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## Appeal Decision

Inquiry (Virtual) opened on 26 October 2021

Site visits made on 20 October and 13/14 December 2021

**by A J Mageean BA(Hons), BPI, PhD, MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 17<sup>th</sup> March 2022**

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### **Appeal Ref: APP/E0345/W/21/3276463**

### **55 Vastern Road, Reading, RG1 8BU**

The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.

The appeal is made by Berkeley Homes (Oxford & Chiltern) Ltd against the decision of Reading Borough Council.

The application Ref 200188, dated 29 January 2020, was refused by notice dated 9 April 2021.

The development proposed is demolition of existing structures and erection of a series of buildings ranging in height from 1 to 11 storeys, including residential dwellings (C3 use class) and retail floorspace (A3 use class), together with a new north-south pedestrian link, connecting Christchurch Bridge to Vastern Road.

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### **Decision**

1. The appeal is allowed and planning permission is granted for demolition of existing structures and erection of a series of buildings ranging in height from 1 to 11 storeys, including residential dwellings (C3 use class) and retail floorspace (A3 use class), together with a new north-south pedestrian link, connecting Christchurch Bridge to Vastern Road at 55 Vastern Road, Reading, RG1 8BU in accordance with the terms of the application, Ref 200188, dated 29 January 2020, subject to the conditions set out in the attached Schedule.

### **Preliminary Matters**

2. The Inquiry sat virtually for 15 days between 26 October and 19 November 2021. It was closed in writing on 2 December 2021 following receipt of a completed Section 106 agreement (S106).
3. The description of development includes reference to the retail floorspace being in A3 Use Class. Under the 2020 revisions to the Use Classes Order, the new use class E brings together a number of the previous classes, including A3, into one single use class to allow for change of use without the need for planning permission. However, as the application was submitted prior to 1 September 2020, the Regulations set out that it falls to be determined by reference to A3 Use Class.
4. During the course of the planning application on-site affordable housing was introduced. However, as a result of a viability assessment, the Council and the appellant have agreed that the development cannot viably provide any affordable housing at this time. It is also agreed that the S106 should contain a deferred contributions mechanism. These provisions will be considered at the relevant point in my decision.

5. The appeal site forms part of an area allocated for development by the adopted Reading Borough Local Plan (the Local Plan). The whole site, as defined within Policy CR11g, formerly accommodated the local power station in Reading, and for much of the 20<sup>th</sup> Century contained substantial industrial built form. Various other uses have occupied different parts of the allocation area, but at the point of allocation the whole area was owned by Scottish and Southern Energy (SSE), with offices and high voltage electrical equipment remaining on site. Of the 1.24 ha allocated area, 0.48 ha containing the electrical equipment has remained in SSE ownership, with the remaining 0.76 ha forming the appeal site. The implications of the subdivision of the allocation will be considered in my decision.
6. An application to Historic England to consider Listing No 55 Vastern Road was made, and a Building Preservation Notice issued, immediately prior to the Inquiry opening. Whilst the outcome of this application is unknown, its implications are that for a period of six months the building is subject to the same protection as a listed building and any works to the building will require listed building consent (LBC). Therefore, in the event that the appeal is successful, this may be subject to securing LBC.

### **Main Issues**

7. During the course of the Inquiry a series of Addendum Statements of Common Ground (SoCG) were issued. This was of assistance in narrowing the areas of dispute between the Council and the appellant. Specifically, the Third Addendum SoCG identified the fact that a revised option for access through the site to the towpath<sup>1</sup> could be achieved with a gradient of 1:21, as shown on plan 448.LAND.SK.101. As a result, the Highway Authority was satisfied that a suitable access connection to the towpath could be made for both pedestrians and cyclists. I considered that the amendments are minor in nature, such that the nature of the proposal would not be materially altered and that the acceptance of the amended plan would not prejudice the interests of interested parties. Therefore, the Council withdrew its objections relating to the absence of access to the towpath for cyclists.
8. The Fifth Addendum SoCG refers to noise matters, and specifically the treatment of the facades of Blocks B and C that would be affected by noise emanating from the SSE equipment. The appellant prepared detailed plans showing the glazing specifications and Mechanical Ventilation with Heat Recovery that could be used. The Council concluded that the mitigation measures proposed would be sufficient to minimise the impact of nearby noise pollution. As a result, the Reason for Refusal relating to the effect of the proposal on the living conditions of future residents would be overcome. The amendments made are minor, meaning that acceptance of the revised scheme would not prejudice the interests of interested parties. Therefore, subject to a condition specifying the revised glazing and ventilation details, I do not consider that it is necessary to consider this matter further.
9. The S106 provides a number of obligations which address the Council's seventh reason for refusing the planning application.
10. The remaining main issues addressed at the Inquiry were:

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<sup>1</sup> Also referred to as the Thames Path

- The effect of the proposed development in design terms with particular reference to the quality and effectiveness of the proposed north-south link through the site and the setting and character of the River Thames and the Thames Path;
- The effect of the proposed development on 55 Vastern Road, a non-designated heritage asset;
- The effect of the proposed development on the natural environment with particular reference to marginal habitats and large canopy trees;
- Whether it has been demonstrated that the proposal would be part of a comprehensive approach to the development of the Riverside sub-area of the Station/River Major Opportunity Area; and,
- Other planning matters, including the benefits to be weighed in the planning balance.

## **Reasons**

11. The first main issue refers to design and covers matters raised in relation to the effectiveness of the north-south link and the effect of the scheme on the Riverside. For clarity and convenience I have dealt with these under separate headings.

## **Design**

### ***North-south link***

#### *Policy context*

12. The North-South link across the Station/River Major Opportunity Area (MOA) has been a long-standing policy priority for the Council. It is aimed at reconnecting the area north of the Station with the rest of the central area. The importance of such a link in helping to facilitate greater pedestrian and cycle permeability, and removing barriers to access, was set out in the Reading Central Area Action Plan (RCAAP), adopted in 2009, and earlier planning documents. This vision was captured in RCAAP Policy RC1, which was supplemented in 2010 by the adoption of the guidance in the Reading Station Area Framework (RSF).
13. Policy RC1 provisions were largely identical to those set out in current LP Policy CR11, requiring that development will help facilitate greater pedestrian and cycle permeability, particularly on the key movement corridors. Policy CR11 sets out that North-south links centred on the Station are of particular importance, and that development will front onto and provide visual interest to existing and future pedestrian routes and open spaces. Of specific relevance to current deliberations is the fact that Policy CR11v) refers to the requirement for *a direct landscaped link between the Station and the River Thames*.
14. The provisions for the area identified as CR11g, the Riverside sub-area, encompass the whole of the area formerly within SSE ownership. This sets out the more specific requirement that development should *continue the high-quality route including a green link from the north of the Station to the*

*Christchurch Bridge*. This is illustrated in the Strategy diagram at Figure 5.3 with the link travelling from the Station through the Riverside site and across the Bridge. The supporting text further sets out that achieving the north-south link is the main priority for the site, and this should be given substantial weight in development management. It seems reasonable to assume that the specific reference within this text to visual links helping to change the perception of the area north of the Station as a separate entity *if provided*, is of direct relevance to the priorities for the Riverside sub-area. The supporting text also confirms that the more detailed guidance contained in the RSAF continues to apply. Whilst somewhat dated, the RSAF remains of relevance as a guiding framework.

15. The RSAF refers to the particular significance of views along the direct north-south link between the Station and the Thames, *where there should be an unbroken line of sight*. This is illustrated by the suggested location of new views from the Station looking north and from the River looking south as they appear to indicate the position of the viewing corridor. The Tall Building Strategy (TBS), updated in 2018 following the completion of the Christchurch Bridge (the Bridge) in 2015, refers to the opportunities to create new lines of sight through the area identified by the RSAF, specifically from the Bridge southwards and from the northern Station entrance northwards. Therefore, this would *assist in (the) creation of the north-south link*.
16. Policy CR11 therefore sets out the need for a high-quality direct route through the site as part of the wider north-south link between the Station and the River, with the more specific detail in CR11g referring to the need to continue the link to the Bridge. These provisions focus on improving physical access across this area. Supplementary to this, guidance documents refer to visual links supporting the connectivity from the Centre to the area north of the Station.
17. In practical terms, views of the River itself from the Station are virtually impossible due to the lower level of the River and the inevitability that current and planned built form will create visual obstruction. In particular, the redevelopment of the allocated Aviva site directly north of the Station is likely to involve significant built form. That said the wider landscape setting of the River is apparent from the raised Station concourse. Of greater relevance are the more recent general references to the value of new visual links through the area, with the central Bridge mast providing a potential focal point.
18. Therefore, in determining whether the proposed link complies with Policy CR11, the focus must be on the quality of the route in terms of its a) directness, b) its legibility and attractiveness, including its width and the effectiveness of visual links, and c) its practical utility and safety for both pedestrians and cyclists.

#### *Directness*

19. I deal firstly with the directness of the route in terms of its physical alignment between the Station and the River, and more specifically the Bridge.
20. The National Design Guide (NGD) sets out that the layout of the routes and blocks of development are the starting components for good design. Further, the National Model Design Code (NMDC) refers to direct routes making walking and cycling more attractive. This in itself generates activity, thereby making streets feel safer and more attractive.

21. In this case the configuration of the appeal site to exclude the SSE equipment means that a straight link through the Riverside sub-area, as illustrated firstly in the RSAF Framework structure Figure 8.2 and LP Figure 5.3, cannot be delivered. Furthermore, the design principles set out in the Design and Access Statement (DAS) refer to the use of built form to provide a buffer to the retained SSE equipment. This addresses residential amenity matters but adds a further challenge to achieving a direct route through the site.
22. In addressing this challenge, the DAS also refers to the design principle of using buildings to deflect vistas and define the public route through the site. This suggests a means of addressing the restricted width of the central area and is justified with reference to the well-established design principle of 'closure', as advocated by Gordon Cullen. The basis of Cullen's principle is that the linear town system should be cut up into visually digestible and coherent amounts to retain the sense of progression. In some respects this is the antithesis of the approach set out in framework of policy and guidance for the Station MOA, where provisions for the strategic north-south link include the need to visually connect the relatively open northern areas to the high density mixed development in the Centre. Nonetheless, there is merit in considering the sense of a gradually revealing townscape, and the use of landmark elements, when creating a pedestrian scale environment, a point to which I return below.
23. Of greater relevance is the context provided by the morphology of the central streets. 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, notably Friar Street and Broad Street east to west, with loosely connecting streets running north to south. However, beyond this are many winding routes, in which forward views are often deflected by angled building frontages. The Policy CR2 requirement that development build on and respects the existing grid structure layout must be considered in this context.
24. The appeal scheme proposes a route with three changes in direction via the narrow central part of the site. It would include a switchback ramp arrangement for cyclists and wheelchair/pushchair users due to the higher level of the Bridge. I am aware that this route was regarded by the Council as being the best of those possible prior to engaging Mr Doyle as their design expert witness. However, at the Inquiry the directness of the appeal scheme route was compared with Mr Doyle's suggested alternative,<sup>2</sup> (referred to hereafter as 'the Council's alternative scheme'). This was described as a snaking or serpentine ramp designed to address the changing gradient, located within a direct street.
25. The Council's suggested alternative scheme does illustrate how a more direct path could be achieved. However, this and the other illustrative diagrams provided are not fully conceived. They do not address some fundamental site constraints. In particular, the suggestion that Block C should be removed ignores the issues associated with managing residential development alongside the retained SSE equipment. Rather, the appeal must focus on the acceptability of the appeal scheme as submitted to and refused by the Council in terms of policy and guidance.

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<sup>2</sup> Illustrated primarily as a bird's eye sketch at Figure 34 of Mr Doyle's Proof of Evidence, with the plan of the serpentine ramp at Appendix RA of his Rebuttal Proof.

26. With respect to the acceptability of the switchback arrangement, Local Transport Note 1/20 (LTN 1/20) refers to cycle routes being 'direct' as one of five core principles. More specifically, *cycle routes must flow, feeling direct and logical....users should not feel as if they are having to double back on themselves, turn unnecessarily, or go the long way around.* The interpretation of this guidance depends on local circumstances, and the sense of directness overall, specifically in terms of being the shortest and fastest way of travelling from place to place, rather than detailed consideration of specific route features.
27. The switchback would require cyclists to undertake two turns of around 170 degrees, with a straight section of some 20-25m between. However, the degree of doubling back would be for a relatively short length, with the CGI illustrations indicating that visibility of the forward route would remain apparent whether travelling from north to south or vice versa. Therefore, the overall sense or feel would be of the forward journey, even for cyclists unfamiliar with the route.
28. Finally on directness, the Council's Local Cycling and Walking Infrastructure Plan (LCWIP) provides a Route Selection Tool as a means of assessing directness. This compares cycle/walking route distances with those of vehicular alternatives. Unsurprisingly the appeal scheme achieves a top score of 5 based on comparison with the alternative vehicular route between Vastern Road and Gosbrook Road: it would be 0.815km in comparison with 1.2km. The fact that the Council's suggested alternative scheme routes would be a little shorter than the appeal scheme is in itself of little consequence.
29. Therefore, I find that, when considering the site constraints, the requirement to provide a direct link would be met in practical terms. This would continue the north-south link, connecting with and complementing the existing loose grid framework.

#### *Legibility and attractiveness for users*

30. Visual links are an important element of a legible townscape and would greatly assist in improving the sense of connectivity across the MOA. The degree to which visual links between the Station and the River would be possible was the subject of much debate. The Council's suggested alternative scheme illustrates a route configuration in which a view through from the Station to the River could be achieved. However, the extent of built form envisaged on both the Aviva and appeal sites would mean that this would be restricted to a narrow sliver and, in all likelihood, would be obscured by intervening landscaping. Furthermore, this is predicated on the re-modelling of built form, including the removal of Block C.
31. Setting aside the implications of this loss in terms of the reduction in the quantum of development achievable on site, Block C would provide an acoustic screen to the SSE site. Its removal would require a barrier of around 25m in length and 6-9m in height. This could establish greater openness and an opportunity for the provision of more landscaping and seating in the central part of the site. However, the CGI image of an earlier iteration of the appeal scheme showing a 'green' wall at this point suggests that this would be a bland feature. More specifically, it would not provide an active frontage that engages with the street at lower levels, as required by Policy CR2.

32. The townscape implications of the use of buildings to deflect vistas along the route through the site are most apparent at this central point. In journeys from the south the angled end gable of the Coal Drop Building (Block EFG) would be a visible feature. When travelling from the north, the end gable of the Generator Building (Block D) would be prominent in views, followed by that of the Goods Office (Block C). However, the suggestion that these buildings would terminate forward vistas is an exaggeration of their effect. They would not occupy the whole of these forward views. Rather, some visibility of the onward route would be retained, becoming more prominent as users approach each of these points. This sense of an unfolding townscape would be supported by the varied form and elevational treatment of these buildings, and the presence of focal points at either end of the route, particularly the emerging view of the Bridge mast when travelling north. Whilst not being as clearly legible as a more direct route, this is an effective and reasonable response to the site constraints.
33. In these circumstances the fact that a straighter route would not require wayfinding measures is a moot point. As it stands, the use of tools such as public art works, changing surface and building materials along the route, in addition to signage to support the legibility of the route is entirely sensible. The Council suggests that visitors arriving at the Station and seeking directions to the River would require a detailed description of the appeal scheme route when compared with the Council's suggested alternative scheme. However, this underestimates the degree to which visual cues would assist with self-navigation. It also greatly exaggerates the possibility that the River landscape could be visible from anywhere below the Station concourse.
34. Turning to consider the width of the route through the site, the importance of the route as part of the wider travel network for pedestrians and cyclists has been well established in local policy and guidance. It is therefore reasonable to consider this strategic link as being quite high up in the movement hierarchy. The NMDC establishes that the width of the street, along with the height of buildings, relates to its place in the street hierarchy.
35. The proposed route would be 4m wide as it enters the site from the Bridge and through the switchbacks. It would reduce to around 3m for much of its remaining length towards Vastern Road. This would meet the required technical standards. Furthermore, CGI Image 1 illustrates that the straight stretch running alongside Block C would have some low-level landscaping running either side, along with the vehicular access route, and so would feel reasonably open, providing good intervisibility between users.
36. It has been suggested that there would be a visual 'pinch point' between the northern gable of the Goods Office and the southern gable of the Coal Drop Building. However, as noted above, views south from this point would gain a sense of space from the adjacent vehicular access and landscaping. From this point looking north, a greater degree of openness would be derived from the larger opening between the buildings fronting the River, with a view through to the Bridge mast and the openness of the Meadows beyond. Seen in this context, it is my view that the route would not appear unduly narrow or constrained at this point.
37. Beyond the site, the fact that other parts of the north-south route are of greater width indicates a response to their context rather than highlighting any

deficiency in the appeal scheme. For instance, the fact that the Bridge itself has a width of over 6m on its northern side, reducing to around 3.5m as it approaches the appeal site, indicates the need for cyclists to proceed with caution as they travel towards the central urban area. Other improvements made elsewhere on the north-south link incorporate elements of significantly greater width, for example the Station Road footways. However, the position of Station Road adjacent to Reading Station and its role as a focal point for bus travel, mean that greater capacity is required for it to function as part of the transport hub, rather than just a connecting link. Overall, therefore, my view is that the width of the route would be adequate and appropriate in its context, and therefore it would not have a restrictive or throttling effect on the overall north-south route.

