to landscaping. At paragraph 5.12 the vision is to create a tree-lined avenue along Vastern Road<sup>230</sup> as a “*central element of the town centre public realm*”. Paragraph 14.6 provides that “*New landscaping and tree-planting enhance the environment of the key routes and spaces.*”
321. The Appellant say that a comprehensive landscape strategy can come forward at reserved matters stage.
322. Additional evidence and responses have been submitted by both parties on the matter of trees, landscaping and services<sup>231</sup>. From these it can be seen the following:
- The DAS indicates a 5m strip on Vastern Road for planting. Mrs Hanson (for the Council) explained why this was insufficient for the canopy space required.
  - Services restrict tree planting to a strip along the frontage of plots C and D, entirely on Council Highways land and limited to “*a line 1.0m from the kerb line where services permit*” which is insufficient for canopy and root space and soil volume. This would not allow the planting of large canopy trees<sup>232</sup>.
  - Specially designed tree pits were used for the central reservation trees.
  - The issue of canopy conflict is not addressed. A minimum setback of 10m is required from the kerb to limit overhang of the highway whilst the canopy grows sufficiently to allow crown lifting to 5.5m above the highway.
  - There is no confirmation that utility providers would be happy with trees planted in close proximity to the service routes. If it is concluded at reserved matters stage that this would not be feasible, the scheme will be without planting on the Vastern Road frontage.
323. In terms of tree retention, the Appellant provided a document “RPA [Root Protection Area] for trees Caversham Road” to which the Council responded<sup>233</sup>. The proposals would result in the loss of five TPO trees (T7-T9 and T11-T12 in the Arboricultural Impact Assessment (AIA)) and other non-TPO trees. The retention of T9 is based on diverting the cycle lane around a landscaped area protecting the tree but the cycle lane encroaches on the plot A Parameters Plan<sup>234</sup> which would be approved. T7 and T8 would be “*mitigated with new landscaping the detail of which would be submitted at the reserved matters stage*” (ID68) but the scheme provides insufficient space for new landscaping.
324. ID68 states that protection for T17 and T18 would be via condition or at the reserved matter stage. However, this relies upon the IS being further away from

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<sup>230</sup> See CD7.1, Figure 8.3, Figure 14.1

<sup>231</sup> ID39 – Council’s Note on Vastern Road tree planting, confirming the species in the central reservation; ID33 – Appellant’s Vastern Road Sections and ID44, ID45 – Council’s responses; ID33 Revision A and Council’s response ID66.

<sup>232</sup> See GreenBlue Urban Soil Volume Guide at Appendix 4, page 46 Sarah Hanson’s proof, CD10.7

<sup>233</sup> ID68 and Council’s response ED69

<sup>234</sup> PP102 P2

T17 and T18 than the existing building. However, the appeal scheme must be determined on the Parameter Plans which show that the RPAs could be detrimentally impacted, both by construction of the new building and by future pruning requirements as a result of a multistorey building closer to the trees.

325. The Design Code states that: "*The development will retain T1 and T2<sup>235</sup> (as shown on TPO 3/06) along Caversham Road taking into account the need to accommodate a vehicular access from Caversham Road, the permitted building lines and root protection zones*". This will not give protection as it is not possible both to take account of the permitted building line (plot A as defined in the Parameter Plans) and the RPAs because there is a conflict between the two<sup>236</sup>.

326. The scheme fails to accord with the RSAF's vision; it fails to provide sufficient space for large canopy trees on the Vastern Road frontage; it would result in the loss of five TPO trees and does not demonstrate how retention of T17 and T18 can be achieved without direct harm and the need for future pruning. The scheme as proposed is contrary to the requirements of both national and local policy and the other adopted documents.

### Sustainability

327. The approach to sustainability considerations required in the RBLP and the Sustainable Design and Construction SPD (CD7.7) is one of "fabric first" measures, it being noted in paragraph 4.2 of the SPD that "*applicants should seek to improve fabric efficiency in the first instance.*"

328. The relevant policy context is set by policies CC2, CC3 and H5. CC3 relates to "Adaptation to Climate Change" and provides that all development "*will demonstrate*" how it has been designed to incorporate measures to adapt to climate change and stating, "*Wherever possible, new buildings shall be orientated to maximise the opportunities for both natural heating and ventilation and reducing wind exposure and other elements.*"

329. This is a starting point from which all other considerations follow. The Appellant has failed to adopt this approach. There is nothing in the DAS nor in the evidence to this inquiry to demonstrate that the following sustainability considerations have been taken into account in the design of the scheme:

- insolation and solar shading;
- wind and cooling;
- the role of existing and proposed landscaping;
- the role of water features in reducing the heat island effect;
- the sun path analysis is limited to the need for natural light in the buildings and amenity spaces;
- the illustrative concept suggests the same elevational treatment for each aspect in terms of solid to void ratios irrespective of orientation for solar

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<sup>235</sup> The equivalent of T17 and T18 in the AIA

<sup>236</sup> See ID69

gain and it is not clear how photovoltaics (PV) will be integrated into roof design.

330. The application fails to demonstrate a robust strategy in terms of minimising carbon dioxide emissions. This undermines the energy hierarchy and fails to demonstrate a strategy to reduce carbon emissions through passive measures and "Fabric Energy Efficiency".
331. The development also fails to comply with policy CC2 which relates to sustainable design and construction. This provides that proposals for new development will be acceptable where *"the design of buildings and site layouts use energy, water, minerals, materials and other natural resources appropriately, efficiently and with care and take account of the effects of climate change"*.
332. Whilst the second paragraph of CC2 requires non-residential development to meet BREEAM standards, the first paragraph is applicable to all development. The supporting text makes that clear, as accepted by Mr Newton (for the Appellant).
333. Paragraph 4.1.5 of the supporting text notes that *"expectations of performance"* of new build homes in terms of emissions are set out in policy H5. But the *"general principle"* of Policy CC2 in its first paragraph relates to the need, in the first instance, to design the buildings and the layout of sites to take into account the various ways in which passive measures can be used to ensure that energy and other natural resources are used both appropriately and efficiently and take account of the effect of climate change.
334. Policy H5 provides specific and additional standards for new housing. It contains 6 relevant standards (a)-(f), one of which (c) provides that all major new-build residential development (such as the appeal development) *"should be designed to achieve zero carbon homes"*. The supporting text at 4.4.46 explains what is meant by *"zero carbon homes"*:
- "Therefore, the requirement will be that major new housing is built to zero carbon homes standard. A revised Sustainable Design and Construction SPD to be produced in 2019 will contain more detail on achieving this requirement, but in general where homes are not designed to be carbon neutral, this will mean as a minimum a 35% improvement in the dwelling emission rate over the 2013 Building Regulations plus a contribution of £1800 per tonne towards carbon offsetting in Reading"*.
335. So *"zero carbon homes"* means (1) design homes to be carbon neutral, and (2) if this is not done then as a minimum a 35% improvement and a contribution is required. The SPD states at table 3.1 that for major development a zero carbon approach is required, it is only *"if unachievable, a minimum 35% improvement...and contribution to offset"* is acceptable. The glossary (page 45) simply makes clear that any development achieving at least the 35% can be termed a *"zero carbon home"*; Table 3.1 makes it clear that one only gets to that stage once one has demonstrated that "Zero Carbon" is unachievable. As Mr Crawshaw explained, the DAS does not go through the exercise of establishing a baseline properly which considers passive measures in order to establish what is achievable.



336. Sustainable design has been an afterthought in the design process. To allow the appeal in spite of this would be to undermine the Council's strategy as laid out in RBLP policy and the SPD to meet the climate change challenge by using a fabric energy efficiency first approach, which is much more likely to ensure long-term carbon reductions.

#### Public realm and open space

##### *Vastern Road*

337. It is common ground that the Vastern Road interface is an important public realm priority<sup>237</sup>. The Appellant says that the width of Vastern Road and siting lower elements along it gives the separation and progression of scale from lower residential development on Vastern Road to the taller elements of the scheme.

338. Mr Doyle's rebuttal<sup>238</sup> explains that the scale and setbacks are harmful and result in an unbalanced street, out of proportion with adjacent two storey dwellings. This is as a result of insufficiently generous setbacks to create a threshold or setting for the new development which consistently exceeds benchmark heights and provides for buildings which rise sheer from the back of narrow pavements.

##### *Station Square North*

339. Station Square North is identified in the RSAF as a "key public realm priority" which will create a high quality public space and new town square<sup>239</sup>. The RSAF shows the square extending into and across the appeal site rather than hard against the southern boundary<sup>240</sup>. This contrasts with the appeal scheme Building Plots Parameter Plan<sup>241</sup> this shows a rectilinear arrangement where building plots define the edges of the square. Consequently, permeability is limited and enclosure of the square compares poorly with the RSAF scheme<sup>242</sup>. Framing of the square appears accidental and is inappropriate for a major town square.

340. The oversailing of the building on Plot D to extend over part of the square from second level upwards would also restrict the flexibility and usability of this part of the open space<sup>243</sup>. The Appellant's evidence shows that this area will not benefit from direct sunlight for significant parts of the day<sup>244</sup>. This evidence also shows that the overhang will need to be supported by thick columns. This adds to overshadowing, would form a higher degree of enclosure and less openness. This would not be high quality open space.

##### *East- West spine*

341. The Appellant argues that Schedule 14 of the S106 obligation relating to the shared access road is not necessary. The Council disagrees and is seeking to act

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<sup>237</sup> CD7.1, paragraph 5.6 and 5.12

<sup>238</sup> CD10.14, Figure 26

<sup>239</sup> CD7.1, paragraph 5.6 and 5.7, Figure 8.2

<sup>240</sup> See CD10.3.3, LF Figure 29 and RSAF (CD7.1) Figure 14.1

<sup>241</sup> Shown on LF Figure 29 in CD10.3.3

<sup>242</sup> CD10.3, Figure 52

<sup>243</sup> CD10.14, Figure 28

<sup>244</sup> ID51, Figure 2

consistently with the Hermes proposal. Option drawings for the shared access road that are proposed to be appended to the Hermes S106 obligation will form part of that permission once granted<sup>245</sup>.

342. Policy CR11(ii) and (viii) state that development in this sub-area, which includes both sites should *"help facilitate greater pedestrian and cycle permeability"* and should *"demonstrate that it is part of a comprehensive approach to its sub-area...which contributes towards the provision of policy requirements that benefit the whole area, such as open space"*.
343. Paragraph 5.4.2 and 5.4.10 of the reasoned justification refer to development coming forward in a *"comprehensive manner"*. The Council's policy objective of a holistic approach to development and associated infrastructure is clear.
344. The RSAF also addresses comprehensiveness<sup>246</sup> and notes that *"The overall aim is to improve the Station Area public realm by creating, improving and connecting public spaces. More detailed aims include: 'stitching' together the various development sites both visually and physically... unifying the area through a coordinated design approach....creating more opportunities for sustainable forms of transport, particularly walking and cycling, by enhancing the connectivity and legibility of the area..."*
345. As Mr Doyle explains<sup>247</sup> *"two parallel roads would result in a vast area given over to vehicle circulation that will act as a barrier to pedestrians crossing from one side of the street to the other and prioritisation and general dominance of vehicle movements over pedestrians. These objectives do not sit easily with the Appellant's case, pursuant to which two parallel access roads could potentially come forward across the spine of the area."*
346. Such an arrangement would be contrary to policy requirement to secure comprehensive redevelopment, high quality design and prioritising of pedestrian and cycle permeability. The mechanism in the S106 to prevent such an arrangement is necessary to make the development acceptable in planning terms.

### **Planning balance**

347. The development would conflict with the Council's strategic priorities set out in the RBLP. It would cause a moderate degree of less than substantial harm to the significance of the listed station building. This harm is not necessary to achieve the vision set out in the RBLP and RSAF.
348. Development capacity in policy CR11 is expressly subject to the need for high quality design. The public benefits in this case do not outweigh the harm applying the NPPF paragraph 202 balance, nor when considering whether the harm has *"clear and convincing justification"* in paragraph 200 terms. The harm puts the development at odds with the Development Plan.

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<sup>245</sup> The Hermes obligation has subsequently been completed (ID99)

<sup>246</sup> At paragraphs 2.10-2.13, 3.6 and 5.4

<sup>247</sup> CD10.3, paragraph 5.3.5.6

349. In addition, the scheme would cause less than substantial harm to the significance of the Market Place and London Street Conservation Area and the Grade II\* listed Town Council Chamber.
350. The harm to the significance of the station in heritage terms is compounded by the harm to townscape in views that include it. Harm is also caused to the townscape in views from the west
351. Significant harm is caused through the failure to include a high quality north-south link.
352. The scheme would also bring severe sunlight / daylight impacts for existing and proposed residents. This should be given great weight in the balance and is a very substantial breach of policy.
353. The scheme fails to provide sufficient space for the required large canopy trees. It entails the loss of five TPO trees and it is not demonstrated how the two other TPO trees (T17 and 18) can be retained. The scheme fails to realise the vision for a public realm interface for Vastern Road and Station Square North. In this regard the scheme is also contrary to the requirements of local and national policy and adopted SPD.
354. To allow the appeal would be to undermine the Council's strategy in RBLP and the SPD to meet the climate change challenge by using an approach of fabric energy efficiency first. It would send the message that it is permissible to design a scheme then address sustainability and climate change as an afterthought. This too conflicts with the Development Plan.
355. Whilst there are benefits, these are common to many mixed-use proposals and could be achieved by an amended scheme which addressed the above issues. The Council has a healthy housing land supply and development quantum is subordinate to the need to create a scheme which is of high quality and well designed.
356. The scheme is in substantial conflict with the Development Plan and there are no considerations which could outweigh this non-compliance.

### **Written Representations**<sup>248</sup>

357. Caversham and District Residents' Association (CADRA), who did not appear at the inquiry, submitted an objection to the appeal proposals<sup>249</sup>. The reasons stated for the objection include:
- total number of flats on the Aviva and Hermes site will exceed the indicative figure of 640 to 900 dwellings in policy CR11e and this leads to unsatisfactory development;
  - lack of co-ordination between the appeal site and the 55 Vastern Road site to the north resulting in lack of a direct alignment of the north-south route and loss of opportunity to open up a view to Christchurch Bridge from the glazed Station Concourse;

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<sup>248</sup> CD2

<sup>249</sup> CD2.21

- heights of buildings not in accordance with tall buildings policy. They should reduce in height towards the northern and western edges of the site to be in scale with the existing residential communities to the north and west;
  - unsatisfactory living conditions due to proposed density, green space and distance between buildings and blocks and poor amenity space;
  - lack of adequate parking; unimaginative use of materials in illustrative scheme; loss of discount food retailer within close proximity to residential area.
358. A further 15 residents submitted objections to the development but did not appear at the inquiry. In addition to the matters addressed by CADRA above, the following matters were raised:
- Increased traffic and air pollution
  - Loss of existing accessible shops
  - Impact on schools, hospital, medical care, public transport
  - No need for additional office space
  - Buildings should be no more than 3 storeys to avoid loss of sunlight
  - Lack of detailed design
  - Concern that pub or take away may be included in the scheme with resultant noise and crime concerns.
359. One additional objection was lodged only on the basis of there being no east-west route from Northfield Road to the station (which is incorporated into the proposed scheme) and if the proposed residents would be able to apply for local parking permits (condition 37 is suggested).

### **Conditions and Obligations**

360. The Appellant and the Council submitted a schedule of agreed and not agreed conditions which were discussed at the inquiry (ID72 Revision A). A S106 obligation was also agreed between the Council and Appellant and discussed at the inquiry (ID94 and ID94.1). These conditions and the S106 obligation are discussed below.

## Conclusions

### ***Main considerations***

361. Based on the evidence, policy, and the areas of agreement / disagreement, the main considerations in this case are:

- The weight to give to the IS compared to the Development Parameters;
- The impact of the design of the proposed development on the character and appearance of the surrounding area, with particular reference to:
  - Building heights and the impact of the development on the surroundings;
  - landscaping and existing TPO trees;
  - open space and the public realm.
- Whether the proposed development would preserve the setting of nearby listed buildings and preserve or enhance the character or appearance of the Market Place and London Street conservation area, including whether any less than substantial harm would be outweighed by public benefits.
- The appropriateness of the north-south pedestrian and cycle link.
- The impact of the proposal on the living conditions of existing and future occupiers at 17-51 and 55 Vastern Road and on future occupiers of the development, having regard to daylight and sunlight.
- Whether sustainability measures incorporated into the design of the development would be sufficient to meet the requirements of local and national policy for mitigating and adapting to climate change.
- Other planning matters including the benefits to be weighed in the planning balance.

### ***Development Parameters vs illustrative residential scheme*** [3, 5, 6, 7, 113, 115, 198-203]

362. A number of schematic drawings, elevations, 3D drawings and block plans are set out in the DAS, but no scaled floor plans or elevations of the IS have been provided and the parties dispute the weight that should be attached to it. I will address this matter first as the weight I give to the IS will affect my conclusions on some of the main considerations in this case.

363. The development would be restricted by the Amended Development Parameters Schedule (ID61 Rev A) and the revised Design Code (ID89). It would also be restricted by the parameter plans including Plot Heights (PP-103 P3), which sets out the maximum heights of the sub-divisions of each block, and Building Plots (PP-102 P2), which sets out the maximum extent of the footprint of each plot.

364. The above plans were not amended when the Appellant amended the Development Parameters Schedule during the appeal. Consequently, the plans show a larger development envelope than that represented in the Schedule. For example, on part of plot C the IS is over 27m below the heights plan maximums. Differences of over 8m, almost 12m and almost 15m exist on other parts of plot C. Similarly, on part of plot D the IS is more than 26m below the parameter plan heights. On plot A the parameter height maximums also exceed the IS heights on the central curved section of plot A by almost 7m (see ID30 comparison).
365. Consequently, a future developer could seek to build to the maximum heights permitted by the parameter plan envelope. However, the Development Parameters must be read as a whole. I will therefore go on to consider whether the other documents comprising the Development Parameters would effectively limit the scheme to the size of the IS.
366. The Amended Development Parameters Schedule (ID61 Revision A) controls the maximum floorspace for each plot. There is a dispute regarding the floorspace contained in the IS. The Appellant says that the IS floorspace is equivalent to the maximum floorspace for each plot set out in the Parameters Schedule. This has been measured from a 3D model and they say that it is accurate. Accordingly, the Appellant says that reserved matters schemes could not exceed the IS floorspace because this is limited by the Parameters Schedule.
367. The Council have attempted to verify the Appellant's floorspace figures by interpreting the unscaled drawings, plans and 3D modelling in the DAS. On the basis of their assessment (Tables 4 & 5 in ID71), a reserved matters scheme could have a larger footprint than the IS scheme, most significantly on plot C, and still be within the maximum limits in the Parameters Schedule.
368. Due to the lack of submitted scaled drawings for the IS, it is not possible to verify Appellant's figures. The lack of clarity on this matter does not allow me to conclude with any degree of certainty that the Parameters Schedule would limit future development to the floorspace of the IS.
369. In addition, the Development Parameters Schedule makes clear that the GEA floorspace figures do not include plant. Consequently, the height and volume of parts of the upper floors could increase from that indicated in the IS as a result of the installation of plant, potentially in plant enclosures. Any parapets to roof top terraces could also increase the heights on any of the residential plots without increasing floorspace, subject to being within the maximum height limits on the parameter plans.
370. Furthermore, the evidence from a recently approved office scheme at Station Hill demonstrates that the height and mass of the scheme could increase without increasing the floorspace by increasing the floor to ceiling heights. This is often seen in modern office developments which provide a grand entrance atrium and demonstrates the potential for an office development on plot D to be taller than that shown in the IS (on that part of plot D where the IS is below the maximum parameter height) without increasing floorspace.
371. In order to overcome the above concerns regarding the potential for increased height, the Design Code (as amended) now includes a mandatory statement that the development shall not result in materially worse daylight and sunlight

impacts on properties to the north of Vastern Road than those shown in the Appellant's Daylight / Sunlight assessment (dated 30 May 2022) which was based on the IS<sup>250</sup>. The Appellant argues that, in practice, this wording means that a reserved matters scheme could not increase in height from that shown in the IS as a taller scheme would be likely to result in materially worse daylight and sunlight impacts at the properties to the north.

372. I address the daylight / sunlight impacts of the development later in this Report. However, for the purposes of determining the weight to be given to the IS, I share the Council's concerns that it is not clear what "materially worse" would mean in practice. This is likely to result in a lack of clarity in the scope of the outline planning permission and what may be acceptable at reserved matters stage. Moreover, the daylight / sunlight evidence before me is alternately based on the IS and the maximum parameters set out in the parameter plans. I do not have any assessment based upon a different scheme that may expand into some of the maximum parameters on parts of the development. I do not therefore have the evidence to conclude with any certainty that an increase in volume or height on any of the plots or sub-plots, when compared to the IS, would necessarily result in materially worse daylight / sunlight to properties to the north.

373. The Design Code also stipulates that daylight assessments shall demonstrate that at least 80% of habitable rooms within the proposed new residential accommodation shall achieve the recommended minimum levels set out in the BRE guide<sup>251</sup>. This could have the effect of limiting the additional height which could be added to the residential plots, as taller buildings would be likely to restrict daylight penetration to the residential units on the lower floors. However, this cannot be concluded with any certainty due to the lack of evidence showing the impact of a potential scheme which may be taller than the IS on some parts of the plots but below the maximum parameter heights.

374. For the reasons set out above, these restrictions in the Design Code would not be sufficient to ensure with any degree of certainty that the development could not increase beyond the IS to fill more of the parameter plan envelope.

375. I have therefore treated the IS as an example of the type of development which could come forward, but it is also possible that a scheme which fills more of the maximum parameters on some of the plots could come forward at reserved matters stage. If the SoS disagrees on this point, I have nevertheless assessed the scheme on the basis of both the maximum parameters and the IS.

### ***Design / character and appearance***

Cluster / dome [30-57, 58-66, 67, 76-82, 126, 229-262]

376. The Station Area is identified as an area of potential for tall buildings and the RBLP identifies the area as a major mixed-used destination where there will be "*a new cluster of tall buildings with the station at its heart*" (policy CR10). The northern and western appeal site boundaries form the boundaries of the tall buildings cluster on the Proposals Map. Policy CR10a sets out the principles for

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<sup>250</sup> ID89, pages 26, 37, 39, 41 & 43

<sup>251</sup> Site Layout Planning for Daylight and Sunlight – A Guide to Good Practice 2022 (ID95)

- the development of the Station Area; tallest buildings should be at the centre of the cluster, close to the station, and should step down in height towards the lower buildings at the fringes.
377. The RBLP refers to the RSAF as providing more detailed guidance for the development of the Station / River MOA. The RSAF sets out the principles of the 'dome' with the 'crown' of tallest buildings to the south of the station, around Station Hill, and heights stepping down towards the lower heights of surrounding areas. A district landmark building is proposed at Station Hill and plots B, C and D on the appeal site are identified as being suitable for local landmark buildings. The RSAF sets out that landmark buildings "*may exceptionally puncture the benchmark heights and the general 'dome' massing pattern in order to create emphasis and to mark important places*" (RSAF, paragraph 6.26). It states that not every potential landmark location will necessarily provide a landmark building.
378. Taking the Development Parameters maximum heights, the proposed development would follow this basic principle of the tallest element closest to the station on plot D. The tallest part of plot C would step down in height from plot D in accordance with the RSAF principles. However, the tallest element of plot B would be only 1.6 metres lower than the maximum height on plot C, a differential which would hardly be noticeable at the heights proposed. The maximum height on plot A would increase to match the height on plot C. The IS similarly proposes plot D as the tallest building. The tallest elements on plots C, B and A would be stepped down from plot D but would be at the same maximum height as each other.
379. As such, the development, both in the Development Parameters scheme and the IS, would depart from the approach advocated in the RBLP and the RSAF of a cluster of tall buildings with the station at its heart and stepping down in height from the centre towards the lower heights of the surrounding areas. It would also depart from the approach that landmark buildings should exceptionally puncture the benchmark heights, by proposing tall buildings on each of the plots A-D.
380. Consequently, the effect of the development, either as proposed in the IS or the Development Parameters, would be to diminish the townscape benefits of the tall buildings cluster or 'dome' as a well-defined part of central Reading, marking the station at its centre. It would lead to the sprawl of the area of tall buildings towards the edges of the Station Area and result in a 'cliff-edge' at the fringes of the development when viewed from the west and from longer distance views from the north. This would not achieve the high-quality views sought by policy CR10(v) and would create a harmful effect in townscape terms.
381. The amended Design Code (ID89, part 3.3) quotes from the RSAF *that "Tall buildings should rise up around the Station 'nexus'"* but it no longer contains any advice, mandatory or otherwise, to guide a reserved matters scheme to reflect the advice in the RBLP and the RSAF on creating a dome of development with the buildings stepping down towards the edges of the Station Area.
382. The development would also detract from the wayfinding principles of the cluster, to mark the station at the heart of the area. In views from north of the Thames, such as that seen in AVR11 and to a lesser extent AVR9, the Station Hill development to the south of the railway line would remain the tallest element in



- the townscape. That development would provide the 'District landmark' building. However, tall buildings would be spread across the site rather than being used to clearly mark the heart of the Station Area. The absence of stepping down on plots C-A and the resultant sprawl of tall development across the site would diminish the legibility of the skyline in marking the location of the station. This would be contrary to policy CR10a and the RSAF guidance.
383. In shorter-distance views, particularly that in AVR4, from Vastern Road looking east towards the roundabout and the development beyond, the tall building on the southern part of plot A would be the dominant part of the development. The taller buildings which mark the station to the east would be less apparent because of the dominance of the building on plot A and the lack of a stepped approach to plots A-C.
384. I accept that the location of the viewer and perspective plays a part in the understanding of a townscape. As such, the longer distance wayfinding elements of the form and silhouette of the development become less apparent the closer the viewer gets to the proposed buildings. However, a development designed to be more in accordance with the approach sought by the RBLP and RSAF, with a lower building on plot A and buildings stepping up in height on plots B-D, would have the effect of leading the eye towards taller buildings located closest to the station, even from this shorter-distance view at AVR4. As proposed the development, both in the IS and the Development Parameters, would lead to an unclear understanding of the location of the station at the central core of the overall Station Area. This would be contrary to the aims of policy CR10a that the station should be at the heart of the cluster.
385. The Appellant's conclusions on townscape impact are set out in the TVIA. This states that where development gives rise to both beneficial and adverse impacts professional judgement is used to determine magnitude of impact. For AVR4 the magnitude of impact of the development at operational stage is classed as very small or small. Table 1.7 of the TVIA describes a very small magnitude of impact as "*the proposals would cause a barely perceptible change in the view*". A small magnitude of impact is "*the proposals would cause an unobtrusive change in the view*". The significance of effect is classed as negligible beneficial, which is defined as "*alterations that typically result in a barely perceptible improvement in the existing view*".
386. The justification for these conclusions is that the development would prevent views towards approved schemes at 29 Station Road and Station Hill, both located to the south of the railway and some distance from the site. It would also prevent views towards development on the former BMW site to the east of the appeal site. The TVIA concludes that development would combine with other schemes to improve views towards the centre through locally distinctive built form with variety in massing and heights as well as improvements to legibility of the public realm.
387. I have set out above my reasoning that the development would detract from the legibility of the townscape when viewed from AVR4. Furthermore, the proposed development would be in the foreground of this view. Consequently, it would be more prominent than the approved schemes to the south of the railway or the BMW site to the east which, from this position, would be located much further away from the viewer. I consider therefore that the benefits of the

surrounding development in reducing the impact of the proposed development have been overstated in the TVIA.

