
London Road Industrial Estate – Avison Young Development Brief

Committee considering report:	Executive
Date of Committee:	19 th November 2020
Portfolio Member:	Councillor Ross Mackinnon
Date Portfolio Member agreed report:	22 nd October 2020
Report Author:	Bill Bagnell
Forward Plan Ref:	EX3960

1 Purpose of the Report

- 1.1 For the Executive to review again the Avison Young prepared draft London Road Industrial Estate Development Brief and to note feedback from public consultation which is reflected in the final version of the Development Brief.
- 1.2 A further report on the next stages in the development of the Estate will be brought to a future Executive meeting to agree the next steps and progress on the site in light of this development brief and opportunities for the site.

2 Recommendation

- 2.1 That the Executive approves publication of the London Road Industrial Estate (LRIE) Development Brief in its final form post public consultation

3 Implications and Impact Assessment

Implication	Commentary
Financial:	There are no financial implications. The next steps to be taken in bringing forward regeneration on the LRIE are being considered in detail and where the scope and cost of this work will be the subject of a separate report to the Executive.
Human Resource:	N/A

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Legal:	N/A			
Risk Management:	N/A			
Property:	None directly from this report, though any development of the site will have an impact			
Policy:	<p>The Executive has to be clear with regards to the Council’s role as Property Owner and its role as the Local Planning Authority and the two are clearly separate.</p> <p>The current Planning Policy for the London Road Industrial Estate has a general policy about supporting the opportunity for regeneration. The Local Plan Review to 2036 will have further policies protecting employment areas and encouraging economic growth. The development of London Road is also a key part of the Council Strategy 2019-23 priority “Develop local infrastructure, including housing, to support and grow the local economy”</p> <p>The work done on the draft Development Brief could then be submitted by the Council as landowner to the Local Planning Authority to support any detailed proposals for the estate, which the Local Planning Authority could use as evidence to support and justify any new policies in the Local Plan regarding the estate if the proposals were acceptable.</p>			
	Positive	Neutral	Negative	Commentary
Equalities Impact:				
A Are there any aspects of the proposed decision, including how it is delivered or accessed, that could impact on inequality?		X		N/A

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B Will the proposed decision have an impact upon the lives of people with protected characteristics, including employees and service users?		X		N/A
Environmental Impact:		X		The southern quarter of the London Road Industrial Estate is adjacent to open green space, the river and canal. Development should not compromise this area of good quality amenity space and should use it generally to enhance regeneration by maintaining and incorporating it within development proposals. It is probable that any outline application or individual applications will require a full Environmental Impact Assessment.
Health Impact:		X		N/A
ICT Impact:		X		N/A
Digital Services Impact:		X		N/A
Council Strategy Priorities:	X			To bring forward regeneration on the London Road Industrial Estate will be to realise a key strategic aim of the Council which has been publicly known since 2003 and is part of the 2019-23 Council Strategy
Core Business:		X		Wherever possible the Council should facilitate and help bring forward development that is in accordance with policy and helps create vibrant sustainable communities. Thoughtful regeneration of the LRIE will achieve that.
Data Impact:		X		N/A

Consultation and Engagement:	Internal: Economic Development, Property Services, Planning Policy & Legal Services External: LRIE leaseholders, tenants, sub-tenants, key stakeholders, some adjacent residents and the public.
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4 Executive Summary

- 4.1 The regeneration of the London Road Industrial Estate (LRIE) has been a publicly known Council aspiration since publication of the 2003 Newbury Vision. It has remained a fixed item within all subsequent publications of the Newbury Vision.
- 4.2 The Council's previous attempt to bring forward regeneration with a development partner failed due to legal action brought against and fought unsuccessfully by the council between 2015 and 2018.
- 4.3 In 2019 the Council reiterated its commitment to redeveloping the LRIE and in December 2019 the Council appointed Avison Young to produce a new LRIE Development Brief.
- 4.4 Avison Young completed the draft Development Brief by July 2020 which confirmed that redevelopment of the LRIE remained a viable proposition.