38. Finally, in terms of legibility and attractiveness, it is agreed that this route would be set within a landscaped corridor. That said, the amount of soft landscaped space overall would be modest and somewhat fragmented, particularly in the central and southern sections of the site where urban characteristics would predominate. The extent of soft landscaping offered by the appeal proposals compared with the Council's suggested alternative scheme<sup>3</sup> indicate that it may be possible to reconfigure the route to gain slightly more amenity space in a more useable arrangement. Nonetheless, given the significant space constraints, the landscaping provided by the appeal scheme would, in basic terms, meet the requirement for a 'green link' through the site.

39. Overall I find that the route would be legible and attractive for users.

#### *Practical utility and safety matters*

40. The question of whether the switchback configuration would be required to slow cyclists down is not clear cut. The guidance in LTN 1/20 refers to research which shows that cyclists alter their behaviour according to the density of pedestrian traffic so that, as pedestrian flows rise, cyclists tend to ride more slowly. Whilst it will rarely be necessary to provide physical calming features to slow cyclists down on shared use routes, the guidance notes that it may be necessary to encourage cyclists to reduce their speed at certain points, such as in areas of high localised pedestrian activity or where there are steep gradients. Where measures are required they can include horizontal deflection, though these should be used sparingly and only in response to site-specific problems that cannot be addressed in another way.

41. From the evidence before me and what I observed on site, it does not appear that cyclists currently travel at excessive speeds on the Bridge or its associated ramps. Therefore, the need for speed reduction measures is questionable. Nonetheless, the northern entrance to the appeal site from the Bridge would mark the transition from the open and less busy Christchurch Meadows to the area of greater activity associated with the approach to the urban centre. The route south into the site, after a slight rise over the towpath, would progress as a straight route, with cyclists likely to retain a degree of momentum from the descent off the Bridge. The first switchback would therefore appear to be located at a sensible and reasonable point to alert cyclists to this change in character and the need to proceed with greater caution.

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<sup>3</sup> As set out in the Sixth Addendum Statement of Common Ground.

42. The use of two switchbacks may not strictly be necessary from a safety perspective, noting that should there be a need for cyclists to respond to the increased level of pedestrian activity, they will generally do so without such measures. That said, the provision of such deflecting devices is in part a response to the various site challenges, not least the need to rise up to meet Bridge level.
43. On In practical terms there is no evidence before me that turns of 170 degrees would be difficult to execute on a bicycle, and I am satisfied that the correct turning circles would be provided for tandem bicycles or those with trailers.
44. The plans illustrate that the connection from the Bridge into the site would require an initial slight rise in height, of around 0.38m, to meet the top of the podium created by the ground level parking to Block D. The removal of the podium would, it is suggested, result in a modest reduction in the height from which the ramp would need to descend, with the serpentine ramp of the Council's alternative scheme being designed on this basis. Whilst that may be the case, this point is predicated on the assumptions that the quantum of development on site could be reduced and that the Highway Authority would accept further reductions in parking provision in this location. Such speculation does not assist with the task of assessing the scheme as currently proposed. For similar reasons it is not necessary to consider the safety, or otherwise, of the Council's suggested alternative scheme. Furthermore, as the Council's ramp design is presented as a proving drawing, this does not provide clear evidence that a more direct route which addresses the site challenges could be provided.
45. In addition to the switchbacks, two stairways would allow pedestrians to follow a more direct route. Rather than creating an unfair two-tier system that excludes some users, I believe that users would see this as providing flexible and practical access solutions. The specific criticism that there would be a blind spot where the staircase adjacent to the café joins the main route has not been raised elsewhere as a specific safety concern. Given the generous width of the route at this point and the fact that cyclists would be slowing down as they pass between Block D and the Café building towards the switchback, it is unlikely that this would be problematic. More generally, there is no evidence before me that this route would lead to conflict and collisions between different user groups.
46. I therefore find that practical utility and safety considerations have been appropriately addressed and that technical requirements have been met.

#### *Conclusions on north-south link*

47. Overall therefore, I find that the route responds to the need to balance competing space pressures, along with the practical and technical constraints associated with developing this site. It would deliver a strategic link for pedestrian and cycle access between the Bridge and the Station, specifically connecting the podium adjacent to the Bridge with Vastern Road. The minimum of 3m width would meet with relevant technical standards. It is now also agreed that the appeal scheme would provide a link for pedestrians and cyclists to both the Bridge and the River towpath.
48. I have found that compromises would have to be made to accommodate this important route within the challenges posed by this site. I have also

acknowledged that there may be other ways of accommodating a more generous and direct route, though with a lower quantum of development overall. However, I have found that the scheme before me meets the requirements of Policy CR11ii), CR11iii) and CR11g, in terms of offering a suitably direct, legible and visually attractive route, including effective visual links. I have also found that the route would be functionally acceptable in practical utility and safety terms, for both pedestrians and cyclists. Furthermore, the north-south link offered would assist in realising the RSAF vision of a route which connects the area north of the Station to the Centre. Overall, therefore, the appeal scheme would meet the policy requirement for the provision of a high-quality link, befitting the strategic importance of the north-south route.

49. The scheme would also comply with the relevant aspects of other policies, including Policy EN11 requiring the provision of accessible leisure and recreational opportunities, enhancing the relationship of buildings, spaces and routes to the watercourse, including through creating or enhancing views of the watercourse; Policy CC7 which seeks the creation of a high quality public realm, including contributing to ease of movement and permeability, and legibility, creating safe and accessible environments that meet the needs of all; Policy CR2 which requires development to build on and respect the grid layout and contribute to enhanced ease of movement through and around the central area; Policy CR3 supporting public access to watercourses; Policy TR3 requiring that development should not be detrimental to the safety of users of the transport network, including pedestrians and cyclists; and Policy TR4 which expects development to improve access for cyclists, and to integrate cycling through the provision of new facilities.
50. In reaching these conclusions I have considered the observations of the Reading Cycle Campaign, specifically their comment that the development of this site *involves a once in a generation opportunity to provide a key active travel link for Reading*. The provision of this key link within the wider north-south route would be a notable benefit of the appeal scheme.

### **Riverside**

51. Relevant policy and guidance provisions relate on the one hand to the development of the allocated site as part of the MOA and on the other to the protection of the River setting. In considering whether the appeal proposals would be in accordance with these provisions, my reasoning will focus firstly on whether the riverside development would provide a suitable gateway to the MOA, before turning to consider whether the scale and massing of Blocks D and E would be appropriate in the riverside setting. I will then consider the effect on the towpath, and whether a policy compliant setback from the Riverbank would be provided.

### *Gateway to the MOA*

52. The RSAF guidance setting out the development framework for the MOA includes *area massing principles*. These indicate that the approach to building mass should be dramatic, with a new cluster of taller buildings forming a distinctive skyline for the Station Area. Benchmark heights, which may be modified upwards or downwards in appropriate circumstances, are suggested for each main building block. Illustrative proposals provide an indicative vision

- that would comply with the RSAF guidance. The appeal site is also within a Preferred Tall Building Location, the Station Area Cluster, as set out in the TBS.
53. The RSAF recommended benchmark heights for the two blocks that cover the whole area of the CR11g allocated site are 6 storeys for the eastern block and 4 storeys for the western block. That said, a somewhat different arrangement is suggested in the RSAF illustrative proposals, which are provided as an aid to establishing the potential density and massing of development by presenting a possible scheme that would comply with the provisions of this Framework. These illustrative proposals suggest two prominent cylindrical buildings, some 10 to 12 storeys in height, adjacent to the River as a gateway to the site. They appear to 'puncture' the general dome massing pattern where the Bridge would adjoin the riverbank, suggesting that they would mark this important place. Behind this it appears that lower-level buildings, perhaps aligning with the benchmark heights, would run through the centre of the site.
54. Building heights within the appeal scheme would vary, being of greatest height at the River and Vastern Road frontages. More specifically, Block D would be 10 storeys at the River frontage, dropping to 6 storeys. Block E would be 8 storeys at the River frontage, dropping to four and three storeys. Whilst recognising that the appeal site has a smaller area than the allocated site, my view is that the approach to massing and storey height would, in general terms, reflect the parameters established by the RSAF illustrative proposal.
55. The point at which the gateway to the Station MOA is apparent would be determined by the relationship between the Bridge structure and Blocks D and E. The Bridge itself is a significant structure as it spans the wide point across the River and its mast is some 39m in height. As such it is a landmark feature and a navigational tool along this stretch of the River. Nonetheless, as it is a lightweight structure, its appearance is not striking in the context of significant built form in the vicinity of the River. The role of the Bridge as a gateway must be realistically considered, particularly with an awareness of the scale of further planned development in the MOA.
56. The presence of Blocks D and E would not undermine the role of the Bridge as a landmark in views along the River corridor, and from the Meadows, as it would continue to appear as a distinctive feature set against the openness of the River. On the approach to the appeal site across the Bridge, the lightness of this structure would start to appear subsumed by built form of the scale and mass proposed. Pushing back the frontage of Block D, as the Council suggests, would not significantly alter this situation as, when travelling across the Bridge the overall profile of built form along the River frontage would remain.
57. That said, my view is that the gateway function, the sense of there being a transition between distinctive areas or districts, would be achieved by the presence of Blocks D and E and the space between them. This gap would not have the degree of openness suggested in the RSAF illustrations, as the whole of the allocated site frontage is not available. Blocks D and E would also extend more deeply into the site than the relatively slender blocks of the RSAF illustration. Nonetheless the splayed gap between them would be sufficient to achieve a sense of spaciousness, softened through landscaping, to frame a welcoming entrance which would clearly mark the arrival into the MOA. There would also be a significant stepping down in building height through the centre of the site, highlighting the visual effectiveness of the taller buildings as a

- gateway. Further, the development as a whole would be subordinate to the 'crown' around the Station, supporting the RSAF vision.
58. The DAS sets out that in design terms Block D would be a *grand brick-built power station inspired building*, taking cues from iconic Victorian power stations. Specific reference is made to the use of subtle brick details and large cathedral-esque apertures. The DAS therefore suggests that the so derived architectural precedent relates to mass/scale as well as detailing, not an unreasonable starting point given the former use of the site.
59. Block D presents a narrow frontage to the River with a deeper return into the site. As such, it exhibits the basic rectilinear plan form apparent in the turbine halls associated with riverside power stations. However, closer examination of typical height to width ratios of this typology indicates that the height of Block D would be too great in relation to its width to emulate the three-dimensional proportions of these structures. The suggestion that setting back Block D would create a slimmer tower-like structure which also features in this typology is in itself an imprecise comparator. Whilst it may be that this alteration would open up the River frontage, and be more reflective of the generous riverside spaces that can be associated with the typology, I must assess the scheme before me.
60. In general terms, the fact that the design rationale for Block D, and to a lesser degree Block E, draw on the former power station influence in terms of materials, detailing and fenestration as well as scale, is an appropriate response to the site history and context. My view is this would suitably represent the threshold point of the journey towards the urban centre.
61. Reference is made to built form of significant mass and height being present at bridging points over the River Thames and the River Kennet. These locations can to a large extent be distinguished from the appeal site in that they represent vehicular rather than pedestrian/cycle crossings. In particular, the more significant of these, Reading, Cavendish, Bridge Street and Forbury Road Bridges are major 3-4 lane vehicular thoroughfares. Others, such as the King Street and Duke Street Bridges, are over the modest width of canalised sections of the Kennet. The Gas Works Road Bridge is a modest inner urban route flanked by urban form of significant scale.
62. Other than the most generalised sense of these crossing points accommodating buildings of greater scale than their surrounds, there is little to be gained from this review. That said, some broad comparison of relevance can be made to the gateway function of Reading Bridge, which represents the transition between the open Meadow areas north of the River and the urban centre, marked by the gateway presence of Reading Bridge House and Clearwater Court.
63. Drawing these threads together, I find that the riverside frontage would reflect the parameters established by policy and guidance, and would provide an appropriate gateway to the MOA.

#### *Riverside setting*

64. The Council refers to *statement of environmental opportunity 4* relating to the Chilterns National Character Area, which sets out the need to design and locate development to maintain landscape character, and to adapt or remove existing

- development where this would significantly strengthen landscape character. The more specific provisions of LP Policy CR4 refer to the need to add to or maintain the setting and character of the Thames. Policy EN11 sets out that development in the vicinity of watercourses should enhance the relationship of buildings, spaces and routes to the watercourse, including through creating or enhancing views of the watercourse, and create a high-quality public realm.
65. The supporting text to Policy EN11 sets out that the River Thames and River Kennet are of different characters, with the Thames remaining largely natural, *although it meets the edge of the town centre on the south bank between Caversham and Reading Bridges*. The Kennet is regarded as being similarly rural in the southwest of the Borough but with *a stronger integration into the fabric of the town centre*, reflecting the fact that it is highly contained by built form and urban infrastructure as it passes through the urban centre. Therefore, development is required to recognise and build on these distinct characters.
66. I take from this policy approach a requirement for development to support the character of these waterway environments, though recognising that it is not necessarily possible or appropriate to do so where strongly urban influences are apparent. This point is reinforced by the supporting text to Policy CR3 which also refers to the need to respect the distinctive character of watercourses, recognising that *the Kennet generally runs through more urban higher density areas, whilst the Thames retains its sense of tranquillity*.
67. Policy EN13 refers to the requirement that development should not detract from the character or appearance of a Major Landscape Feature (MLF), one of which is the Thames Valley. The supporting text sets out that whilst Reading is primarily urban in character, it benefits from *a number of natural features that have remained largely undeveloped*. This urban context means that *the preservation of these features as a backdrop is of particular importance*. These provisions provide further support to the need for careful consideration of the landscape effects of riverside development, noting the need to enhance the character of the MLF for its own sake and as a distinctive setting for its wider urban context.
68. The character assessment associated with the TBS identifies the River as part of the King's Meadows character area. This is noted as having high sensitivity to tall buildings and is a well-maintained recreational resource providing open views. However, directly to the south, the Vastern Road character area is noted as being unexceptional and of low sensitivity and therefore an appropriate location for tall buildings, if located away from north and western boundaries. Accordingly, a balanced approach is required to reflect the planning needs of these adjacent areas.
69. The River Thames landscape between the Reading and Caversham Bridges is characterised by the large scale of the River itself and the presence of other natural features, such as the mature trees on Fry's Island and the open landscape of Christchurch Meadows. There is an overriding sense of generous spaciousness and verdancy, in which the winding course of the River, amid mature landscaping, does evoke some sense of rurality. That said, the extent to which it appears as a natural feature, and the sense of tranquillity, are both compromised by evidence of the proximity of the urban centre. This is both in terms of background noise and the presence of built form of significant mass

- set close to the southern towpath, with relatively limited tree cover. The fact that the southern bank forms an urban edge is therefore clearly apparent.
70. It is accepted that built form of substantial scale should come forward on the appeal site. This was recognised in the RSAF vision, which also set out that there should be an area of public space at the point at which the north-south spine meets the River, though it was noted that this would not be large in size due to space constraints.
71. The existing pattern of built form and riverside space along the southern side of the River between Caversham and Reading Bridges varies. To the east Reading Bridge House stands taller relative to the towpath than Block D as proposed, although Reading Bridge House is set over 4m further back from the riverbank. Clearwater Court is somewhat lower than Block D relative to the towpath, closer to Block E in height. However, notwithstanding the central space revealed by the opening between its two wings, Clearwater Court is of significant mass relative to the River, with its frontage being around 7.2m from the riverbank at its closest point.
72. Beyond this, other buildings are mostly of lesser height than proposed Blocks D and E relative to the towpath, though all but Lynmouth Court and Reading Bridge House occupy a significantly greater frontage width. Also, all but Norman Place and Reading Bridge House are positioned closer to the riverbank than Blocks D and E would be, thereby limiting the riverside space and the amount of landscape softening. In this context my view is that, whilst the relationship of Blocks D and E to the River frontage is not replicated along this stretch of River, there is sufficient variety of buildings of scale close to the riverbank, and amounts of riverside space, to accommodate this development without it appearing out of place. Further west, the extended frontage towards Caversham Bridge does allow for greater spaciousness relative to the River frontage, though this is further away from the spatial context of the MOA.
73. Looking more specifically at the visual effects of the appeal scheme, the Townscape and Visual Impact Assessment (TVIA) View P6A represents a photomontage of the oblique view gained from Reading Bridge. Block D and to a lesser degree Block E would appear as significant additions to the River frontage, particularly given the contrast with the existing void. In this view Block D can be seen to extend back deeply into the site, though the appearance of this bulky structure would be softened by the poplar trees to the east and the frontage planting, the articulation of the frontages and the gap between the buildings, as well as the significant amount of glazing and the top storey setbacks which do suggest a lightness of structure.
74. The addition of significant built form would mean that there would, nonetheless, be an urbanising effect on this view, and views from adjacent areas of the Meadows. This was to a large extent anticipated by the RSAF vision. The depth of Block D would have greater presence than the slender structure illustrated in the RSAF, though not disproportionately so, and these structures are shown at least as close to the River, perhaps closer. Further, the tall building development envisaged within the TBS Station Area Cluster suggests that, in views from Reading Bridge towards the Station, there would be an awareness of the rising skyline in close proximity to the appeal site.
75. In views from the west of the appeal site, the wire frame diagram at CD1.68 showing the development as a backdrop to Lynmouth Road also illustrates that

significant built form would extend deeply into the site. It suggests built form above benchmark heights would extend further back into the site than appears in the RSAF illustrative proposal, though quickly dropping to below benchmark height at the Coal Drop Building. Moreover, in views in and around the River, visibility of the western side of the development would be greatly restricted by existing buildings and the presence of Fry's Island. In views further west from Caversham Bridge (view P3), the appeal scheme would appear against the backdrop of existing buildings and emerging central development.