388. Whilst in the IS a variety of heights would be visible and pitched roofs are indicated for the upper levels, these would not reduce the overall impact of the development as outlined above. The Development Parameters scheme would display considerably less variety in massing and height than the IS and the use of pitched roofs is only a discretionary element in the Design Code for the lower height buildings.

389. Due to the dominance of the proposed building to the south of plot A and the lack of stepped approach on plots A-C as set out above, I consider that the visual magnitude of impact would be much greater than the "*barely perceptible*" or "*unobtrusive*" change in view identified in the TVIA from AVR4. In addition, the significance of effect would be greater than the "*barely perceptible improvement*" identified. I therefore consider that the effects have been underestimated in the TVIA.

Views from / stepping down to the west [30-57, 58-66, 67, 120-125, 126, 127-128, 229-262]

390. I turn now to consider the recommended benchmark and landmark heights in the RSAF guidance and the policy requirement for development to step down in height / provide a transition towards lower buildings at the fringes of the tall buildings cluster (Policy CR10a, CR11vi and the RSAF).

391. On plot A, the RSAF benchmark height is 6 commercial storeys or 21.6m high<sup>252</sup>. In the RSAF guidance this plot is not deemed suitable for a local landmark building. The parameter plan maximum heights are 33m on the northernmost part of plot A (just over 9 commercial storeys) and 56.3m to the south (over 15 commercial storeys). The IS proposes a building of 8 residential storeys (26.2m high) facing the roundabout, 10 residential storeys (33m) facing Vastern Road and 16 residential storeys (54.7m) to the south adjoining the Hermes site.

392. Dealing firstly with that part of plot A which faces the roundabout (plot Aii in ID30; seen in AVR4). In the IS the height immediately adjacent to the roundabout would not significantly exceed the RSAF guidance (26.2m vs 21.6m benchmark height). The junction between Vastern Road and Caversham Road is wide and there is a medium scale office development (3 and part 4 storeys) on the opposite side of the roundabout, together with some 3 storey development on Caversham Road and on Vastern Road travelling westwards. This location would form a focal point in the street when looking east towards the roundabout. In this context, the proposed height of the building on plot A abutting the

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<sup>252</sup> ID30 provides agreed comparisons between the building heights and number of storeys for the IS, benchmark heights in the RSAF and the Development Parameters scheme. As ID30 sets out, minimum floor to floor heights in the Design Code are 3.15m for residential and 3.6m for commercial. Consequently, for a given height, buildings will tend to have fewer commercial storeys than residential. ID30 gives a mixture of commercial storeys and residential storeys making it difficult to compare across the schemes. In the reasoning above it is therefore the agreed heights from ID30 that can be compared across the IS, RSAF and Development Parameters schemes, although I have set out the agreed number of storeys where relevant.

- roundabout in the IS would be appropriate and would not appear out of context with its surroundings.
393. In the Development Parameters scheme, the building on the northernmost part of plot A would be a constant maximum height of 33m. This would be considerably taller than both the benchmark height of 21.6m for plot A and the surrounding development. Despite the width of the roundabout junction, the development in the Development Parameters scheme would appear bulky, overly dominant and out of context with its surroundings. It would fail to provide an appropriate transition towards the heights of surrounding buildings to the west.
394. I turn now to consider the building which would be located on the southern part of plot A (Ai in ID30). This building would be sited on a prominent corner alongside the proposed access road into the site. In both the IS and the Development Parameters scheme this building would significantly exceed the suggested benchmark heights in the RSAF. It would be visible from Caversham Road, from Vastern Road travelling east on the approach to the roundabout (AVR4), and from the residential street of Northfield Road to the west (AVR7).
395. From Caversham Road and Vastern Road, the building (in either scheme) would be substantially taller than the 2 and 3 storey development facing Caversham Road and the roundabout. It would appear overly dominant in the context of this development. It would also dominate the view from Vastern Road eastwards towards the roundabout thus detracting from the townscape benefits of providing a focal point facing the roundabout.
396. From Northfield Road the building would rise up behind existing 2 storey Victorian terraced houses. The proposed 16 storey building (rising to 54.7m high) on plot A in the IS, and up to 56.3m high in the Development Parameters scheme, would be significantly taller than the existing built form. The building to the southern part of plot A would be seen as a sharp contrast to surrounding buildings when seen from Northfield Road and it would have an overly dominant and jarring visual impact as a result.
397. I accept that it may be appropriate for a taller building to mark this corner and the entrance to the site, and I note that the RSAF IS shows a taller building of 9 storeys plus mezzanine at that point. However, the proposed development would be considerably taller than that outlined in the RSAF or RSAF IS and its positioning on the site would not justify a building of the height proposed.
398. The Inspector in a previous appeal at 71-73 Caversham Road (APP/E0345/W/20/3263270), in dismissing an appeal for a building of up to 7 storeys in height on the west side of Caversham Road, noted that the area to the east of Caversham Road (which incorporates the appeal site) has a different character and that the road forms a "*wide and assertive segregating boundary*". I do not disagree with this analysis. The Council's Committee Report for the Hermes site also recognises that Caversham Road provides a suitable break which enables a significant change in scale to the east of the road.
399. Neither the appeal decision nor the Committee Report for the Hermes development suggests that there is justification for development on the eastern side of the road to have a harmful visual impact when seen from the west. Indeed, the Committee Report states that the height on the Caversham Road

frontage is considered by officers "to be at the very upper limits of acceptability owing to the character of the area to the west"<sup>253</sup>.

400. I acknowledge that the development would be seen in the context of the scheme on the Hermes site. However, on the Caversham Road frontage, the illustrative proposals for the Hermes development show buildings at 7 storeys, rising to 9 storeys in the southwest and northwest corners of the site. This would be considerably lower than the 16 storeys proposed on the southern part of plot A on the appeal site (taller in the Development Parameters scheme).
401. From AVR7, the TVIA assesses the sensitivity of receptors as high because they would include people at their place of residence (Table 1.6 TVIA Methodology). The magnitude of impact is small. The justification relies on the variety in massing and heights and cumulative impact with other approved schemes to reach a conclusion of a small magnitude of impact ie. an unobtrusive change in the view, and a negligible beneficial significance of effect ie. a barely perceptible improvement. As set out above, the development on the southern part of plot A would be significantly taller than the Hermes development on Caversham Road. Whilst the Station Hill development would be taller than the building on plot A, distance and perspective would make that development more recessive from this viewpoint. The TVIA underestimates the visual impact which would result from the significant contrast in heights between the tall building on plot A in relatively close proximity to the 2 storey residential development on Northfield Road.
402. In the RTBS, Character Area CA22 includes the appeal site, Caversham Road and the eastern end of Northfield Road. It is assessed as having a low townscape sensitivity to the inclusion of tall buildings. The document states that tallest buildings should be located to the south of the character area, adjacent to the railway line. Plot A of the appeal site is separated from the railway line by the Hermes development to the south, it would not therefore be one of the locations identified for the tallest buildings within CA22.
403. Both views AVR4 and AVR7 are identified in the RSAF as important shorter-distance views (39 and 38 respectively). Policy CR10(v) seeks that development should contribute to high quality views, including local views. For the reasons set out above, (apart from the development abutting the roundabout in the IS, equivalent to Aii in ID30) the development in both the IS and Development Parameters scheme would fail to comply with this policy and guidance and in doing so would harm the appearance of the surrounding area. Both schemes would also fail to comply with the requirement in CR10a and CR11vi) to step down development towards low rise residential development at the fringes.

Stepping down to the north [30-57, 58-66, 67, 120-125, 126, 127-128, 229-262]

404. The development opposite the appeal site on the north side of Vastern Road is predominantly 2 storey Victorian terraced properties with dormer windows at roof level. Further to the southeast, the character of the road changes to commercial development with 2 and 3 storey buildings currently located on the 55 Vastern Road site. Beyond these are 3-5 storey office buildings. The recently approved residential scheme at 55 Vastern Road would change the density and prevailing

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<sup>253</sup> CD7.57 paragraph 6.2.23

- heights on that part of Vastern Road to taller development of 4, 6, 9 and 11 storeys fronting Vastern Road.
405. Plot A of the appeal scheme would be sited at the western end of the appeal site opposite the 2 storey residential development to the north of Vastern Road. As set out above, benchmark heights in the RSAF for plot A are 6 commercial storeys or 21.6m high. This can be compared to the height of development proposed in both the IS and Development Parameters scheme of 10 residential storeys at Aiii (as shown in ID30), or 33m high, as it fronts Vastern Road.
406. In the context of the 2 storey residential properties on Vastern Road to the north, the 10 storey development in the appeal scheme would result in an excessively sharp contrast in built form despite the large width of Vastern Road. The building in this location would appear overly dominant in the street scene and would appear oppressive when seen from the properties facing the site. This would be more pronounced for the Development Parameters scheme which has a maximum height of 33m along the entire Vastern Road frontage (as set out earlier). This must be compared to the RSAF benchmark height of 6 commercial storeys (21.6m high) which would provide a less harsh transition to higher density development on the appeal site than is proposed in either the IS or the Development Parameters scheme.
407. The development would fail to provide the necessary transition between the existing residential development and the higher density development on the appeal site and wider Station Area and would therefore conflict with the RLBP and RSAF in this regard.
408. Turning to plot B, benchmark heights in the RSAF would be 7 commercial storeys or 25.2m in height. For the appeal IS the height of plot B fronting Vastern Road would be 13.4m, 16.9m and 26.3m (4, 5 and 8 residential storeys); heights would be between 17m and 26.4m in the Development Parameters adjoining Vastern Road. The tallest element of plot B would be sited towards the south of the plot and would be 54.7m high or 16 residential storeys in both the IS and Development Parameters scheme.
409. Plot B heights adjacent to Vastern Road, in both the IS and the Development Parameters, would therefore be similar to, or lower than, the RSAF benchmark heights. This would be appropriate in townscape terms and would be in accordance with RBLP and the RSAF. Furthermore, the set back from Vastern Road of the tallest element (sited to the south of plot B) would be a minimum of 23.7m as set out in the Parameter Plan – Plot Heights plan. This would be a sufficient set-back to ensure that the development is seen to step down in height towards the residential properties to the north of Vastern Road, in accordance with RBLP and the RSAF. I therefore judge the development heights on plot B, in both the IS and Development Parameters scheme, as they relate to the Vastern Road frontage, to be appropriate in the context of their surroundings.
410. On plot C, the RSAF benchmark heights would be 8 commercial storeys or 28.8m high. The IS would range between 13.4m, 29.1m and 32.3m (4, 8 and 9 residential storeys) adjacent to Vastern Road. This would be generally in accordance with the RSAF benchmark heights with only plot Civ exceeding the benchmark height by some 3.5m. The Development Parameters scheme would be taller at 41m high (11.4 commercial storeys). This would be considerably in excess of the RSAF benchmark guide heights.

411. Nonetheless, plot C would face the taller development proposed at 55 Vastern Road which would be between 4 and 11 residential storeys fronting Vastern Road. As a consequence, the contrast between the existing low density residential development opposite would not be as sharp as further to the west. The RSAF envisages a distinct change in density on the appeal site and, provided that there is an appropriate transition, it is accepted that densities and heights on the appeal site will differ markedly to existing development to the north. In this context, I consider the height of plot C as it immediately abuts Vastern Road (both in the IS and the Development Parameters scheme) would be appropriate and would not appear out of character nor overly dominant compared to its surroundings<sup>254</sup>.
412. For plot D, the RSAF does not specify a maximum height but advises that development should be at least 10 commercial storeys or over 36m in height. The IS proposes a building height of 12 commercial / 14 residential storeys or 48.4m fronting Vastern Road which I consider to be generally in accordance with the RSAF.
413. However, the Development Parameters scheme proposes a height of 49.8m or 13.8 commercial storeys fronting Vastern Road. This would be significantly above the maximum 11 residential storeys proposed on part of the 55 Vastern Road site. It would also be in sharp contrast to the 3 and 4 storey commercial development on Vastern Road to the northeast. In the context of the surrounding development, existing and proposed, the height of plot D fronting Vastern Road in the Development Parameters scheme would appear overly dominant and visually obtrusive.
414. Furthermore, in the Development Parameters scheme the tallest elements to the south of plots C and D would only be set back some 14m from Vastern Road as shown on the Parameter Plan – Plot Heights plan. On plot C, this would rise to 56.3m or 15.6 commercial storeys. On plot D, it would be 74.8m or 20.8 commercial storeys. This would result in bulky and dominant building massing which in itself would be harmful to the character and appearance of the surroundings.
415. Furthermore, these tallest elements of the buildings on plots C and D would be in very close proximity to Vastern Road and would be significantly taller than existing and proposed development to the north. The minimal setback proposed would not be sufficient to ensure that there would be a clear separation between the tallest elements of the scheme and Vastern Road. The maximum heights proposed would appear in excessively sharp contrast to the lower development to the north and the proposals in the Development Parameters scheme would appear out of context and significantly harmful to the character and appearance of the surroundings as a result.
416. The overall bulk of the uppermost elements of plots C and D in the IS would not be as great due to the smaller depth north to south. The development in the IS would not create the same harm from bulky and dominant massing and it would create a better transition towards development to the north. However, as

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<sup>254</sup> I deal later with the impact of the development on daylight and sunlight to the proposed development at 55 Vastern Road.

set out earlier in this Report, I am not satisfied that the development would be restricted to the size of the IS.

417. Summarising the above, the proposed development would fail to comply with RBLP policies CR10(a), CR11(vi) and the guidance in the RSAF in terms of stepping down to the north, in the following respects:

- plot A as it faces Vastern Road in both the IS (Aiii) and Development Parameters scheme;
- plots C and D in the Development Parameters scheme.

418. The development would comply with these policies / guidance in respect of plot B in the IS and Development Parameters scheme.

419. My conclusions above in relation to the lesser impact of the IS on plots C and D must be seen in the context of my concerns that the development could not be restricted to the size of the IS.

#### Landscaping [30-57, 58-66, 67, 103, 143-145, 315-326]

420. The proposed development shown in the Development Parameters, plan PP-100 P1, indicates that the development envelope would be set back a minimum of 5m from the kerb line on Vastern Road. This is proposed as a safeguarded zone for future highway improvements in the form of a footpath and cycleway. Part of this 5m zone is within the site boundary with the remainder within highway land. The plan indicates that within the site boundary the strip of land would be a *"No development zone except for open space, public realm and highway improvements"*. This strip is sited north of plots A and B and to the west of plot A facing Caversham Road.

421. Clarification provided to the inquiry (ID33 Revision A) indicated that the building plots, on plan PP-102 P2, would be located between 5.4m and 7.5m from the kerb line to Vastern Road. Several underground services have also been demonstrated to run along this frontage.

422. The design of the scheme, both in the Development Parameters and the IS, would leave limited space between the building plot edges and the Vastern Road kerb. Accordingly, the tree planting along the Vastern Road frontage would be limited to a strip of land sited 1m from the kerb line in front of plots C and D only and *"where services permit"* (ID33 Revision A). This strip of land would be outside the appeal site and within highway land. A large part of the site frontage north of plots A and B would be devoid of any new planting as no space would be provided to accommodate this along the site frontage. This would result in a hard urban edge with buildings abutting the back edge of the footpath / cycleway in these areas.

423. Vastern Road is a wide and busy main distributor road. The appeal site is large, with a long frontage to Vastern Road. The development would comprise four substantial building blocks ranging in height along the Vastern Road frontage from around 13m to 48m in the IS and around 17m to over 49m in the Development Parameters. Having regard to the overall length of the frontage on Vastern Road and the scale and height of the proposed development, it is wholly inappropriate for the development to provide such a limited space for planting within the site boundary along the Vastern Road frontage.

424. Furthermore, it has not been satisfactorily demonstrated that planting could be accommodated even in the limited areas indicated in front of plots C and D, as this would be subject to agreement with the highway authority and utility providers. Given the limited space provided within the appeal site for the provision of landscaping, it would not be appropriate to leave this matter for approval at the reserved matters stage. To do so could result in fewer or no trees being planted along the frontage as there would be limited alternative space in which to accommodate the planting if it could not be planted within the indicated strips.
425. In addition to the above, the limited space between the development and the kerb line on Vastern Road would need to accommodate a footpath and cycleway in addition to the planting. This would mean that in many areas along the frontage the footpath or cycleway would be hard against the edges of the buildings along the frontage. There would be no space in which to soften the development by setting it away from the footpath / cycleway and providing planting between these and the buildings. This would provide a poor and oppressive environment at street level. Tree planting within the zone safeguarded for highway improvements would also be likely to cause conflict with the footpath and / or cycleway in the form of constricted width adjacent to the trees.
426. The limited space provided would also restrict the size of tree which could be planted in the available space. This is due to the highway authority's requirement for the canopies (within 5.5m of ground level) not to overhang the highway, in addition to the lack of available space to accommodate the roots. The Council would wish to see sufficient space provided along the frontage for the planting of large canopy trees. These would be large trees (20+ metres in height) with a broad spreading crown (diameter of 10m after 25 years). The Appellant considers that an upright tree specimen with a narrower canopy, 5m spread and 12m tall after 25 years, would be appropriate for planting in the available space.
427. Policy EN14 requires that development makes provision for tree retention and planting within the application site, particularly on the street frontage. It recognises the benefits of trees in maintaining and enhancing the character and appearance of the area, providing for biodiversity and contributing to carbon reduction and adaptation to climate change, by providing summer shading for example. Whilst the policy does not specify the use of large canopy trees, the need for such trees is set out in the supporting text.
428. The Sustainable Design and Construction SPD also sets out the benefits of large canopy trees for climate adaptation and states the preference for such trees where possible. The Tree Strategy indicates that the site is within a 'low canopy cover' ward. One of the objectives of the Strategy relates to climate adaptation and refers to the planting of large canopy trees wherever possible. The appeal site is also on a designated 'treed corridor' and within an AQMA where the Strategy seeks priority planting along the routes to provide green corridors to help improve air quality. Again, large canopy trees are encouraged.
429. There are no constraints within the site which would prevent the provision of a greater depth of planting along the Vastern Road frontage which should allow large canopy trees to be planted. The scale of the development and the width of



Vastern Road would make the use of large canopy trees appropriate in this location in order to enhance the character and appearance of the area. Such trees would also make a greater contribution to climate change adaptation than smaller canopy species. This is an important consideration on a heavily trafficked road within an AQMA and next to a development which is likely to house a significant population. It would also be in accordance with the aims of policy EN15 to improve / reduce the effects of poor air quality.

430. In the context of the scale and height of the proposed buildings and width of Vastern Road, the limited locations for tree planting in the proposed development (both in the IS and Development Parameters scheme), together with the species height and spread suggested by the Appellant, even at maturity would not create a sufficient visual impact to adequately soften the development. In the short-medium term, until the suggested tree planting reaches maturity, the impact and contribution to the appearance of the area would be even more limited. The use of the smaller, narrower form trees suggested by the Appellant would therefore make a sub-optimal contribution to the character and appearance of the area and to climate change adaptation. This would be contrary to policy EN14, the SPDs and to policy EN12(a) which states that new developments should be designed to maximise the opportunities to create new assets in the Green Network.
431. The trees planted by the Council in the central reservation on Vastern Road are not large canopy species. However, these are in a constrained location in the centre of a busy road. There is a greater need in this location for trees that provide the careful balance between the need for greening and the free and safe flow of traffic. That is not the case on the frontage of the appeal site where there are no such constraints, other than the design of the scheme. I note that there are currently no highway schemes which would achieve the vision in the RSAF to reduce the dominance of traffic along Vastern Road and to transform it to a tree-lined avenue. Nevertheless, this does not take away the necessity of considering the scheme against policies EN12(a) and EN14.
432. I note that ID33 Revision A shows large canopy trees planted in the streets between buildings, the northernmost of which would be visible from Vastern Road between the building plots. This does not accord with the Design Code however, which does not stipulate the planting of large canopy trees in these locations. Nevertheless, even if this were to prove feasible, there would be an insufficient number of these (4 are shown on the indicative figure 3 in ID33 Revision A) and they would be located between the plots rather than along the frontage. They would not therefore make a significant impact to the greening of Vastern Road and the softening of the frontage of the development between the building plots and the road.
433. The Design Code mandatory requirements for the urban edge along Vastern Road includes that "*street tree planting must be considered where this is possible to provide*" and that "*mature large-species tree specimens shall be provided to mitigate unacceptable losses from site enabling development*". The former statement would not ensure that street tree planting is implemented, simply that it is considered where possible. It is unclear what "*large-species tree specimens*" in the latter statement would mean. If it means trees of 5m width and 12m height as suggested by the Appellant, I have set out above my concerns with this size of tree in this location. If it means larger trees, more in line with the large canopy trees sought by the Council, the evidence does not demonstrate that

there would be sufficient space for the planting of such trees along this frontage. I do not therefore consider that the Design Code would ensure a satisfactory planting scheme along the frontage at reserved matters stage.

434. There is no dispute that the development would provide substantial planting elsewhere within the site: on the secondary streets between the plots; within podium gardens; within the plaza or 'pocket square' adjacent to plot A; and along the east-west link road. The Design Code also contains discretionary advice that green walls should be considered for the urban edge along Vastern Road and for green roofs within the site. However, these features would not compensate for the lack of appropriate planting within the site boundary on the important Vastern Road frontage.
435. For the above reasons, the proposal (in either the IS or Development Parameters scheme) would conflict with policy EN12(a) in failing to maximise opportunities to enhance the green network, and with policy EN14 in making appropriate provision for tree planting on the Vastern Road frontage.

Existing TPO trees [145, 323-325]

436. Seven of the existing trees located along the Vastern Road and Caversham Road site frontages are protected by a TPO. These comprise five Norway Maples fronting Vastern Road (T7-9, T11 and T12 in the AIA, TPO3-7), and a London Plane (T17, TPO1) and Norway Maple (T18, TPO2) fronting Caversham Road.
437. The AIA indicated that five of the TPO trees (T7-9, T11 and T12) would be removed to facilitate the development, in addition to other non-TPO trees along the frontage and within the site. Subsequently, the Appellant indicated that T9 on the Vastern Road frontage could be retained.
438. On the Vastern Road frontage the Maples range between 10 and 12m in height and 5 to 6m in canopy spread. They have a moderate amenity value due to their height and crown shape and prominent location along the site frontage where they serve to soften and break up the large expanse of car parking and to some extent the facades of the retail buildings beyond.
439. The loss of the TPO trees on the Vastern Road frontage would harm the character and appearance of the area. Nevertheless, it would be possible to overcome the harm caused by the loss of the trees by providing a suitable number and size of replacement trees along the frontage. I have set out above my concerns in this regard. In the absence of suitable replacement planting, I conclude that the loss of the TPO trees would have a harmful impact on the character and appearance of the surroundings.
440. Along the Vastern Road frontage there is a notable change in levels with the current car park and TPO trees sited at a higher level to the pavement along Vastern Road. ID33 Revision A sets out in plan and section how T9 could be retained having regard to these changes in levels and the need to provide a footpath and cycleway along the Vastern Road frontage. This would involve diverting the footpath around and to the south of T9. There has been no arboricultural assessment of the feasibility of this option in retaining the tree, and whether this would be successful having regard to the change in levels is questionable. Furthermore, I note that the position of plot A on the parameter

- plan (PP-102 P2) would preclude the potential of retaining the tree in the manner shown if the building were built to the extent of that plot boundary.
441. Nevertheless, there would be a benefit to the character and appearance of the area in retaining T9 and, if it were possible to retain it, this would reduce the harm caused by the loss of the existing TPO trees. However, even if T9 remained in place, it would not overcome my concerns expressed above regarding the inadequacy of the proposed landscaping scheme and replacement planting along the Vastern Road frontage.
442. Turning to trees T17 and T18 on the Caversham Road frontage, these are 16m and 11m in height respectively with a crown spread of up to 8m (T17) and up to 6m (T18). These two trees are noted to be in good physiological condition and the AIA notes that the Plane tree in particular is a prominent focal point and is a high value tree. Together these two trees have a high amenity value due to their size, good form and prominent location within a grass verge on the Caversham Road frontage.
443. The trees lie close to the existing single storey restaurant unit within the retail park. Their canopies currently overhang the roof of the building. The proposed development on plot A as shown on the parameter plan (PP-102 P2) would lie closer to these trees than the existing restaurant building. This would result in building works encroaching into the RPAs. Furthermore, the taller height of the building proposed on plot A compared to the existing single storey building would result in the need to undertake some significant pruning of the trees to enable a clearance between the crown and the building edge. This would harm the appearance of the trees by giving a more managed and unbalanced appearance to the crowns. It would also result in the ongoing need to manage the trees, harming their natural appearance in the long term.
444. The building on plot A in the IS would be slightly further away from these two trees. If the Appellant is correct that the RPAs would only extend up to the existing building, it would be unlikely to encroach into the RPAs. However, this will not necessarily be the case as it will depend on the depth of the existing foundations and whether the tree roots have extended beneath them. In all likelihood the extensive work required for the foundations of the proposed building on plot A in the IS would result in damage to the roots of these trees given the close proximity. However, even if this were not the case, the height of the proposed building compared to the single storey of the existing restaurant unit would result in the same need to prune and manage the trees in the long term, harming their appearance.
445. Consequently, I conclude that the proposed development would cause harm to the amenity value of T17 and T18 which would harm the character and appearance of the surrounding area.
446. Policy EN14 states that individual trees and groups of trees will be protected from damage or removal where they are of importance and that new development shall make provision for tree retention and planting within the application site particularly on the street frontage. For the reasons set out above, the development would be contrary to policy EN14.

## Public Realm and Open Space

447. EN9, CR2(b), CR3, CR11(v) set out the requirements for the provision of open space. The development would provide landscaped open areas along the north-south link, east-west link, in a 'pocket square' in the southeast corner of plot A and on podiums within building courtyards.
448. The S106 obligation also provides for a contribution towards improvement of off-site facilities in the vicinity of the appeal site. I deal with this in greater detail later in this Report. The Council is satisfied that, subject to the S106, the overall quantum and type of open space would be appropriate. Accordingly, there would be no conflict with policy EN9.
449. I turn now to an analysis of the areas of the open space that would be provided on the appeal site.