76. In both landscape and visual terms the presence of Blocks D and E would be significant additions which would be at odds with the requirement that the River should retain a natural character. However, I have noted the urbanising influences present along this stretch of the River. Whilst no major changes to the riverside itself are planned, the fact is that further policy-led change to the southern backdrop of the River landscape is inevitable. In these circumstances my view is that riverside development of this form and scale would not be disproportionate. Furthermore, the high-quality design, a contemporary interpretation of the architectural history of the site, would result in an enhancement of this stretch of the River, noting also the opening up of and planting along the riverside frontage.

#### *Other considerations*

77. The Thames Path is an important route, along which the appeal site currently presents a blank and unattractive frontage, with the perforated metal screens alongside the Bridge ramp appearing to enclose this space. The increased set back from the River would introduce a moderate opening-up of the space, softened by landscaping. Where the development would front onto the towpath, the appellant's illustrative view indicates that the closest element would be the grills associated with ground level car parking. Whilst not as 'active' as the presence of ground floor living accommodation, this would be supplemented by the large windows and overlooking balconies to the first floor accommodation. Pedestrian and cycle traffic across the Bridge connection over the towpath would also be visible. These features would all support the sense of there being activity close by, and natural surveillance of this route.
78. Overall therefore, the scheme would meet the requirements of both Policy CR3 for development adjacent to watercourses to enhance their appearance and provide active elevations, and Policy CR11iii) requiring development to front onto and provide visual interest to pedestrian routes and open spaces.
79. Policy CR11g requires that development be set back at least 10m from the top of the bank of the River. This is also reflected in the Policy EN11 requirement that development should be at least 10m back from the watercourse wherever practicable. The stepped frontages of Blocks D and E would mean that the degree of setback is not consistent. The appellant's evidence illustrates that the area where the set back is in excess of 10m is 63.68m<sup>2</sup>. The area where the setback is below 10m is 2.21m<sup>2</sup>, representing a small incursion. Whilst these requirements were not in place at the time the RSAF was produced, as things stand this would represent a minor breach of Policy CR11g.

### *Conclusion on Riverside*

80. This analysis has demonstrated the tensions between the policy objectives of realising the vision for the redevelopment of the MOA, specifically achieving the integration of the CR11g Riverside area with the Centre, whilst at the same time protecting and enhancing the character of the River as a MLF.
81. The RSAF vision, and its policy grounding in CR11, establish the principle of significant development across the site as part of the ambition of extending the Centre northwards towards the River, with the site having an important gateway role. The design response before me has sought to realise this aspiration by responding to the history and character of the area and presenting a visually distinctive and attractive frontage to the River, and a gateway into the site. The setback from the riverbank, the creation of accessible riverside space, as well as planting along this frontage, would assist the integration with and enhancement of the River environment. This scheme would represent significantly more than a basic improvement of a utilitarian void.
82. Overall, therefore, I find that the proposal would have an acceptable effect on the setting and character of the River Thames and the Thames Path. In this respect it would meet the requirements of Policies CC7 and CR2 in relation to high design quality and well-designed public spaces. In terms of the effect on River character, I have also found that the development would meet the general requirements of Policies CR3, CR4, EN11 and EN13 as set out above.
83. More specifically, it would also meet the provisions of Policy CR11 v) in terms of the requirement to provide additional areas of open space where possible. The supporting text to Policy CR11 refers to the more detailed guidance relating to developing the MOA set out in the RSAF. The RSAF makes reference to variations in benchmark heights being subject to a test of 'exceptionality', considering whether this can be justified in terms of realising urban design or other major planning benefits, or whether it has been demonstrated that potential impacts can be mitigated. My view is that the benchmark heights are useful as a reference point. That said, the height variation shown in the RSAF illustrative proposals supports a conclusion that the appeal scheme is within reasonable parameters, respecting the vision set out in this guidance. Moreover, the resulting design is acceptable in Policy terms. It would also meet the aspirations set out in the National Planning Policy Framework (the Framework) paragraph 126 for high quality, beautiful and sustainable buildings and places.
84. Finally, I have identified a minor breach in relation to the requirements of Policy's CR11g and EN11 that development be set back a minimum of 10m from the watercourse. I will return to this matter in the overall balance.

### **Heritage Asset - Locally Listed Building**

85. The locally listed building (LLB) would be demolished as part of the appeal development. What follows is an assessment of the significance of the LLB, followed by a review of the heritage implications of the appeal scheme.

### *Significance*

86. The LLB is a modest two-storey building fronting onto Vastern Road. It is the last remaining element of the Reading Power Plant, an early electrical power generating station. The site as a whole represented an example of the industrialisation of UK regional towns. The LLB dates from around 1903 and formed the main site office, including carriage entrance. The main electrical works were located to the rear, adjacent to the River. The adjoining two- and three- storey building extending along the rest of the Vastern Road frontage appears to be of similar vintage, though is not historically associated with the electrical works.
87. Whilst the local listing of buildings is a relatively new concept, the principles of selection should be based on the Historic England listing criteria relating to evidential, historic, aesthetic and communal values. The LLB has been assessed on this basis.
88. It is agreed that the building is associated with the local architectural firm Albury and Brown. Further, it is reasonable to suppose that the building was designed by Frederick William Albury, a prominent Reading architect of the Edwardian period, designer of a number of prominent Reading buildings, and a Fellow of the RIBA. He was also a Director on the Board of the Reading Electrical Power Company. In this sense the building's connection with a prominent local figure of that period is of interest. However, with the exception of references to two buildings in Oxford, there is limited evidence of Albury's influence beyond Reading. Therefore, this aspect of historic interest is of little more than local value.
89. The built development on the site as a whole was an example of early industrial architecture and, as the last remaining visible element of this, the LLB is of historical significance locally. 'Completeness' is usually of overriding importance in assessing the significance of such infrastructure sites for statutory listing purposes, and only the most important power stations are listable. It therefore follows that, as only a fragment of the electric power station remains, it can attract limited significance in this regard.
90. It is agreed that the design and finish of the Vastern Road frontage is of high quality, befitting a building of some civic importance. Nonetheless there is little in the visible built fabric to demonstrably link the building to its functional origins. Whilst the carriage entrance is an unusual feature, this could relate to a number of commercial uses. Furthermore, as a last surviving remnant of the electric works, it is now not possible to appreciate the context for its development as part of the edge of town industrialisation of Reading. The buildings historic interest is somewhat undermined by this fact.
91. The aesthetic interest of the building is derived in the main from the Vastern Road frontage, particularly in terms of its detailed design, the use of high quality materials, and the high standard of workmanship represented. It reflects the eclectic fashion of the time, combining decorative stonework elements with distinctive red brick to give the building an appearance of some grandeur beyond its modest size. This is compromised by unsympathetic alterations, particularly the replacement of the door in the bay with a window and the use of upvc window frames. The archway is also boarded up, though this can be seen internally, with the original Edwardian timber frame windows in the front room looking onto the carriageway.

92. Internally, the building retains some historic features typical of the period. However, its plan form has been altered in places, and the original staircase and chimneypieces lost. Overall, the interior does not have any appreciable heritage value.
93. Therefore, 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. In reaching an overall view on significance I have had regard to the Council's application for the LLB to be statutorily listed. This was initiated as a result of an awareness of the implications of planning permission being granted, rather than any material change in the Council's assessment of significance.
94. There is no evidence before me of the building being particularly rare or unique, other than in local terms, nor is there evidence of it meeting the statutory listing criteria for a building of this nature. Therefore, 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. It follows that I can only afford this heritage asset low level, modest significance overall.

#### *Heritage implications of appeal scheme*

95. Policy EN1 seeks to protect heritage assets, including those on the local list. Policy EN4 refers specifically to locally important heritage assets, requiring development to conserve architectural, archaeological or historic significance. Planning permission resulting in harm or loss may be granted *only where it can be demonstrated that the benefits of development significantly outweigh the asset's significance*. The Framework paragraph 203 states that the effect of a proposal on the significance of a non-designated heritage asset should be taken into account in determining the application, and that in doing so *a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset*. Therefore, in requiring benefits to *significantly* outweigh significance, Policy EN4 sets a slightly more onerous test than the *balanced judgement* required by the Framework.
96. Policy CR11 provisions for the River/Station MOA forms the wider context for considering whether the loss of the LLB can be justified. There is clearly a tension between the retention of the LLB and the high-density development of the site envisaged by the LP. Nonetheless, the appeal scheme would result in the total loss of this non-designated heritage asset. In considering whether the justification provided would be at least commensurate with this harm, it is relevant to review the options for the reuse and retention of the LLB.
97. Based on the information before the Inquiry, the parties agreed that technically it would be possible to retain the existing structure, either through its reuse or the retention of its façade. Looking firstly at the principle of re-using of the building as part of the appeal scheme, its peripheral location means that it would not be desirable or practical for the LLB to function as a main site entrance. More specifically, it would be most logical and practical for the main circulation core of Block B to be positioned centrally, as in the appeal proposal.

Therefore, even if the LLB were to be used for some communal purpose such as an internal hallway or bicycle entrance, as it would be located some distance from the primary circulation core, it would be unlikely to be used by residents. Its practical utility would therefore be limited.

98. Various options around façade retention have been considered. As a starting point it is widely acknowledged that this approach inevitably results in various levels of harm to the ability to appreciate the heritage interest and significance of buildings. If in this case it were to simply involve the front façade of the LLB being set against the backdrop of the taller building, it would appear incongruous as it would be detached from any other reference point. The example of façade retention at the Great Expectations Public House is not comparable as this is set within a street of frontages of similar scale, with rebuilding at a lower level to the rear. This structure therefore retains a significant presence in the street scene in its own right.
99. It was also suggested that the two-storey façade of the LLB could be retained, including some of the depth of its current structure, with the frontage of the new building rising up from this, extending some design elements. More specifically it was suggested that greater visual integration could be achieved if the development were to be stepped down towards the LLB, so that there would only be a further two storeys above it. This would be of a similar scale to the western side of Block B on the Vastern Road frontage. However, once again, with this approach there would be little relating the building to its context, or to tie it to its functional origins. There would also be implications in terms of a reduction in the number of dwellings that could be provided, a point to be considered as part of the overall balance.
100. Contrasting elevational materials and design elements are proposed throughout the appeal scheme to reflect the site's history. This includes the use of blue brick bands to define the first two storeys of the Block B Vastern Road frontage, seeking to achieve articulation of and visual interest for people passing this frontage. This simple design feature does not in itself indicate that, in visual terms, a successful integration of the LLB could be achieved.
101. Setting aside concerns about heritage impacts and design integration, options to retain the LLB, whether the façade alone or some/all of the building, would entail extensive and delicate engineering operations. This would be necessary to stabilise the historic fabric through some sort of internal or external support structure, as well as other internal alterations to enable its adaptation. This would inevitably cause harm to and loss of historic fabric. Consideration must also be given to whether such a response would be proportionate to the level of significance of the LLB.
102. The LLB was not identified specifically as a townscape receptor within the appellant's TVIA, meaning that the effects of the development on it were not specifically considered within this document. Also, the DAS contains some factual inaccuracies and errors relating to the LLB. Nonetheless, the presence of the LLB did directly inform the DAS, supported by the assessment of significance set out in the appellant's Heritage Statement. Overall, the

appellant gives proportionate and reasonable consideration to the implications of development and options for LLB.

103. It is agreed that the appeal scheme seeks to respond to the historic context by including design cues taken from the LLB. This would be, for example, through the use of blue brick quoining, contrasting red brick details, stone string courses and heads, and also a nod to the ground level decorative archway. This would represent a modest and straightforward interpretation of design elements of the LLB and other predecessor buildings. It would seek to reflect distinctive elements rather than represent them specifically as some sort of pastiche design. In this sense it would comply with that part of Policy EN4 which requires that *replacement buildings should draw upon heritage elements of the previous design, incorporating historical qualities that made the previous building significant*.

104. My attention has been drawn to a recently dismissed appeal relating to the proposed demolition of a locally listed building at 71-73 Caversham Road, known as Dowson's Maltings. This structure occupies a prominent corner position and, whilst much altered, is of significant scale. It also connects visually with more modestly scaled development in the surrounding streets. It appears to have been a Victorian warehouse constructed for use as maltings, with brewing being important to Reading at that time. The Inspector found that the original use as maltings could be appreciated and that there was a sense of architectural cohesion with the surrounding area. As these functional and visual connections are not present in relation to the current LLB, a distinction in terms of the level of heritage significance present can be drawn. Furthermore, unlike the appeal site, the Dowson's Malting site is not part of the area allocated for comprehensive development.

#### *Conclusion on LLB*

105. As the appeal development would result in the total loss of a LLB there would be conflict with Policies EN1 and EN4, which seek to protect and conserve non-designated heritage assets. These policies allow for consideration of whether there would be clear and convincing justification for such loss, usually in the form of public benefits, and whether such benefits outweigh, or significantly outweigh, significance. There would also be conflict with Policy CR3v. which refers to the need to conserve and enhance the historic environment of the centre and the significance of heritage assets.

106. As a starting point I have concluded that the LLB can be afforded no more than a low level and modest degree of significance overall. Set against this the policy provisions for the development of the MOA are of relevance and, within this context, the implications of reuse and retention options must be considered. I have found that the options considered would themselves cause harm to the heritage significance of the LLB through loss of fabric and ability to appreciate its original form. Further, the effective integration of remaining elements with the appeal development would raise considerable practical challenges. Overall, my view is that the appellant's approach to using the site's industrial heritage to inform the design of the appeal buildings would be an appropriate and proportionate response to these circumstances.

107. In order to make the heritage balance it is necessary to consider the public benefits of the scheme. I will return to this in the concluding section.

108. The third main issue considered at the Inquiry refers to the effect of the proposed development on the natural environment with, particular reference to marginal habitats and large canopy trees. For clarity and convenience I have dealt with these matters under separate headings.

## **Natural environment**

### ***Marginal habitats***

109. The River Thames is an important wildlife corridor, qualifying as a Habitat of Principal Importance for the purpose of conserving biodiversity. This relates in part to the marginal vegetation and other riparian habitats that form part of the river system. Marginal vegetation (MV) is herbaceous vegetation located at or just below water level on the margins of watercourses, as distinct from other bankside vegetation. Overall, the parties agree that, in terms of its ecological value, the River and its habitats are of Borough importance.

110. Whilst precise details of the overall extent of marginal habitat (MH) within Reading Borough were not presented to the Inquiry, in the vicinity of the urban area of Reading its presence is patchy. The MV introduced at the time of the construction of the Bridge in 2015 was in the form of pre-planted coir rolls positioned along the south riverbank between the bridge ramps, and partly adjacent to the appeal site. A narrow strip of wildflower grassland was also planted along the bank, which is currently an area of uncut grassland into which some of the semi-aquatic vegetation has grown. It is agreed that this area of MV, referred to as MVA1, now amounts to 70m<sup>2</sup> of MV (15m<sup>2</sup> in the coir rolls and 55m<sup>2</sup> on the riverbank). A further length of coir roll was installed to the south-east of the eastern bridge ramp, referred to as MVA2. There is no suggestion that MVA2 would be affected by the development.

111. As a starting point it is agreed that the 'Ellenberg indicator values' give the MV species present a light value of 7, described as *plants generally in well-lit places, but also occurring in partial shade*. This describes a range of possibilities in terms of shade tolerance, or intolerance. Beyond this, the cases of the main parties present greatly differing viewpoints and conclusions in terms of the shading effects of the appeal scheme on MVA1, the implications of the mitigation hierarchy and any compensation requirements. I review each in turn below.

### *Impact of shading on MV*

112. I viewed MV at a range of waterside locations on my site visit in mid-December. Whilst the evidence on this point is not conclusive, it did appear that some species of MV were growing in heavily shaded conditions, even during winter months. This included the shade cast by a line of Leyland Cypress trees adjacent to the Kennet and Avon Canal. The shaded MV was less vigorous in comparison with close by areas that are not overtopped by the tree canopies. Nonetheless the species present looked reasonably healthy along most of this stretch. It appeared that a visible gap in MV related to a

wildfowl grazing point, judging by the presence of feathers, and not to a particular gap in tree cover. The other locations referred to by the parties adjacent to the River at Hills Meadow Park and Kings Meadow Park are shaded by deciduous trees adjacent to the riverbank. This also indicated that some species of MV can and do grow in heavily shaded situations. Where MV was absent, it appeared that other factors were at play, such as disturbance by walkers and anglers.

113. Turning to consider the current condition of MVA1, this area of MV has established with varying success. The appellants' sunlight assessment provides an overview of the number of sunlight hours across this section of the River between March and September. When existing sunlight exposure is compared with the MV present, it does appear that the established central section is located where exposure is generally between a minimum of 4-5 hours and over 6 hours (and up to almost 14 hours) over the main growing season. The areas where MV has failed relate to the eastern and western extents where exposure is much less than this, generally less than 2 hours.
114. Looking specifically at the eastern end, shading is caused by the descending ramp and the poplar trees to the south. This has created a highly enclosed environment, exacerbated in recent times by the growth of scrub and tall ruderal plants on the immediately adjacent bankside. At the opposite western end of MVA1, the final 2m of coir roll have also failed to establish. This is close to the point where the Bridge reaches the bank, generating additional shading from the Bridge itself and the descending stairs, as well as scrub and tall ruderal vegetation which also appears on the bank around this point. Of note is the fact that this area does not appear to have been managed, meaning that damaged coir rolls have not been repaired, and also that competing tall ruderal and scrub vegetation has established over a significant area of the bankside. Without management, it is likely that tall ruderal and scrub vegetation would spread further.
115. It therefore appears that the parts of MVA1 that have not established have been placed in challenging situations with restricted access to light and the presence of competing vegetation. Observations from the other MV locations suggest that some species of MV can grow in heavy shade. However, as shade is cast by trees, they do not replicate the shading cast by solid built form. They do not, therefore, provide a direct comparison with the effects of shading from the appeal scheme. On this point it is relevant that Building Research Establishment (BRE) guidance on sunlight calculations indicates that whether trees should be included depends on the type of shade they produce, and that normally they need not be included, partly because the dappled shade of a tree is more pleasant than the deep shade of a building.
116. With the appeal scheme in place a significant proportion of MVA1 would see a reduction in daily sunlight exposure during the growing season. This would amount to a reduction from over 6 hours (and up to almost 14 hours), to around 2-4 hours. The appellant agrees that there would be some impact on MV leading to a slight reduction in vigour and a loss of small areas of MH already struggling to establish. The Environment Agency's (EA) assessment is

that the development would be *likely to reduce the vigour of this planting and may result in the loss of some species*. This is at odds with the Council's conclusion that MVA1 would be likely to fail in its entirety.

117. The Dawson and Haslam paper referred to by the Council does not particularly assist with this analysis as it refers in the main to the shading effects of MV itself in terms of aquatic plant control. Submerged aquatic vegetation is distinct from the emergent nature of MV. The paper promotes the control of vigorous aquatic plants occupying central river and therefore less shaded positions by using the half-shade created by bankside planting. Whilst still referring to aquatic plant growth, of relevance is the reference made to the complexities involved in predicting growing conditions, noting situations in which aquatic growth has been appreciable even where there has been full shade. This is due to the presence of general skylight.

118. The evidence before me is not conclusive on this point. Nonetheless, the nature of the shade caused by the evergreen trees adjacent to the Kennet and Avon Canal does strongly suggest that some species of MV can tolerate a high degree of shade, perhaps due to the continued presence of general skylight.

119. I therefore conclude that the development proposed would be most likely to result in reduced vigour to MVA1, and a reduction in the extent to which it would spread further, though there is nothing before me to indicate that this area would be likely to fail completely. That said, the fact that tall ruderal and scrub vegetation has colonised the more shaded parts of the bankside suggests that, with the additional shade caused by the development, this would be likely to spread more rapidly, posing further challenge to the vigour and extent of the MV. As such, a greater than modest effect on the extent and health of MVA1 cannot be ruled out.

120. The Framework paragraph 180a) refers to situations where there is significant harm to biodiversity resulting from a development. In determining whether significant harm would be likely in this case, the 'precautionary principle' is to be considered. The glossary to the Guidelines for Ecological Impact Assessment (EcIA) sets out that the precautionary principle means *that the absence of complete information should not preclude precautionary action to mitigate the risk of significant harm to the environment*. The Council relies on the specific, and perhaps more cautious, descriptor within the EcIA that *in cases of reasonable doubt, where it is not possible to robustly justify a conclusion of no significant effect, a significant effect should be assumed*.

121. Assistance with the practical application of the principle is derived from two legal judgements. The general proposition set out in the Kenyon judgement<sup>4</sup> is that the principle will only apply if there is *a reasonable doubt in the mind of the primary decision-maker* (§66), meaning that it does not apply simply because someone else takes a different view. The other legal authority relates to a fracking case,<sup>5</sup> in which it was found that the existence of scientific doubt or dispute did not necessarily require the engagement of a precautionary

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<sup>4</sup> R (Kenyon) v SSHCLG [2020] EWCA Civ 302

<sup>5</sup> Preston New Road Action Group v SSCLG [2018] EWCA Civ 9

approach. I take from this that the precautionary approach should be engaged where there can be reasonable doubt about the effects of the development, specifically in terms of whether the appeal proposal would have a significant impact on MVA1.

122. On the basis of the evidence before me, including what I was able to see on site, it is most likely that there would be some moderate harm to MVA1 in terms of lost vigour. However, a significantly harmful effect, which would be of Borough significance, cannot be ruled out.

#### *Implications of the mitigation hierarchy*

123. A precautionary approach means that it is necessary to apply the mitigation hierarchy. As set out in paragraph 180a) of the Framework and section B of Policy EN12, the mitigation hierarchy seeks firstly to avoid impacts, then to minimise them, then take on-site measures to rehabilitate or restore biodiversity, before finally offsetting residual, unavoidable impacts.

124. Considering firstly whether harm could be avoided or minimised, the Council's case is that even if Block D were to be set back to reduce the level of overshadowing, a significant quantum of housing could be delivered on this site. Further, this is presented in the context of the Council being on course to deliver housing in excess of the required figures over the development plan period. On the other hand, the appellant refers to the importance of maximising housing delivery in this highly sustainable location, as well as harm in terms of the loss of enclosure and definition in townscape terms if Blocks D and E were to be set back/reduced in height. Setting aside design matters, my view is that given that the site is allocated for 250-370 dwellings, it is reasonable to expect that its development would involve comprehensive site coverage and relatively high buildings, making the avoidance of impact challenging.

125. On-site measures to rehabilitate or restore biodiversity would not be appropriate, noting the specific nature and high distinctiveness of MH. Therefore, in these circumstances, in considering whether harm could be adequately compensated for, Policy EN12 sets out that the provision of off-site compensation shall be calculated in accordance with nationally or locally recognised guidance and metrics.

#### *Adequacy of off-site compensation*

126. The appellant's position is that the condition of the MV overall would not change. Nonetheless, as a precautionary measure, the appellant proposes the replacement of 8m of coir roll at the eastern end of MVA1, and at MVA2 the addition of a 53m length of new coir roll and a 53m length of brushwood roll into which MV would grow. The total area would be 34.2m<sup>2</sup> of new MV.

127. The parties have applied a combination of the DEFRA 2.0 and DEFRA 3.0 Biodiversity Metric (the Metric), a practical tool used to measure gains and losses of biodiversity in England. It has been used to assess the biodiversity value of the existing MVA1 in terms of habitat units (HU), the effect of the change in terms of those HU, and the value of the proposed compensation.

The Metric involves some subjective evaluation and comes with a 'health warning' indicating that its outputs should not be considered as absolute values but provide a proxy for the relative biodiversity worth of a site pre- and post-intervention. The greatly varying conclusions of the parties on the outcomes of the Metric indicate that subjective evaluation relates to both the data inputs and the interpretation of value elements.

128. As a starting point the parties agree that the pre-intervention condition of the MV should be assessed on the basis of the closest category habitat type in the Metric: wetland-reedbeds. However, the initial and most significant discrepancy between the respective positions of the parties relates to the fact that the Council's calculations assume that there would be a significant effect on the total quantity of 0.007 ha of MV adjacent to the site. In contrast the appellant has included the MV in the coir rolls only (0.0015 ha), excluding the MV on the bank (0.0055 ha), suggesting that there is no evidence of a significant impact on this area. However, the appellant's sunlight exposure study shows that there would be a reduction in sunlight reaching the MV on the bankside area from generally over 5 hours per day to around 2-4 hours per day in March and September. For the remaining spring and summer months the reduction would be from over 6 hours (and up to almost 14 hours per day) to around 2-5 hours per day for most of this area. Therefore, the change in environmental conditions would be likely to have some effect on the growth of bankside MV.
129. It may well be the case that post-development, the bankside area could continue to meet 5 out of 6 of the Metric core condition criteria for wetland habitats. However, as the appellant notes, it is appropriate to consider other non-listed criteria that would affect the condition of MV. My view is therefore that the effect on bankside MV should be considered as part of the overall assessment of the effect of the development on MV. That said, the weight that should be attached to harm to this area is moderated by the fact that, as noted above, the future resilience of this area of MV in its current circumstances is uncertain.
130. The Council's Metric calculations are based on an assessment of the full area of MV, that is 0.007 ha, and appear to set out all necessary factors, whereas the appellant's figures are less transparent. I have therefore considered the component elements of the Council's calculations alongside the appellant's critique and suggestion of alternatives, as a basis for reaching a view on the adequacy of the compensation proposed.
131. The Council has assessed the value of this wetland area in terms of HU based on it being either in 'good' or 'moderate' condition. It appears that the area relating to the coir rolls fulfils all 6 of the Metric's core condition assessment criteria, meaning that it could be considered to fall within the 'good' condition category. That said, the existing heavy shading from the Bridge and ramps greatly limits the ecological functionality value of this area, and the Bridge is an unnatural physical obstruction to the wildlife using the MV. Whilst this is not listed as a criterion, it has clearly affected the establishment and condition of the MV. As such, in line with the principles set out in the Metric user guide

which highlights the need to apply ecological principles and consider local conditions alongside the Metric outputs, my view is that the 'moderate' condition category is more appropriate for assessing this MV.

132. As the bankside vegetation does not meet the non-negotiable condition criteria requiring that the water table is at or near the surface throughout the year, its current condition can be no greater than moderate. On this basis the Council gives a pre-intervention value to MVA1 of 0.10 HU.
133. The post-intervention effect of development on MVA1 in terms of HU is then calculated. I have established that it is most likely that the MV would survive in poor condition, rather than not surviving, post-development. In these circumstances the Council sets out that MVA1 would have a value of 0.05 HU, reflecting a loss of 0.05 HU.
134. Turning to the value of the off-site compensation in terms of HU, the starting point is to consider the value of the river habitat pre-development. The appellant suggests that deducting a figure for the value in HU represented by the area of river in which compensation planting will take place is a significant error, with reference to a point in the Metric guidance which specifically excludes coir rolls from in-water encroachment calculations. However, this part of the methodology applies only to linear habitat biodiversity calculations and not the area habitat biodiversity calculations used by the experts in this case. Such a deduction is therefore appropriate.
135. Whilst the River is a distinct habitat in Reading, there is no specific habitat type for rivers in the Metric. The nearest classifications are either 'lakes-artificial lake or pond' (lake/pond) or 'lakes-reservoir' (reservoir). The lake/pond type relates to an enclosed artificial standing water body and falls into a low distinctiveness category. The reservoir type refers to an artificial water body for water supply/irrigation, falling into the medium distinctiveness category.
136. In considering the most appropriate classification, this is an impoverished section of the River Thames, lacking significant natural vegetation, experiencing high levels of boat traffic/moorings and adversely affected by large numbers of wildfowl. This is reflected by the fact that the EA designate this part of the River as a Heavily Modified Water Body for navigation, recreation and flood protection reasons, and have classified it as having Moderate Ecological Potential in 2016, failing for invertebrates and phosphates. Nonetheless, it appears that the EA classification correlates most closely with the 'medium' distinctiveness category reservoir habitat type, rather than the low distinctiveness category of enclosed artificial standing water.
137. At this point the Council's calculations assume that 20m<sup>2</sup> of new MV would be created, whereas it has subsequently been agreed that an additional 34.2m<sup>2</sup> of MV would be created at MVA2. Therefore, the assessed value of the river area lost to the new MV as 0.02 HU is an underestimate. However, the fact that the Council also gives a post-intervention value to the new MV of 0.02m<sup>2</sup>, effectively suggesting that the intervention would have zero benefit in habitat

terms is, it seems, a further indication of the challenge of applying the Metric. I understand that some of the issues here relate to the relatively small habitat areas involved and the fact that figures in the model are rounded.

138. The overall outcome of the Council's application of the Metric is the suggestion that compensatory habitat of between 80m<sup>2</sup> (based on an additional 0.04 HU) and 542m<sup>2</sup> (based on an additional 0.13 HU) would be required. In contrast the appellants calculations, based on the smaller area of MV within the coir rolls,<sup>6</sup> suggest that the additional 34.2m<sup>2</sup> of MV would be appropriate compensation for the 15m<sup>2</sup> coir roll MV. This is based on the Metric giving existing MV twice the value of new areas.
139. The disparity between the party's calculations means that a clear conclusion on the adequacy of the compensation proposed in numerical terms is not possible. It suggests that a degree of pragmatism is required. The principles and rules guiding the Metric's biodiversity assessments state that losses of habitat are to be compensated for on a 'like for like' or 'like for better' basis, particularly for high distinctiveness habitats. In this case the future health and stability of this unmanaged area without the development in place is uncertain given the challenging circumstances, particularly the presence of competing vegetation. On this basis I have noted that less than full weight should be attached to possible harm to the bankside MV. Further, with the development in place it would be unlikely that MVA1 would disappear. In these circumstances I do not consider that an area greater than the current total size of MVA1, as suggested by the Council, to be necessary.
140. Set against this, the adequacy of the appellant's proposed 34m<sup>2</sup> of MH must be considered. Of relevance is the fact that in this location the River is more open and with a shallower depth than at MVA1, giving greater potential for the MV to thrive. Also, brushwood bundles would be placed alongside the new coir rolls acting as a buffer to boat wash and the effects of wildfowl, thereby increasing its resilience. Further, the greater width of coir rolls would offer a more sustainable long-term option for enhancing biodiversity compared with the existing single width coir roll. Finally, and perhaps most significantly, the provisions of the S106 set out that this area would be managed in perpetuity, in accordance with an agreed Ecological Works Scheme. The Council questions the additionality of the MV proposed at MVA2, observing that where the existing fence has collapsed the MV has extended into the river. However, I have highlighted the consequences of not managing new areas of MH in this environment. In this sense the potential biodiversity benefits offered by the appellants proposal to enhance MV provision are of considerable weight.

### *Conclusion on marginal habitats*

141. I therefore find that, noting both the condition of existing MV and the quality of the compensation proposed, any harmful effects caused by the proposed development would be adequately addressed. The proposal would therefore comply with the requirements of Policy EN11 in relation to the protection and

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<sup>6</sup> Using, as far as possible, comparable inputs to the Council, these calculations suggest that the existing MV has a value of 0.0207 HU (in moderate condition), reducing to 0.0104 HU (poor). The loss of river would be 0.0079 HU (lake/pond), and the new MV would provide 0.0326 HU (good condition).

enhancement of Reading's waterspaces, so that they can continue to contribute to local and regional biodiversity and ecology. The provision of off-site compensation would also meet the requirements of Policy EN12 in demonstrating that there would be no net loss of biodiversity. Whilst the requirement to calculate off-site compensation using recognised metrics has proved challenging, overall I have found that the compensation proposed would be a proportionate and reasonable response to this situation. Similarly, in the terms of the Framework paragraph 180a), I find that, on the basis that harm cannot be avoided, there would be adequate compensation.