### *Station Square North [58-66, 138-140, 339-340]*

450. Figure 5.3 of the Plan indicates the location of a new area of open space in front of the northern entrance to the station. The RSAF indicates that Station Square North and South are two areas for key public realm priority projects to provide high quality multi-functional public spaces at the two station entrances.
451. ID46 and ID81 demonstrate how the majority of Station Square North is to be provided in conjunction with the Hermes development to the south. However, a strip of land to the south of plots C and D on the appeal site would also form part of, and provide linkages to and from, the Station Square North area. This area is shown on the Illustrative Landscape Masterplan as hard surfacing and soft landscaping providing activated frontage / spill out spaces.
452. I note that the RSAF IS proposes a large, integrated area of open space extending from the northern station entrance into the north-south link. An angled form of building on plot D and a cut-out in the south-eastern corner plot C would extend and emphasise this space. That said, the proposed development on the Hermes site would include a shared access road crossing this area, not envisaged in the RSAF IS. This dilutes the original concept of the integrated open space and will inevitably provide a barrier to pedestrians crossing the area to some extent.
453. In the appeal scheme, the Illustrative Landscape Masterplan in the DAS shows the area to the south of plot D as a landscaped area integrated with the north-south link. However, in the Building Plots parameter plan, the building on plot D would oversail this area above ground floor.
454. As currently shown in the IS (page 157 of the DAS and further supplemented by Figure 2 of ID51), the proposed building design would create a rectangular space with a height of 7m above ground level and a depth of over 9m, supported by a series of columns. The form and dimensions of the space, having a deeper recess than its height and with an overhanging roof of uniform height, would at best create a bland and uninspiring space, at worst, the space could be oppressive and unattractive. The Development Parameters would create a similar development form.
455. This is an outline application and appearance, layout and scale are reserved matters. Nevertheless, the Parameter Plans seek approval for a rectilinear area

within which the building on plot D would be located and the Building Plots plan indicates a rectilinear oversail above which floorspace would be acceptable. These parameters are likely to guide the details of future reserved matters applications.

456. In order for this area to provide a high-quality public space, the architectural expression of the building and its oversailing element, and the public realm created beneath the oversail, would need to be excellent. Indeed, it is a requirement of CR10 for tall building proposals to be of excellent design and architectural quality.
457. There is nothing in the Design Code to guide the form of the oversailing element of the development on plot D. Neither is there any mandatory requirement in the Design Code to ensure a high quality of design for the landscaped area below the oversail. The Design Code sets out landscaping requirements for The Avenue (the east-west link road, discussed below), but it contains no mandatory design requirements for this important interface with Station Square North; it merely contains a discretionary section which states that "*the design of the eastern end of the Avenue needs to be considered as part of the Station Square layout to ensure that the spaces are cohesive*". I do not consider that this gives sufficient assurance that the design of the building and public realm in this important area of urban space will be of the necessary high-quality.
458. This is an important part of the design of the scheme and the way it integrates into the surrounding area at a key focal point in the townscape. The evidence does not demonstrate that sufficient thought has been given at the outline stage to securing the necessary high quality of design of the building and public realm at this junction. It is not sufficient to leave this matter to reserved matters or conditions as these would be defined by the approved Development Parameters which would not ensure the necessary quality. I am therefore unable to conclude that this important civic space interface would be of sufficiently high quality to meet the requirements of policies CR2b and CR3.

*Vastern Road public realm [141-142, 337-338]*

459. I have set out above my conclusions regarding the lack of space to allow significant greening and softening of the development along the entire Vastern Road frontage. Together with the unacceptable heights of the buildings on plots A, C and D, especially in the Development Parameters scheme, this would provide poor quality public realm in this location which would be contrary to policies CR2b and CR3.

*Dual / single access road [133-137, 341-346]*

460. The proposals include an east-west route to the south of the plots (known as The Avenue). The Parameter Plans show a proposed access to the site from Caversham Road and an egress onto Vastern Road. The DAS indicates that the route would provide access for vehicles to the south of plots A and B. The area to the south of plot C and D would be for a mix of pedestrian and cycle use but would also allow a through route for emergency vehicles.
461. Considered in isolation for the appeal site, this configuration would not cause a particular difficulty, provided the treatment and landscaping of the pedestrian /

cycle and emergency vehicle areas are compatible with the Station Square North landscaping. This is a matter which could be dealt with at reserved matters stage. However, the appeal site forms part of an area where the strategy in the RBLP requires a comprehensive development of the larger Station / River MOA.

462. The Hermes development on the adjoining site to the south, at the time of the inquiry, was the subject of a resolution to approve subject to agreeing the details of a S106. That development would include a link road running east-west immediately adjoining the appeal site east-west link road. If both developments were to go ahead in that form, this would result in two adjacent roadways with a narrow strip of landscaping between. Consequently, a large area of hard-surfacing would be given over to vehicular movements thus reducing the opportunity to provide for landscaping and the public realm.
463. This would constitute poor urban design and planning which would not achieve a co-ordinated, comprehensive approach to the development contributing towards the provision of policy requirements that benefit the whole area, as required by policy CR11(viii). There is no reason, in terms of constraints on either the appeal site or the Hermes site, why two parallel access roads would be necessary. The only justification for the approach would be that the two sites are in separate ownerships. In simple terms, it would be more difficult for two separate site owners to co-ordinate the provision of a joint access road rather than to deal with the two sites as separate entities. Nevertheless, the RBLP strategy aims to avoid such difficulties by requiring a comprehensive approach to be taken.
464. The Appellant has agreed to an obligation in the S106 which seeks to ensure that only one shared roadway would be provided between the two sites. However, they do not consider that this part of the S106 would be necessary. I deal with other aspects of the S106 later in this Report, but for the reasons set out above, I consider that the provision of a joint link road is necessary in the interests of good urban design, to provide a high-quality public realm and to meet the requirements of policy CR11(viii).
465. Following the close of the inquiry, the S106 obligation for the Hermes site was completed (ID99). An obligation in substantially the same terms, seeking to ensure the provision of a joint access road, is included in the S106 for that development.

*Pocket square, podiums and play facilities*

466. The proposed pocket square to the southeast of plot A would provide an open space at a crossroads along the internal access road. If the joint access road is developed in accordance with shared access road A (Annex 7, S106), the pocket square would complement the area of open space at the northwestern edge of the Hermes site. If the joint access road is developed in accordance with shared access road B (Annex 8, S106), the area of land along Caversham Road and to the south of plot A would be opened up for landscaping and open space. The pocket square would be a continuation of this space. In urban design terms there would be no harm caused by the provision of an open space in this location. It would serve to open up and soften the development and provide a useable space adjoining the east-west route.

467. Private open space is proposed within the central courtyards of plots A, B and C. I deal with sunlight and daylight to these areas later in this Report. Whilst the Council raised concerns regarding the size of these areas, it is satisfied that the proposed S106 contribution for off-site provision would overcome these concerns. The areas would provide private space for relaxation for residents and would be appropriate in light of the S106 obligation.
468. The Design Code contains mandatory requirements for play features for 0-11 year olds to be integrated into the public realm of the north-south route, the pocket square and podiums. For older children, the Design Code has a discretionary element for the provision of play features for 5-11 year olds only in the pocket square and podiums. This minimal provision on site, would justify the required contribution for off-site provision in the S106.
469. These areas of open space would comply with policy CR2b and CR3 (i) and are neutral in the overall design considerations in this case.

#### Conclusion on design issue

470. For the reasons set out above, I conclude that the development (in both the IS and Development Parameters) would fail to comply with the principles set out for the redevelopment of the Station Area in Policies CR10a, CR11(vi) and the RSAF. Namely, that the tallest buildings should be at the centre of the Station Area cluster, in the form of a 'dome', stepping down in height towards lower buildings at the fringes and with landmark buildings exceptionally puncturing the benchmark heights. The development (in both schemes to different extents) would also fail to provide an appropriate transition between tall buildings on the appeal site and low-rise residential areas to the west.
471. Failure to comply with this design principle would cause a harmful impact on the townscape and on visual amenity both in long distance and short distance views (apart from the IS development of plot Aii). The development would also harm important views and as such would fail to comply with policy CR10(v) to contribute to high-quality views and to guidance in the RSAF.
472. The development would also fail to comply with these policies and guidance insofar as they require stepping down / transition to the north for plot A as it faces Vastern Road in both the IS (Aiii) and Development Parameters scheme and for plots C and D in the Development Parameters scheme. The reduced impact of the IS on plots A, C and D must be seen in the context of my concerns that the development could not be restricted to the size of the IS.
473. In terms of landscaping and public realm issues, the loss of TPO trees and the lack of appropriate planting within the site boundary on the important Vastern Road frontage would be contrary to policy EN14, the SPDs and to policy EN12(a). The poor quality public realm in this location would also be contrary to policies CR2b and CR3. Insufficient evidence has been provided that the design of the building and public realm as it abuts Station Square North would be of the necessary high-quality in an important focal point of the scheme contrary to policy CC7.
474. In the absence of the joint access road mechanism in the S106 obligation, the east-west link would constitute poor urban design and planning and would not

achieve the aims of policy CR11. This matter can, however, be overcome by the obligations in the signed S106.

475. The development would conflict with paragraphs 130 and 131 of the NPPF. Paragraph 134 states that development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design.
476. The NDG sets out the ten characteristics of a well-designed place. These include: Context - development should be integrated into their surroundings so they relate well to them; Identity - well designed new development is influenced by considerations including the height, scale, massing and relationships between buildings, views, vistas, soft landscaping and Built Form – tall buildings require special consideration having regard to their location, relationship to context, impact on character, local views and sight lines. The NMDC expands upon these factors including setting out the importance of streets being tree-lined. For the above reasons, the proposals would conflict with these aspects of the NDG and NMDC.
477. The development would result in the removal of the existing low density, car-dominated retail development and functional buildings which currently occupy the site. This would be a townscape benefit. Nevertheless, on balance, I conclude that the design of the development would have a significant harmful impact on the character and appearance of the surrounding area having regard to building heights, landscaping, loss of TPO trees and the public realm. I conclude that, whilst the IS would cause somewhat less harm than the Development Parameters scheme, the harm caused by both potential schemes would weigh significantly against the appeal.

***Heritage Assets and Townscape View from south*** [30-57, 58-66, 67, 83-89, 146]

478. There are no heritage assets on the appeal site and it does not lie within a conservation area. It is common ground that the development would be within the settings of the listed Main Building of Reading General Station, the Grade II\* listed Town Council Chamber and Offices with Clock Tower and the Market Place and London Street Conservation Area (the Conservation Area). There is also a locally listed building at 55 Vastern Road opposite the appeal site.
479. The proposed development on plots C and D have the potential to impact upon an important view from the south in addition to the setting of the listed station building and other heritage assets to the south of the railway. These townscape and heritage issues are separate but overlapping. I will therefore consider these matters together so as to avoid repetition and the risk of double-counting any harm in the overall balance.

**Grade II Listed Station Building** [147-152, 204-219]

480. The building was constructed in 1865-7 as part of the replacement of I K Brunel's original station of around 1840. It is a two-storey building in an Italianate style of buff brick with Bath-stone dressings and rusticated quoins. It has a symmetrical appearance, a hipped slate roof and, what the list description describes as, a pleasant central cupola (referred to in this appeal as the clock tower) with pyramidal roof and finial.



*Townscape views from the south*

481. Policy CR10(v) sets out that tall building proposals should contribute to high-quality views from distance, middle-distance and local views. View 58, north along Station Road, is identified in the RSAF as an important shorter-distance view of particular sensitivity as it contains a view of the listed station building.
482. The view can be seen in , Figures 16 and 17 of the Council's Committee Report and ID24. In the RTBS CA22, CA1 and CA4 are relevant in considering the impact of the development from view 58.
483. The building is small in stature when compared to the newer development to the western side of Station Road (Station Hill and 29 Station Road as proposed). However, despite its modest scale, the building has a landmark quality in views along Station Road from the south as a result of its distinctive architecture. Views of the building are channelled along Station Road and the building acts as a focal point which terminates the views northwards and allows the viewer to identify the location of the station.
484. Street level activity and structures on Station Road, including buses and other vehicles, pedestrians, and street furniture such as bus-stops, clutter and obstruct the view from various points of the approach, particularly when viewed from further south along the road. Nevertheless, the roof of the building, the clock tower and parts of the first floor are seen against the open backdrop of the sky in dynamic views travelling north along Station Road and on entering the pedestrianised Station Square South. This space surrounding the upper parts of the building currently allows the building to be appreciated as a positive element in the townscape.
485. The proposed landmark building on plot C would rise to 16 residential storeys. As seen in ID24, it would appear in the backdrop of the station building in kinetic views along Station Road. However, the building would be offset to the left of the clock tower. Space would be retained around the clock tower and its prominence in this important view and would be retained. As seen in ID24, this building would have a similar visual and townscape impact as that envisaged in the RSAF IS.
486. On plot D however, the height and massing of the proposed building in the appeal IS would lead to a very tall building with a large mass and bulky appearance located behind and to the side of the station clock tower in kinetic views along Station Road. On entering Station Square South, the plot D building would appear to travel behind the clock tower in the view.
487. In these views the proposed building on plot D in the IS would squeeze and crowd-out views of the clock tower, reducing the open sky against which it is currently viewed. This important architectural feature of the building would be subsumed by the taller surrounding buildings and would become all but lost to the viewer as the taller buildings would be more dominant and distracting to the eye. This would particularly be the case from further south along Station Road where the station building is less prominent than in closer views from Station Square South. The development would therefore detract from the positive impact the station building currently makes to the townscape from view 58.

488. An indicator of the harmful impact of a tall building behind the clocktower can be seen in Appeal Site Context Photograph 2 (CD8.11.3). The modern Thames Tower appears as a tall building with a large, blocky mass behind the clocktower in views of the station from the north. Whilst this view is not identified as an important view, Thames Tower significantly reduces the prominence of the clocktower in the view.
489. On both plots C and D, the Development Parameters scheme would have a greater impact than the IS. On plot C, this would allow a building nearly 2m taller and with a greater massing at upper levels than proposed in the IS. On plot D, whilst the overall height of the tallest element would not increase from the IS, the Development Parameters would allow a greater massing and more of the envelope to be developed to the maximum height. This greater massing and height would increase the bulk of the building at its upper levels leading to a more harmful impact than the IS on the prominence of the station building and clock tower in the townscape.
490. The Appellant states that the RSAF IS, and any development fulfilling the requirements of policy, would have a similar effect. However, it can be seen from ID24 that the RSAF IS concept includes a lower and more slender building on plot D which would give more space around the clock tower in views along Station Road. That building would begin to descend out of view on entering Station Square North. I am not persuaded therefore that any scheme meeting the requirements of policy would necessarily have the same harmful impact as the appeal proposals.
491. I note that the advertising hoarding in Station Square South is a large and starkly modern addition to the square. However, it is located at street level where there is a significant amount of pedestrian activity associated with the station and vehicles on Station Road. The hoarding is offset towards the western side of the square and as such it does not conflict with the view of the station along Station Road, neither does it interfere with the open backdrop behind the clock tower.
492. Both CA22 Vastern Road, located north of the railway and including the appeal site, and CA1 Station Hill, to the south of the railway are identified in the RTBS as having some townscape capacity for tall buildings. In addition, the RSAF clearly envisages change around the station due to the acceptability in principle of tall buildings to the north. However, the RSAF does not encourage buildings of such height, bulk and massing as would detract from the important view from the south. This is clear from the RSAF IS which depicts buildings rising to only 12 storeys and framing the clock tower in views from the south. In addition, CA4 which lies to the south of Station Hill and encompasses the majority of Station Road, does not have capacity for tall buildings.
493. The TVIA identifies CA4 as having a low sensitivity to cumulative development partly because it is not subject to any landscape or townscape designations. However, this is contrary to the assessment in the RTBS which classifies it as having high townscape sensitivity to the inclusion of tall buildings due to its position adjacent to the Market Place and London Street Conservation Area.
494. The TVIA concludes that the proposed development, together with other approved / reasonably foreseeable schemes would increase urbanisation, improve legibility and wayfinding and therefore cause a small magnitude of

impact and a negligible beneficial cumulative effect. The TVIA assessment of AVR10 notes that the development would appear as a large mass in the view, but that views would be gained between blocks and pitched roofs on the lower elements of the buildings would contribute to the character of the townscape. It concludes that the increased visual interest, locally distinctive built form and variety in massing and heights causes an adverse very small magnitude of impact. This results in a negligible beneficial effect. A similar impact is noted from AVR25.

495. Ultimately, the conclusions reached in the TVIA regarding the impact of the development when viewed from AVR10, AVR25 and in relation to CA4 are matters of judgment. I am not satisfied that the development would improve legibility and wayfinding, particularly of the station itself as it would detract from the station building as a focal point. Whilst it would increase urbanisation in views from the south, this would only be a positive factor if the increased urbanisation did not cause other harm. Whilst views would be gained between the blocks, I have set out the harm caused by the closure of the views behind the clock tower. Furthermore, the pitched roofs on the lower elements of the proposed buildings would not relate to the building on plot D and would not therefore mitigate the harm set out above.
496. Consequently, I consider that the TVIA underestimates the harmful impact of the development in these views and overestimates the mitigating effect from built form and massing of the proposals.
497. I conclude that the proposal, in either the IS or the Development Parameters scheme, would fail to contribute to high quality views from the south and would therefore be contrary to policy CR10(v).

#### *Impact on setting*

498. The station building is Grade II listed. Its significance stems from its historical association with Brunel's original building and the development of the railway, together with its architectural quality. One of the key elements of its architecture is the prominent central clock tower. The building has a functional and associative relationship with the civic square (Station Square South), the statue of King Edward VII facing the station building (Grade II listed) and Great Western House (Grade II listed) on Station Road. The building is a prominent feature overlooking the square. These surroundings form part of the setting and contribute to the significance and special interest of the building.
499. The setting also includes the approach to the building along Station Road and the open backdrop to the roof and clocktower which allows the building's architectural significance to be appreciated. The setting of the building contributes to its significance because it allows the building's architectural and functional significance to be appreciated.
500. The ES categorises the scale of effect to be minor / moderate. However, the ES methodology and categorisation does not translate clearly to the NPPF tests of substantial or less than substantial harm. The parties agree that less than substantial harm would be caused to the setting of the station building. I place more weight on this agreement than the categorisations in the ES.

501. The dispute between the parties relates to whether the less than substantial harm is moderate, as the Council considers, or a low order of less than substantial harm as preferred by the Appellant. The *Shimbles* case<sup>255</sup> concludes that it is not necessary for the harm to be placed on a spectrum, however, both parties have presented their case in this way and the PPG advises that as the extent of the harm may vary, it should be clearly articulated. I have therefore addressed the extent of the harm when reaching my conclusions.
502. I have set out above the impact of the height and massing of the building on plot D on the station building. I have found that it would crowd views of the clock tower and reduce the open sky against which it would be viewed. The presence of such a tall and bulky building on plot D would distract the eye of the viewer away from the clock tower and upper parts of the building. This would reduce the ability to appreciate the architectural significance of the building, particularly in views along Station Road. The station building would appear overwhelmed by the taller building on plot D and its stature and prominence would be diminished. The proposed development, in particular the building on plot D, would harm the setting of the station building by reducing its open backdrop and its prominence in views along Station Road and from within Station Square South.
503. The aspect of the building's significance which is derived from its functional relationship with the civic square and the building's historic associations would not be impacted by the development. Nevertheless, for the reasons set out above, the ability to appreciate the architectural significance of the building would be harmed.
504. This would be the case in both the Development Parameters scheme and the IS. However, the harm would be somewhat greater for the Development Parameters scheme, due to the potential greater massing of the building on plot D and potential greater height and massing of the building on plot C.
505. The Appellant suggested that a number of factors would minimise the harm. The eye would undoubtedly be able to discern that the taller building on plot D was part of a separate development some distance behind the station building. However, the harmful impacts to views of the clocktower outlined above would exist despite the separation between the appeal site and the station building. Indeed, Dr Miele, for the Appellant, concluded (in considering views along Station Road) that "*the parameter massing has an obvious impact which would be intrusive, and so I conclude this is harmful*" (PoE page 46). It is this, together with the nearer local effects which led to his conclusion of a low order of less than substantial harm.
506. The ES refers to the combination with consented schemes as reducing the effect of the development. The development on the Hermes site would not be visible from view 58. This is set out in the Council's Committee Report for that development, which outlines the reason for the different conclusions reached by the Council as to the level of harm caused by the respective schemes (CD7.57, paragraph 6.2.29-6.2.31). From ID24 it can be seen that the location of the tallest building on the Hermes site is located further to the west of the clock tower than plot C of the appeal scheme. Consequently, it would not be visible in

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<sup>255</sup> *Shimbles v City of Bradford MBC* [2018] EWHC 195 (Admin)

- the view north along Station Road. Whilst visible on entering Station Square North, it would appear to be sited much further away from the clock tower and would be seen in the context of the modern station development to the west.
507. In terms of other tall, modern development, Thames Tower, Station Hill and 29 Station Road are / would be offset to the west of view 58 and would not therefore have the same contextual relationship with the listed station building. Whilst they would be seen on moving around Station Square North, the separation from the station building would lead to different impacts on its the setting.
508. Dr Miele considered that the detailed design of a reserved matters scheme would reduce the harm through ensuring slenderness and articulation of the blocks, interaction between windows and balconies and the detailed design. However, there is nothing in the Design Code to ensure that the building on plot D would be slender nor that its articulation would have regard to the setting of the station building. The only stipulation in the Design Code is that a residential-led scheme should be tower shaped in its upper levels (page 43). Whilst there are detailed design requirements in the Design Code, these would not impact on the overall height, massing or siting of the building. It is these aspects which would cause harm to the setting, as set out above. Detailed design of windows and balconies would not reduce the harm caused by those elements.
509. Accordingly, taking into account the duty arising from s66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, I consider that, in either the IS or the Development Parameters scheme, the proposed development would fail to preserve the setting of the Grade II listed station building, resulting in a moderate degree of less than substantial harm to the building's significance. This needs to be weighed in the heritage balance.
510. Other buildings / structures appear or are proposed within the setting of the station building. The redevelopment of the station has led to buildings sited to the east and west of the station building. However, these are angled to rise away from the station building. They do not affect its backdrop nor its prominence in views along Station Road or from Station Square South. Thames Tower is located on the southwestern edge of Station Square South. Similarly, this does not affect views of the station building when travelling north on Station Road, nor does it reduce the open backdrop of the building. The same would be the case for the proposed development at 29 Station Road. The tallest building on the Hermes development would be visible behind the station building, when viewed from the northern end of Station Road and within Station Square South. However, that building would be offset further to the west than the proposed buildings on plot C or D of the appeal site. It would not therefore have the same impact on the setting of the building. I have set out earlier that the siting of the advertisement hoarding in the square does not interrupt views along Station Road nor does it affect the open backdrop of the building. All of these buildings and structures have a different relationship to the setting of the station building than the proposed development. They do not justify the proposed development, nor do they reduce the harm that would be caused.
511. It is clear that the policy context is that of the redevelopment of the Station Area with tall buildings, including on plot D of the appeal site. However, this policy context does not mean that any development within the setting of the

building would necessarily be harmful. The RSAF notes that alterations to the setting of the station building are anticipated, but states that the impact of a specific scheme must be judged on its own merits. Mr Doyle's evidence demonstrates that lower building heights on plot D (shown in the RSAF IS) would allow more of the open backdrop to be visible in key parts of the setting of the building, along Station Road and on entering the square. However, it must be noted that the RSAF IS is not an alternative scheme which is before the SoS for approval. Nevertheless, I have set out above the harm that would be caused by the proposed development when judged on its own merits having regard to both RBLP policies and the RSAF.

#### Market Place and London Street Conservation Area [153-158, 224-228]

512. The Conservation Area has a linear form which follows a 12<sup>th</sup> century southern approach road to a marketplace. The Conservation Area Appraisal (CAA) explains that "*The route to the heart of the medieval town followed today's London Street, Duke Street and High Street. Though no longer a significant north-south route, the linear course of the old route and the triangular-shaped open space of the former market place remain.*" The CAA identifies the route along Duke Street to the Market Place as the backbone of the Market Place and London Street Conservation Area. The CAA also identifies landmarks in the Conservation Area including, the spire of St Giles' Church and the clock tower and "*lively roofscape of the Town Hall*". The significance of the Conservation Area includes its historic associations with the marketplace and Abbey. I agree with the Council that the setting includes key views into and out of the area but that the setting only makes a small contribution to the area's significance.
513. The CAA splits the area into four Character Areas, one of which is the Market Place and environs of St Laurence's Church and Town Hall. This area includes St Laurence's Church and the Town Hall complex (which includes the Town Council Chamber discussed below). Duke Street, Jackson's Corner and River Kennet lie in a separate Character Area. The character of the Conservation Area is that of a tight urban form with buildings, generally of between two and four storeys in height (although with some more modern 5 storey buildings on Duke Street), fronting routes. The Conservation Area contains medieval, 18<sup>th</sup>, 19<sup>th</sup> and 20<sup>th</sup> century architecture and reflects the development of the area as a marketplace.
514. Due to its central location, there are views from within the Conservation Area of tall buildings outside of the area. It does not necessarily follow that views of tall buildings from within the Conservation Area will cause harm to its setting. The Council's concerns in this case concentrate on the view north from Duke Street which frames the clock tower of the Grade II\* listed Town Council Chamber.
515. The view along Duke Street is a distant view of the clock tower of the Town Council Chamber. The view is gained for a short distance along parts of Duke Street. Due to the sinuous nature of the street, the clock tower comes in and out of the view north. This is not the primary view of the building as this is gained from Friar Street to its west, from Town Hall Square and from Market Place closer to the south of the building. In this view north along Duke Street, the roof of the clock tower appears as a slender triangular structure, taller than its immediate surroundings and seen against the sky. It is framed in the view of buildings along the street and acts as a landmark pointing to the location of the main civic

square reached along the line of the medieval route northwards. The view forms a small part of the character of the Conservation Area and contributes to the understanding of the evolution of the area. Both of these aspects contribute to the significance of the Conservation Area, albeit to a modest degree.

516. The CAA notes that the architect (Alfred Waterhouse) carefully placed the clock tower for views from Friar Street and Market Place. Market Place continues south onto High Street and Duke Street. It is therefore a view of some importance. It is also noted as being a shorter distance view including historic asset in the RSAF (view 56).
517. The proposed development on plot D would appear directly behind the roof of the clock tower. When seen from Duke Street, its height and bulky form would be uncharacteristic in the context of the two to four / five storey buildings within the Conservation Area. Whilst it would be evident that the building would be some distance away from the Conservation Area, the development would nevertheless appear out of scale and would therefore harm the character of the Conservation Area.
518. Furthermore, it would be in sharp contrast to the slender appearance of the clock tower and its height would be such that it would form the backdrop to the building. As a result, the roof of the clock tower would appear to merge into the surrounding buildings and the proposal would detract from the landmark quality of the clock tower in this view, thus harming the character of the view.
519. The parties agree that the development, in either the IS or the Development Parameters scheme would cause less than substantial harm to the character and appearance of the Conservation Area. The dispute relates to the degree of harm. The Appellant favours a very low level, whereas the Council concludes it would cause a minor degree of harm. Whilst there is little between the parties on this matter, I give greater importance to the view along Duke Street in the character of the Conservation Area than Dr Miele has in his evidence. Accordingly, I conclude that a minor level of less than substantial harm would be caused. For the reasons set out above, the proposal would cause less than substantial harm to the significance of the Conservation Area, which is to be weighed in the heritage balance.

#### Town Council Chamber [153-158, 220-223]

520. The building is listed Grade II\* and forms part of the Town Hall complex of buildings. Designed by Alfred Waterhouse, the Town Council Chamber dates from 1872-5. It is built in the French Gothic style with red and grey brick and terracotta ornaments. Its two towers terminate views from Friar Street to the west and Market Place to the south. Its significance is derived from its architectural interest, its historic interest as a show of civic importance and as part of the group of civic buildings within the Town Hall complex. Its setting includes areas further north than Duke Street and closer to the Town Hall complex.
521. However, the view gained from Duke Street, as described above, does form a part of the setting of the listed building which contributes to its significance by allowing its prominence and civic importance to be appreciated when travelling along one of the main historic routes towards the marketplace.