### ***Large canopy trees***

142. It is agreed that the overall quantity of tree cover proposed is appropriate. However, the disagreement relates specifically to the type of riverside trees proposed and the fact that only one of the riverside trees would have a large canopy. Linked to this is also the question of whether there would be sufficient space within the riverside buffer for a sustainable long-term relationship between the riverside buildings and further large canopy trees at this part of the site. The matters to be considered relate to the extent of tree cover in terms of biodiversity and climatic considerations, and the landscape and visual implications of the scheme both in terms of its setting and the quality of riverside public realm created by the appeal scheme.
143. The latter point is closely connected to urban design considerations relating to Riverside Development, as considered earlier in my decision. In this section I focus on the nature of the tree cover that should be provided and also the sites general landscape setting.
144. An early iteration of the appeal scheme included a selection of broadleaved wide canopy trees (in the mature form) along the River frontage. Such trees are defined as 'large canopy' (LC), meaning that they would ultimately become large trees (20m+ in height) with a broad spreading canopy. However, the Council's concerns regarding the potential for overshadowing and future conflict with the appeal buildings resulted in the substitution of several of the LC trees with more fastigate varieties. Such cultivars are naturally tall and upright with branches more or less parallel with the main stem, thereby providing a narrower crown spread. The response was suggested to maintain a sustainable long-term relationship between the riverside buildings and trees.
145. Policy EN14 sets out the importance of improving tree cover within the Borough to maintain and enhance the character and appearance of the area in which a site is located, thereby supporting biodiversity and contributing to measures to reduce carbon and adapt to climate change. No reference is made to LC trees within the Policy, though the supporting text sets out the need to use appropriate LC trees, reflecting the fact that environmental improvements in terms of biodiversity and climate adaptation are achieved more effectively by LC trees. In simple terms, the larger the canopy spread of the tree the greater the support provided to wildlife, the greater the carbon capture and other climatic benefits, particularly in terms of summer shading and improvement in air quality.

146. The adopted Sustainable Design and Construction SPD reiterates the beneficial effects of, and preference for, LC trees. Similarly, the adopted Tree Strategy sets out the importance of planting LC species wherever feasible, targeting priority areas for tree planting based on factors such as canopy cover and air pollution. In these respects, the appeal site is located in both a 'low canopy cover' ward, where the aim is to secure immediate improvement, and a designated Air Quality Management Area (AQMA). As most of the trees proposed are not LC varieties, the contribution to improvements in canopy cover and AQMA objectives would be less than optimal.
147. The Framework paragraph 131 also sets out the importance of tree planting, along with the requirement to ensure that *the right trees are planted in the right places*. This practical concern is with ensuring that proposed trees can be successfully integrated to achieve their optimum size without concerns about future conflict with built form or other infrastructure. Of particular relevance in this regard is the requirement in Policy EN11 that development be set back at least 10m from watercourses wherever practicable, and the site-specific requirement in Policy CR11g that development be set back at least 10m from the top of the riverbank. Notwithstanding the fact that this is a minimum requirement, it has more or less been met by the appeal scheme and slightly exceeded in places. However, it remains that this area would not be of sufficient width to accommodate a line of LC trees. The appellant's suggested compromise is therefore a reflection of this constraint.
148. Turning to the implications for landscape and visual character, I have considered policy provisions relating to the protection of the River environs as part of the Riverside Development section. With reference to Policies EN11, EN13 and CR3 I found a requirement for development to support the natural character of waterway environments, though recognising that it is not necessarily possible to do so where strongly urban influences are apparent.
149. The River Thames is a MLF, to be protected for its own sake and as a distinctive setting for its wider urban context. I have recognised that this area is characterised by an overriding sense of generous spaciousness and greenery. That said, the fact that the southern riverbank forms an urban edge is apparent, with built form of significant mass set close to the southern towpath with relatively limited tree cover. It is also accepted that built form of substantial scale should come forward on the appeal site.
150. The RSAF vision sets out that an area of high-quality public realm would also be accommodated here, where the north-south spine meets the River, though notes that this would not be large in size due to space constraints. The degree to which it was envisaged that this area would be able to accommodate significant tree canopies adjacent to the River is therefore uncertain.
151. In practical terms the 10m set back could accommodate trees which, whilst with relatively modest canopies, would be of significant mature height and could provide a degree of softening of this frontage. The central tree, an oak, and therefore a LC variety would, when mature, further assist in softening and would also provide a focal point along the river frontage. Therefore my view is that, in the context of the development envisaged for this area, the trees

proposed would represent a reasonable response to the setting. They would follow the principle that the right trees should be planted in the right places, and would also enhance the landscape provision along the southern riverbank.

152. Drawing these threads together, there are tensions between the need on the one hand to secure the high-density development of the site, and on the other the aim to deliver LC trees and protect and enhance the character of the MLF. In terms of tree types, the riverside canopy cover proposed would be less than optimal in terms of delivering environmental benefits. The proposal would not fully comply with the requirements of Policy EN11 and CR11g for development to be set back a minimum of 10m from the River. Nonetheless, the appeal scheme would represent a minor technical breach of this requirement, with the fact remaining that even if a strict 10m set back were to be observed, it would not be of sufficient width to support LC trees.
153. The tree types selected could be accommodated without future conflict, a principle supported by the Tree Strategy and the Framework paragraph 131. I have also found that the scheme would relate reasonably well to the landscape character of the south bank of the River, reflecting its proximity to the urban centre and securing some landscape improvements. It would therefore comply with the relevant provisions of Policies EN11, EN13 and EN14. It would also comply with the provisions of Policies CC7, CR2 and CR4 in relation to the provision of green infrastructure and landscaping, and adding to the setting and character of the Thames.
154. Overall, this is a compromise position in which a high-density scheme would be accommodated with some softening of the frontage and some environmental benefits. Nonetheless, the appeal scheme does offer broad compliance with policy and guidance.

### **Comprehensive development**

155. In past discussions about the development of the CR11g Riverside area the site owner, SSE, have indicated their intention that the entire site would be comprehensively redeveloped. Past feasibility studies illustrate various approaches to development, including retaining and encapsulating electricity transmission equipment below new buildings. Representations were made to the Council in 2017 and 2018 seeking to secure alterations to the emerging LP. This related to a suggested extension of the tall building cluster to include the site and a request that the 10m riverside setback be relaxed to 5m. These representations indicated that such alterations would allow maximisation of potential riverside development, presumably by allowing taller buildings closer to the River. Further, the riverside frontage development would generate the high values required to support the relocation of the central electricity transformers, thereby opening up this part of the site for the desired central pedestrian/cycle link.
156. It appears that the failure of these representations to result in amendments to the LP led to the conclusion that moving the substations and transformers within the site or to another location was financially unviable. As a result, the part of the site no longer required for operations was sold on. Evidence to the Inquiry indicates that SSE have no plans to relocate their equipment, with the

strategic requirement for the substations and transformers *highly unlikely to change in the short or long-term.*

157. Whilst ideally the development of Policy CR11 sub-areas should be undertaken comprehensively, it is recognised that some parts may be developed to different timescales. It is agreed that the responsibility falls to the appellant to provide sufficient information to demonstrate that the appeal scheme is part of a comprehensive approach to the development of the sub-area. Policy CR11viii) requires that such an approach should not prevent neighbouring sites from fulfilling the aspirations of this Policy for the Station/River MOA and Central Reading. Specifically, the supporting text sets out that *it is vital that there is clear regard for the rest of the sub-area and that planning applications are accompanied by information that addresses how the development will relate to the potential or planned development of neighbouring sites.* Further, Policy CR2f. requires development to be designed with consideration of adjacent development sites. It should not prevent or cause unreasonable burdens on the future development of those sites.
158. It would be unreasonable to expect a fully developed scheme setting out the height and form of buildings and detailing parking and open space provision. Nonetheless, my view is that, given the unique nature of the site and the unusual central configuration of its two parts, some sense of visual and functional integration and complementarity should be apparent.
159. The sketch plan provided with the appellant's DAS shows the approximate locations and footprints of four development blocks, two as linear blocks against the eastern boundary and two internal blocks abutting the appeal scheme Blocks C and D. Parking courts and broad indications of landscaping are shown separating the buildings, with a link from Vastern Road to the towpath and also a connection between the two sites. In reviewing the scheme, Design South East welcomed this consideration of how the appeal scheme would relate to the remainder of the site. Nonetheless, it was left to the Council to assess the *possible future relationship as part of their consideration of this scheme and their aspirations for the wider site long term.*
160. The sketch plan presents some cause for concern relating to the possible future development of the adjoining site. The appeal site commands much of the River frontage, with the remaining 19m constrained by the presence of the mature poplar trees to the east. Block D is positioned in order to maximise the benefits of this aspect, being as close as possible to the eastern site boundary and River, with windows and balconies on its eastern elevation up to 10 stories. This would mean that the remaining narrow river frontage of the SSE site, an area attracting premium development values, would be effectively blighted. This outcome is suggested in the DAS sketch plan. The appellant's position is that the open frontage would allow views through to the River from three of the blocks. This may be so, but these views would be highly restricted.
161. The suggested movement patterns indicate a duplication of the north-south link, with the nature of the central connection between the two sites not being clear. It would be unlikely that the tight gap between Blocks C and D could function effectively as a vehicular/emergency access route, suggesting that a further vehicular access point would be required from the Vastern Road frontage. The appellant has suggested that alterations could address such concerns. However, without further clarity about the nature of such

modifications, it remains doubtful that effective and efficient internal and external circulation patterns could be achieved. Whilst permeability is to be supported, particularly on north-south links, practical uncertainties undermine any suggested benefit in this regard.

162. The sketch plan suggests that the built coverage of the site would be around 30%, suggesting an inefficient use of the site, noting the Housing and Economic Land Availability Assessment aspiration for 43% coverage on sites such as this. Whilst the appellant again suggests that alterations to the layout could perhaps address this point, there is little evidence of how significant increases in built coverage could be achieved and the use of available space optimised. There are other matters of concern about the development potential of the remaining site area, such as the small footprints and the limited aspects of two of the blocks.
163. I have already referred to the considerable constraints and challenges of developing the appeal site in view of its relationship with the remaining part of the CR11g site. In particular, the management of the retained transformer equipment has visual and acoustic implications, as well as other technical constraints. In this regard buildings cannot be placed within 2m of the boundary of the central part of the site. There is also a requirement for a 3m high 'blast wall' around the central part of the scheme. This would be created along the boundary to the south of Block D, east of Block C and the northernmost element of Block B. It does appear that this would be the most efficient way of managing these ongoing constraints. The resulting blank walls without fenestration would relate to those elevations directly facing the central transformers. The fact that this would result in an unusable 2m gap between buildings appears difficult to resolve.
164. That said, it is possible that the resolution of this and other matters could be achieved through reviewing the configuration or omission of some elements of the appeal scheme. For example, it may be possible to accommodate a block of around 13m width on the frontage of the SSE site, though this would require the omission of either some of the northern extent of Block D, or at least some of the windows and balconies on its eastern elevation.
165. Addressing these concerns would have townscape implications. For example, it may not be desirable in townscape terms for there to be a significant reduction to the pattern of fenestration on the eastern elevation of Block D, given its visual prominence. It is also inevitable that such changes would result in some loss of dwelling yield on the appeal site.
166. Nonetheless, I consider it appropriate to address the concerns highlighted to provide some assurance that the development potential for the remaining site would not be unduly impeded. Further matters relate to the fact that the development of the remaining SSE site presents challenges in terms of managing the removal or integration of the remaining transformer equipment, and the presence of both the line of mature poplar trees and the existing offices to the east. Proper consideration of these points would support the principle that the whole of the allocated area should have the potential to come forward as envisaged by Policy CR11.
167. I have noted that SSE have clearly stated that they do not envisage the site coming forward for development any time soon. Nor do they envisage the appeal scheme jeopardising the future development of the remaining site area.

However, it is not clear from the correspondence provided that specific consideration has been given to the remaining site challenges. I note particularly that earlier representations made much of the abnormal costs involved in relocating electricity infrastructure, and therefore the need for development value to be maximised. Furthermore, whilst no specific evidence was presented on this point, in the current climate it is reasonable to speculate on the likelihood of changes in the way electricity is delivered in the future, leading to questions about the longevity of the current infrastructure. Such considerations have not been addressed, directly or indirectly.

168. I therefore conclude that it has not been demonstrated that the proposal would be part of a comprehensive approach to the development of the Riverside sub-area of the MOA. In particular, concerns regarding the viability of development on the remaining part of the site, the effectiveness of movement patterns within and between the sites and the efficiency of the use of the remaining site area have been identified. In these regards there would be conflict with the requirements of Policies CR11viii) and CR2f., as set out above.

## **Other Matters**

### *Matters raised by the Rule 6 and interested parties*

169. Whilst they do not form matters of dispute between the Council and the appellant, I have had careful regard to the range of other considerations raised by the Rule 6 Party and other interested groups and individuals during the course of the Inquiry. Some are addressed elsewhere in my decision. My thoughts on others are set out here.
170. The appeal site is highly accessible brownfield land. There is general acceptance that the allocated area, and the wider MOA, will contribute towards providing a high-density mix of uses. Of specific relevance is the fact that the Framework paragraph 191 sets out the need to make efficient use of such underused land. In this context the quantum of development sought falls within the general parameters set by Policy CR11g. The indicative potential for the allocated area is between 250 and 370 dwellings, which on a proportionate basis suggests that a range of between 152 and 226 dwellings would be appropriate on the appeal site. At 209 dwellings the appeal scheme would be at the higher end of this spectrum, though would be within acceptable parameters, providing other relevant policy requirements are met.
171. The suggestion that the remaining central portion of the allocated site could potentially accommodate taller buildings is not unreasonable, noting that it is set away from the River and the sensitive residential areas to the west. However, this would not in itself undermine the merits of the appeal scheme. On this point the supporting text to Policy CR11 states that whilst indicative capacity figures are included, actual development capacity can vary significantly on high density town centre sites, providing that high-quality well-designed development can be achieved.
172. The appeal scheme has sought to respond to the proximity of the site to the residential streets to the west by positioning buildings of lower height in the most sensitive locations. Specifically the parts of Blocks C and B positioned parallel to Lynmouth Road, would comprise three to four storey elements. Policy CC8 seeks to safeguard the living conditions of the residents of existing properties in terms of privacy, overbearing development and outlook. It sets

out that a minimum back-to-back distance of 20m is usually appropriate, although circumstances on individual sites may enable dwellings to be closer without a detrimental effect on privacy. In this case, whilst the relationship would be back-to-front, the fact that this distance would be between 25 and 29m suggests that this would be sufficient to ensure that privacy would be protected. Most balconies on this Block B and Block C elevation would be set further away from the Lynmouth Road properties.

173. Some overlooking of the rear gardens of the Lynmouth Road properties would be possible. However, it is unrealistic to expect total privacy within inner urban environments such as this. For example, several of the Lynmouth Road properties have accommodation within their roof spaces, enabling greater overlooking of adjacent rear gardens than previously. That said, whilst deciduous trees on the site boundary would not block views year-round, their presence would soften views and provide a sense of screening and separation.
174. There would be less of a gap between the southernmost Lynmouth Road property and Block A, though as Block A would be of two storeys adjoining the rear garden area any harm in this regard would be limited. The close relationship between Block FG and the northern end of Lynmouth Road would be managed by the absence of windows above ground floor at the southern end of this Block.
175. The presence of higher-level development in Blocks A, B, D and E may suggest that overlooking would occur. However, intervisibility would be greatly restricted by the fact that these blocks would be set back some distance from the windowed elevations and gardens, and also by the acute angles of view.
176. In spatial terms the contrast between the currently open car park occupying most of the appeal site and the appearance of the appeal scheme would be stark, noting particularly the heights reached by elements of Blocks D and B, and to a lesser extent Blocks A and E. Nonetheless, there would be much less of a contrast between the heights of those elements most closely adjacent to existing residential areas, so that a sense of moderated scaling up would be achieved. In this context my view is that the appeal scheme would not appear unduly overbearing.
177. Similarly, the appeal scheme would result in loss of light to existing properties which currently benefit from the large degree of openness on the appeal site. Amendments made to the scheme post-submission have sought to improve daylight and sunlight provision. Lynmouth Court would be the most affected by the proposals. Some windows would see their vertical sky component obstructed to below 27%, though the fact that some of the rooms have less affected windows on other elevations would be a mitigating factor. The overall loss of sunlight would be largely within the BRE guidelines.
178. There would also be some loss of daylight for rear windows and garden areas of even numbered properties on Lynmouth Road. Light loss would be managed by the lower heights of buildings both in the centre of the site and relating to those portions of Blocks FG and Block A closest to the Lynmouth Road properties. Whilst light loss effects can be generally characterised as minor adverse, this would not be unreasonable in this urban context. Residents of existing properties further away from the appeal site, such as Thames Court, may experience some light loss, though this would be within BRE guidelines.

179. Reference is also made to intrusive levels of artificial light impacting on the living conditions of existing residents. Should this scheme be acceptable in other regards, details of external lighting could be required by condition so that its effects would be managed. Overall, I find that the appeal scheme would not have any unacceptably detrimental impacts on the living environment of the occupiers of existing residential properties.
180. I have also considered the points raised about the overshadowing of the River and Meadows, and the suggestion that the mast of the Bridge can be used as a proxy in this regard. However, in comparison with the mast, the riverside blocks would be both notably lower and set back further south. Whilst it is possible that during the winter months the long shadows cast by riverside blocks could reach across to the Meadows, it is unlikely that they would extend across the entirety of this area. I have addressed the implications of shading for River habitats and there is nothing further before me to suggest harm in terms of shading.
181. The management of the trees planted close to the boundary with the Lynmouth Road properties could be linked to an appropriate landscape management condition to avoid damage to properties. This would enable matters such as the height difference between the site and the rear gardens of these properties, measured on site to be a little over 1m, to be managed using appropriate barriers.
182. Reference is made to concerns about the opportunity for crime created by the access road adjacent to the rear of the Lynmouth Road properties. However, the presence of trees along with densely planted hedgerow would provide a defensible boundary and buffer between the shared boundary and the parallel parking spaces/roadway on the appeal site.
183. Given the limited car ownership envisaged, residents of the new development would be likely to make use of home deliveries. The traffic forecasts relating to servicing and delivery vehicles has used an industry standard TRICs assessment. This is based on data gained from a range of similar residential developments, all with parking ratios of less than one space per unit. This suggests that on average there would be around 19 servicing and delivery trips daily, around two to three vehicles per hour. The site would provide several locations for deliveries. Therefore, even if a number were to coincide, it is unlikely that this would have any material impacts on surrounding roads. Whilst the closure of the local supermarket could have some effect on home delivery levels, the assessment data suggests that this would be within acceptable parameters. Further, parking controls would be put in place to ensure that residents of the development would be unable to park on surrounding streets. Therefore the appeal scheme would be unlikely to lead to traffic congestion locally.
184. The appeal scheme has been designed to accord with local and national policy in relation to flooding and surface water drainage. Specifically, it would introduce soft landscaping, permeable paving materials and underground rainwater storage. This would enable improvements in surface water management and associated impacts on the gardens of adjacent properties. The measures incorporated could be required via planning condition.
185. Development on this scale would inevitably lead to increased demand for and pressure on local facilities and services. There is nothing before me to indicate

that the scheme would have undesirable impacts in this regard. Further, proximity to a major public transport hub, along with the proposed improvements to walking and cycling provision, would assist in supporting access to a wide range of services and facilities via sustainable travel choices.

186. The evidence before me indicates that the appellant has sought to respond to many of the matters raised by interested parties as the scheme has evolved. Given the close proximity of neighbouring properties it is inevitable that concerns remain. Overall I find that the points raised have been adequately addressed.

#### *Housing land supply*

187. It is a matter of common ground that the Council can demonstrate a supply of housing land in excess of five years. This is based on the objectively assessed housing need examined as part of the LP, adopted in November 2019. The resulting housing requirement remains current for a period of five years, or longer if reviewed and found not to require updating. In circumstances other than this housing land supply must be calculated using the standard method set out in the Planning Practice Guidance (PPG).

188. These circumstances are at least several years away. There is therefore no policy basis for applying the standard method to the current situation. As such, these provisions are of limited relevance to the determination of this appeal.

189. The fact that much housing land supply comes from previously developed land means that many sites are in existing use, or there are other competing uses, so that there is uncertainty about anticipated delivery in terms of both quantum and timing than, say, greenfield sites. Such uncertainty and change is managed by setting lapse rates at various levels, only removing these when development starts on site. As a result, changes to site specific supply have meant that, at the time of the Inquiry, the Council was on course to deliver some 1,275 dwellings above the LP requirement over the plan period to 2036.

190. That said, the direction of travel is that pressure to deliver housing will continue. The Government priority of significantly boosting the supply of housing (Framework paragraph 60) is supported by LP Policy H1 which sets the housing requirement at a minimum level, that is *at least an additional 15,847 homes*. Whilst there may be speculation around the impacts of Brexit, and a greater prevalence of working from home following Covid, there is nothing before me to indicate any change in this overriding priority.

191. It may well be that at this point in time the appeal site does not need to be developed for the Council to meet its housing requirement figures. Nonetheless, it has the potential to accommodate a significant number of much needed new homes in a highly sustainable location, with associated environmental benefits. Whether or not the appeal scheme is required to meet the totality of supply across the wider plan period, it remains that securing a policy compliant housing scheme is of benefit to supply right now. Therefore this consideration should be afforded significant weight.

## Planning Obligations

192. The submitted S106 sets out a range of obligations. These include:

- An affordable housing deferred contribution mechanism. This is considered further below.
- Various highways/ transport related works stemming from LP Policies TR1, TR3, TR5, CC9 and CR11 relating to the improvement of transport infrastructure. These include:
  - Provision of a new north-south link connecting Vastern Road to the Bridge and associated infrastructure/signage
  - Provision of a new direct link from the site onto the towpath
  - Footway improvements and an upgraded site entrance onto Lynmouth Road
  - A contribution of £200,000 towards a new crossing on Vastern Road
  - Provision of transport mitigation measures to include:
    - Residential Travel Plan
    - An on-site car club
- A contribution of £100,000 towards improving existing open space or providing new open space and leisure facilities, linked to the requirement of LP Policy EN9 to make provision for open space based on the needs of the development.
- An employment and skills financial contribution of £46,487.50 which would be used to fund employment, skills and training initiatives. This is in line with the provisions of LP Policy CC9 relating to securing infrastructure.
- A carbon offsetting contribution relating to the provisions of LP Policy H5c which expects major new build residential development to achieve zero carbon homes standards. A minimum a 35% improvement over Building Regulations standards is required, with the remainder secured as a financial contribution to offsetting, as is the case here.
- The requirement for off-site ecological mitigation in line with the requirements of Policy EN12. This was considered in relation to the effect of the appeal scheme on marginal habitats.

193. These provisions were addressed in evidence and by the CIL Compliance Statement submitted by the Council. This sets out the basis of the obligations in respect of policy and guidance. There is no dispute regarding these obligations, which address key elements of the scheme. The contributions are directly related to the proposal and are necessary to make the development acceptable in planning terms. The obligations meet the tests set out at paragraph 57 of the Framework and in Regulation 122 of the Community Infrastructure Levy Regulations 2010.

194. Some of the provisions, including the open space contribution, the employment and skills contribution, the carbon offsetting contribution and the off-site ecological mitigation, are designed to mitigate the impact of the

proposal. These elements therefore do not provide benefits in favour of the appeal proposals. However, others can be viewed as benefits and are considered as part of the planning balance.

195. With reference to the affordable housing deferred contributions mechanism, LP Policy H3 sets out that *on sites of 10 or more dwellings, 30% of the total dwellings will be in the form of affordable housing. However, in all cases where proposals fall short of the policy target as a result of viability considerations... the onus will be on the developer/landowner to clearly demonstrate the circumstances justifying a lower affordable housing contribution.* More specifically, the Council's adopted Affordable Housing Supplementary Planning Document (2021)(SPD) sets out that *where a reduced contribution to affordable housing was agreed at application stage, a mechanism should be included within the S106 agreement that ensures that a proportion of increased profits are secured for affordable housing.* A formula for the calculation of the deferred contribution is set out in the SPD.

196. At application stage the scheme proposed 20.57% affordable units. However, based on the submission of a viability assessment by the appellant, and the Council's review of this document, I agree that the development cannot viably support the provision of affordable housing at this point in time. It is also agreed that the S106 should contain a deferred contributions mechanism, so that if the viability of the scheme improves at a future point an appropriate contribution can be sought. This would be directed towards schemes aimed at meeting housing needs within the Borough. I agree that any affordable housing contribution achieved in this way would be directly related to the development and would be fairly related in scale and kind.

### **Planning balance and conclusion**

197. Section 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990 establish a statutory presumption in favour of the Development Plan which must be observed. The vision for the development of the allocated area as part of the extension of central Reading northwards has been in place for some 20 years. The challenge of delivering this vision on the appeal site has highlighted the need to address and reconcile tensions between policy and guidance relating to the unique location of the site between the urban core and the River.

198. The proposal would comply with key elements of the planning policy framework for the Borough, and for the site. Specifically, the principle of residential-led mixed use development of this inner urban site as part of the expansion of the core of the town centre northwards is firmly established in the LP. The establishment of a connection to the major north-south movement corridor would support a strategic planning objective. In these regards this highly accessible location is ideally suited to the proposed high-density development with low car dependency. Further, the high-quality design which reflects the history of the site, has regard to its riverside setting, and connects key elements of the MOA with the rest of central Reading, would make a significant contribution to the overall environmental improvement of this area. The scheme would also provide a suitable response to the natural environment, with any harmful effects on MV addressed by an appropriate level of mitigation.

199. Whilst there is a high degree of compliance with policy requirements, I have identified conflict in relation to the loss of the LLB and with provisions relating to the requirement to demonstrate that the proposal would be part of a comprehensive approach to the development of the Station/River MOA. I have also found technical conflict with the policy requirement for development to be set back 10m from the riverbank. I will consider the weight to be given to these harms before turning to the benefits of the appeal scheme.
200. The loss of the LLB must be considered against the requirements of Policy EN1 that the loss of a heritage asset should require clear and convincing justification, usually in the form of public benefits. The Policy EN4 test is that benefits should significantly outweigh significance. I concluded that the LLB can be afforded no more than a low level and modest degree of significance. I also found that, in the context of the site allocation, the approach to using the site's industrial heritage to inform the design of the appeal buildings would be an appropriate response. It may be possible to deliver the benefits of this development whilst in some way retaining the LLB. However, I have addressed the practical challenges of reuse/retention in my reasoning. Furthermore, I must consider the appeal scheme as presented.
201. I have considered the current application for listing this building. If this were to succeed, then the legal requirement that special regard must be had to preserving its special interest would apply. Further, the Framework sets out that great weight must be given to the conservation of designated heritage assets, and that any harm requires clear and convincing justification. In these circumstances I give the loss of the LLB significant weight.
202. I turn next to the requirement to demonstrate that the proposal would be part of a comprehensive approach to the development of this sub-area, as set out in Policies CR11viii) and CR2f. The specific concerns identified include the viability of development on the remaining part of the site and the effectiveness of movement patterns within and between the sites. There is considerable uncertainty over the future of the remaining part of the allocated area, with the owners suggesting that it is not likely to come forward in the short or long term. This does raise questions about whether development on the appeal site should be predicated on ensuring the feasibility of development options on this site. I raise this point noting also that any changes to accommodate a comprehensive scheme would be likely to lead to a reduction in the quantum of development on the appeal site. Current viability matters have already led to the withdrawal of on-site affordable housing, highlighting the challenge of achieving an economically robust scheme overall.
203. More generally, I have also had regard to the fact that the appeal scheme would secure the development of a substantial portion of the Riverside allocation, a site of great importance as a link between the town centre, the River, the Meadows and beyond. The challenges of designing a policy-compliant scheme in terms of transport links, providing a high-density mixed-use scheme that responds to the River setting and adjacent residential areas, whilst also managing the presence of the adjacent SSE equipment and achieving the highest quality of design, has been considerable. Nonetheless, I must give this policy conflict significant weight.
204. Finally, I consider the breach of policy provisions relating to the requirement that development be set back at least 10m from the River to be a minor

matter, noting that in net terms this requirement would be achieved. I therefore give this conflict modest weight.

205. Set against these harms, the appeal scheme would deliver a significant amount of new housing on part of an allocated brownfield site in a highly sustainable location. At the present time the site, and the quantum of housing proposed, may not be needed for the Council to meet its LP housing requirement figures. Nonetheless, the housing requirement is set at a minimum level. In the context of the importance of boosting the delivery of homes nationally, housing supply considerations must attract significant beneficial weight.
206. The scheme would deliver a key section of the north-south pedestrian and cycle link, connecting the Bridge and River towpath with the Station. It would provide an important link supporting the Council's aspirations for this key movement corridor, enabling sustainable and healthy travel choices. The opening up of the riverside area and provision of a café would support the attractiveness of this route. The continuation of this north-south link is a policy requirement. Nonetheless, this has been a policy objective for some 20 years, with the supporting text to Policy CR11g setting out that achieving the north-south link is the main priority for the site and should be given substantial weight in development management. Further, given the evident challenges of achieving a viable route through the site, my view is that securing the delivery of this important piece of infrastructure would be a benefit attracting significant weight.
207. There is dispute as to the extent to which financial contributions towards the provision of a pedestrian/cycle crossing facility over Vastern Road would be a benefit. Nonetheless, as this would support connectivity across the wider north-south sustainable travel corridor, it should be afforded beneficial weight in the balance.
208. There would be wider social, economic and environmental benefits associated with urban development of this nature, though collectively such generic benefits attract no more than moderate weight. Other considerations, such as biodiversity net gain, the employment and skills contribution, the open space/leisure contribution, the carbon off-setting contribution and the provision of flood protection measures would mitigate against the effects of the development on social, economic and environmental infrastructure. They are therefore required to make the development acceptable in planning terms and do not attract beneficial weight.
209. The scheme would not be able to viably support affordable housing. A deferred contributions mechanism would be secured via the S106 and could convey additional benefits, though I cannot give this weight at this stage.
210. Turning to the final balance, on the one hand I have identified harms which carry weight against the appeal proposal. Set against this are a number of public benefits which carry beneficial weight that is demonstrably above policy compliance. When seen in the context of the significant benefits associated with managing the regeneration of the site as a whole, my view is that the policy harms identified would be clearly outweighed.
211. Section 38(6) requires decisions to be made in accordance with the development plan unless material considerations indicate otherwise. In this

case whilst I have identified a high degree of policy compliance, there remains conflict with some provisions of the development plan. However, the beneficial elements identified represent material considerations which indicate that a decision which does not fully accord with the development plan may be taken.

212. For the reasons set out above I conclude that the appeal should succeed.

*A J Mageean*

INSPECTOR

### **Conditions**

213. I have considered the conditions put forward by the main parties against the relevant advice within the Framework and PPG. I have amended the wording of some conditions as necessary so that they meet the relevant tests.
214. In addition to the standard time limit condition, a condition specifying the approved plans provides certainty (Condition 2). Condition 3 relating to materials is required in the interests of visual amenity and ensuring that the new development responds positively to the local context and character.
215. Conditions relating to a Construction Method Statement (Condition 4), hours of construction/demolition (Condition 20) and burning waste on site (Condition 21) are required to protect the amenity of the neighbouring residents and local land uses, the character of the area, highway safety and air quality.
216. Conditions relating to land contamination (Condition 5), remediation (Conditions 6, 7 and 8), and land gas (Condition 10) are required to ensure that the development is suitable for its end use and the wider environment and does not create undue risks to occupiers of the site or surrounding areas. Condition 9 relating to groundworks is required to protect the water environment.
217. Condition 12 relating to crime prevention is necessary to ensure that the development can be safely accessed by intended users, to protect the amenity of future occupiers and in the interests of protecting the character and appearance of the buildings and wider area.
218. Conditions requiring development to be carried out in accordance with the submitted flood risk assessment (Condition 13) and the completion of a sustainable drainage scheme (Condition 14) are required to reduce the risk of/prevent flooding on site or elsewhere.
219. Conditions relating to the operation of mechanical plant (Condition 16) and the odour assessment of the café (Condition 17) are required to safeguard the amenity of the occupiers of adjoining properties and the environment of the area generally. Conditions restricting the café hours of deliveries/waste collection (Condition 18) and hours of opening/operation (Condition 19) are required to protect local residents from unreasonable disturbance. Condition 15 relating to bins stores is required to ensure sufficient provision is made for the storage and collection of refuse and in the interests of visual amenity.