522. For the reasons set out above in relation to the visual impact looking north along Duke Street, the proposed building on plot D would fail to preserve the setting of the listed Town Council Chamber and would therefore detract from its significance. The parties agree that the development would cause less than substantial harm to the building's significance. Again, the dispute relates to the degree of harm. The Appellant favours a very low level, whereas the Council concludes it would cause a minor degree of harm but less harm than to the Conservation Area.
523. Dr Miele's conclusion of 'very low level' of harm is based on the limited intervisibility and the absence of a detailed design of the scheme which would come forward at reserved matters stage. I have set out above my conclusions on visibility and the importance of the view. I have also noted that there is nothing in the Design Code to mitigate the height and bulk of the building on plot D. Nonetheless, as this view of the building is not a primary one, the level of harm would be minor. This less than substantial harm is to be weighed into the heritage balance.

#### 55 Vastern Road [85]

524. This modest two-storey locally listed building (LLB) is sited opposite the appeal site. It was built as the entrance gate lodge to the former Reading Electric Supply Co Ltd works and dates from approximately 1903. The heritage significance of the building was considered in detail in the appeal decision for the development at 55 Vastern Road (APP/E0345/W/21/3276463, paragraphs 86 to 94) and there is nothing before me to cause me to depart from the conclusions reached by that Inspector. She concluded that "*the building does have historic significance in its associations with the arrival of electricity in Reading, the importance of which was recognised by the involvement of Albury as a prominent local architect. Some heritage interest also comes from the aesthetic value of the front elevation as the 'public face' of the electric works.*" And "*these values are of local heritage interest and are not of any greater level of significance or standing than is represented by the local list.*" I concur with these conclusions and this is strengthened by the decision of English Heritage in March 2022 not to add the building to the National Heritage List for England (ID37).
525. The significance of the building principally derives from its historic and architectural interest, its setting does not impact upon these features and adds little to its significance. The proposed development at 55 Vastern Road would result in the loss of that building should it be implemented. In the event that the building remained, the development proposed in this appeal would introduce a significant change in scale. However, this would have a neutral impact on the heritage asset given the limited degree to which setting contributes to the significance of the building. No weight is added to the heritage balance in this instance.

#### Other heritage factors [149, 207,216]

526. Before moving on to the heritage balance, it is necessary for me to deal with the points made by the Council regarding the inadequate assessment of the significance of the assets and their settings. The ES considered Built Heritage and included a Heritage Baseline Study (HBS) incorporating a Statement of Significance. The HBS refers to significance as 'value'. It sets out the significance of each of the relevant heritage assets and considers aspects of



setting. However, I agree with the Council that the Summary of Significance is lacking. It fails to consider the importance of the architecture of the station building to its significance and fails to clearly assess what forms part of the setting of the building, simply concluding that the setting has been impacted by more recent developments. Similarly, in terms of the Conservation Area, it is unclear what conclusion is reached regarding significance (value) and there is no assessment of its setting and how that contributes to its significance. In relation to the Town Council Chamber, it identifies its wider setting as including Blagrove Street, but does not go on to consider any other aspects which form the setting of the building or how they may contribute to its significance.

527. The ES Built Heritage chapter 2A assesses the impact of the development on the setting of the station building and the Town Council Chamber, but it is difficult to see how the judgements regarding impact have been made given that setting and the contribution made to significance were not fully considered in the HBS.
528. NPPF paragraph 194 states that an applicant should describe the significance of any heritage assets affected, including any contribution made by their setting. PPG advises that "*understanding the significance of a heritage asset and its setting from an early stage in the design process can help to inform the development of proposals which can avoid or minimise harm.*" Historic England's Good Practice Advice 3 (GPA3) sets out the 5 step approach to proportionate decision taking. The application information did not follow the advised approach in PPG or GPA3. Furthermore, the DAS does not contain an assessment of the surrounding heritage and how that was taken into account in the design of the scheme.
529. Ultimately, the matters have been addressed by the Appellant in evidence to the inquiry in sufficient detail for me to be able to reach a conclusion on the matter. However, there is validity in the Council's criticism of the application material which does not indicate that ways to avoid or minimise harm have been properly explored (GPA3, step 5). This does not impact upon the level of harm that I have identified to the heritage assets as set out above. However, I will consider this matter further in the heritage balance below.

#### Heritage – The Development Plan [30-57, 58-66, 67]

530. Policy EN1 requires that historic features and their settings will be protected and where possible enhanced. Proposals should seek to avoid harm in the first instance. The policy sets out that any harm requires clear and convincing justification, usually in the form of public benefits. Policy EN3 requires that the special interest, character and architecture of Conservation Areas will be conserved and enhanced. Development proposals must make a positive contribution to local character and distinctiveness. Policy CC7 aims to ensure that development protects and enhances the historic environment.
531. Policy EN5 identifies Significant Views with Heritage Interest. It states that new development should not harm and where possible should make a positive contribution to views of acknowledged historical significance. The view along Station Road is not a view identified as a view meriting special protection. However, paragraph 4.2.22 of the supporting text to the policy states "*There are also a number of views of central Reading, in particular including the station area. The Reading Station Area Framework (chapter 7) identifies both longer and*

*shorter distance views that are of importance.*" As set out earlier in this Report, the view along Station Road is identified as a view of importance in the RSAF.

532. Policy EN6 requires development in areas characterised by heritage assets to respect and enhance its architectural and visual qualities and considering how heritage considerations can influence the design of new development. Matters to be taken into account include scale, height, mass, significant vistas and views.
533. Both policies CR10 and CR11(vi) require that development conserves and where possible enhances the setting of Conservation Areas and listed buildings.
534. The RSAF sets out that the listed station building is one of Reading's most prominent historic buildings. Whilst it notes that alterations to its setting are anticipated, the impact of a specific scheme must be judged on its own merits. From this, and from the design guidance elsewhere in the document, it is clear that the RSAF does not encourage development which would harm the building's setting.
535. As set out above, the RSAF sets out the need for a transition zone where heights should step down towards surrounding development. Paragraph 6.29 states that this is particularly towards the historic core of the town, as well as the residential areas considered earlier. The Council say that this means that the development should step down towards the listed station building. However, if that were the case it would create a tension with other guidance in the RSAF for a tall building on plot D of the appeal site. Figure 6.10 in the RSAF – Tall building location guidance - shows graded shading to guide the location of higher and lower buildings. The southern part of plot D falls in an area which is grading towards taller buildings. I do not therefore consider that the statement in the RSAF of stepping down towards the historic core translates to a requirement for the appeal development to step down in height towards the station building.
536. Nonetheless, for the reasons set out above, the proposals would conflict with the above policies and with the guidance in the RSAF relating to protection of sensitive views and conservation of heritage assets.

#### Heritage balance (NPPF) and conclusion [193-194]

537. Although the parties dispute the level of harm caused to each of the heritage assets, both agree that the development would cause less than substantial harm to each of the designated heritage assets addressed above.
538. The statutory duty in Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 are matters of considerable importance and weight. Paragraph 197 of the NPPF states that the desirability of sustaining and enhancing the significance of heritage assets should be taken into account in determining applications. Paragraph 199 also advises that when considering the impact of development on the significance of designated heritage assets, great weight should be given to their conservation; the more important the asset, the greater the weight should be.
539. I have identified a moderate level of less than substantial harm to the significance of the Grade II listed Main Station Building, a minor level of less than substantial harm to the significance of the Market Place and London Street Conservation Area and to the significance of the Grade II\* listed Town Council Chamber.

540. There are no heritage benefits to be weighed into the balance and I have concluded that the mitigation suggested by the Appellant, in the form of elements of detailed design which could be incorporated at reserved matters stage, would not reduce the level of harm caused. The lack of thorough heritage assessment at the application stage, in accordance with PPG and GPA3 advice, also means that ways to explore the avoidance or minimisation of harm have not been considered during the design evolution of the scheme.
541. NPPF paragraph 202 states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal.
542. Before doing this, it is necessary to consider any other harms that the development may cause and to consider the benefits of the scheme. I will therefore return to the heritage balance as part of the overall planning balance later in this Report.
543. NPPF paragraph 203 states that the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. As there would be a neutral effect on the LLB, no additional harm needs to be weighed into the heritage balance.

**North-South link** [30-57, 58-66, 129-132, 236-271]

544. Policy CC7 sets out that development should ensure that it makes a positive contribution to ease of movement, permeability and legibility. Policy CR11 requires development to help facilitate greater pedestrian and cycle permeability with north-south links centred on the station, including across the IDR, being of particular importance. CR11(v) requires a direct landscaped link between the station and the River Thames and CR11e states that a high-quality route incorporating a green link should be provided to the Thames. Policy TR4 requires improved access for cyclists and the provision of new facilities.
545. The supporting text of CR11 stresses the importance of improved permeability for pedestrians and cyclists. One of the key principles is to improve links for pedestrians and cyclists through the centre, particularly in a north-south direction. It goes on to say: "*if visual links are also provided, this will help to change the perception of the area north of the station as a separate entity*". Ensuring active frontages along the route will assist in providing attractive links as will the provision of new areas of open space (paragraph 5.4.6).
546. The RSAF identifies the Kennet-Thames Spine as one of the key public realm priority projects. This is identified as a major city spine or direct pedestrian route linking the River Kennet to the south of the centre to the Thames to the north. The RSAF considers the link to be "*vital to the success of development of the area*" (paragraph 5.9). It envisages an unbroken line of sight across the appeal site and the 55 Vastern Road site to the Thames creating new views (page 42).
547. However, due to constraints on the 55 Vastern Road site caused by the necessity of retaining essential SSE equipment, the Inspector in that appeal accepted that a direct visual link could not be provided across that site. The approved scheme for 55 Vastern Road therefore includes a route which is diverted around this essential equipment.

548. As a consequence, the Council now accepts that direct views through to the Thames would not be possible from the station if the 55 Vastern Road development goes ahead as approved. This would include views from the raised station concourse towards the mast at Caversham Bridge which, in all likelihood, would be prevented due to the 11 storey building on the Vastern Road frontage of that site. Nevertheless, the Council is seeking a direct line of sight from the station to the beginning of the link through the 55 Vastern Road scheme where landscaping and a public art feature are proposed.
549. The Council has suggested three possible alternative alignments for the north-south route through the appeal site (CD10.3.3, LF Figure 28). Point A is located to the west of the station, point B would enable views on exiting the station underpass and point C would enable views from the station entrance / exit. Each of the alignments would require alterations to the submitted scheme. None of the suggested lines would enable views from both the station underpass and the northern station entrance / exit to 55 Vastern Road. Accordingly, with any of the suggested routes, there would always be a proportion of the users of the station who would not have a direct line of sight to the 55 Vastern Road footpath on exiting the station.
550. The Council's suggested alignment from point A would result in the significant loss of floorspace from plot C. It would also be offset to the west of the station and I do not consider that there would be particular merit in this view in terms of wayfinding on exiting the station.
551. Realigning the proposed buildings to open up a line of sight from points B or C towards the gap between the proposed buildings on the 55 Vastern Road site could give a sense of an emerging townscape and therefore assist in wayfinding from the station. The NDG notes that direct routes with visible destinations form part of a well-designed and connected network.
552. However, the gap between the buildings at 55 Vastern Road would appear narrow when viewed from either point B or point C and in itself it would not provide any obvious waymarking towards the Thames, which would not be visible in the view. In addition, crucially, it is highly likely that intervening landscaping along the route between plots C and D and within Station Square North would all but obscure views of the landscaping and public art feature at the entrance to the footpath through 55 Vastern Road. It would be these elements that would point to the onward route to the Thames. It is therefore unlikely that significant wayfinding benefits would result from realigning the proposed buildings along the lines suggested by the Council. I therefore consider that, in light of the 55 Vastern Road appeal decision, the benefits of aligning the route along the lines suggested by the Council would be very limited.
553. Furthermore, I agree with the 55 Vastern Road Inspector that it is not always necessary for visual links to be provided in order to achieve good design. She considered the alternative design principle of 'closure', for example, using buildings to deflect vistas, giving a sense of a gradually revealing townscape, and the use of landmark elements. Therefore, provided that other principles of good urban design are employed, I do not consider it necessary to be able to see the destination when embarking on a route. It should be possible for example for careful design of the public realm to provide visual clues as to the direction one should take.

554. In the appeal scheme the proposed route would pass between plots C and D. It would be in the location envisaged in the RSAF and would have the same alignment as in the RSAF IS. The route would be a minimum 23m wide, as set out in the parameter plans. The Design Code contains provisions to ensure that it would be a green link providing hard surfaced pedestrian / cycle routes, lighting, play features and trees / landscaping.
555. As such, a pedestrian or cyclist exiting from either the station underpass or station entrance / exit would be faced with a wide, landscaped pedestrian and cycle route ahead to the north. Whilst there would be other potential routes in the view, along Trooper Potts Way and along the east-west route through the site, the north-south link would be the only dedicated, vehicle free, landscaped pedestrian / cycle route. Pedestrians and cyclists would therefore be naturally directed along this route. Signage within Station Square North could also assist with wayfinding and the NDC recognises that clear signposting encourages people to walk and cycle. Furthermore, the landscaping scheme and public art features (provided for in the S106) could be designed to incorporate features and focal points which visually direct users towards the river.
556. As proposed, the view northwards between blocks C and D would be terminated by a residential building on 55 Vastern Road. However, as set out above, intervening landscaping would soften that view and active frontages along the route would provide visual interest to attract a user to move forwards along the route. Furthermore, views of the gap between the buildings on 55 Vastern Road, and of the entrance to the route towards the Thames, would begin to emerge when travelling northwards between plots C and D. This would give the sense of a gradually emerging townscape. On reaching Vastern Road, the proposed public art feature and landscaping at the entrance to the 55 Vastern Road link would become visible and the proposed crossing would help to break down the barrier to pedestrians / cyclists presented by Vastern Road.
557. When travelling south towards the station from 55 Vastern Road, the station would not be visible on reaching Vastern Road. Nevertheless, the onward route would be clear due to the presence of the road crossing. The proposed landscaping scheme / public art features on the appeal site could incorporate focal points between plots C and D to direct users towards the station. On reaching the gap between plots C and D the station building would be visible ahead and would act as a focal point in the view.
558. Policy CR2 includes a requirement for new development to build on and respect the existing grid layout structure of the central area. The Inspector in 55 Vastern Road used this measure to assess the directness of the route in that appeal. That Inspector noted that "*Central Reading exhibits a loose grid structure, though there is a high degree of distortion to this. Some main streets are reasonably straight and broadly parallel....However, beyond this are many winding routes, in which forward views are often deflected by angled building frontages*" (paragraph 23).
559. This accords with my assessment of the central area and I also note that there are streets in the north-south alignment which terminate in an east-west running road necessitating a change in direction in order to continue on a different north-south running road. West Street, Union Street and Cross Street are all examples of this offset grid layout.

560. In the proposed development, the secondary streets between plots A and B, and B and C would align with DeMontfort Road and Lynmouth Road to the north of Vastern Road. The north-south link through the appeal site would meet the east-west running Vastern Road and a change in direction would be necessary in order to continue through the 55 Vastern Road site. This alignment would accord with the grid structure seen elsewhere in the central area.
561. Furthermore, the change in direction required to cross Vastern Road would be minimal. In the proposed scheme, the user would travel northwards towards Vastern Road, a crossing point would take them across the road. At that point a 'dog-leg' would be required to reach the onward route through the 55 Vastern Road site towards the river. In the main however, the user would be travelling generally northwards in the direction of the Thames for the majority of the proposed route.

#### Conclusion on north-south route

562. Bringing together the above, if the 55 Vastern Road development goes ahead as currently permitted, it would no longer be possible for a north-south link to provide a visual link between the station and the Thames. However, the link proposed in this appeal would provide an active, attractive landscaped route. It would assist in providing permeability and ease of movement through the area to the north of the station and the route would be legible. Whilst it would require a change of direction to join onto the route through 55 Vastern Road, this would not significantly extend the distance people would have to travel and in this respect the link would be direct.
563. In terms of the provision of the north-south link, the proposal would therefore comply with policy TR4, CC7 and CR11, including CR11(v) and CR11e. It would also comply with policy CR2 in building upon and respecting the existing grid layout structure of the central area. As far as is possible, having regard to the 55 Vastern Road decision, it would also comply with the guidance in the RSAF to provide direct pedestrian access to the Thames, although the views and line of sight would no longer be possible. If the 55 Vastern Road scheme were to be amended in future, the proposed route through the appeal site would lend itself to allowing the reinstatement of the visual link through 55 Vastern Road to the Thames.
564. Policy TR3 relates to Access, Traffic and Highways. No specific concerns in relation to safety, congestion or the other matters in parts i-v of the policy, which relate to the functioning and safety of the highway network. The proposals would not therefore conflict with this policy.
565. Accordingly, the development (in both the IS and the Development Parameters) would provide an appropriate north-south link through the site. This would achieve a long-standing aim of the regeneration of the area north of the station and would be a significant benefit of the proposals which will be weighed in the overall balance.

#### ***Daylight and Sunlight*** [90-94, 159-175, 272-314]

#### Preliminary matters and methodology to assess the impact on existing properties

566. In accordance with the BRE 2011 guidance, the methodology used to assess the impact on daylight to the existing properties on Caversham Road to the west

- of the appeal site and Vastern Road to the north is VSC, which measures the amount of light reaching a window, and NSL, a measure of the daylight distribution within the room.
567. The guidance states that if the VSC, with the new development in place, is both less than 27% and less than 0.8 times its former value (equivalent to a greater than 20% loss), occupants of the existing building will notice the reduction in the amount of skylight, the area lit by the window is likely to appear more gloomy and electric lighting will be needed more of the time (CD7.20, paragraph 2.2.7). The guidance recommends that any reduction below 27% should be kept to a minimum.
568. In relation to NSL, the BRE guidance states that if, following the construction of the new development, the area of the existing room which receives direct skylight is reduced to less than 0.8 times its former value, (equivalent to a greater than 20% loss) this will be noticeable to the occupants and more of the room will appear poorly lit. Put another way, 80% of the room should remain in front of the NSL. According to the BRE guidance, areas beyond the NSL, since they receive no direct daylight, usually look dark and gloomy compared with the rest of the room.
569. The BRE guidance states that it is not mandatory and that its numerical guidelines should be interpreted to meet the circumstances and context. Mr Crowley, for the Appellant, argues that in an urban area such as the appeal site a VSC of 20% is more appropriate and the NSL can be reduced to 50%. However, a daylight distribution of 50% would lead to half of the room appearing poorly lit. Neither of these lower figures appear in the BRE guidelines and Dr Littlefair, for the Council, points out that the BRE guidelines do not give separate figures for suburban and urban environments. He considers that "*given the width of Vastern Road and the opportunity to develop the site fully without substantial reductions in daylight to neighbouring properties, a 24% minimum VSC for the most obstructed windows on the lowest floor would be appropriate, rather than 15% or 20%.*" (CD10.15, paragraph 3.8).
570. The matter has been considered in other appeal decisions; the Inspector in the Goldsworth Road Appeal (APP/A3655/W/21/3276474) (CD5.2) stated "*retaining a VSC of 27% in neighbouring properties is unrealistic; as has been recognised in many appeal decisions and other documents. Even retaining 20% VSC is considered, generally, to be reasonably good, and in urban areas retaining around mid-teen % VSC is considered to be acceptable.*" (DL35).
571. That Inspector determined that retained VSCs of between 9 and 19% were not unacceptable. However, the circumstances in that case were different to those in the current appeal. Significantly fewer rooms in that case failed to meet the recommended NSL level compared to this appeal. Furthermore, in considering the context for that case, the Inspector had regard to previous schemes approved by the Council which had a similar impact on daylight levels, together with planning policy specific to the development before him. He found this context "compelling" in concluding that reduction in daylight levels was not a reason for withholding planning permission.
572. Set against this, I have also been referred to a decision by the Secretary of State on an appeal at 8 Albert Embankment (CD5.5, paragraphs 712 onwards). In that case, VSC levels for one of the properties, Whitgift House, were found to

be significantly below 27% and substantially below 0.8 times their previous value. For NSL, 24 of the 60 rooms analysed in that case would have an impact outside the BRE guidelines, with those on the ground floor having a loss of 40% or more in the area receiving daylight (CD5.5, paragraphs 725-731). A further property at 2 Whitgift Street was found to have retained VSC of 25-50% their current values and VSC values of just over 15% with some windows having an average equivalent to nearly 20% (paragraphs 732-735).

573. The Inspector concluded that the proposal would result in *"some significant individual reductions in daylight levels to a limited number of properties. Those reductions at Whitgift House and 2 Whitgift Street would result in reductions greater than BRE guidelines, in some cases substantially so, and residents would experience an unacceptable increase in gloominess."* Very significant weight was attached to the harm to occupiers of those two specific properties in that appeal (paragraph 759).
574. The Appellant has referred to other appeals at Graphite Square, Lambeth and Whitechapel Estate, Tower Hamlets, in which lower levels of VSC have been accepted. The appeal decisions have not been provided in the evidence but are referred to in the appeal at 8 Albert Embankment discussed above. From the Albert Embankment decision, it is seen that in Whitechapel Estate VSC values in the mid-teens were considered to be acceptable, however these were deemed to be in compliance with the London Plan, a different policy context to this appeal.
575. In Graphite Square, the context was that of the affected property being in *"a rather privileged position, because of the minimal massing on the area of the appeal site it borders, which meant it received much higher levels of daylight and sunlight than might be expected in such an urban location."*
576. The properties on Vastern Road are in a similarly privileged position facing a wide road and the frontage parking and minimal massing of buildings on the appeal site. However, the residential properties on Vastern Road to the northwest of the appeal site also face a wide road, albeit not as wide as in front of the appeal site. To an extent therefore, this forms part of the character of the residential properties facing Vastern Road. Their immediate surroundings are different to those of the more tightly-knit residential streets that lead off Vastern Road on either side. They should therefore be able to expect reasonable levels of daylight and sunlight.
577. Given the different conclusions reached in these other appeals, and the differing contexts in which they were considered, I concur with the Inspector in the Albert Embankment appeal that there is a danger in placing too much reliance on such comparisons. What the appeal decisions do have in common is the acknowledgement that the assessment should be a two-stage approach; first assessing the impact of the development having regard to the BRE guidance and secondly the consideration of context, including planning policy and other factors which weigh in the balance for and against a development.
578. During the inquiry the Appellant produced further information (30 May information, ID56) setting out the impact of the IS against the BRE guidelines. Up to that point the information in the ES, the application and appeal had been based on a development which would fill the maximum parameters shown on the parameter plans. The Council were given the opportunity during the inquiry to



respond to this further information and Dr Littlefair gave his oral response to it when giving his evidence.

579. Having regard to the above matters, I will go on to consider both the maximum parameters appeal scheme and the appeal scheme IS. I will consider both against the BRE guidance and against the Council's suggested minimum level for VSC of 24% for the most obstructed windows. I will then consider the context for the scheme, which includes the RSAF IS, before coming to a conclusion regarding the weight to be given to daylight / sunlight impacts.
580. It is worth reiterating here that, following the receipt of further information during the course of the inquiry (ID70), the Council were content at the close of the inquiry that the development would not harm the living conditions of future occupiers of the adjoining Hermes site to the south in terms of daylight and sunlight. I agree with that conclusion and will therefore concentrate on the matters which remain in dispute.
581. In assessing the level of impact for VSC and daylight distribution, the BRE guide explains that where the loss of daylight or sunlight does not meet the guidelines the impact is assessed as minor, moderate or major adverse. Factors tending towards a minor adverse impact include: only a small number of windows or limited area of open space are affected; the loss of light is only marginally outside the guidelines; an affected room has other sources of skylight or sunlight; there are particular reasons to adopt less stringent guidelines. Factors tending towards a major adverse impact include: a large number of windows are affected; the loss of light is substantially outside the guidelines; all the windows in a particular property are affected. I have used this guidance in my conclusions below.

#### Existing properties - impact on daylight from the maximum parameters scheme

##### *87-97 Caversham Road*

582. These properties consist of flats at first and second floor levels above shops to the west of and facing the appeal site. The SoCG (Appendix A) demonstrates that, of the 18 windows analysed 9 would meet the 27% guideline. All rooms would retain a VSC above 24.8 (the lowest value) and the impact of the development is assessed as between negligible and moderate adverse. For NSL, more than half of the rooms analysed would meet the BRE guidance. Of the remainder only 3 of the second floor bedroom windows would suffer a loss categorised as a major adverse impact. For each of these, the retained VSC would be either above 27% or just below at 26.2%. Consequently, for the properties at 87-97 Caversham Road the Council would classify the impact of the development as minor adverse. I agree with this assessment and conclude that the properties at 87-97 Caversham Road would retain an adequate level of daylight.

##### *17-49 Vastern Road*

583. These consist of two-storey terraced properties each with rooms at roof level lit by a dormer window. All 57 windows facing the site at ground floor, first floor and roof level have been assessed for VSC and 50 windows for daylight distribution or NSL.

584. None of the windows analysed would achieve the BRE guideline VSC of 27% following the development. Retained VSCs would range between just over 20% to just over 26% for one window (the first floor window at No. 31). In addition, every window would have a loss of VSC of greater than 0.8 times its former value (a loss of greater than 20%), some significantly so at 40% loss and over.
585. The parties agree that living rooms are more important than bedrooms in requiring greater levels of daylight. Assuming that ground floor windows serve living rooms, the assessment shows that of the 17 living room windows assessed, none would meet the recommended guidelines; 3 would fall within the 20%-21% retained VSC range, 8 would fall within the 21%-22% retained VSC range, 5 within the 22%-23% retained VSC range and 1 would have a retained VSC of between 23% and 24%. Therefore, even taking the Council's suggested flexibility of a minimum of 24% VSC, none of the most important windows would meet this lower guideline.
586. For daylight distribution, only 14 rooms of 50 rooms analysed for NSL would meet the BRE guidelines of 80% of the room in front of the NSL. Therefore, well over half of the rooms analysed would not meet the NSL guideline. Of the 17 living rooms analysed, 12 would not meet the guidelines, 3 of which would have a major impact with a greater than 40% loss.
587. Due to the number of windows which would fall below the BRE guidelines and the extent of the reduction below the guidelines I consider that there would be a major adverse impact on the properties at 17-49 Vastern Road. The residents of each property would be subject to a noticeable reduction in daylight and rooms would appear more gloomy with electric lighting needed more of the time. This would be harmful to the living conditions of the properties at Nos. 17-49 Vastern Road.