Condition 47 referring to the glazing and ventilation provision in Block B is required to safeguard the living conditions of future occupants from noise and disturbance

220. Conditions relating to the recording of details of the locally listed building (Condition 22) and requiring a contract for completion of the redevelopment of the site to be secured prior to demolition works (Condition 23) are necessary in the interests of recording this non-designated heritage asset and ensuring that it is not lost unnecessarily. Condition 11 refers to archaeological field investigations and is necessary to ensure the preservation of heritage assets present on site in a manner appropriate to their significance.
221. Condition 24 relating to the dwelling mix is required to ensure that the development meets the identified housing needs of different groups.
222. Condition 25 referring to active window displays in the non-residential unit is required in the interests of a vibrant and attractive streetscene and improving active surveillance. Condition 26 requiring details of photovoltaics is necessary to secure measures to adapt to climate change, in the interests of visual amenity and to protect local context and character.
223. Condition 27 requires the details of at least 11 wheelchair adaptable units to be provided and is necessary to ensure both a suitable standard of accommodation for future occupiers and that the internal layout of the building is able to respond to the changing accessibility requirements of future occupiers. Condition 42 requiring the details and ongoing provision of a DDA compliant route to accessible parking bays is necessary to ensure adequate provision that meets the needs of future occupiers.
224. Conditions requiring details of hard and soft landscaping (Condition 28), the submission of a landscape management plan (Condition 30) and an arboricultural method statement (Condition 31) are necessary to ensure the protection and enhancement of the local environment and its ongoing maintenance and management. Conditions requiring details of boundary treatments (Condition 29) and details of external lighting (Condition 32) are necessary to protect the privacy of adjoining and future occupiers and to ensure the enhancement of the local environment. Condition 33 requiring details of privacy screens and their permanent retention for some Block D and E units is necessary to safeguard the living conditions of the occupiers of adjoining residential units.
225. Condition 34 requiring details of on-site public art is necessary to enhance the appearance of the development and provide visual interest.
226. Condition 35 requiring the provision of parking spaces prior to occupation is necessary to meet the needs of residents, and to reduce the likelihood of highway safety issues associated with on street parking. Conditions requiring the provision of vehicular access (Condition 36) and visibility splays (Condition 37) prior to the occupation of dwellings are necessary in the interests of highway safety. Condition 38 refers to the provision of cycle parking facilities prior to occupation and is required to support sustainable travel choices. Condition 48 requiring details of the towpath connection is necessary to ensure that a suitable access connection to the towpath is made for both pedestrians and cyclists, thereby supporting sustainable travel choices.

227. Conditions requiring details of postal addresses to ensure that future residents are not eligible for parking permits (Condition 39) and requiring details of parking restrictions to be provided to prospective occupiers (Condition 40) are necessary in the interests of managing parking levels and to ensure that the development does not harm the amenities of the occupiers of neighbouring residential properties by adding to the high levels of on-street car-parking in the area. Condition 49 referring to a car parking management plan is required to support the safety and convenience of all highway users.
228. Condition 41 requiring the provision of an electric vehicle charging scheme is necessary in the interests of environmentally sustainable transport.
229. Conditions referring to biodiversity enhancements (Condition 43) and the need to demonstrate a net biodiversity gain of at least 10% (Condition 44) are required to ensure compliance with relevant policy and legislation. Condition 45 requiring details of internal and external lighting relates to nature conservation objectives and is necessary to manage the impact of light pollution from artificial light on the natural environment. Condition 46 relating to a construction environmental management plan is required to minimise impacts on biodiversity.

## APPEARANCES

### FOR THE APPELLANT:

Timothy Corner QC assisted by Alex Shattock, they called:

David Taylor BA(Hons) DipArch ARB RIBA Patrick Clark BA, MA Lsc Arch, CMLI	Design Director, Berkeley Homes Associate Landscape Planner, Barton Willmore
Scott Witchalls MSc, MCILT, MIHT	Director of Transport and Infrastructure, Stantec
James Weeks MA, IHBC	Director, Built Heritage Consultancy
John Barnes BSc, PGDip	Director/Owner, eb7
Iain Corbyn MA (Oxon) MSc CEnv MCIEEM	Managing Director, Ecoconsult Ltd
Kim Cohen BSc, MCD, MRTPI	Planning Partner, Barton Willmore

### FOR THE LOCAL PLANNING AUTHORITY:

David Lintott assisted by Ruchi Parekh, they called:

Michael Doyle BA(Hons), DipUD, DipTP, MRTPI	Principal, Doyle Design
Darren Cook	Transport Development Control Manager, Reading Borough Council
Bruce Edgar IHBC, MPhil, ICOMOS (UK), MPIA, BArch	Conservation and Urban Design Officer, Reading Borough Council
Christopher Rumbold	Corporate Asset Management Team Leader, Reading Borough Council
Mark Worringham BA (Hons) MSc MRTPI	Planning Policy Team Leader, Reading Borough Council
Giles Sutton BSc (Hons) MSc CEnv MCIEEM	Owner/Director GS Ecology Ltd
Sarah Hanson BSc, ABC L4 Dip Arb, MArborA	Natural Environment Officer, Reading Borough Council
Jonathan Markwell BSc (Hons) MSc LRTPI	Principal Planning Officer, Reading Borough Council

### FOR THE THAMES PATH RESIDENTS ASSOCIATION:

Sebouh Sarafian BSc CIMA

## **INQUIRY DOCUMENTS**

- 1 Letter regarding SSE Local Plan Representations
- 2 Representation by SSE to Draft Local Plan June 2017
- 3 Representation by SSE to Pre-Submission Draft Local Plan January 2018
- 4 Appellant Opening Submissions
- 5 Council Opening Submissions
- 6 CD 143: Designing for walking, cycling and horse-riding
- 7 Photographic evidence illustrating width restrictions on NCN Route 5
- 8 Erratum to Mr Cooks Rebuttal Proof of Evidence
- 9 Representation by Krys Jankowski
- 10 Local Cycling and Walking Infrastructure Plan (LCWIP) 2019
- 11 Mr Bruce Heritage SoC/PoE erratum
- 12 Appeal decision APP/E0345/W/20/3263270
- 13 Representation against statutory listing of 55 Vastern Road from Built Heritage Consultancy
- 14 Representation to the Inquiry from SSE
- 15 Agenda for Heritage round table discussion
- 16 Third Addendum Statement of Common Ground: Transport
- 17 Fourth Addendum Statement of Common Ground: Ecology
- 18 Fifth Addendum Statement of Common Ground: Noise
- 19 Agenda for Housing Land Supply round table discussion
- 20 Agenda for Rule 6 Party and interested parties round table discussion
- 21 Representation by Sahil Atreja
- 22 Photographic evidence from Iain Corbyn (08/11/21)
- 23 Updated planning conditions
- 24 Draft Section 106 Agreement
- 25 Section 106 Agreement Comparison
- 26 Revisions to suggested conditions 14 and 39
- 27 Location plan for marginal habitat photographs
- 28 Rule 6 Party Closing Statement
- 29 Section 106 agreement 19 November 2021
- 30 S106 Annexure 1 – Plan 1 Site Boundary Plan
- 31 S106 Annexure 2 – Plan 2 Highway Improvement Plan
- 32 S106 Annexure 3 – Plan 3 North-South Link Plan
- 33 S106 Annexure 4 – Plan 4 Ecological Works Plan
- 34 S106 Annexure 5 – Framework Travel Plan
- 35 S106 Annexure 6 – Viability Assessment
- 36 S106 Annexure 7 – Plan 5 Parks plus Play Areas map of Reading
- 37 S106 Annexure 8 – Plan 6 Christchurch Café Plan
- 38 Sixth Addendum Statement of Common Ground
- 39 Council Closing Submissions
- 40 Appellant Closing Submissions
- 41 Appellant Additional Legal Authorities
- 42 Section 106 Agreement Part 1 of 2 Signed 1 December 2021
- 43 Section 106 Agreement Part 2 of 2 Signed 1 December 2021

## **SCHEDULE OF CONDITIONS**

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
2. The development hereby permitted shall be carried out in accordance with the following approved plans:

448.PL.SP.003 Existing Block Plan, as received 04/02/2020  
RT3190463P0001 Existing Ground Floor Plan, as received 04/02/2020  
RT3190463P0002 Existing First Floor Plan, as received 04/02/2020  
RT3190463P0003 Existing Second Floor Plan, as received 04/02/2020  
RT3190463P0004 Rev A South, East and North 1 Elevations, as received 05/03/2020  
RT3190463P0005 North 2 and West Elevations, as received 04/02/2020  
RT3190463P0006 Street Scene South and West, as received 04/02/2020  
RT3190463P0007 Street Scene North, as received 04/02/2020  
448.PL.SL.001 Rev B Site Location Plan Application Boundary, as received 10/06/2020  
448.PL.A.100 Rev B Block A \_Ground - Third Floor, as received 01/06/2020  
448.PL.A.101 Rev B Block A \_Fourth - Roof Floor, as received 01/06/2020  
448.PL.A.200 Rev B Block A \_Elevations, as received 01/06/2020  
448.PL.A.300 Rev B Block A \_Section A-A, B-B and C-C, as received 01/06/2020  
448.PL.BC.100 Rev D Block BC \_Ground Floor Plan, as received 12/11/2020  
448.PL.BC.200 Rev D Block B and C \_Southwest Elevation, as received 05/11/2021  
448.PL.BC.201 Rev D Block B and C \_Southeast Elevation, as received 05/11/2021  
448.PL.BC.202 Rev E Block B and C \_Northeast Elevation, as received 05/11/2021  
448.PL.BC.203 Rev D Block B and C \_Northwest Elevation, as received 05/11/2021  
448.PL.BC.300 Rev D Block BC \_Section A-A and B-B, as received 05/11/2021  
448.PL.BC.301 Rev D Block BC \_Section C-C, as received 05/11/2021  
448.PL.D.100 Rev C Block D \_Ground Floor Plan, as received 10/12/2020  
448.PL.D.101 Rev C Block D \_First Floor Plan, as received 10/12/2020  
448.PL.D.102 Rev B Block D \_Second Floor Plan, as received 10/12/2020  
448.PL.D.103 Rev B Block D \_Third Floor Plan, as received 10/12/2020  
448.PL.D.104 Rev B Block D \_Fourth Floor Plan, as received 10/12/2020  
448.PL.D.105 Rev B Block D \_Fifth Floor Plan, as received 10/12/2020  
448.PL.D.106 Rev B Block D \_Sixth Floor Plan, as received 10/12/2020  
448.PL.D.107 Rev B Block D \_Seventh Floor Plan, as received 10/12/2020  
448.PL.D.108 Rev B Block D \_Eighth Floor Plan, as received 10/12/2020  
448.PL.D.109 Rev B Block D \_Ninth Floor Plan, as received 10/12/2020  
448.PL.D.110 Rev B Block D \_Roof Floor, as received 10/12/2020  
448.PL.D.200 Rev C Block D \_Southeast Elevation, as received 10/12/2020  
448.PL.D.201 Rev C Block D \_Northeast and Southwest Elevation, as received 10/12/2020  
448.PL.D.202 Rev B Block D \_Northwest Elevation, as received 10/12/2020  
448.PL.D.203 Rev A Block D \_Southwest Elevation, as received 10/12/2020  
448.PL.D.300 Rev B Block D \_Section A-A and B-B, as received 10/12/2020

448.PL.EFG.100 Rev A Block EFG\_Ground Floor Plan, as received 01/06/2020  
448.PL.EFG.101 Rev A Block EFG\_First Floor Plan, as received 01/06/2020  
448.PL.EFG.102 Rev A Block EFG\_Second Floor Plan, as received 01/06/2020  
448.PL.EFG.103 Rev A Block EFG\_Third Floor Plan, as received 01/06/2020  
448.PL.EFG.104 Rev A Block EFG\_Fourth Floor Plan, as received 01/06/2020  
448.PL.EFG.105 Rev A Block EFG\_Fifth Floor Plan, as received 01/06/2020  
448.PL.EFG.106 Rev A Block EFG\_Sixth Floor Plan, as received 01/06/2020  
448.PL.EFG.107 Rev A Block EFG\_Seventh Floor Plan, as received 01/06/2020  
448.PL.EFG.108 Rev A Block EFG\_Roof Plan, as received 01/06/2020  
448.PL.EFG.200 Rev B Block E\_Southeast and Southwest Elevation, as received 01/06/2020  
448.PL.EFG.201 Rev B Block E\_Northwest and Northeast Elevation, as received 01/06/2020  
448.PL.EFG.202 Rev C Block FG\_Southwest, Southeast and Northwest Elevation, as received 01/06/2020  
448.PL.EFG.300 Rev B Block EFG\_Section A-A, B-B and C-C, as received 01/06/2020  
448.PL.H.100 Rev A Cafe\_Floor Plans, as received 28/02/2020  
448.PL.H.200 Rev A Cafe\_Elevations, as received 28/02/2020  
448.PL.200 Rev A Context Site Elevation\_River Front, as received 28/02/2020  
448.PL.201 Rev A Context Site Elevation\_Vastern Road, as received 28/02/2020  
448.PL.202 Rev A Context Site Elevation\_Street Section, as received 28/02/2020  
448.PL.203 Context Site Elevation\_Street Section, as received 28/02/2020  
448.PL.204 Context Site Elevation\_Lynmouth Road, as received 28/02/2020  
448.PL.SS.300 Rev A Site Sections\_Section A-A, E-E, as received 28/02/2020  
448.PL.SS.301 Rev A Site Sections\_Section B-B, C-C, D-D, as received 28/02/2020  
448.PL.SL.002 Rev E Illustrative Masterplan, as received 07/10/2020  
448.PL.SL.003 Enclosure Plan, as received 28/02/2020  
448.300.LAND.001 Christchurch Bridge Connection Section, as received 28/02/2020  
448.LAND.SK.101 Towpath Access – 1:21, as received 05/11/2021  
448.PL.BC.V.100 Block B and C– Glazing and Ventilation Plans– MVHR Proposal, as received 05/11/2021  
448.PL.BC.V.101 Block B and C – First Floor Plan – MVHR Proposal, as received 05/11/2021  
448.PL.BC.V.102 Block B and C – Second Floor Plan – MVHR Proposal, as received 05/11/2021  
448.PL.BC.V.103 Block B and C – Third Floor Plan – MVHR Proposal, as received 05/11/2021  
448.PL.BC.V.104 Block B and C – Fourth Floor Plan – MVHR Proposal, as received 05/11/2021  
448.PL.BC.V.105 Block B and C – Fifth Floor Plan – MVHR Proposal, as received 05/11/2021  
448.PL.BC.V.106 Block B and C – Sixth Floor Plan – MVHR Proposal, as received 05/11/2021

448.PL.BC.V.107 Block B and C – Seventh Floor Plan – MVHR Proposal, as received 05/11/2021

448.PL.BC.V.108 Block B and C – Eighth Floor Plan – MVHR Proposal, as received 05/11/2021

448.PL.BC.V.109 Block B and C – Ninth Floor Plan – MVHR Proposal, as received 05/11/2021

448.PL.BC.V.110 Block B and C – Tenth Floor Plan – MVHR Proposal, as received 05/11/2021

448.PL.BC.V.111 Block B and C – Roof Plan – MVHR Proposal, as received 05/11/2021

3. No development [excluding demolition] shall commence beyond foundation level of the relevant proposed building ((a) Block A - The Railway Warehouse; (b) Block B - The Goods Warehouse; (c) Block C - The Goods Office; (d) Block D – The Generator / The Turbine Hall; (e) Block E – Christchurch Wharf; (f) Block F - The Coal Drop Building; (g) Block G; (h) Café) until a schedule of the materials to be used in the construction of the external surfaces of the relevant building hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Details shall include manufacturers specification details of all external facing materials (to be submitted to the Local Planning Authority) and samples of those materials (to be provided on site of a minimum 1m<sup>2</sup> each - approved details to then be retained on site and available for inspection throughout the duration of the construction of the development) specifying the brickwork, mortar, joint profile and bond. The development shall be carried out and thereafter maintained in accordance with the details approved.
4. No development shall commence on site, including any works of demolition, until a site-specific Demolition and Construction Method Statement has been submitted to and been approved in writing by the Local Planning Authority. The Statement shall provide for:
  - a) Required measures to control the emission of dust, dirt and other airborne pollutants during demolition and construction;
  - b) Provisions to be made for the control of noise coming from the site during demolition and construction;
  - c) Full details of pest control measures following any demolition required. Where necessary, capping of drains/sewers and baiting arrangements;
  - d) Details of parking arrangements for site operatives and visitors;
  - e) Location on site for storage of plant and materials used in constructing the development;
  - f) The erection and maintenance (including removal of any graffiti or fly posters) of security hoarding around the site;
  - g) Identification of any footpath closures or road closures needed during construction;
  - h) Required wheel washing facilities on site;
  - i) A scheme for recycling waste resulting from the construction works.
  - j) Measures for controlling the use of site lighting whether required for safe working or for security purposes.

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

5. No development shall commence on site [excluding demolition and any preparatory works necessary to complete characterisation of site contamination] until an assessment of the nature and extent of contamination has been submitted to and been 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:
  - a) a survey of the extent, scale and nature of contamination;
  - b) 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, and
    - archaeological sites and ancient monuments.
6. No development shall commence on site [excluding demolition and any preparatory works necessary to complete characterisation of site contamination] until a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment 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.
7. The approved remediation scheme under Condition 6 shall be implemented in accordance with the approved timetable of works. A validation report (that demonstrates the effectiveness of the remediation carried out) shall be submitted to and approved by the Local Planning Authority prior to the first occupation of relevant proposed building ((a) Block A - The Railway Warehouse; (b) Block B - The Goods Warehouse; (c) Block C - The Goods Office; (d) Block D - The Generator / The Turbine Hall; (e) Block E - Christchurch Wharf; (f) Block F - The Coal Drop Building; (g) Block G; (h) Café).
8. In the event that contamination is found at any time when carrying out the approved development not previously identified, development shall be halted on that part of the site and the contamination reported in writing to the Local Planning Authority.

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.

9. No development shall commence on site [excluding demolition and any preparatory works necessary to inform de-watering and foundation details] until such time as a scheme to:

- a) secure de-watering of the site
- b) specify the form of foundations has been submitted to, and approved in writing by, the Local Planning Authority.

The scheme shall be implemented in accordance with the approved details.

10. Land gas:

- a) Site investigation: No development shall take place until a detailed land gas site investigation has been carried out by a competent person to fully and effectively characterise the nature and extent of land gas and its implications. The method and extent of this site investigation shall be agreed with the Local Planning Authority prior to commencement of the work and shall then proceed in strict accordance with the measures approved.
- b) Remediation scheme to be submitted: No development shall take place until a scheme showing how the development is to be protected against the possibility of land gas has been submitted to and approved in writing by the Local Planning Authority. The scheme as approved shall be fully implemented and completed before the development is first occupied and those measures incorporated into the development shall thereafter be retained.
- c) Implementation of Approved Remediation Scheme: The land gas remediation scheme shall be implemented in accordance with the approved timetable of works. A validation report (that demonstrates the effectiveness of the remediation carried out) must be submitted to and approved by the Local Planning Authority prior to any part of the accommodation hereby approved is occupied.

11. No development, other than demolition to ground level and excluding the breaking up and removal of floor slabs, foundations and other below ground obstructions, shall take place within the application area until the applicant, their agents or successors in title have secured and implemented a programme of archaeological field evaluation in accordance with a written scheme of investigation, which has been submitted by the applicant and approved in writing by the Local Planning Authority. The results of the evaluation will inform the preparation of a mitigation strategy (if required) which will be submitted to and approved in writing by the Local Planning Authority. The provision of the approved

mitigation strategy will be completed prior to the commencement of the development.

12. Prior to commencement of works above slab level, written details of the security strategy shall be submitted to and approved by the Local Planning Authority. The development shall be carried out in accordance with the approved details prior to the first occupation of any residential unit within the relevant building ((a) Block A - The Railway Warehouse; (b) Block B - The Goods Warehouse; (c) Block C - The Goods Office; (d) Block D - The Generator / The Turbine Hall; (e) Block E - Christchurch Wharf; (f) Block F - The Coal Drop Building; (g) Block G) and the approved details shall be retained and maintained as such thereafter.
13. The development shall be carried out in accordance with the submitted Flood Risk Assessment dated January 2020 (by Peter Brett Associates /Stantec Project Ref: 47500/4001) and the following mitigation measures it details:
  - Finished floor levels within the residential accommodations of Blocks A-G shall be set no lower than 38.60m above Ordnance Datum (AOD); and,
  - Compensatory storage shall be provided in accordance with plan 47500/4001/003 Flood Storage Analysis at Appendix E of the Flood Risk Assessment.These design proposals take account of potential future flood alleviation work. These mitigation measures shall be fully implemented prior to occupation in accordance with the scheme's timing/ phasing arrangements. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.
14. Prior to the first occupation of any residential unit within the relevant building ((a) Block A - The Railway Warehouse; (b) Block B - The Goods Warehouse; (c) Block C - The Goods Office; (d) Block D - The Generator / The Turbine Hall;) (e) Block E - Christchurch Wharf; f) Block F - The Coal Drop Building; (g) Block G) of the development hereby permitted, the sustainable drainage scheme for the site shall be completed in accordance with the submitted and approved details within the Proposed Drainage Strategy (by Peter Brett Associates/Stantec Doc Ref R0001 Rev A dated 22/01/2020, as received 04/02/2020). The sustainable drainage scheme shall be managed and maintained thereafter in accordance with the agreed management and maintenance plan.
15. Prior to the first occupation of any residential / commercial unit within the relevant building ((a) Block A - The Railway Warehouse; (b) Block B - The Goods Warehouse; (c) Block C - The Goods Office; (d) Block D - The Generator / The Turbine Hall; (e) Block E - Christchurch Wharf; f) Block F - The Coal Drop Building; (g) Block G; (h) Café) details of refuse and recycling bin stores have been 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 the first occupation of the relevant building and shall not be used for any purpose other than bin storage at all times thereafter.

16. No mechanical plant associated with the development shall be installed until a noise assessment of the proposed mechanical plant 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) from any plant associated with the development as measured at a point 1m 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 1m 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 at least the same standard.
17. Prior to the first use of the café premises an odour assessment shall be carried out and a detailed scheme for odour mitigation 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 Control of Odour and Noise from Commercial Kitchen Exhaust Systems 2018 guidance when assessing potential odours and selecting appropriate odour control methods. The development shall be carried out and maintained thereafter in accordance with the approved scheme.
18. Deliveries and/or waste collection to the café premises shall only take place between the following hours: 0700 - 2100 hours Mondays to Saturdays and 0900 - 1900 hours on Sundays and Bank or Statutory Holidays.
19. The café premises shall only be open for customers between 0600-2200 hours Mondays to Saturdays and 0800 - 2000 hours on Sundays and Bank or Statutory Holidays.
20. Construction, demolition or associated deliveries shall only take place between 0800 - 1800 hours Mondays to Fridays, and 0800 - 1300 hours on Saturdays, and not at any time on Sundays and Bank or Statutory Holidays.
21. 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.
22. Prior to its demolition, details of the recording of the former entrance lodge building at 55 Vastern Road, following as a minimum the Level 2 guidance set out in "Understanding Historic Buildings, A Guide to Good Practice" (Historic England 2016) (or any document which supersedes this document), shall be submitted to and approved in writing by the Local Planning Authority.

23. The demolition works in relation to the locally listed building hereby permitted shall not be undertaken before a contract for the carrying out of the works of redevelopment of the site has been made, as confirmed in details to be submitted to and approved in writing by the Local Planning Authority prior to any demolition works commencing.
24. No change to the unit mix (61 x 1-bedroom units, 136 x 2-bedroom units and 12 x 3-bedroom units) shall be made to the development hereby permitted.
25. Notwithstanding the provisions of Class 12 of Schedule 3 of the Town and Country Planning (Control of Advertisements) Regulations 2007 (as amended), the non-residential unit hereby approved shall retain 'active window displays' along the length of the frontages, 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.
26. Prior to the first occupation of any residential unit within the relevant building ((a) Block A - The Railway Warehouse; (b) Block B - The Goods Warehouse; (c) Block D - The Turbine Hall) full details of the proposed roof mounted Photovoltaics 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, manufactures specification, and ongoing maintenance arrangements. The approved Photovoltaics shall thereafter be installed in accordance with these approved details and maintained in good working order to the satisfaction of the Local Planning Authority.
27. Prior to the first occupation of any residential unit hereby approved, details of at least 11 wheelchair adaptable units (as per Part M of Building Regulations) shall be submitted to and approved in writing by the Local Planning Authority. The wheelchair adaptable residential units shall remain wheelchair adaptable residential units thereafter.
28. No development shall commence on site (barring demolition works) until a comprehensive scheme of hard and soft landscaping has been submitted to and approved in writing by the Local Planning Authority. These details shall include:
  - a) Proposed finished ground and floor levels or contours, means of enclosure, 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, 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) A maintenance programme detailing all operations to be carried out in order to allow successful establishment of planting; and,
- e) 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.

The approved hard and soft landscaping scheme shall be carried out in accordance with the approved details prior to the occupation of any part of the development.

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.

- 29. Prior to first occupation of the development hereby approved, a plan indicating the positions, design, materials and type of boundary treatment to be erected, shall be submitted to and approved in writing by the Local Planning Authority. Where appropriate the boundary treatment shall include the provision of mammal gaps. The boundary treatment shall be implemented in accordance with the approved plan before any part of the development hereby approved is occupied and retained as such thereafter.
- 30. Prior to the commencement of the development (barring demolition) a landscape management plan, 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.
- 31. No development shall commence on site (including demolition or preparatory works) 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 approved drawings, both within and adjacent to the site, has been submitted to and been approved in writing by the Local Planning Authority. The development shall not be carried out other than in accordance with the approved Arboricultural Method Statement and Tree Protection Plan.
- 32. Prior to first occupation or the use first commenced, full details of all external lighting to be installed within the development shall be submitted to and approved in writing by the Local Planning Authority. The details shall include a plan indicating the locations of the lights, specifications, height, luminance; lens shape/beam pattern and orientation, any hoods/shades, and an isolux contour map to show light spill levels (down to 2 lux if operating between 23:00 - 07:00, or down to 10 lux if operating only between 07:00 - 23:00) and showing

neighbouring buildings. The details shall demonstrate that light levels will not exceed the relevant guidance lux levels specified in the Institute of Lighting Professionals: Guidance Notes for the Reduction of Obtrusive Light GN01:2011 and shall also demonstrate how glare will be controlled. The approved scheme shall thereafter be installed before first occupation of the buildings or use commenced and the external lighting shall thereafter be maintained and operated in accordance with the approved details.

33. Prior to the first occupation of the residential units at (a) 8th floor level at Block D – The Turbine Hall and (b) 6th floor level at Block E – Christchurch Wharf, details of privacy screens (to include the location and position of the screens, their dimensions, design and manufactures specification, and ongoing maintenance arrangements) shall be submitted to and approved in writing by the Local Planning Authority. The approved privacy screens will be installed before the first occupation of the relevant residential units hereby approved and shall be permanently maintained as such.
34. Prior to the first occupation of any residential unit hereby approved, details of a scheme providing on-site public art (including a sculpture on the north-south route through the site) shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be installed before the first occupation of any residential unit within Block B (The Goods Warehouse fronting Vastern Road) and shall thereafter be maintained in accordance with the approved details.
35. No dwelling within the relevant building ((a) Block B The Goods Warehouse; (b) Block C The Goods Office; (c) Block D The Turbine Hall / The Generator) hereby permitted shall be occupied until all of the relevant vehicle parking space(s): (a) 12 vehicle parking spaces on 448.PL.BC.100 Rev D Block BC\_Ground Floor Plan, as received 12/11/2020; (b) 12 externally located vehicle spaces on 448.PL.SL.003 Enclosure Plan, as received 28/02/2020; (c) 26 vehicle parking spaces on 448.PL.D.100 Rev C Block D\_Ground Floor Plan, as received 10/12/2020) have been provided in accordance with the plans hereby approved. The spaces shall be kept available for parking at all times thereafter.
36. No dwelling/building hereby permitted shall be occupied until the vehicle access serving it has been constructed in accordance with the plans hereby approved.
37. No building shall be occupied until all the visibility splays shown on the approved drawings 47500/5500/001 and 47500/5500/007 as received 10/06/2020 have been provided. All areas shall thereafter be kept free of all obstructions to visibility over a height of 0.6m above the carriageway level and maintained as such.
38. No dwelling/building hereby permitted shall be occupied until the bicycle parking facility for that dwelling/building has been provided in accordance with the plans hereby approved. The facility shall be kept available for bicycle parking at all times thereafter.

39. Prior to works above slab level of the development hereby permitted the Local Planning Authority shall be provided with the property's full postal address to allow the Council to exclude the property(s) from the list of those eligible for residents parking permits. The notification shall be sent to the Local Planning Authority quoting the application reference specified on this Notice.
40. Prior to any agreement being entered into for a new occupation of, or transfer of any interest in, the residential unit(s) hereby approved, the prospective occupier/transferee shall be informed that there is no automatic entitlement to a car parking permit for any existing residential parking permit schemes and future schemes on adjacent and surrounding streets. All material used for advertising or marketing the residential unit(s) for letting or sale shall make it clear to prospective tenants and occupiers that they will not be automatically entitled to a parking permit, but any application for a parking permit will be considered on its merits.
41. Prior to the first occupation of any residential unit within the relevant building ((a) Block B The Goods Warehouse; (b) Block D The Turbine Hall / The Generator) details of an electric vehicle charging Scheme comprising a layout plan and detailed specification for a minimum of (a) 2 charging points and (b) 4 charging points serving the relevant buildings shall be submitted to and approved in writing by the Local Planning Authority.  
No dwelling within the relevant building shall be first occupied until the Scheme for that building has been 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.
42. No development (barring demolition) shall commence on site until a plan showing a dedicated DDA compliant pedestrian route to and from the accessible parking bays located along the west of the spine road is submitted to and been approved in writing by the Local Planning Authority. This pedestrian route shall be provided in full accordance with the approved details prior to first occupation and thereafter kept free of obstruction and retained in accordance with the approved details at all times.
43. No development (barring demolition) shall commence on site until full details (including maintenance details and schedules) of an on-site biodiversity enhancement scheme, to include a suite of integral bird and bat boxes, tiles and bricks on the new buildings, is submitted to and approved in writing by the Local Planning Authority. The scheme is to include a programme for implementation and ongoing maintenance. The biodiversity enhancement scheme shall thereafter be implemented and adhered to in accordance with agreed programme.
44. 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 28 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.

45. Prior to commencement of the development (barring demolition) a report detailing the internal (from windows facing the river) and external lighting scheme and how this will not adversely impact upon wildlife shall be submitted to and approved in writing by the LPA. The report shall include the following figures and appendices:
- a) A layout plan with beam orientation
  - b) A schedule of equipment
  - c) Measures to avoid glare
  - d) An isolux contour map showing light spillage to 1 lux.

The internal lighting (from windows facing the river) shall thereafter be implemented in accordance with the approved details prior to the first occupation of the relevant building ((a) Block A - The Railway Warehouse; (b) Block B - The Goods Warehouse; (c) Block C - The Goods Office; (d) Block D - The Generator / The Turbine Hall; (e) Block E - Christchurch Wharf; (f) Café).

The external lighting shall thereafter be implemented in accordance with the approved details prior to the first occupation of any residential unit within Block D - The Generator / The Turbine Hall or Block E - Christchurch Wharf, and maintained as such thereafter.

46. No development shall take place (including demolition, ground works, vegetation clearance) until a Construction Environmental Management Plan: Biodiversity (CEMP: Biodiversity) has been submitted to and approved in writing by the Local Planning Authority. The CEMP: Biodiversity shall include the following:
- a) Risk assessment of potentially damaging construction activities.
  - b) Identification of "biodiversity protection zones".
  - c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).
  - d) The location and timing of sensitive works to avoid harm to biodiversity features.
  - e) The times during construction when specialist ecologists need to be present on site to oversee works.
  - f) Responsible persons and lines of communication.
  - g) The role and responsibilities on site of an Ecological Clerk of Works (ECoW) or similarly competent person.
  - h) Use of protective fences, exclusion barriers and warning signs.
- The approved CEMP: Biodiversity shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details.

47. Prior to the first occupation of the relevant residential unit(s) within Block B - The Goods Warehouse all glazing and ventilation details shown on the following approved plans shall have been provided in full:

- 448.PL.BC.V.100 Block B and C – Glazing and Ventilation Plans – MVHR Proposal
- 448.PL.BC.V.101 Block B and C – First Floor Plan – MVHR Proposal
- 448.PL.BC.V.102 Block B and C – Second Floor Plan – MVHR Proposal
- 448.PL.BC.V.103 Block B and C – Third Floor Plan – MVHR Proposal
- 448.PL.BC.V.104 Block B and C – Fourth Floor Plan – MVHR Proposal
- 448.PL.BC.V.105 Block B and C – Fifth Floor Plan – MVHR Proposal
- 448.PL.BC.V.106 Block B and C – Sixth Floor Plan – MVHR Proposal
- 448.PL.BC.V.107 Block B and C – Seventh Floor Plan – MVHR Proposal
- 448.PL.BC.V.108 Block B and C – Eighth Floor Plan – MVHR Proposal
- 448.PL.BC.V.109 Block B and C – Ninth Floor Plan – MVHR Proposal
- 448.PL.BC.V.110 Block B and C – Tenth Floor Plan – MVHR Proposal
- 448.PL.BC.V.111 Block B and C – Roof Plan – MVHR Proposal

The provided glazing and ventilation details shall be retained and maintained as such thereafter.

48. Prior to the first occupation of any residential unit within Block E - Christchurch Wharf or Block F - The Coal Drop Building the towpath access leading to the River shall be completed in accordance with approved plan 448.LAND.SK.101 Towpath Access – 1:21. The towpath access shall thereafter be retained and maintained as such thereafter.
49. Prior to first occupation of the development hereby approved, a Car Parking Management Plan (CPMP) shall be submitted to and approved in writing by the Local Planning Authority. The plan shall include full details of how the allocation of the car parking spaces for residents will be distributed and details of the proposed on-site parking enforcement to restrict overspill parking and obstructive servicing operations. Thereafter the approved CPMP shall be implemented in full and for the lifetime of the development.