#### *51 Vastern Road*

588. 51 Vastern Road is an end terraced property situated on the corner of Vastern Road and Lynmouth Road with windows facing both roads. The property would be affected by the development of 55 Vastern Road in addition to the proposed development at the appeal site. Accordingly, the SCG sets out the cumulative assessment of all windows having regard to both proposed redevelopment schemes.
589. None of the windows would meet the VSC guideline of 27%, nor would they meet the lower 24% guideline. Both bedroom windows<sup>256</sup> facing Vastern Road at ground and first floor (at 20.5% and 21.8% respectively) would have retained VSCs below the recommended guidelines. The parties agree that this would represent a major adverse impact for each of the windows in this property.
590. However, the daylight distribution guidelines for both rooms at ground and first floor would be met, having a 1% and 11% loss respectively, classed as a negligible impact. Nevertheless, due to retained VSC levels to all windows being significantly below the BRE guidelines I conclude that the cumulative impact on this property would be a major adverse.

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<sup>256</sup> Appellant's letter dated 11 March 2022, Appendix B Position Statement, confirms that the two windows facing Vastern Road serve bedrooms.

591. In the event that 55 Vastern Road does not go ahead, the impact of the appeal development in isolation would be less harmful as it would primarily affect the two windows directly facing the site. These are the windows with good daylight distribution although the VSC levels would remain well below 27% as set out above.

Proposed flats at 55 Vastern Road and on the appeal site – impact of maximum parameters scheme

592. Average daylight factor (ADF) has been used to calculate the amount of daylight in the proposed new properties within the development and within the proposed flats at 55 Vastern Road. The BRE guidance recommends that this should be a minimum of 2% for kitchens, 1.5% for living rooms and 1% for bedrooms. Below 2% the room will look dull and electric lighting is likely to be turned on (paragraph 2.1.8). The guidance advises that living rooms and kitchens need more daylight than bedrooms (paragraph 2.1.13).

593. Annual probable sunlight hours (APSH) have also been assessed for the proposed flats at 55 Vastern Road and the flats within the proposed scheme. The BRE guidance refers to the British Standard Code of practice for daylighting (BS 8206-2) recommendation that interiors should receive at least 25% of APSH, including at least 5% during the winter months.

*55 Vastern Road*

594. The Appellant's assessment (Appendix D SCG) demonstrates that, with the appeal development in place, only 1 out of the 12 living/ kitchen/ dining rooms (LKD) which would face Vastern Road would meet the guideline of 1.5% ADF for living rooms. The remaining 11 LKD facing Vastern Road would have ADF of between 0.4 and 1.4%. The BRE guidelines indicates that these would be dull rooms as a result and electric lighting would be necessary.

595. In terms of APSH, only 2 of the 12 living rooms would achieve the minimum guideline of 25% including 5% during the winter months. A further 3 would achieve the 25% overall but not including the 5% during winter months. Many of the rooms would be significantly below the 25% including 5% guideline, with levels of 6% including 2% (winter); 17% including 4% (winter); 12% including 2% (winter); 8% including 6% (winter) and 12% including 6% (winter). The BRE guidance states that any reduction in sunlight below the recommended guideline should be kept to a minimum.

596. On the basis of the above, I consider that the proposed development would result in very poor levels of daylight and sunlight experienced at the proposed facing properties at 55 Vastern Road.

597. The Appellant argues that a similar impact was accepted by the Council when considering the 55 Vastern Road development. However, the Council's committee report for that development states "*where properties in Block A & B might be affected by the proposed development on the south of Vastern Road, as this application was still under consideration this impact could still be addressed.*" (CD7.58, paragraph 4.14.2). The Council therefore clearly considered that the impact could be overcome by an amendment to the appeal scheme.

### *Proposed flats on the appeal site*

#### Internal space

598. The analysis of APSH and ADF (SoCG Appendix F and CD12.5.3) for the proposed flats has considered the lowest three floors within blocks B and C as these are likely to be where access to daylight and sunlight is most restricted. The ADF results demonstrate that of the 180 LKDs analysed in blocks B and C (including studios), fewer than half would achieve the 1.5% ADF guideline. A number of these would have levels well below the standard at less than 1%.
599. Mr Crowley refers to the Epping College appeal scheme as accepting lower levels of daylight, although the decision is not provided in the evidence. From Dr Littlefair's rebuttal evidence, it would appear that the proportion of rooms meeting the recommended standards was much higher in that case than in the appeal scheme.
600. For APSH, taking the information from the floor plans included at Appendix F of the SCG, only some 13% (24 of the 180) of LKDs analysed in Blocks B and C (including studios) would achieve 25% APSH and 5% during the winter months, a further 6 would achieve the 25% APSH but not the 5% winter months and 5 would achieve only the 5% winter level. In both blocks therefore, a significant number of the proposed rooms would not achieve the recommended standards for sunlight. A number of these rooms would achieve very low levels of sunlight with single figure levels for APSH with 0% winter sunlight.
601. Mr Crowley considers that an APSH of 15% would be reasonable for an urban location. However, this lower figure is not in any of the published guidance and no precedents for its acceptance were suggested. Even if I were to accept this lower figure, numerous LKDs would fail to meet it.
602. I note that the orientation of the blocks and proximity to proposed tall buildings on the Hermes site would mean that access to direct sunlight would be restricted. However, even taking only the LKDs for rooms facing within 90 degrees of due south (CD1.46 Appendix C), fewer than half would achieve the guideline of 25% including 5% winter levels. The BRE guide states that sensitive layout design will attempt to ensure that each individual dwelling has at least one main living room which can receive a reasonable amount of sunlight. Mr Crowley, for the Appellant, agreed that the levels were low and that he had never seen a scheme of the size proposed with lower levels of sunlight provision than are proposed in this appeal.
603. The Design Code has been amended to state that at least 80% of habitable rooms within the proposed residential development shall achieve the recommended minimum levels set out in the BRE guidance (2022 edition). However, even if this were to be demonstrated at reserved matters stage, this would result in 20% of the rooms not achieving the recommended levels. This could mean all rooms in some flats and some rooms could receive the very low levels of daylight and sunlight that are seen in the agreed results.

#### Sunlight in outdoor spaces – Appx E

604. The BRE guidelines recommend that 50% of the outdoor space should receive at least 2 hours of sunlight on March 21. The Appellant's analysis (Position Statement, Appendix B) demonstrates that, without the Hermes development in

place, only 16% of the courtyard and 44% of one of the roof terraces in Block C would receive the recommended 2 hours of sunlight. With the Hermes development these figures would fall to 2% and 24%. There is some merit in the Appellant's argument that other roof terraces which receive a greater level of sunlight would be available to residents. However, this would depend upon the final details of a reserved matters scheme and the Design Code does not contain any mandatory requirements to this effect. Nevertheless, even if such access to other spaces were provided, the lack of sunlight reaching the main central courtyard garden, even if the Hermes development does not go ahead, would create a gloomy area of open space which would provide poor living conditions for future occupiers of Block C.

### Impact of the IS

605. I move on now to consider the 30 May information which provided VSC, ADF and daylight distribution results for 17-51 Vastern Road and ADF and ADSH results for the flats within the IS. Within this information, the Appellant indicated that one floor had been removed from the northeast corner of Block B, because this could not be achieved within the parameter plans. The Council expressed concerns that, as the plans for the IS (as so amended) had not been submitted, they were not able to verify the results of the assessments undertaken in the 30 May information and I consider this concern to be a valid one.
606. The Council had expressed concerns regarding the use of a frame factor of 0.9 in the Appellant's earlier assessment of ADF for the proposed scheme (based on the parameter massing). The concern was that this was unusually high and that a more realistic frame factor of 0.8 should be used which would give lower ADF values. The revised information of 30 May used a frame factor of 0.8 for analysis of ADF in the proposed IS.
607. As stated above, the information included ADF figures for the properties at 17-51 Vastern Road. ADF information is dependent on room reflectance (BRE guide, paragraph 2.1.11). For example, light coloured surfaces which are kept clean can increase ADF. The ES and assessments provided up to 30 May 2022 did not attempt to calculate ADF for the existing properties because this information is not known. I will therefore address these figures below although I give limited weight to these results due to the inherent uncertainties in applying the data to existing properties where internal reflectance has not been ascertained.

### *17-51 Vastern Road*

608. The 30 May results demonstrate that only 2 of the 59 rooms analysed would achieve the recommended 27% VSC; none of the living room windows on the ground floor of 17-49 Vastern Road would achieve 27%, neither would the ground and first floor windows in No.51 facing the appeal site. Each window would also suffer losses greater than 20%, although there would be lower losses than for the maximum parameters scheme. 8 of the 17 living room windows and the first floor window at No. 51 would achieve a VSC of at least 24%, to meet the Council's suggested lower figure. Nevertheless, this would still leave just over half of the living room windows not achieving even the reduced level of 24%.
609. The minimum VSC level achieved for all windows in Nos. 17-49 and the two facing windows in No. 51 would be 23.4% in the IS scheme. This would be an improvement when compared to the maximum parameter scheme which would

have much lower levels of daylight in many of the properties. However, the Council's minimum 24% was a suggestion for the 'worst case' windows. It is not appropriate to aim for that level and accept that some windows could fall short. The level to aim for should be the recommended guidelines and an assessment of the context could lead to an acceptance of levels below this.

610. The IS would result in improved daylight distribution with 34 of the 52 rooms analysed achieving the NSL guideline. Of the 17 ground floor living rooms 13 would achieve the NSL guidelines as would both the ground and first floor rooms facing the appeal site in No.51.

611. In terms of ADF, each of the ground floor living room windows and the ground and first floor of No. 51 would achieve the 1.5% recommended level. However, the BRE guidance states that ADF can be used to check that adequate daylight is provided in new rooms. As set out above, it is less reliable for existing properties. This does not therefore overcome the impact of the low VSC levels set out above.

#### *Impact on 55 Vastern Road*

612. The 30 May information was supplemented by ID70 which provided a comparison between the impact of the parameter massing and the IS on ADF levels for 55 Vastern Road. ID70 demonstrates that, whilst levels for LKDs in the IS would be improved compared to the maximum parameters assessments, only 1 of the 12 LKDs assessed would meet the 1.5% guideline with 2 others achieving levels only slightly below at 1.4%. 4 LKDs would have very low levels of daylight with levels of 0.5% - 0.7%.

#### *Flats on the appeal site*

613. In order to improve the compliance with recommended ADF levels, the 30 May information made a number of alterations to the design of the proposed flats in the IS. These included increasing the width of windows and partitioning kitchens from living areas. These alterations would result around 80%<sup>257</sup> of living rooms or LKDs achieving the 1.5% recommended ADF level. This would be a significant improvement on the maximum parameters results addressed above. The detailed design of any reserved matters scheme could therefore consider the use of larger windows and could also consider removing balconies to allow greater light to living rooms, although the former would have a knock-on effect on the provision of private amenity space which has not been considered by either party. It is also likely that, as the assessment has considered the lower three floors, accommodation in upper levels would have greater access to sunlight.

614. Nevertheless, in order to achieve these improved results, a large number of the flats would have enclosed, non-daylit kitchens. The BRE guide states that "*Non-daylit internal kitchens should be avoided wherever possible*" and "*If the layout means that a small internal galley-type kitchen is inevitable, it should be directly linked to a well daylit living room.*"

615. Whilst such a configuration in the internal layout would ensure that a greater number of flats would achieve the recommended levels, this would be achieved

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<sup>257</sup> Mr Crowley calculated the figure at 81% and Dr Littlefair at 78%. I do not consider the difference to be material to my conclusions.

at the expense of the levels of daylight within the kitchen areas. It would not therefore achieve a better living environment for future residents of those flats overall.

#### Policy context / RSAF

616. As set out earlier, the site lies within the Station / River MOA and in an area of potential for tall buildings. There is therefore an expectation that the existing low density development on the appeal site will give way to taller, more dense development. Therefore, there will inevitably be some loss of daylight and / or sunlight to the properties to the north as a result of a policy compliant development of the appeal site. Notwithstanding this, it is not inevitable that a proposed development would cause unacceptable harm to the living conditions of the occupiers of those properties.

617. The RBLP policies note the need to have regard to surrounding properties. Policy CR10 seeks to ensure adequate levels of daylight and sunlight are able to reach buildings and spaces within the development and to avoid significant negative impacts on existing residential properties in terms of daylight. Policy CR11 requires careful attention to be paid to areas of transition to low and medium density residential areas, and policy H2 sets out the need to minimise environmental impacts, including detrimental impacts on the amenities of adjoining occupiers.

618. It is helpful to view the appeal scheme in the context of the RSAF IS as an indicator of the potential impact of a policy compliant development on the appeal site. The SCG includes an assessment of the impact of the RSAF IS on nearby properties in relation to VSC and NSL (Appx A(a) SCG or CD 12.5.1).

#### *87-97 Caversham Road*

619. Whilst the appeal scheme (based on the maximum parameters) would not cause significant harm to the Caversham Road properties<sup>258</sup>, the results of the VSC analysis for the RSAF IS show that all windows in the Caversham Road properties retain a VSC above 27% whereas in the appeal scheme, half of the windows analysed do not. The impact of the RSAF IS on VSC for the Caversham Road properties is negligible compared to minor adverse for the appeal scheme.

#### *17 – 51 Vastern Road*

620. For levels of VSC at 17-51 Vastern Road, the comparison between the appeal scheme (maximum parameters), appeal scheme IS and RSAF IS is set out below. This is based on the analysis of 59 windows (all windows in 17-49 and one ground and one first floor window in No. 51) and 17 living room windows (ground floor windows in 17-49). Windows at No. 51 are indicated separately where relevant:

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<sup>258</sup> The 30 May information did not include an assessment of the impact of the IS on the Caversham Road properties.

	Number of rooms meeting 27% guideline	Number of living rooms meeting 27%	Number of rooms meeting 24% minimum	Number of living rooms meeting 24%	Lowest recorded VSC level
Appeal Scheme (maximum)	0	0	17	0	20.5
Appeal Scheme IS	2	0	50	8 (+1 ground floor room at No. 51)	23.4
RSAF IS	41	8	59 (includes both windows at No. 51)	17 (+ both windows at No. 51)	24

621. The loss of VSC to the assessed windows would also be less for the RSAF IS. Some of the second floor windows would meet the recommended guideline and many windows would be closer to a 20% loss, albeit exceeding that recommended level.
622. It can be concluded that a scheme the size of the RSAF IS would meet significantly more of the recommended BRE guidelines for the amount of daylight reaching the windows of the properties at Vastern Road (VSC) than either the maximum parameters appeal scheme or the IS. The impact on the properties at 17-51 from a scheme with a similar impact to the RSAF IS would not therefore be as great as a scheme with the parameter massing or the IS massing.
623. For NSL the comparisons are as follows, based on 52 rooms (50 in Nos. 17-49 and 2 in No. 51):

	Number of rooms meeting NSL guideline	Number of living rooms meeting NSL guideline
Appeal Scheme (maximum)	16	7
Appeal Scheme IS	34	16
RSAF IS	27	13

624. The appeal scheme maximum parameters would perform worst of the three comparisons for overall number of rooms and number of living rooms meeting NSL guidelines. However, the appeal scheme IS would outperform the RSAF IS in terms of daylight distribution overall and within living rooms. The 3 living rooms that do not meet the NSL guidelines in the appeal scheme IS would also



fail to meet those guidelines in the RSAF IS, although the percentage loss would be greater for each of the rooms in the appeal scheme IS.

#### Conclusion on daylight and sunlight matters

625. Bringing together the above, I conclude that the maximum parameters scheme would cause significant harm to the living conditions of existing occupiers of nearby properties due to unacceptable levels of daylight provision following the development. This would be due to the large number of windows, including living room windows, at Nos. 17-49 Vastern Road which would be below recommended standards (and below the 24% suggested minimum) and the extent of reduction below those standards, together with the failure to meet VSC guidelines (or the suggested 24% minimum) at No. 51 (ground and first floor facing windows).
626. Based on the number of proposed flats which would fail to meet the recommended levels for daylight and sunlight and the extent of reduction below the recommended levels, the maximum parameters scheme would also result in very poor levels of daylight and sunlight within the proposed flats at 55 Vastern Road and on the appeal site. The accommodation would be dull and gloomy as a result, and this would create a very poor living environment for future occupiers. For residents of Block C, this would be exacerbated by the poor levels of sunlight in the main outdoor courtyard. Significant harm would therefore be caused to the occupiers of the proposed flats.
627. For the IS, the number of windows in 17-51 Vastern Road which would be below recommended VSC standard following the development would be less than for the maximum parameters scheme and the extent of reduction below recommended standards would not be as great with a minimum overall of 23.4% VSC. Daylight distribution would also be significantly improved when compared to the maximum parameters scheme and would be better than levels assessed for the RSAF IS. Nevertheless, very few windows in those properties would meet the recommended 27% level and just under half of the living room windows would achieve the lower 24%. This would still lead to gloomy conditions in many of the affected rooms which would cause a moderate degree of harm to the living conditions of the occupiers.
628. For future occupiers, significant harm would be caused to those in the proposed flats at 55 Vastern Road, with only 1 of the 12 LKDs meeting the BRE guidelines. For the appeal scheme flats, the IS would again be an improvement on the maximum parameters scheme with 78-79% of LKDs or living rooms meeting the recommended ADF level. It is also likely that a higher percentage would meet the required levels on higher floors, although noting that some of the higher floors would provide a smaller number of flats. However, there would still be a significant number of flats which do not meet the recommended levels and many of the improved levels would only be achieved by providing non-daylit kitchens, which would provide a poor internal amenity for residents. This would result in significant harm to the occupiers of the proposed flats.
629. I conclude that the IS scheme would cause a moderate degree of harm to occupiers of 17-51 Vastern Road. However, it would cause significant harm to the living conditions of future occupiers of 55 Vastern Road and to future occupiers of the flats within the appeal site.

630. It is not necessary for me to assess the RSAF IS in the same way as this is not a real-life scheme before the SoS. Nevertheless, even though this scheme would not perform as well as the appeal IS in terms of daylight distribution at the Vastern Road properties, it would be significantly better in terms of the amount of daylight reaching the windows. This demonstrates that the policy context for high density, tall development on the site would not inevitably lead to the same levels of adverse impact as those proposed in either the maximum parameters scheme or the IS.
631. As set out earlier in this Report, clauses have been inserted into the Design Code which state that the development shall not result in materially worse daylight / sunlight impacts on existing properties and the flats at 55 Vastern Road than those shown in the Daylight / Sunlight Assessment appended to the Design Code. That assessment is the same as the 30 May information. Given the levels of harm that I have identified above, this would only provide a low benchmark for future reserved matters schemes.
632. The proposed development in the maximum parameters scheme would fail to comply with policies H2, H10 (in so far as that relates to the overshadowing of outdoor amenity areas), CC8 and CR10. The supporting text to policy CR11, at paragraph 5.4.8 indicates that the need to take account of low-rise housing fringing the area is in the interests of the amenity of residents in addition to the character of the area. Consequently, the maximum parameters scheme would fail to comply with CR11(vi) in terms of residential amenity.
633. The proposed development in the IS would also fail to comply with policies H2, CC8 and CR11(vi). It would also conflict with CR10 in so far as that policy requires adequate levels of daylight and sunlight are able to reach buildings within the development. However, policy CR10 requires development to avoid significant negative impacts on existing residential properties in terms of daylight. As I have concluded that the IS would cause moderate harm to existing occupiers, the IS scheme would not conflict with that aspect of CR10. This conclusion must, however, be seen in the context of my concern that the development would not be restricted to the height and massing of the IS.
634. Both schemes would also conflict with paragraph 130(e) of the NPPF which seeks to ensure the creation of places with a high standard of amenity for existing and future users. Whilst paragraph 125(c) of the NPPF states that a flexible approach should be taken in applying policies or guidance relating to daylight and sunlight, this is in the context of such guidance inhibiting efficient use of a site and has the proviso that the resulting scheme should provide acceptable living conditions.
635. I conclude that the proposal would harm the living conditions of existing and proposed surrounding occupiers at 17-51 and 55 Vastern Road and the future occupiers of the development having regard to daylight and sunlight. The harm set out above will be factored into the balance later in this Report.

***Sustainability / climate change*** [95-96, 176-184, 327-336]

636. The relevant policy context is provided by policies CC2, CC3, CC4, H5, CR10(v), the Sustainable Design and Construction SPD (the SPD) and the RSAF, the relevant parts of which I set out below.

637. Addressing policy CC4 first, this requires consideration to be given to securing energy for the development from a decentralised energy source. The proposed heating / cooling system would comprise a water to air system although the Appellant confirmed that a ground source heat pump could be investigated. The suggested conditions include investigation of options and the S106 includes an obligation to provide a connection to a future District Heating Network. There would therefore be no conflict with policy CC4.
638. I turn now to policy H5, which sets standards for new housing. H5(c) states *"All major new-build residential development should be designed to achieve zero carbon homes"*. Paragraph 4.4.46 of the supporting text states that *"where homes are not designed to be carbon neutral, this will mean as a minimum a 35% improvement in the dwelling emission rate over the 2013 Building Regulations plus a contribution...towards carbon offsetting"*. The supporting text refers to the SPD as containing more detail on achieving the zero carbon homes standard.
639. The SPD Glossary also defines zero carbon homes as achieving at least 35% carbon emissions reduction on site with the remaining emissions offset by a planning contribution. This is shown graphically in the diagram at figure 4.1 which shows fabric energy efficiency, on-site low carbon heating and a s106 contribution operating together to achieve zero carbon homes. The SPD sets out a number of measures that should be considered in determining fabric energy efficiency, such as solar gain, natural daylighting and ventilation, thermal mass, insulation, green and brown roofs / living walls, landscaping and energy efficient appliances.
640. Paragraph 3.11 of the SPD states that in achieving zero carbon homes for major residential developments the preference is to achieve true carbon neutral on site. If this is not achievable, it must achieve the 35% improvement plus contribution. This part of the SPD is ambiguous in not making clear whether achieving true carbon neutral on site must be secured if "achievable" or whether it is simply a "preference". The ambiguity is exacerbated by Table 3.1 which requires major new residential development to be zero carbon (as distinct from "true carbon neutral on site" as preferred in paragraph 3.11), but where not achievable allows for offsetting by contribution.
641. In the light of this ambiguity, I conclude that it is most appropriate to assess the proposal's compliance with the SPD against the clear and unambiguous definition of zero carbon homes set out in its Glossary ie. that it achieves at least 35% reduction in regulated carbon emissions (beyond Part L 2013) on-site with the remaining carbon emissions (to 100%) to be offset through a cash in lieu contribution to be ring-fenced for carbon savings elsewhere.
642. The Residential Energy Strategy demonstrates that passive and low energy design elements have been incorporated into the design of the residential blocks including: the building envelope thermal performance would be an improvement on both the 2013 Building Regulations and on the June 2022 Building Regulations; high performance glazing to improve solar performance; low building air leakage rate; whole house ventilation with integral heat recovery; community heating system for all flats; low energy lighting; high efficiency gas fired boilers; variable speed pumps and energy efficiency controls in the building management system. Together with the use of PV panels (discussed further

below) and provision of decentralised energy source, the energy reduction for the residential development is agreed to be 49.64% over target emission rate.

643. Consequently, the proposed residential development would meet the SPD Glossary's definition of zero carbon homes ie. the requirement for a minimum 35% reduction plus an offset contribution which, in this case, would be provided through the S106 obligation. On this basis the proposed development would comply with policy H5's requirement that major residential development is designed to achieve zero carbon homes.
644. Policy CC2 is also relevant to the appeal proposals. It states that:
- "Proposals for new development, including the construction of new buildings and the redevelopment and refurbishment of existing building stock, will be acceptable where the design of buildings and site layouts use energy, water, minerals, materials and other natural resources appropriately, efficiently and with care and take account of the effects of climate change."*
645. The policy goes on to say *"To meet these requirements"* non-residential development should meet relevant BREEAM standards. It is agreed that the non-residential scheme will achieve a BREEAM excellent rating and this is also to be required by condition. In this respect, the proposal complies with the second part of policy CC2.
646. It is clear that the first paragraph of the policy is not specific to non-residential development. This is confirmed in the supporting text at paragraph 4.1.3 which states that *"The general principle of this policy in terms of new development applies to both residential and non-residential uses."* Paragraph 4.1.5 goes on to explain that expectations for performance of new-build homes in terms of emissions are set out in policy H5 (my emphasis).
647. Neither the policy wording nor the explanatory text explain how a decision maker should determine whether residential development would be acceptable having regard to the first paragraph ie. design and site layout and their impact on the use of energy, water, minerals and other natural resources and taking account of climate change. However, paragraph 4.1.5 goes on to say that an updated version of the SPD will supplement the policy.
648. Accordingly, I consider that the most appropriate way to determine whether the proposal would comply with the first paragraph of policy CC2 is by reference to the SPD and its guidance relating to design of buildings and site layouts resulting in fabric energy efficiency.
649. Turning to policy CC3, this states that: *"All developments will demonstrate how they have been designed to incorporate measures to adapt to climate change"*. It goes on to require that various measures are incorporated into development to *"maximise"* resistance and resilience to climate change. The policy refers, amongst other things, to designing building orientation to maximise opportunities for natural heating and ventilation; the need to maximise resistance and resilience to climate change through measures such as solar shading, thermal mass, and other measures and the use of trees and planting to provide shading.

650. Policy CR10(v) requires tall buildings to maximise the levels of energy efficiency in order to offset the generally energy intensive nature of such buildings.
651. The DAS for the appeal scheme includes a consideration of orientation in relation to overshadowing in the form of a sun-path analysis. However, several of the units would be north facing and the sunlight evidence considered earlier demonstrates that many of the units in the both the IS and Development Parameters scheme would not achieve good levels of sunlight penetration. The development would also fail to optimise natural daylight into the proposed units and into existing and proposed nearby properties meaning that many units and existing residential properties would need electric lighting during the day as a result of the appeal proposals.
652. Mr Collado, the scheme Architect, stated that the design team had looked at issues relating to the orientation of the buildings, but had concluded that the northeast-southwest orientation, as per the RSAF IS, was the most appropriate due to the townscape considerations of the site. He accepted however that the evidence does not demonstrate that this process was undertaken and how the balance of issues led to the current design.
653. Mr Collado pointed out that the south easterly corners of each block had been reduced in height to allow sunlight penetration and that the tallest element on each plot had been placed on the southwestern corners. However, there is nothing before me to demonstrate that this would be the optimum design in terms of climate change adaptation. Furthermore, this would not apply to Block D which would have a different configuration with the tallest building to the south.
654. In the absence of a transparent assessment therefore it is not possible for me to conclude that the townscape and heritage considerations of the site would reasonably outweigh the need to ensure that climate change adaptation has been maximised.
655. The Design Code contains some elements to take account of climate change adaptation. The incorporation of external shading is a mandatory element (5.9.3). Considering the opportunities for PV panels and green roofs to reduce the urban heat island effect is a mandatory clause, but only requires the "*consideration of opportunities*" which does not require their use on any of the buildings within the development. In paragraph 6.1.6 the use of green roofs is a discretionary element. Consideration of the proportion of glazing to solid wall to reduce solar gain is also a discretionary element (5.9.3).
656. The Non-Residential Energy Strategy (CD1.10) identifies the potential for 30 square metres of PV panels to be installed on the roof of Block D. But there is nothing to demonstrate that other locations have been considered nor that this has been balanced with the townscape and heritage considerations to find the optimum potential for the site.
657. The Design Code includes a mandatory clause to the effect that units on the upper levels should be designed to maximise the provision of dual aspect units. This would be of benefit in providing cross ventilation. However, in the IS a large number of the units would not be dual aspect and would not therefore benefit from cross ventilation. Furthermore, (other than in relation to safety aspects)

there has been no analysis of the impact of wind at height and whether it would prevent windows in the upper levels being opened, therefore affecting the ability to provide natural cross ventilation.

658. Thus, whilst some climate change adaptation measures have been incorporated into the Design Code, many of these were introduced during the course of the inquiry in an attempt to overcome the Council's concerns. These late-stage interventions do not constitute a full assessment of the potential of the site and do not demonstrate the maximisation of opportunities.
659. In relation to orientation of buildings, the Appellant points out that policy CC3 refers to maximising the opportunities for natural heating and ventilation "*wherever possible*". Again, in the absence of evidence to demonstrate what matters were considered and dismissed I am unable to conclude that maximisation of the opportunities would not be possible.
660. In addition to matters such as solar gain, natural daylighting and ventilation and thermal mass, the SPD explains the role of landscaping in minimising climate change impacts. It sets out the benefits including improved air quality, reducing the impact of heavy rainfall, reducing urban temperatures and providing shade. Large canopy species are identified as providing more benefits for climate adaptation. The evidence does not include an assessment of how such benefits could be maximised in the scheme and, as set out earlier, the use of large canopy trees has not been optimised.
661. Consequently, when considered in the light of the SPD advice, I conclude that there is not the evidence to allow me to conclude that the proposed design of the residential buildings and site layouts use energy appropriately, efficiently and with care and take account of the effects of climate change in accordance with the first paragraph of policy CC2. Nor am I able to conclude that the scheme would comply with policy CC3's requirement that development incorporates measures to maximise resistance and resilience to climate change. Policy CR10(v)'s requirement to maximise the levels of energy efficiency would also not be complied with.
662. These matters need to be considered in relation to the outline application now under consideration and it would not be appropriate to leave them to be dealt with in reserved matters. The maximisation of climate change adaptation measures may affect the maximum parameters achievable on each of the plots. At reserved matters stage the developer of one plot may only be able to maximise the potential of an individual plot and would have to do so taking account of the maximum parameters allowed on the adjacent plots. The outline stage is where the site can be considered holistically and provides the opportunity for the parameters set for each plot to take account of the potential of the site as a whole.
663. The Appellant considers that much of the Council's concerns would be overcome by compliance with the Building Regulations which came into force in June 2022. These have introduced new / more stringent requirements for conservation of fuel and power, ventilation, overheating and infrastructure for charging of electric vehicles. Whilst the new Building Regulations would ensure that each building meets the required standards, it does not remove the need to comply with RBLP policies. Applying the Building Regulations to a scheme which has first sought to maximise the site opportunities would result in a scheme

which overall would be likely to have an improved outcome in terms of climate change adaptation.

664. The Appellant points out that the RSAF makes no mention of factors such as building orientation, site layout etc in maximising climate change resilience. It is notable in this respect, however, that since the RSAF was adopted knowledge and understanding of the impacts of climate change have increased. Government policy has also changed and the NPPF now sets out the need for the planning system to "*shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience*" (paragraph 152).
665. The NPPF also sets out that in determining planning applications new development should be expected to "*take account of landform, layout, building orientation, massing and landscaping to minimise energy consumption*" (Paragraph 157). Paragraph 154 a) and b) also state that new development should avoid increased vulnerability to impacts arising from climate change, managing risks through suitable adaptation measures and helping to reduce greenhouse gas emissions such as through location, orientation and design.
666. Planning Policy Guidance (PPG) states that addressing climate change is one of the core land use planning principles underpinning decision making (paragraph ID: 6-001-20140306). It refers to 'win-win' solutions to support sustainable development such as maximising summer cooling through natural ventilation in buildings and avoiding solar gain; through district heating networks and through the provision of multi-functional green infrastructure to help reduce urban heat islands. It cautions against designing buildings to maximise solar gain in winter without thinking through the implications for overheating in summer (paragraph ID: 6-004-20140612).

#### Conclusion on sustainability

667. Bringing together the above matters, the proposal would incorporate a number of design solutions to reduce carbon emissions and the S106 includes an offset contribution. The development would therefore accord with the SPD definition of zero carbon homes and as such, it would comply with policy H5. The non-residential elements would meet BREEAM 'Excellent' standards and, as such, the proposal would also comply with the second part of policy CC2. There would also be compliance with policy CC4 in terms of decentralised energy.
668. However, the evidence does not demonstrate that design and site layout of the residential elements would use energy appropriately, efficiently and with care and take account of the effects of climate change, when considered in terms of the guidance on fabric energy efficiency in the SPD. Neither would the development incorporate measures to maximise resistance and resilience to climate change. Consequently, it cannot be shown to accord with policy CC3 and the SPD in terms of adaptation to climate change, nor with policy CR10(v).
669. In terms of national policy, there would be compliance with some aspects, for example, NPPF 154 b) in helping to reduce greenhouse gas emissions and 157 a) in its use of decentralised energy supply. However, it would fail to comply with paragraph 154 a) in relation to adaptation measures including green infrastructure and 157 b) in taking account of landform, layout, building orientation, massing and landscaping to minimise energy consumption. The

proposal would also be contrary to the PPG advice set out above, other than in relation to district heat networks.

670. The sustainability measures incorporated into the design of the residential development would not therefore be sufficient to meet the requirements of local and national policy for mitigating and adapting to climate change. However, as the development takes account of some aspects of sustainability, I give the matter moderate weight against the proposals in the overall balance.

**Other matters** [186, 357-359]

671. The existing commercial leases on the site expire or have a break clause in 2025. The Appellant says that this provides a window of opportunity for the site to be redeveloped failing which the leases would be re-let, potentially for a further 10 years.

672. However, this is a site where there is a clear policy aspiration for redevelopment, subject to the considerations outlined in this Report, and the principle of providing a mixed-use, high-density development on the site is agreed. In the event that planning permission is refused for this development, the landowner could choose to resubmit an amended scheme which sought to overcome the harms identified above. I acknowledge that it could take some time to resolve the issues and resubmit a revised application. Nevertheless, there is nothing in the evidence to demonstrate that the landowner would be obliged to offer further 10 year leases, nor that they could not offer existing tenants shorter-term leases while the planning issues are resolved. I therefore give only minimal weight to the opportunity for redevelopment provided by the expiration / break in existing commercial leases.

673. The loss of retail units from the site would be in accordance with the allocation in the RBLP as a site for development or change and relevant policies for the site's redevelopment. The proposal would replace some retailing in the proposed units. Any net loss would not weigh against the proposed development.

674. Community Infrastructure Levy (CIL) payments would be made as a result of this development and this would contribute towards infrastructure such as schools and health provision where necessary. I ascribe the necessary weight to the CIL payments in the overall balance below. The availability of public transport will be optimised due to the site's central and accessible location and this is a neutral factor in the overall balance. Whilst take-away uses and public houses could occupy the commercial units, conditions are proposed controlling the hours of use and ventilation and extraction units. These will minimise any noise and disturbance at unsocial hours and, accordingly, this matter is neutral in the overall balance.

**Planning obligations** [360]

675. I have already referred to the need for obligations concerning the joint access road between the Hermes site and the appeal site and the offset contribution to meet zero carbon homes standard. These provisions are made in the obligation and are necessary to mitigate the impact of the development. The now go on to address the remaining provisions in the obligation.

676. Employment and skills plans are to be implemented or a contribution made to the Council to use for the necessary training of the local population in the



Council's administrative area. This is to ensure that the local population have the necessary skills to access the employment opportunities, both construction and end-use, generated by the development. This ensures compliance with Policy CC9 and the Employment, Skills and Training SPD. The economic benefits of the development are weighed in the overall balance below. This obligation does not attract further weight in favour of the development in its own right but would ensure that the local population are able to take advantage of the economic benefits which the scheme would bring.

677. The obligation includes the submission of a travel plan and monitoring arrangements to promote sustainable transport usage for future residents and office users in line with policy TR1. Implementation of a car club scheme is included in the S106 and is necessary as the development, given its central and accessible location, has car parking provision lower than the standards set out in the Revised Parking Standards and Design SPD. These obligations would mitigate the impact of the proposal and ensure the development complies with policies TR1 and TR5.
678. In order to secure a satisfactory development, it is necessary to ensure the provision and maintenance of the publicly accessible routes and open spaces within the site (the public realm) in accordance with policies CR2 and CR3.
679. In the event that the development contains Build to Rent housing units, the obligation ensures the implementation of a management scheme to ensure compliance with policy H4. Clawback clauses are included for any Build to Rent housing units to ensure that the affordable housing contribution is not lost if any units are sold off. This is necessary to make the scheme policy compliant.
680. The parties agree that the latest viability assessment demonstrates that the scheme cannot currently contribute to affordable housing. Nevertheless, early, mid and late-stage viability reviews are to be undertaken and, in the event that viability improves over time, obligations are included to ensure that affordable housing can be provided on-site, or a contribution made towards off-site provision. If such affordable housing is to be provided on site, the obligation sets out the measures to control construction and management, occupation, disposal and rental values. The obligation is necessary to ensure compliance with policy H3 and the Affordable Housing SPD. However, as there is no guarantee that affordable housing would be provided as a result of the viability reviews, I am unable to ascribe any positive benefit in favour of the development to the provision of affordable housing.
681. Policies EN9 and CC9 seek to ensure that open space is provided to meet the needs of new development. The Open Space Strategy (CD7.10, paragraph 7.9.3) sets out the requirement of a new local park, of between 1-2 ha, to be provided for very large developments such as the one proposed. As the development does not make this provision, the obligation ensures that a contribution of £1000 per dwelling unit is made towards off-site open space enhancements at nearby facilities. The sum can be reduced where open space provision is made on site in future reserved matters applications. This obligation is necessary to make the scheme policy compliant and is directly related to the development.
682. An obligation is included for the provision of, or contribution towards, public art. This is necessary in order to ensure that the development complies with policy CR2. Details of connection to a future District Heating Network is

necessary to ensure compliance with policy CC4 and the Sustainable Design and Construction SPD and to mitigate the impact of the development.

683. A contribution towards a new crossing on Vastern Road is included and a provision to share this cost with the developer of 55 Vastern Road. A contribution is also included to upgrading the underpass beneath the railway line to make it suitable for cycle use. These contributions are necessary and directly related to this development and ensure compliance with policies TR1, CR11 and CC9. These would be positive benefits in favour of the scheme which I have weighed in the overall balance below.

684. For the reasons set out in this Report, I consider that the statutory tests in Regulation 122 of the Community Infrastructure Levy Regulations are met in respect of all the obligations included in the S106, and that its provisions are material considerations in this appeal.

### **Conditions [360]**

685. I have considered the suggested conditions (ID72 Revision A) in the light of the advice in PPG and the discussion on conditions at the inquiry. In accordance with section 100ZA(5) of the Town & Country Planning Act 1990, the Appellant has agreed to those conditions which would be pre-commencement conditions (ID98).

686. In the event that the appeal is allowed, the conditions at Appendix 4 are necessary, would meet the tests in NPPF paragraph 56 and would comply with relevant RBLP policies.

687. Conditions 1-4, relating to standard time limits and approved plans are required in the interests of clarity. Condition 5 relates to the Parameter Plans, Schedule and Design Code. I have set out above areas where I have identified deficiencies in the Design Code. Furthermore, the Council considers that the Design Code does not accord with policy requirements for the site. However, a number of amendments to the Design Code were made during the course of the inquiry which have addressed many of the Council's concerns. If the appeal is allowed, the Design Code contains a significant amount of material to guide the development of the appeal site. In the interests of proper planning of the site, any approval should be tied to the mandatory elements of the Design Code. The submission of further Detailed Design Codes for each phase of the development is required by Condition 9 which will deal with more detailed matters of site design and is necessary in the interests of the character and appearance of the area. Together these Design Codes would be necessary to ensure satisfactory development details.

688. In relation to Conditions 9 and 26, the timing of submission of further details should be prior to the approval of Reserved Matters. This would ensure that submission of the required details is secured but any delay in approval of the details would not unnecessarily delay the submission of Reserved Matters applications.

689. Conditions 6 and 7 identify the floor space for each use class as per the application details to accord with the requirements for a mixed used scheme as set out in Policy CR11e. In the interests of clarity, highway safety and public amenity, Condition 8 secures a phasing strategy. Conditions 10 and 11 relating

to materials and building maintenance are required in the interests of the character and appearance of the area. Condition 12 secures the dwelling mix, type and tenure in order to meet identified requirements for different groups, in accordance with Policies H2, H3 and CR6.

690. Conditions are necessary to mitigate flood risk, avoid harm to human health and the environment from on-site contamination, to avoid water pollution and to ensure adequate drainage. These are included as Conditions 13, 14, 15 – 18, 19, 20, 41 and 43. A construction method statement is required by Condition 21 in the interests of local amenity, the character of the area and highway safety.
691. The following conditions are required in the interests of the amenity of nearby occupiers: 22, 45 and 46 control hours of construction, deliveries, waste collection and hours of use; 44 requires adequate sound insulation; 47 and 48 control the installation of mechanical plan, ventilation and extraction; 57 requires the submission of information relating to daylight and sunlight to the proposed flats; 58 requires the provision of crime prevention measures; 66 and 67 require the provision of amenity space and on-site play facilities;
692. Condition 23 requires that no materials are burnt on site in the interests of the amenity of neighbours and air quality. In the interests of the safety of future users, a fire strategy is required by Condition 24, Condition 55 secures mitigation of the effects of wind, 56 is required to prevent solar glare and CCTV details are required by Condition 73.
693. Conditions 25 - 29 require details of landscaping, management and tree protection in the interests of the character and appearance of the area. In Condition 26, the wording only needs to refer to Local Plan policies and adopted documents relevant at the time of submission of the Landscape Masterplan, rather than specifying the documents as suggested by the Council. Conditions 30 – 33 relate to ecology and are necessary in the interests of biodiversity.
694. Conditions 34 – 36, 39 and 40 require car parking, servicing, cycle parking, a car parking management plan and the submission of details of highway works in the interests of highway safety. Condition 37 requires the submission of a strategy to prevent occupants from acquiring parking permits. This is necessary due to the limited parking provision on site and to prevent parking congestion on nearby residential streets in the interests of the amenities of nearby occupiers.
695. The following conditions are required in the interests of the environment and climate change: 38 securing electric vehicle charging points; 59 and 60 requiring a minimum of 35% improvement in the dwelling emission rate; 61 and 62 requiring a BREEAM Excellent rating; 63 securing water efficiency measures; 64 securing the centralised heating and cooling plant and 65 requiring details of photovoltaics.
696. Condition 42 seeks to protect any archaeological assets as the site lies in an area of archaeological potential. Air quality assessment and mitigation is required by Conditions 49 and 50 in the interests of the health of future occupiers and users as the development is in an AQMA.
697. To ensure that there is sufficient waste management on site in the interests of visual amenity and to ensure satisfactory living conditions for future occupiers, Conditions 51 and 51 relate to waste management and bin storage.

698. Lighting is controlled by Conditions 53 and 54 to protect residential amenity, in the interests of visual amenity, and to ensure that wildlife is not adversely affected in the interests of biodiversity. Condition 68 ensures the provision of accessible and adaptable dwellings in the interests of health, safety and inclusion of future residents.

699. Conditions would remove permitted development rights as follows: Condition 69 would prevent changes to Class C4, housing in multiple occupation, to ensure appropriate standards of amenity for future occupiers in respect of the size of dwellings and the impacts on adjoining occupiers. Condition 70 would prevent commercial uses changing to dwellings without permission. In the absence of such a condition the use of the site could become entirely or predominantly residential and active ground floor frontages would be lost. This would be contrary to the vision for the Station / River Major Opportunity Area as a mixed use destination in policy CR11. Condition 71 would prevent roof alterations / extensions in the interests of the amenities of neighbouring properties and to protect and maintain the character of the area. Condition 72 secures active frontages at ground floor in order to retain a vibrant and attractive streetscene and to improve active surveillance.

**Planning Balance (including Heritage Balance) [73-74, 109, 185-192, 347-356]**

700. In discharging the duty arising from s66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, I have identified less than substantial harm to:

- the significance of the Grade II station building;
- the significance of the Market Place and London Street Conservation Area; and
- the significance of the Grade II\* listed Town Council Chamber.

701. The heritage harms, whilst less than substantial in terms of the NPPF, are matters of considerable importance to which great weight is attached (as per paragraph 199 NPPF). However, there is a further balance to be made to weigh heritage harms against public benefits.

***The public benefits of the scheme***

702. The parties agreed that at the time of the inquiry the Council were able to demonstrate a 6.95 year housing land supply. Notwithstanding this, the housing land requirement in policy H1 is expressed as a minimum. It is notable that the 1,000 homes figure has not been reduced to reflect the reduction in floorspace from a total of 115,000 square metres as originally submitted to 87,002 square metres in the amended proposal. As a comparison, the IS would provide in the region of 600 new homes. Nevertheless, the construction of around 600 and potentially up to 1,000 new homes on a highly accessible site attracts significant weight in favour of the scheme. The reuse of a brownfield site also attracts substantial weight in favour of the proposal, in accordance with paragraph 120 of the NPPF.

703. The development would generate significant economic benefits. These would arise from the employment of between 383 and 427 direct and 372 – 414 indirect jobs during the construction phase. In the operational phase the employment

generated would be much less for the maximum residential scenario compared to the maximum office scenario – up to 170 jobs compared to up to 2,045 jobs. The scheme would also result in spin offs of additional expenditure from construction workers, office workers and the newly resident population.

704. There would be a significant level of CIL contributions and New Homes Bonus as a result of the development. However, these would be similar for any policy compliant scheme for the site and as such, they only attract a small amount of weight in the overall balance. Nevertheless, significant weight arises in favour of the scheme from the economic benefits.
705. There would be environmental benefits from the removal of the existing car-dominated retail development from the site with the consequent reduction of vehicular movements. This provides some weight in favour of the development.
706. The development would also result in some public realm improvements. Nevertheless, I have found that the harm to townscape, loss of trees / lack of suitable planting and design of some areas of the public realm would outweigh these benefits and, overall, there would be environmental harm which I consider further below.
707. The provision of the north-south strategic link, including a contribution towards the crossing of Vastern Road and towards improvements of the underpass beneath the railway, would be achieve a long-standing policy aspiration for the area. These are significant benefits in favour of the development.
708. Other provisions in the S106 relating to contributions to footpath / cycleway improvements on Vastern Road and Caversham Road, the provision of a car club, car parking restrictions and implementation of a Travel Plan would be mitigation for the development and therefore attract no further weight in favour of the development.
709. The benefits of the development would undoubtedly be substantial. Nonetheless, the great weight to be attached to conservation of the identified heritage assets in accordance with paragraph 199 of the NPPF, and the particular importance of the Grade II\* listed Town Council Chamber, leads me to conclude that the public benefits would not outweigh the harm to the heritage assets in this case. Consequently, there is no clear and convincing justification for the harm to significance of the assets that would be caused by the proposed development. For these reasons, the proposed development, in both the IS and Development Parameters scheme, would conflict with the NPPF insofar as it expects heritage assets to be conserved in a manner appropriate to their significance.

### **Overall balance and conclusion**

710. For the reasons set out above, the balance between harm to heritage assets and the public benefits weighs against the scheme. The proposal would also harm an important view from the south, contrary to policy CR10(v). However, as this view is primarily of the listed station building, I have not added this as a harm in its own right to avoid double-counting of this harm. Nevertheless, other townscape harms, resulting from the height of buildings and lack of stepping down towards the fringes of the Station Area, together with the harm to other important views, would be additional. There would also be harm caused by the

loss of TPO trees, lack of appropriate planting and the design of the public realm at key points within the scheme. Consequently, on balance, there would be significant harm caused to the character and appearance of the surroundings.

711. In terms of daylight and sunlight, the maximum parameters scheme would cause significant harm to the living conditions of existing occupiers of properties on Vastern Road and significant harm to the occupiers of proposed flats on the appeal site and at 55 Vastern Road. Alternatively, the IS would cause moderate harm to the living conditions of existing occupiers of properties on Vastern Road but would cause significant harm to the occupiers of proposed flats on the appeal site and at 55 Vastern Road.
712. I have found that the sustainability issues provide moderate weight against the proposals and I have also given minimal weight in favour to the expiry / break in existing commercial leases.
713. In accordance with S38(6) of the Planning and Compulsory Purchase Act 2004 if regard is to be had to the Development Plan, the determination must be made in accordance with the Plan unless material considerations indicate otherwise.
714. In this case, the RBLP is less than 5 years old. The Plan includes policies relating to design, including specific policies for the development of the appeal site and tall buildings. These policies are supplemented by the RSAF which gives more detailed guidance. Whilst the principle of the development would be in accordance with these policies and guidance, several aspects of the design of the scheme would conflict with specific provisions in those policies and guidance.
715. Furthermore, the Council's housing land supply is such that its policies are not deemed out of date for the purposes of paragraph 11 of the NPPF. Paragraph 119 of the NPPF states that decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions. For the reasons set out above, the proposed development would conflict with the NPPF in this respect.
716. Inevitably, for a development of this size, there is overall compliance with some policies in the RBLP and conflict with others. However, on balance, I conclude that the proposal, in the IS or the Development Parameters, would fail to comply with the Development Plan as a whole. The benefits of the scheme, whilst substantial, are not of sufficient weight to justify a decision other than in accordance with the Development Plan.

### **Recommendation**

717. I recommend that the appeal be dismissed.

*Susan Heywood*

INSPECTOR

**Appendix 1: Appearances****AVIVA LIFE & PENSIONS LTD**

Rupert Warren KC instructed by CMS Cameron McKenna Nabarro Olswang LLP	
He called:	
Mr Roy Collado RIBA MBA ARB MRIAI	Director, Collado Collins Architects Ltd
Mr Matthew Chard BA (Hons) Dip (Hons) MAUD CMLI	Partner, Stantec (formerly Barton Willmore LLP)
Dr Chris Miele IHBC MRTPI	Senior Partner, Montagu Evans LLP
Mr James Crowley BSc MRICS	CHP Surveyors Ltd
Ms Moditha Wickramaratna LCC LCEA CIBSE	Associate Director, Watkins Payne
Paul Newton, BA (Hons) Dip TP MRTPI	Partner, Stantec (formerly Barton Willmore LLP)
Mr Martin Evans (S106 session only)	Solicitor, CMS Cameron McKenna Nabarro Olswang LLP
Mr Tim Stansfeld (S106 session only)	Solicitor, CMS Cameron McKenna Nabarro Olswang LLP

**READING BOROUGH COUNCIL**

David Lintott Counsel instructed by Angela Sharma Reading Borough Council LLB LLM	
He called:	
Mr Michael Doyle BA (Hons) Dip. UD Dip. TP, MRTPI	Doyle Design LLP
Ms Sarah Hanson BSc ABC L4 Dip Arb MArborA	Natural Environment Officer Reading Borough Council
Mr Nick Bridgland MA (Hons) MA FSA Scot IBHC MCIIfA	Heritage Director, Lichfields
Dr Paul Littlefair MA PhD CEng MCIBSE FSLL MILP	Associate Director, Lighting Building Research Establishment (BRE)
Mr Timothy Crawshaw BA (Hons) (RIBA I) MA MRTPI	Associate Consultant, APSE Energy
Stephen Jupp BA (Hons) LLM MRTPI	Planning Solutions
Darren Cook (S106 session only)	Transport Development Control Manager Reading Borough Council
Ian Gibney LLB (Hons) (S106 session only)	Solicitor, Clyde & Co LLP

## Appendix 2: Inquiry Documents

ID1	Letter from CHP Surveyors dated 21 April 2022
ID2 (Superseded)	Relationship Between Illustrative Scheme and Floorspace Parameters, by Appellant, 25 April 2022 (superseded by ID2 Revision A)
ID2 Revision A	Relationship Between Illustrative Scheme and Floorspace Parameters, by Appellant, dated 13 July 2022
ID3	Additional Visual Material in Relation to Design by Roy Collado April 2022
ID4	Notes by Michael Doyle on Figures
ID4.1	Fig 1A
ID4.2	Fig 2D
ID4.3	Fig 3D
ID4.4	Fig 5A
ID4.5	Fig 5B
ID4.6	Fig 6A
ID4.7	Fig 6B
ID5 (Superseded)	Design Code April 2022, Appellant (superseded by ID89, Design Code November 2022)
ID6	Appellant's Opening Submission Rupert Warren KC
ID7	Council's Opening Submission David Lintott
ID8	80 Caversham Rd storeys and heights
ID9	80 Caversham Road Illustrative Scheme GA Elevation (west) Sheet 5 A11113 C 2 204 Rev P6
ID10	80 Caversham Road Site Location Plan with Application Boundary A11113 C 2 003 Rev P4
ID11	80 Caversham Road Illustrative Scheme GA Site Plan Ground Floor A11113 C 2 050 Rev P14
ID12	80 Caversham Road Illustrative Scheme GA Elevation Sheet 1 (north & south) A11113 C 2 200 Rev P5
ID13	55 Vastern Road (SSE) Storeys and Heights
ID14	55 Vastern Road Context Site Elevation - Vastern Road 448.PL.201 Rev A
ID15	55 Vastern Road Context Site Elevation Street Section 448.PL.202 Rev A
ID16	55 Vastern Road Illustrative Masterplan 448.PL.SL.002 Rev E
ID17	Station Hill Storeys and Heights
ID18	(Plot G) Phase 2 - One Station Hill Elevation East SHRN-GEN-BG-ZZ-PL-A-1303
ID19	(Plot G) Phase 2 - One Station Hill Elevation North SHRN-GEN-BG-ZZ-PL-A-1300
ID20	(Plot G) Phase 2 - One Station Hill Elevation South SHRN-GEN-BG-ZZ-PL-A-1302
ID21	(Plot G) Phase 2 - One Station Hill Elevation West SHRN-GEN-BG-ZZ-PL-A-1301
ID22	Station Hill - Phase 3 Outline (Plots A, B, C, D) Basement Parameters Section SHRN-CRL-S3-ZZ-PL A 0726-P03
ID23	Station Hill Phase 3 Outline Planning Application Plots (also shows Phase 2) SHRN-CRL-S3-ZZ-PL A 0705-P02
ID24	May Rebuttal Figures, by Michael Doyle, 2 May 2022



ID25 (Superseded)	Design Code May 2022, Appellant (superseded by ID89, Design Code November 2022)
ID26 (Superseded)	Building Heights Comparisons by Collado Collins Architects
ID27	Note on Vehicular and Service Access from Trooper Potts Way, by Appellant
ID28	Evidence in Chief Powerpoint Presentation, Roy Collado
ID29 (Superseded)	Building Heights Comparisons Rev B by Collado Collins Architects
ID30	Building Heights Comparisons Rev C by Collado Collins Architects
ID31	Additional Visual Material in Relation to Design by Collado Collins Architects (Station Hill Massing), 4 May 2022
ID32	Revisions of Figures Showing Additional Views from Composite Rebuttal (Showing Station Hill) by Collado Collins Architects
ID33 (Superseded)	Vastern Road Section, by Appellant, 6 May 2022 – superseded by ID33 Revision A
ID33 Revision A	Vastern Road Sections, by Appellant, 11 July 2022
ID34 (Superseded)	Agreed Draft Conditions 6 May 2022
ID35 (Superseded)	Not Agreed Draft Conditions Including Commentary from the Council 6 May 2022
ID36 (Superseded)	Appellant's Suggested Wording for the Not Agreed Conditions Including Commentary dated 5 May 2022
ID37	Historic England Notification Report - 55 Vastern Road Following Building Preservation Notice 8 March 2022
ID38	55 Vastern Road Map - Historic England 8 March 2022
ID39	Note on Vastern Road Tree Planting and Services, by Council, 9 May 2022
ID40	Chris Miele Errata and Corrections to Historic Environment Proof of Evidence, 10 May 2022
ID41	Open Space - Council Responses to Inspector's note to parties dated 29 April 2022
ID42	Station Square North and South Comparative Areas, by Council
ID43	Nick Bridgland Note on 55 Vastern Road dated 11 May 2022
ID43.1	Historic England Not Listable Decision Summary for 55 Vastern Road, dated 17 March 2022
ID44	Transport Development Control Manager Response to ID33, 11 May 2022
ID45	Natural Environment Officer Response to ID33, 12 May 2022
ID46	Station Square North and South Areas by Doyle
ID47	Updated Cumulative Wirelines by Appellant
ID48	Updated images from DAS Illustrative Concept, by Appellant
ID49	Overlaid Cumulative Wirelines, by Michael Doyle, dated June 2022
ID50	Amendments by Michael Doyle to Fig 2 of ID31 (RSAF Illustrative Scheme Storey Height)
ID51	Open Space - Appellant Responses to Inspector's note to parties dated 29 April 2022
ID52	Statement by RBC on adequacy of the Environmental Statement with respect to daylight and sunlight, 20 June 2022
ID53	Statement of Common Ground for Building Regulations Rev C
ID54	Daylight and Sunlight Presentation by Dr Paul Littlefair
ID55	Sustainability Statement of Common Ground Revision D with RBC Comments 21 June 2022

ID56	CHP Surveyors Ltd letter 30 May 2022
ID57	Email from the Appellant – Legal Note regarding the EIA Regulations and Daylight Sunlight information, 30 May 2022
ID58 (Superseded)	Agreed Draft Conditions Vastern Court
ID59	Inspector's Note re Disputed Conditions with RBC Comments
ID60 (Superseded)	Design Code (ID25 version) List of Discrepancies with Parameter Plans and Other Matters Not Agreed, by Council 13 July 2022
ID61	Amended Development Parameters Schedule July 2022, (superseded by ID61 Revision A)
ID61 Revision A	Updated Development Parameters Schedule October 2022
ID62 (Superseded)	Design Code 14 July 2022 (superseded by ID89)
ID63	Parameter Plan – Site Access and Egress – Drawing no: 17043 PP101 Rev P2 (update of CD 1.34.10.2)
ID64	Council's Legal Note on the ES Further Information with respect to daylight and sunlight 29 July 2022
ID65	Summary of consultation responses to the EIA (including Council's responses to Inspector's Questions, 29 July 2022)
ID66	Council's Response to ID33 Revision A
ID67 (Superseded)	Updated Design Code August 2022 (superseded by ID89)
ID68	RPA for Trees Caversham Road, by Appellant, 18 August 2022
ID69	Council's response to ID68
ID70	Joint Response by CHP and BRE on Daylight and Sunlight 16 September 2022
ID71	Supplementary Statement Design and Townscape by Michael Doyle September 2022
ID72 (Superseded)	Revised Agreed and not agreed Draft Conditions
ID72 Revision A	Revised Agreed and Not Agreed Draft Conditions November 2022
ID73	S106 Joint Position Statement 23 September 2022
ID74	Parameter Plan - Site Access & Egress Option 1 Hermes First PP-115 Rev P1
ID75	Parameter Plan - Site Access & Egress Option 2 Aviva First PP-116 Rev P1
ID76	Errata Sheet to Supplementary Statement Design and Townscape by Michael Doyle, 20 September 2022 (ID71)
ID77	Appellant Response to Supplementary Statement Design and Townscape by Michael Doyle (ID71), 28 September 2022
ID78	Note on Submission by Appellant on Daylight and Sunlight Issues by Dr. Littlefair, 3 October 2022
ID79	Reading Borough Council Local Plan Inspector's Report 24 September 2019
ID80	Email from Appellant re drawing reference numbers used by CHP Surveyors, 5 October 2022
ID81	Email from Appellant to Planning Inspectorate with details of land ownership of proposed Station Square North, 6 October 2022 ( <i>refer also to ID81.1-81.4</i> )
ID81.1	Official Copy (Register) - BK222369
ID81.2	Official Copy (Title Plan) - BK222369
ID81.3	Official Copy (Register) - BK449855
ID81.4	Official Copy (Title Plan) - BK449855

ID82	Illustrative Scheme land Use Budget - Annexe 1 Illustrative Scheme - Office on Plot D, by Michael Doyle, 21 June 2022
ID83	Updated CIL Compliance Statement November 2022
ID84	Addendum to CIL Compliance Statement (ID83), 14 November 2022
ID85	Note of clarification on building storey heights, by Appellant, 14 October 2022
ID86	Note of clarification on measured building areas, by Appellant, 14 October 2022
ID87	Council's response to ID85 10 November 2022
ID87.1	Council's response to Inspector's queries of 15 November 2022 regarding ID87
ID88	Council's response to ID86
ID89	Design Code 15 November 2022
ID90	Appellant's Note on Environmental Statement and Planning Conditions, 7 November 2022
ID91	Appellant's list of Further Information submitted to Supplement the Environmental Statement, 11 November 2022
ID92	Updated Environmental Statement Compliance Letter, for Appellant 7 November 2022
ID93	Email From Tim Stansfeld CMS-CMNO for Appellant regarding S106 shared access road, 10 November 2022
ID94	Final S106 Legal Agreement
ID94.1	Annex 1 Location Plan
ID94.2	Annex 2 Illustrative Landscape Masterplan
ID94.3	Annex 3 Residential Framework Travel Plan
ID94.4	Annex 4 Phasing Plans
ID94.5	Annex 5 Reading Station Underpass
ID94.6	Annex 6 Plan Illustrating Blocks
ID94.7	Annex 7 Shared Access Road A
ID94.8	Annex 8 Shared Access Road B
ID94.9	Annex 9 The Hermes Land
ID95	Site Layout Planning for Daylight and Sunlight: A Guide to Good Practice, BRE, 2022
ID96	Final Closing Submission on behalf of the Council, 16 November 2022
ID97	Final Closing Submission on behalf of the Appellant, 16 November 2022
ID98	Appellant agreement to Pre-Commencement Conditions in ID72 Revision A, 23 November 2022
ID99	S106 Legal Agreement 80 Caversham Road (Hermes)

## Appendix 3: Council's Putative Reasons for Refusal

### 1. Scale, height and massing

The Applicant has failed to demonstrate how proposed plot heights in excess of Local Plan and RSAF height and massing guidance will not result in unacceptable detrimental effects on the townscape, the surrounding area and the setting of public spaces, especially when considered in the context of cumulative effects with adjoining allocated, emerging and existing sites contrary to NPPF Section 12., the National Design Guide, National Model Design Code Parts 1 and 2, Reading Borough Local Plan Policies (2019) Policies CR2, CR3, CC7, H2, CR10 and CR10(a), CR11 and CR11e, the Reading Station Area Framework (2010).

### 2. Tall buildings

The siting, height and likely massing of proposed Tall Buildings within Plots A, B, C and D are bulky, harmful to the setting and the character of the surrounding area and public spaces and fails to achieve the high standard of design expected of a Tall Building. This is contrary to NPPF Section 12, Reading Borough Local Plan Policies (2019) EN1, EN3, EN5, CR2, CC7, CR10, H2, CR11, The Reading Tall Buildings Strategy, The Reading Tall Buildings Strategy Update Note 2018, and the Reading Station Area Framework (2010).

### 3. Views and townscape

The proposed siting, maximum heights, and likely massing of tall buildings within Plots C and D will appear bulky and over-dominant resulting in a detrimental impact on the skyline and harm to short and medium distance views including along Station Road, the setting of Station Square (North and South) and surrounding buildings and structures.

Therefore, the development is contrary to NPPF Section 12, Reading Borough Local Plan Policies (2019) Policies CC7, H2, EN1, EN3, EN5, EN6, CR2, CR3, CR10 and CR10e, CR11 and Section 12 and 16 of the NPPF, The Reading Tall Buildings Strategy, The Reading Tall Buildings Strategy Update Note 2018, and the Reading Station Area Framework (2010).

### 4. North-South Link

The development as proposed fails to demonstrate that satisfactory direct alignment and high-quality design and form of the north-south link can be provided in accordance with policy and guidance. Therefore, the development is contrary to NPPF section 12, The National Design Guide, National Model Design Code Parts 1 and 2, Reading Borough Local Plan Policies (2019) CC7, CR2, CR3, CR11, CR11e, CR11g, TR3 and TR4 and the Reading Station Area Framework (2010).

### 5. Heritage

By virtue of the proposed maximum height and siting of Blocks C and D the proposal would result in a detrimental effect on the setting of and therefore, the significance of the Grade II listed Main building of Reading

General Station, the Market Place/London Street Conservation Area and the Grade II\* Town Council Chamber. The public benefits of the proposals are not considered to outweigh the less than substantial harm caused to the significance of these designated heritage assets. Therefore, the development is contrary to Reading Borough Local Plan (2019) Policies EN1, EN3, EN5, EN6, The Reading Tall Buildings Strategy, The Reading Tall Buildings Strategy Update Note 2018, and the Reading Station Area Framework (2010) and Section 16 of the NPPF.

#### 6. Public Realm

The proposed siting of development plots, the public realm and vehicular access arrangements at the interface of the Development with Vastern Road, Caversham Road, and the remainder of the CR11e Allocated Site Station [*sic*], (including integration with the North Station Square, [*sic*] fail to maximise and secure high quality public realm, make the most efficient use of the site, achieve effective permeability, and fail to adopt a comprehensive approach to the development of the Allocated Site. Therefore, the development is contrary to NPPF Section 12, Reading Borough Local Plan (2019) Policies, CC7, CR2, CR3 CR11 and CR11e, TR3, TR4 and the Reading Station Area Framework (2010).

#### 7. Daylight/Sunlight (Existing and future residents)

The proposed development would result in unacceptable loss of daylight to existing residents at 17-51 Vastern Road, and has not demonstrated whether acceptable living conditions (daylight and sunlight) could be achieved for occupants in the new development. In addition, it has not been adequately demonstrated how an acceptable level and quality of private and communal amenity space could be achieved for all future occupiers, whilst meeting appropriate levels of daylight and sunlight penetration. The proposal submission does not also include an assessment of the cumulative impact on the adjoining RMG site and the loss of daylight sunlight [*sic*] to the SSE site. Therefore, the development would be contrary to NPPF, The National Design Guide, National Model Design Code Parts 1 and 2, Reading Borough Local Plan Policies (2019) CC7, CC8, H10 and CR10.

#### 8. Wind

It has not been demonstrated that the proposed development would result in an acceptable wind and microclimate environment, such that the mitigation measures as set out in the ES would not be sufficient to provide the required level of mitigation. This would create a harmful and unpleasant environment for users of the site. Therefore, the development would be contrary to NPPF, The National Design Guide, National Model Design Code Parts 1 and 2, Reading Borough Local Plan Policies (2019) CC7, CC8, CR2, CR10, The Reading Tall Buildings Strategy, The Reading Tall Buildings Strategy Update Note 2018, and the Reading Station Area Framework (2010).

#### 9. Landscape, trees and green network

The proposed layout, scale and quantum of development fails to demonstrate the satisfactory delivery of required landscaping principles, appropriate protection and retention of protected trees, and consolidation, extension and/or enhancement of the 'Green Network'. Therefore, the development is contrary to NPPF 2021, The National Model Design Code (July 2021), Policies EN12, EN14, EN15, EN18, CR3, CC7 of the Reading Borough Local Plan (2019), the Council's Sustainable Design and Construction SPD (2019), Reading Station Area Framework (2010), Reading's Biodiversity Action Plan (2021) and the adopted Tree Strategy.

#### 10. Failure to provide appropriate public open spaces

The proposed development fails to provide appropriate, well-designed public spaces of a flexible size and shape due to the location and alignment of development plots related to the Station Square North and the area of open space at the western end of the east-west link, and as a result fails to demonstrate that it is part of a comprehensive approach to its sub-area which contributes towards the provision of policy requirements for open space that benefit the whole area, contrary to policies CR2 b, CR3 ii, CR11 viii and EN9 of the Reading Borough Local Plan (2019) and the adopted Reading Borough Supplementary Planning Document Reading Station Area Framework (2010).

#### 11. Sustainability

The application fails to demonstrate a sufficiently robust strategy in terms of minimising carbon dioxide emissions, meeting the predicted residential and commercial energy targets and selection of most appropriate on-site renewable energy technologies, contrary to policies H5, CR10, CC2, CC3, CC4 of the Reading Borough Local Plan (2019) and the Council's adopted SPD, Sustainable Design and Construction (2019).

#### 12. Failure to secure S106

In the absence of a completed legal agreement to secure an acceptable contribution or mitigation plan, towards the provision of:

- (i) Employment, skills and training for the construction and end user phases of the development;
- (ii) Affordable Housing pre-implementation, mid-point and final outturn review mechanism;
- (iii) Off-site open space, leisure and recreation facilities
- iv) Transport including: footpath/cycle way enhancements on Vastern Road and Caversham Road, provision of pedestrian/cycle route through the site before first occupation and associated infrastructure/signage, car parking management strategy, signalised crossing, underpass, car club, parking permits, travel plan;
- (v) Highway works – S278/38;
- (vi) Carbon offsetting;
- (vii) Public realm;
- (viii) Build to rent controls;
- (ix) Phasing;
- (x) Decentralised energy;

- (xii) Education;
- (xiii) Public art;
- (xiv) CCTV;
- (xv) Monitoring/Legal fees.

Richborough

## **Appendix 4: Recommended Conditions and Reasons**

### **Time Limits**

1. Application for approval of the first Reserved Matters shall be made to the Local Planning Authority no later than three years from the date of this outline permission and all reserved matters applications shall be made to the Local Planning Authority no later than five years from the date of this outline permission.
2. The first phase of the development hereby permitted shall be commenced no later than either:
  - a) the expiration of three years from the date of this permission; or
  - b) the expiration of two years from the date of approval of the last Reserved Matters to be approved under the terms of this permission, whichever is the later.

### **Reserved Matters Details**

3. No development of any phase as shown on the Phasing plans under Condition 9 shall commence on site including demolition and preparatory works until details of the following matters (in respect of which approval is expressly reserved) for that phase have been submitted to, and approved in writing by, the Local Planning Authority:
  - a) The scale of the development;
  - b) The layout of the development;
  - c) The external appearance of the development;
  - d) The landscaping of the site; and
  - e) The means of access to the site.

The details of the means of access to the site submitted to the Local Planning Authority for approval may include separate details for all, or any one of, or any combination of:

- (a) access solely to the site without the delivery of a shared access road providing for access to development to the south of the site (consistent with Parameter Plan 17043 PP-101 P2); and /or
- (b) access to the site from a shared access road provided as part of development to the south of the site (consistent with Parameter Plan 17043 PP-115 P1); and/or
- (c) a shared access road within the site which provides for access both to the development hereby permitted and to development to the south of the site (consistent with Parameter Plan 17043 PP-116 P1).

The development shall thereafter be carried out fully in accordance with the approved reserved matter details.



### **Approved Parameter Plans**

4. The development hereby approved shall be implemented in accordance with the following Parameter Plans (received 8<sup>th</sup> October 2021 unless otherwise stated):
  - Development Footprint Drawing Ref: PP-100\_P1
  - Site Access & Egress Drawing Ref: PP-101\_P2, received 27<sup>th</sup> July 2022
  - Building Plots Drawing Ref: PP-102\_P2
  - Plot Heights Drawing Ref: PP-103\_P3, received 18<sup>th</sup> March 2022
  - Basement Footprint Drawing Ref: PP-104\_P2

### **Parameter Plans, Schedule and Design Code**

5. Details of Reserved Matters shall accord with the approved Parameter Plans, and the Amended Development Parameter Schedule (July 2022, received 14<sup>th</sup> July 2022) and the mandatory requirements set out in the Design Code (15<sup>th</sup> November 2022). Each Reserved Matters application for each phase shall be accompanied by a completed Design Code Mandatory Checklist for that phase to demonstrate how the development of the relevant phase complies with the mandatory requirements set out in the Design Code (15<sup>th</sup> November 2022).

### **Use Classes and Floor Space**

6. The maximum gross external floorspace (excluding plant) of each use across the whole development shall not exceed the following:
  - Residential (Use Class C3) – 79,257 sq m
  - Office (Use Class B1a) – 24,495 sq m
  - Retail (Use Classes A1, A2, A3, A4 & A5), Community Facilities (Use Class D1) and Leisure (Use Class D2) – 7,000 sq m

The total overall development shall not provide more than 87,002 sq m gross external areas (excluding plant).

7. The minimum office floorspace across the whole scheme shall be no less than 4,350 sq m GEA (5% of the total GEA).

### **Phasing Strategy**

8. Prior to commencement of the development, but no later than the submission of the first Reserved Matters application, a Phasing Strategy setting out the sequence in which the following phases of the development are to be commenced and/or confirming if one or more of them are to be commenced simultaneously shall be submitted to and approved by the Local Planning Authority:
  - Phase 0 Drawing Ref: PP-110\_P1
  - Phase 1 Drawing Ref: PP-111\_P1
  - Phase 2 Drawing Ref: PP-112\_P1
  - Phase 3 Drawing Ref: PP-113\_P1

- Phase 4 Drawing Ref: PP-114\_P1

provided that such Phasing Strategy shall identify Phase 0 as being the first phase to commence unless otherwise agreed in writing with the Local Planning Authority.

The Phasing Strategy will define:

- i) Target timescales relating to the commencement of a phase, length of construction and completion of the phase;
- ii) Details of the co-ordination of access and junction infrastructure into and through the application site and connections or potential connections to the adjoining development site;
- iii) Footpath and cycle links within the site and connecting to the external movement network;
- iv) Co-ordinated means of treatment of hard surfaces areas between the site and adjacent public realm/hard landscaping areas;
- v) Public realm.

The phasing of the development shall be carried out in accordance with the approved Phasing Strategy.

### **Detailed Design Code**

9. Prior to the approval of Reserved Matters applications for any phase of the development pursuant to Condition 3 above, a Detailed Design Code shall be submitted to and approved in writing by the Local Planning Authority. The Detailed Design Code shall accord with the approved Parameter Plans and Amended Development Parameters Schedule (under Conditions 4 and 5 above) and include the following:
  - a) Principles for determining quality, colour and texture of external materials and facing finishes for roofing and walls of buildings and structures including opportunities for using locally sourced and recycled construction materials;
  - b) Built-form strategies to include density and massing, street grain and permeability, street enclosure and active frontages, type and form of buildings including relationship to plot and landmarks and vistas;
  - c) Principles for hard and soft landscaping including the retention and inclusion of important trees and structural landscaping;
  - d) Principles for boundary treatments;
  - e) Structures (including street lighting, defensible space, boundary treatments for commercial premises, street furniture and play equipment);
  - f) Design of the public realm, including layout and design of squares, areas of public open space and areas for play;
  - g) Sustainable urban drainage requirements;
  - h) A strategy for a hierarchy of streets and spaces;
  - i) Alignment, width, and surface materials (quality, colour and texture) proposed for all footways, cycleways, roads and vehicular accesses to and within the site;
  - j) On-street and off-street residential and/or commercial vehicular parking and/or loading areas;

- k) Cycle parking and storage;
- l) Means to discourage casual parking and to encourage parking only in designated spaces;
- m) Measures to demonstrate how the development would achieve Secured by Design principles;
- n) Integration of strategic utility requirements, landscaping and highway design; and
- o) Measures to ensure sustainable design and construction in accordance with the Sustainable Design and Construction SPD (2019) or successor document.

The details submitted under a) – o) shall include details of how they ensure a comprehensive approach to the delivery of the CR11 site allocation. All applications for Reserved Matters applications shall be accompanied by a Design Statement which shall explain how the proposals conform to the requirements of the approved Parameter Plans.

### **Materials**

10. No development of any phase or part of a phase above foundations shall commence until a schedule of all the materials to be used in the construction of the external surfaces of that phase of the development, including all external fixtures, fittings, window frames, and doors, have been submitted to and approved in writing by the Local Planning Authority. Details shall include the manufacturers' specification details and samples of materials (to be provided on-site of a minimum 1 metre square each, and the approved details to be retained on site throughout the duration of the construction of the development). The development shall be carried out using only the approved materials and thereafter maintained in accordance with the approved details.

### **Building Maintenance and Cleaning Systems**

11. Prior to the beneficial occupation of any phase, plans and details of external building maintenance and cleaning systems in respect of each building within that phase shall be submitted to the Local Planning Authority for approval. The plans and details shall include all related plant, screens, rails, cradles, building maintenance units, etc. and how these aspects, where applicable, will be integrated within the relevant building(s). The development of the relevant building shall thereafter be undertaken in accordance with the approved building maintenance and cleaning system details.

### **Dwelling Mix, Numbers, Type and Tenure**

12. Concurrently with the submission of Reserved Matters for each phase or part of a phase which includes residential dwellings, details of the residential numbers, mix, size of units and tenure, in respect of the relevant phase, shall be submitted to and approved in writing by the Local Planning Authority, and the development of the relevant phase shall thereafter be carried out in accordance with the approved details.

### **Flood Water Storage Compensation Scheme**

13. Prior to the commencement of development of any phase or part of a phase a flood water storage compensation scheme for that phase shall be submitted to and approved in writing by the Local Planning Authority. The flood water storage compensation scheme shall:
- (i) Be developed in accordance with the principles noted within the submitted Flood Risk Assessment and Flood Risk Assessment Technical Note prepared by Simpson/TWS, reference P19-418 (dated 24<sup>th</sup> July 2020, received 18<sup>th</sup> October 2020);
  - (ii) Provide compensation on a level-for-level basis and where this is not possible, on a volumetric basis with justification for this approach;
  - (iii) Provide appropriate compensation for all fluvial flood events up to and including the 1% annual probability with a minimum 31% allowance for climate change flood extent and level;
  - (iv) Demonstrate that the fluvial compensation areas are hydraulically linked to the fluvial flood plain and how they will drain following a flood event;
  - (v) Include a maintenance details/schedule confirming how the flood water storage compensation areas shall be retained and maintained for the lifetime of the development.

Thereafter, the development shall be carried out and maintained for the lifetime of the development in accordance with the approved scheme.

### **Flood Mitigation Measures**

14. The development shall be carried out in accordance with the submitted Flood Risk Assessment and Flood Risk Assessment Technical Note prepared by Simpson/TWS, reference P19-418 (dated 24/7/20, received 18<sup>th</sup> October 2020), including the mitigation measure that finished floor levels shall be set no lower than 38.59m above Ordnance Datum (AOD).

### **Contamination**

#### **Assessment**

15. Prior to the commencement of development of any phase or part of a phase, an assessment of the nature and extent of contamination for that phase shall be submitted to and be approved in writing by the Local Planning Authority. This assessment must be undertaken by a competent person, and shall assess any contamination on the site, whether or not it originates on the site. Moreover, it must include:
- (i) a survey of the extent, scale and nature of contamination;
  - (ii) an assessment of the potential risks to:
    - human health;
    - property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes;
    - adjoining land;

- groundwaters and surface waters;
- ecological systems;
- archaeological sites and ancient monuments; and
- water supply pipes.

### Remediation

16. No development of a phase or part of a phase shall commence on site excluding demolition and any preparatory works until a detailed remediation scheme to bring the land within the phase to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historic environment if required has been submitted to and been approved in writing by the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, an appraisal of remedial options, and proposal of the preferred option(s), and a timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

### Remediation scheme – implementation and verification

17. The approved remediation scheme under Condition 17 shall be implemented in accordance with the approved timetable of works. A validation report (that demonstrates the effectiveness of the remediation carried out) that includes results of sampling and monitoring carried out shall be submitted to and approved by the Local Planning Authority before construction above foundation level.

### Unidentified Contamination

18. In the event that contamination not previously identified is found at any time when carrying out the approved development not previously identified, development shall be halted on that part of the site.

An assessment of the nature and extent of contamination shall be undertaken and where remediation is necessary a remediation scheme, together with a timetable for its implementation, shall be submitted in writing to the Local Planning Authority for its written approval.

The measures in the approved remediation scheme shall be implemented in accordance with the approved timetable. Halted works shall not be recommenced until the measures identified in the approved remediation scheme have been completed and a validation report has been submitted to and been approved in writing by the Local Planning Authority.

### **Piling**

19. Prior to any piling using penetrative methods being carried out within any phase or part of phase, details shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

### **Drainage**

20. No drainage systems for the infiltration of surface water to the ground are permitted other than with the written consent of the local planning authority. Any proposals for such systems must be supported by an assessment of the risks to controlled waters. The development shall be carried out in accordance with the approved details.

### **Construction Method Statement**

21. No development of any phase or part of a phase shall commence on site, including any works of demolition, until a site-specific Construction Method Statement covering that phase of development has been submitted to and been approved in writing by the Local Planning Authority. The Statement shall provide for where required:
  - a) Space on site where vehicles of site operatives and visitors can be parked with details of how site operatives and visitors will be required to make use of the parking area provided;
  - b) Location on site for storage of plant and materials used in constructing the development;
  - c) The erection and maintenance (including removal of any graffiti or fly posters) of security hoarding around the site;
  - d) Identification of any footpath closures or road closures needed during construction;
  - e) Required wheel washing facilities on site;
  - f) A scheme for recycling waste resulting from the construction works;
  - g) Measures for controlling the use of site lighting whether required for safe working or for security purposes;
  - h) Required measures to control the emission of dust, dirt and other airborne pollutants during demolition and construction;
  - i) Provisions to be made for the control of noise coming from the site during demolition and construction; and
  - j) Full details of pest control measures following any demolition required. Where necessary, capping of drains/sewers and baiting arrangements.

The measures within the approved Statement shall be adhered to throughout the demolition and construction period.

### **Hours of Construction**

22. No construction, demolition or associated deliveries shall take place outside the hours of 0800hrs to 1800hrs Mondays to Fridays, and 0800hrs to 1300hrs on Saturdays, and not at any time on Sundays and Bank or Statutory Holidays.

### **No bonfires**

23. No materials or green waste produced as a result of the clearance of the site, demolition works or construction works associated with the development hereby approved shall be burnt on site.

### **Fire Statement / Strategy**

24. No development (barring demolition) shall commence on any phase until a fire statement for that phase has been submitted to and approved in writing by the Local Planning Authority, in consultation with the Health and Safety Executive. The statement shall include:
- the principles, concepts and approach relating to fire safety that have been applied to each building in the development;
  - the site layout;
  - emergency vehicle access and water supplies for firefighting purposes; and
  - what, if any, consultation has been undertaken on issues relating to the fire safety of the development; and what account has been taken of this;

The fire strategy for the relevant building shall be completed in accordance with the approved details prior to the first beneficial occupation of the relevant building in the development. The fire strategy shall be managed and maintained thereafter in accordance with the agreed strategy.

### **Landscape Strategy**

25. Prior to the approval of any Reserved Matters application for any phase of the development, an overarching Landscape Strategy, including a Landscape Masterplan, for the whole site shall be submitted to and approved in writing by the Local Planning Authority. The Landscape Strategy shall be in accordance with Local Plan Policies and other relevant adopted documents current at the time of submission and shall demonstrate consistency with adjacent developments. Details shall include landscape principles, including provision of large canopy trees, links with retained landscape features, tree rooting volume provision, landscape-led SuDS, management responsibility division and an expectation for the inclusion of green or brown roofs and green walls; indicative service routes; location of hard landscaping, street furniture, lighting locations and how soft & hard landscaping features will support the finding of the approved daylight, sunlight and microclimate assessments.

Development shall be carried out in accordance with the approved Strategy unless otherwise agreed in writing by the Local Planning Authority.

### **Hard and Soft Landscaping**

26. No development shall commence on each phase until a comprehensive scheme of hard and soft landscaping for that phase has been submitted to and approved in writing by the Local Planning Authority. Details shall be in

accordance with the approved Landscape Strategy (as approved under Condition 26) and shall include:

- a) Proposed finished ground and floor levels or contours, means of enclosure (boundary treatments, including mammal gaps where appropriate), car parking layouts, other vehicle and pedestrian access and circulation areas;
- b) Hard surfacing materials and minor artefacts and other ancillary structures (e.g. furniture, play equipment, refuse or other storage units, signs, lighting, external services, etc);
- c) Soft landscaping details shall include planting plan (specifying native and wildlife friendly species), specification (including cultivation and other operations associated with plant and grass establishment), tree pit specifications, schedules of plants, noting species, planting sizes and proposed numbers/densities where appropriate, and implementation timetable;
- d) Routes and details of proposed and existing functional services above and below ground including foul and surface water drainage, soakaways and SUDs details, power, communications cables and water and gas supply pipelines, including access points;
- e) Details of the public realm; and
- g) Full details of green roofs.

The approved hard and soft landscaping scheme shall be carried out in accordance with the approved details prior to the beneficial occupation of any part of the relevant phase or in accordance with a timetable approved in writing by the Local Planning Authority.

Any trees or plants which, within a period of 5 years from the date of planting, die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, to be agreed in writing by the Local Planning Authority.

### **Landscaping Management Plan**

27. Prior to the beneficial occupation of each phase/plot a long-term landscape management plan, in accordance with the approved overarching Landscape Strategy (as approved under Condition 26) and approved detailed landscaping for that phase and including long term design objectives, management responsibilities, timescales and maintenance schedules for all landscape areas, other than privately owned, domestic gardens, shall be submitted to and approved in writing by the local planning authority. The landscape management plan shall thereafter be carried out in accordance with the approved details and for the period specified.

### **Tree Survey and Arboricultural Impact Assessment**

28. Concurrently with the submission of Reserved Matters for each phase or part of a phase of development an up-to-date Tree Survey and Arboricultural Impact Assessment shall be submitted to and approved in writing by the Local Planning Authority in accordance with British Standard: BS 5837.



### **Arboricultural Method Statement and Tree Protection Plan**

29. No development of the relevant phase or part of a phase, including demolition (Phase 0 as shown on Plan ref: PP-110\_P1) shall take place until an Arboricultural Method Statement and Tree Protection Plan in accordance with the relevant recommendations of appropriate British Standards or other recognised Codes of Good Practice for all existing trees that are not shown as being removed on the drawings approved pursuant to Condition 3 and 30, both within and adjacent to the site, has been submitted to and approved in writing by the Local Planning Authority. Development shall thereafter be carried out in accordance with the approved details.

### **Ecology**

30. Prior to commencement of any phase or part of a phase, a biodiversity enhancement scheme shall be submitted to and approved in writing by the Local Planning Authority, which includes bird, bat and invertebrate boxes integrated into the buildings. The scheme shall include a programme of implementation and ongoing maintenance. The biodiversity enhancement scheme shall thereafter be implemented and adhered to in accordance with the agreed programme.
31. Prior to the beneficial occupation of a phase or part of a phase a 'closing out' report, from a suitably qualified ecologist, confirming that the features have been installed as per the approved details under Condition 31, shall be submitted to and approved in writing by the Local Planning Authority.
32. If demolition/clearance is planned to take place during the bird nesting season, a suitably qualified ecologist will check all buildings and vegetation to be demolished/removed immediately prior to clearance and advise whether nesting birds are present. If active nests are recorded, no vegetation clearance or other works that may disturb active nests shall proceed until all young have fledged the nest.
33. No development (barring demolition) hereby permitted shall commence until a Biodiversity Impact Assessment Calculation using the DEFRA 3 Metric (or its successor) based on the landscaping plans submitted under Condition 3 and the offsetting scheme detailed in the legal agreement or unilateral undertaking hereby agreed, demonstrating a net gain of at least 10% in biodiversity units, has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be implemented in accordance with the approved details.

### **Car Parking**

34. The Reserved Matters for any phase of the development shall include details of car parking for that phase in accordance with the relevant approved Parameter Plans and Detailed Design Code for that phase.

No building within that phase shall be occupied until the vehicular accesses, driveways, parking and turning areas to serve it have been provided in accordance with the approved details and retained as approved thereafter.

### **Servicing**

35. The Reserved Matters for any phase of the development shall include details of servicing and access arrangements for that phase in accordance with the relevant approved Parameter Plans and Detailed Design Code for that phase and details approved under Condition 8 relating to phasing. No building within that phase shall be occupied until the vehicular accesses, turning and servicing areas to serve it have been provided in accordance with the approved details and these shall be retained as approved thereafter.

### **Cycle Parking**

36. The Reserved Matters for any phase of the development shall include details of cycle parking for that phase in accordance with the relevant approved Parameter Plans and Detailed Design Code for that phase. No building within that phase shall be occupied until the cycle parking servicing that phase have been provided in accordance with the approved details and retained as approved thereafter.

### **Parking Permits**

37. No development shall commence until arrangements have been made to secure the development as a car-free development, except for disabled parking, in accordance with a detailed scheme to be submitted and approved in writing by the Local Planning Authority. The approved scheme shall ensure that:
- i) occupants/ prospective occupants of the development are excluded from entitlement to a resident's parking permit;
  - ii) any occupiers of the approved development shall surrender any such permit wrongfully issued or held; and
  - iii) measures are in place to communicate this requirement to future occupiers of the proposed development, including their successors in title any persons occupying the premises as a tenant of licensee.

The implementation of the approved scheme shall commence prior to first beneficial occupation and be operated thereafter for the lifetime of the development.

### **Electric Vehicle Charging Points**

38. Prior to beneficial occupation of a dwelling within a phase or part of a phase, details of an electric vehicle (EV) charging Scheme comprising a layout plan and detailed specification for a minimum of ten percent of all vehicle parking spaces within that phase to be provided with electric vehicle charging points, and a further ten percent of spaces provided with cabling and other supporting infrastructure reasonably required to enable

EV charging points to be fitted, to be submitted to and approved in writing by the Local Planning Authority. The scheme is to be fully provided in accordance with the approved details. The spaces shall be maintained for vehicle charging in accordance with the approved Scheme at all times thereafter.

### **Car Parking Management Plan**

39. Prior to beneficial occupation of any phase or part of a phase of the development hereby approved, a Car Parking Management Plan (CPMP) for that phase or part of a phase of the development shall be submitted to and approved in writing by the Local Planning Authority.

The CPMP shall include full details of how the allocation of the car parking spaces for residents and commercial uses will be distributed for that Phase and details of the proposed on-site parking enforcement to restrict overspill parking and obstructive servicing operations for that Phase.

The approved CPMP shall be implemented in full, from the date of first beneficial occupation of the phase or part of a phase and maintained for the lifetime of the development.

### **Highway Works**

40. No development shall commence within any phase until details of the highway works (including any proposed planting within the highway) for that phase have been submitted to and approved in writing by the Local Planning Authority. These will include the following where required for the relevant phase:
- Vehicular access modifications
  - Vehicular egress creation
  - Closing up of the existing vehicle exit
  - Pedestrian and cycle improvements / widening surrounding the site on Vastern Road, Caversham Road and Trooper Potts Way
  - Creation of a lay by on Trooper Potts Way
  - A schedule for delivery of the proposed work.

The highway works are to be completed in accordance with the approved schedule for the delivery of the proposed works.

### **Sustainable Urban Drainage**

41. Prior to the commencement of development of any phase or part of a phase a Sustainable Urban Drainage (SuDS) Strategy and associated detailed design, management and maintenance plan of surface water drainage for that phase using SuDS methods are to be submitted to and approved in writing by the Local Planning Authority. The Strategy and plan shall include:
- i. A timetable for its implementation; and
  - ii. A management and annual maintenance plan for the lifetime of the development which shall include the arrangements for adoption by

any public body or statutory undertaker, or any other arrangements to secure the operation of the SuDS scheme throughout its lifetime.

Prior to first beneficial occupation of a phase or part of a phase, the SuDS scheme for the phase is to be completed in accordance with the submitted and approved details and shall be managed and maintained thereafter in accordance with the agreed management and maintenance plan.

### **Archaeology**

42. No development of any phase shall take place, other than demolition to ground level until a Written Scheme of Investigation for that phase has been submitted to and approved in writing by the local planning authority. The scheme shall include an assessment of significance and set out the programme and methodology of site investigation and recording;

- i) the programme for post investigation assessment;
- ii) the provision to be made for analysis of the site investigation and recording;
- iii) the provision to be made for publication and dissemination of the analysis and records of the site investigation;
- iv) the provision to be made for archive deposition of the analysis and records of the site investigation;
- v) the nomination of a competent person or persons/organization to undertake the works set out within the Written Scheme of Investigation.

No development shall take place other than in accordance with the approved Written Scheme of Investigation.

### **Foul Drainage**

43. No development of a phase or part of a phase shall commence until the submission to and approval in writing by the Local Planning Authority, in consultation with Thames Water, of either:

- a) Details that foul water capacity already exists off-site to serve the phase; OR
- b) A Development and Infrastructure Phasing Plan.

In the case of a Development and Infrastructure Phasing Plan being agreed, development shall take place in accordance with this, and in the case where foul water network upgrades are required to accommodate the additional flows, such work should be completed prior to occupation of that phase.

### **Noise Assessment and Mitigation - Residential**

44. No development of any building containing a residential use shall commence until a detailed scheme, informed by an assessment of the current noise environment, for protecting the dwellings from the external noise environment of the area has been submitted to and approved, in

writing, by the Local Planning Authority. The scheme itself shall be designed, specified and constructed so that the sound insulation performance of the structure and the layout of the dwellings are such that the indoor ambient noise levels do not exceed the values detailed in Table 4 of BS 8233:2014 and that the individual noise events do not exceed 45 dB LA,max,F more than 10 times a night. Where opening windows will lead to an internal noise level increase of 5 dBA or greater above BS 8233:2014 recommended internal levels, the scheme shall include provision of alternative mechanical ventilation with minimum performance equivalent to a mechanical heat recovery (MVHR) system with cool air bypass as an alternative means of cooling and ventilation. Noise from the MVHR system should not result in BS8233 internal levels being exceeded in the residential properties.

Thereafter, the development shall be carried out in accordance with the approved scheme which shall be completed before any part of the accommodation hereby approved is occupied.

### **Hours of Deliveries / Waste Collection**

45. Hours for deliveries and/or waste collection for residential and commercial uses are restricted to 08:00 to 22:00 hours on Mondays to Saturdays and 10:00 to 18:00 on Sundays or Bank/other holidays.

### **Hours of Use**

46. No commercial uses (Use Classes A1-A5, D1 and D2) within a phase, shall be occupied until details of the hours of use have been submitted to and approved in writing by the Local Planning Authority. The relevant phase of the development shall not be used except in accordance with the approved details at all times thereafter.

### **Mechanical Plant Noise**

47. No mechanical plant shall be installed in the construction of any phase or part of a phase until a noise assessment of the proposed mechanical plant to be used for that phase has been submitted and approved by the Local Planning Authority. The assessment shall be carried out in accordance with BS4142:2014+A1:2019 methodology. The predicted specific sound level (LAeq,TR) (with reference to BS:4142) as measured at a point 1 metre external to the nearest noise-sensitive facade shall be at least 10dB below the pre-existing background sound level, LA90,T when all plant/equipment (or any part of it) is in operation. The predicted rating level, LAr,Tr (specific sound level plus any adjustment for the characteristic features of the sound) as measured at a point 1 metre external to the nearest noise-sensitive façade (habitable window of a dwelling) shall not exceed the pre-existing background sound level, LA90,T when all plant/equipment (or any part of it) is in operation. The plant shall thereafter only be installed in accordance with the assessment and shall thereafter be maintained so that it operates to the same standard.

### **Ventilation and Extraction**

48. Prior to the beneficial occupation of any commercial premises serving hot food, an odour assessment is to be carried out and a detailed odour management plan to include scaled plans, odour control specifications and a maintenance plan, shall be submitted to and approved in writing by the Local Planning Authority. Reference shall be made to the EMAQ guidance on the Control of Odour and Noise from Commercial Kitchen Exhaust Systems (Sept 2018) or the (withdrawn) DEFRA version (Jan 2005) when assessing potential odours and selecting appropriate odour control methods. When assessing potential odours, the assessment shall consider the full range of cooking types that may be conducted under the permitted use. Thereafter, the development shall be carried out in accordance with the approved scheme and maintained thereafter.

### **Air Quality Assessment & Mitigation – Proposed Residential Units**

49. No development of any phase or part of phase containing residential units shall commence on site until a detailed Air Quality Assessment to determine whether mitigation is required to protect the residents of the proposed development from the effects of poor air quality is submitted to and approved in writing by Local Planning Authority. Where this Air Quality Assessment identifies that future residents of the proposed development will be exposed to poor air quality, an air quality mitigation scheme shall accompany this assessment demonstrating sufficient mitigation to protect the occupants. The scheme shall be implemented as approved, prior to occupation of any part of the development and retained as approved thereafter.

### **Air Quality Assessment – Effect of Proposed Development on Air Quality Management Area (AQMA)**

50. No development shall commence on site until an Air Quality Assessment, to determine whether the proposed development will result in a worsening impact on air quality within the Air Quality Management Area (AQMA), has been submitted to the Local Planning Authority. The assessment must use a full dispersion model to predict the pollutant concentrations at the building façade for the proposed year of occupation as well as any impacts during the development phase. The input parameters used in the assessment must be in accordance with current best practice. Where the assessment identifies a worsening of air quality, a mitigation plan shall be submitted to and approved in writing by Local Planning Authority. The mitigation plan must quantify the impact on emissions or the impact on predicted air pollutant levels that the proposed mitigation will have, in order to demonstrate that any detrimental impact from the development will be offset or prevented. Thereafter, the development shall not be carried out other than in accordance with the approved mitigation scheme, which shall be implemented before any part of the development is occupied and thereafter maintained.

### **Waste Management**

51. Prior to the beneficial occupation of each phase or part of a phase the submission of a waste management strategy for each phase, which accords with Reading Borough Council's Waste Management Guidelines and Household Waste Collection Service Standards in force at the date of this permission to include details such as the number/volume of bins, presentation details and ongoing management strategies shall be submitted to and approved in writing by the Local Planning Authority, in consultation with the Waste Management Team, and thereafter retained for such use.

### **Bin Storage**

52. Prior to the beneficial occupation of any phase or part of a phase details of refuse and recycling bin stores shall be submitted to and approved in writing by the Local Planning Authority. The details shall include measures to prevent pests and vermin accessing the bin store(s). The approved bin storage, including pest and vermin control measures, shall be provided in accordance with the approved details prior to first beneficial occupation of that phase and shall be retained as approved thereafter.

### **Lighting**

53. No external lighting for any phase or part of phase shall be installed on any phase or part of phase until the submission of detailed plans and specifications of lights and a report detailing the lighting scheme, is submitted to and approved in writing by the Local Planning Authority. The report shall include the following figures and appendices:

- Plan of light locations;
- A layout plan with beam pattern and orientation;
- A schedule of equipment (height, specification, luminance);
- Measures to avoid glare and light spill; and
- An isolux contour map showing light spillage to 1 lux both vertically and horizontally to include light spillage from external light sources, as well as the windows of the new development.

The proposed scheme to include dimming controls post 11pm.

The approved lighting plan shall thereafter be installed, maintained and operated in accordance with the approved details.

### **Scheme of lighting controls**

54. No part of any phase including commercial development shall be first occupied until a Scheme of environmental controls to minimise the impact of light pollution from interior lighting on the local environment has been submitted to and approved in writing by the Local Planning Authority. The development of the relevant phase or part of phase shall not be carried out except in accordance with the approved Scheme and shall be maintained as such thereafter.

### **Wind**

55. As part of the Reserved Matters applications for each phase or part of a phase in respect of Access, Scale, Layout, Appearance or Landscaping, appropriate wind tunnel testing (which includes the simulation of appropriate wind conditions, the use of appropriate instrumentation, and the use of appropriate data analysis and wind statistics used in that analysis) shall be undertaken for the phase or part of phase and a report recommending mitigation shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, there shall be no first public use of the public realm within a phase or part of phase, or first beneficial occupation of any building within that phase until the relevant wind/microclimate mitigation (in the form of landscaping, canopies or other structures, as may be required) has been planted/ installed in accordance with the mitigation report. The wind/microclimate mitigation measures shall be retained and maintained as approved thereafter.

### **Solar Glare**

56. Concurrently with the submission of Reserved Matters in respect of Scale, Layout, or Appearance for each phase, a Solar Glare Assessment detailing the mitigation measures and a timetable for the provision for the relevant phase shall be submitted to the Local Planning Authority for approval. The mitigation measures shall be provided in accordance with the approved mitigation details and timetable before first occupation of any part of the relevant phase. The mitigation measures shall be retained as approved thereafter.

### **Daylight/Sunlight**

57. As part of the Reserved Matters applications in respect of layout for each phase or part of phase containing residential dwellings, plans showing room layouts and window dimensions/ positions for all rooms within that phase or part of phase and a report demonstrating the degree of compliance with the Average Daylight Factor and Annual Probable Sunlight Hours recommendations in the British Standard, BS8206 Part 2 (or future revision), together with any mitigation measures required, shall be submitted to and approved in writing by the Local Planning Authority. Development shall be constructed in accordance with the approved details.

### **Crime Prevention**

58. Prior to the commencement of any phase or part of a phase, measures to achieve Secured by Design accreditation for that phase shall be submitted to and approved in writing by the Local Planning Authority in consultation with Thames Valley Police. Development shall be constructed in accordance with the approved details and retained thereafter.



## **Sustainability**

59. Prior to the commencement of any residential buildings written verification shall be submitted to and approved in writing by the Local Planning Authority demonstrating that all of the dwellings within that building will achieve a minimum of a 35% improvement in the dwelling emission rate over the target emission rate, as defined in The Building Regulations for England Approved Document L1A: Conservation of Fuel and Power in New Dwellings (2013 edition) and commitment in writing that a S106 contribution will be made to the Local Authority to account for any remaining emissions. Such evidence shall be in the form of a 'Design Stage' Standard Assessment Procedure (SAP) Assessment, produced by an accredited energy assessor.
60. Within 3 months of first occupation of any dwelling written verification shall be submitted to and approved in writing by the Local Planning Authority demonstrating that all of the dwellings hereby permitted have achieved a minimum of a 35% improvement in the dwelling emission rate over the target emission rate, as defined in The Building Regulations for England Approved Document L1a: Conservation of Fuel and Power in New Dwellings (2013 edition) and a S106 contribution has been made to the Local Authority to account for any remaining emissions. Such evidence shall be in the form of an 'As Built' Standard Assessment Procedure (SAP) assessment, produced by an accredited energy assessor.
61. No development of non-residential uses within a phase shall commence on site until a copy of an Interim BREEAM Certificate in accordance with the BREEAM Sustainability Standard demonstrating compliance with a minimum standard of BREEAM Excellent rating for the relevant non-residential use within that phase has been submitted to and approved in writing by the Local Planning Authority.
62. Within 3 months of beneficial first occupation of non-residential uses hereby approved, a copy of a Final BREEAM Certificate in accordance with the BREEAM Sustainability Standard following a post-construction stage review carried out by a licensed assessor has been submitted to and approved in writing by the Local Planning Authority, demonstrating that the relevant non-residential use within that phase has attained as a minimum the standard set out in the Interim BREEAM Certificate referred to in Condition 62.
63. Prior to commencement of any residential buildings details of water efficiency measures shall be submitted to and approved in writing by the Local Planning Authority. The water efficiency measures shall be designed to ensure potable water consumption does not exceed a maximum of 110 litres per person per day as specified in Regulation 36 (2) (b) of the Building Regulations 2010 (as amended). The measures shall be implemented in accordance with the details as approved and retained thereafter.
64. Prior to the commencement of any development a detailed feasibility study, detailing the technology and heat source for the centralised heating

and cooling plant including the consideration of ground array and borehole technologies, shall be undertaken and submitted to and approved in writing by the Local Planning Authority. The chosen technology and heat source for the centralised heating and cooling plant shall be implemented in accordance with the details as approved and retained thereafter.

### **PV Details**

65. Prior to the installation of any roof mounted Photovoltaics, full details shall be submitted to and approved in writing by the Local Planning Authority. These details shall include a roof plan showing the location and position of the Photovoltaics, their dimensions, manufacturer's specification, and ongoing maintenance arrangements. The approved Photovoltaics shall thereafter be installed in accordance with these approved details and maintained for the life of the development in good working order to the satisfaction of the Local Planning Authority.

### **Private Amenity Space**

66. Prior to beneficial occupation of any building within a phase containing residential units all approved private amenity areas (including balconies) and approved communal amenity areas within that phase shall be completed and made available for use, or in accordance with a timetable for phased provision that shall first have been submitted to and approved in writing by the Local Planning Authority. All amenity areas shall be maintained by the developer as approved for the use of the occupiers of the related dwellings at all times thereafter.

### **On-Site Play Space Facilities**

67. Prior to beneficial occupation of any dwellings within a phase, details of all on-site play-space facilities for that phase shall be submitted to and approved in writing by the Local Planning Authority. The details shall include a plan indicating the locations of the facilities, specifications and designs of the equipment, maintenance and management (including safety inspections) arrangements. The approved scheme shall be installed before beneficial occupation of the relevant block of residential accommodation (within the relevant phase of development) and shall thereafter be maintained in accordance with the approved details.

### **Accessible and Adaptable Dwellings**

68. Details demonstrating that all proposed dwellings within a phase will be accessible and adaptable in accordance with M4(2) of the Building Regulations, unless built in line with M4(3) and that at least 5% of the proposed dwellings will be wheelchair user dwellings in accordance with M4(3) of the Building Regulations shall be submitted for approval concurrently with the submission of the Layout and Access Reserved Matters for each phase containing dwellings. The development shall be carried out in accordance with the approved details prior to first beneficial occupation of the relevant phase and retained as approved at all times thereafter.

### **Removal of Permitted Development Rights for Changes of Use**

69. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification) no change of use to a Class C4 house in multiple occupation shall take place without the further grant of planning permission from the Local Planning Authority.
70. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification) no change of use from a commercial use granted by this permission to a dwelling shall take place on without the further grant of planning permission from the Local Planning Authority.
71. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking or re-enacting that Order with or without modification) no further extension, enlargement (including alterations to the roof or roofs), improvements or other alteration to the building(s) hereby permitted shall be carried out and no building or enclosures shall be erected or installed within the curtilage of the building(s) without the express planning permission from the Local Planning Authority.

### **Maintaining Active Frontages at Ground Floor**

72. Notwithstanding the provisions of Class 12 of Schedule 3 of the Town and Country Planning (Control of Advertisements) Regulations 2007 (as amended), the retail (Use Classes A1-A5) units hereby approved shall retain appropriate 'active window displays' along the frontages at ground floor level in accordance with the approved Design Code, without the installation of window vinyls, roller shutters, or similar which would obscure visibility between the public realm and the unit during the unit's operating hours.

### **CCTV**

73. Concurrently with the submission of the first Reserved Matters a site wide CCTV scheme to be delivered in phases with each Phase of the development hereby permitted, which accords with the Council's and Thames Valley Police requirements for such a system, which would link into the CCTV system operating in the central area of Reading and provide for a connection to and control by the Council's town centre CCTV system ("CCTV Scheme"), shall be submitted to and approved in writing by the Local Planning Authority.

Prior to the first occupation of a Phase, the approved CCTV Scheme for the Phase shall be installed and operational.

The approved CCTV Scheme shall be provided, retained and maintained in accordance with the CCTV Scheme at all times thereafter for the lifetime of the development.

End of conditions.

Richborough



# Department for Levelling Up, Housing & Communities

[www.gov.uk/dluhc](http://www.gov.uk/dluhc)

## RIGHT TO CHALLENGE THE DECISION IN THE HIGH COURT

These notes are provided for guidance only and apply only to challenges under the legislation specified. If you require further advice on making any High Court challenge, or making an application for Judicial Review, you should consult a solicitor or other advisor or contact the Crown Office at the Royal Courts of Justice, Queens Bench Division, Strand, London, WC2 2LL (0207 947 6000).

The attached decision is final unless it is successfully challenged in the Courts. The Secretary of State cannot amend or interpret the decision. It may be redetermined by the Secretary of State only if the decision is quashed by the Courts. However, if it is redetermined, it does not necessarily follow that the original decision will be reversed.

## SECTION 1: PLANNING APPEALS AND CALLED-IN PLANNING APPLICATIONS

The decision may be challenged by making an application for permission to the High Court under section 288 of the Town and Country Planning Act 1990 (the TCP Act).

### Challenges under Section 288 of the TCP Act

With the permission of the High Court under section 288 of the TCP Act, decisions on called-in applications under section 77 of the TCP Act (planning), appeals under section 78 (planning) may be challenged. Any person aggrieved by the decision may question the validity of the decision on the grounds that it is not within the powers of the Act or that any of the relevant requirements have not been complied with in relation to the decision. An application for leave under this section must be made within six weeks from the day after the date of the decision.

## SECTION 2: ENFORCEMENT APPEALS

### Challenges under Section 289 of the TCP Act

Decisions on recovered enforcement appeals under all grounds can be challenged under section 289 of the TCP Act. To challenge the enforcement decision, permission must first be obtained from the Court. If the Court does not consider that there is an arguable case, it may refuse permission. Application for leave to make a challenge must be received by the Administrative Court within 28 days of the decision, unless the Court extends this period.

## SECTION 3: AWARDS OF COSTS

A challenge to the decision on an application for an award of costs which is connected with a decision under section 77 or 78 of the TCP Act can be made under section 288 of the TCP Act if permission of the High Court is granted.

## SECTION 4: INSPECTION OF DOCUMENTS

Where an inquiry or hearing has been held any person who is entitled to be notified of the decision has a statutory right to view the documents, photographs and plans listed in the appendix to the Inspector's report of the inquiry or hearing within 6 weeks of the day after the date of the decision. If you are such a person and you wish to view the documents you should get in touch with the office at the address from which the decision was issued, as shown on the letterhead on the decision letter, quoting the reference number and stating the day and time you wish to visit. At least 3 days notice should be given, if possible.