The draft Development Brief was put before the Executive on the 3rd September where the Executive noted the contents of the draft Development Brief and at the same time approved its publication as part of a public consultation exercise. The consultation process finished officially on the 5th November 2020 and where relevant points from that process and their findings have been recorded in an updated Development Brief. There were 74 individual responses to the consultation posted on the Council's LRIE webpage, 8 emailed queries and separate detailed responses from the Liberal Democrat Group, Newbury Town Council, Newbury Society and Newbury Economic Development Company (EDC). In addition to the above the Council held two zoom public engagement events on the 8th Oct and 4th November 2020. Key points raised in the consultation were:

- Housing and residential development issues generally
- More business units to be delivered and less office space
- Is CPO beyond the Council's freehold ownership a possibility?
- Brief should have status as a Planning document
- Brief should place emphasis on green issues, social well-being and climate emergency
- Housing on flood plain not acceptable
- Football should not move away from LRIE

- Concerns over ‘Baseline’ approach to development (plot by plot) as opposed to Masterplan approach
- Infrastructure & site conditions

4.5 This report presents again the Development Brief which has been appropriately amended to reflect consultation and seeks the Executive’s approval to publish the revised Development Brief in its final form.

5 Supporting Information

Introduction

- 5.2 Avison Young completed the draft Development Brief July 2020. The document was reviewed internally and then presented to the Executive 3rd September 2020. The Executive noted its content and initiated public consultation on the document.
- 5.3 Public consultation, including stakeholders such as Newbury Town Council, Newbury Economic Development Company and Newbury Society and the BID, was completed 5th November 2020. The findings of that process have been recorded and where appropriate have caused the Development Brief to be amended. This report presents the final version of the Development Brief and recommends its publication.

Background

- 5.4 During October and November 2019 a competitive tender process was run via Crown Commercial Services to secure consultants to produce a new LRIE Development Brief. The Crown Commercial Services framework gave the Council access to consultancy practices of regional and national size with the ability and experience to review the development options on a complex land holding such as the London Road Industrial Estate.
- 5.5 The draft Development Brief was completed as a document created for the Council as a landowner and where commercial outcomes, based on improved income and / or capital receipts, are as important as good quality regeneration if redevelopment proceeds in the years ahead. The brief has no formal status as a planning document but nonetheless puts forward proposals fully set out in the context of both local and national planning policy and where environmental constraints are likewise analysed.
- 5.6 Production of the Development Brief and confirmation that redevelopment remains a viable proposition is the first step of many in bringing forward regeneration on the LRIE. Later stages may throw up challenges that hamper redevelopment, but they will be met as and when they arise.

Summary of the consultation process

- 5.7 The week commencing the 7th September 2020 LRIE leaseholders were contacted by email, passed the draft Development Brief and informed they would be invited to zoom consultation sessions by Avison Young, supported by the Council. Similarly the week commencing 14th Sept occupational tenants on the estate were contacted by mail informing them they had an opportunity to attend one of two zoom consultation session

with Avison Young on either the 6th or 7th October. This invitation was followed up by an estate letter drop on the 17th September to capture occupational tenants where the Council did not have email details.

- 5.8 During the same period in September the Council’s LRIE webpage was updated inviting the public to view the draft Development Brief on-line and to leave comments on the LRIE webpage via a formal survey link. The on-line survey remained live until midnight 20th October 2020. Over the same period the webpage offered the public an opportunity to watch at 6pm 8 October a live presentation by elected members, officers and consultants and then invited the public to attend a live webinar 6pm 4 November 2020 where elected members, officers and consultants answered questions put to the panel during the session. The availability of this opportunity was advertised in the local press and via social media. The closing date for registering attendance on the final public event 4th November was midnight Sunday 1 November 2020.
- 5.9 It should be noted that consultation feedback included responses that addressed some or all of the main themes recorded in this report. Below is a summary table recording the main themes and related points:

Table 1: Consultation responses, summary of response points and proposed amendments to the Development Brief

Response Area	Summary of response	Recommended amendment to Development Brief
Housing and residential development issues generally (13 comments in total)	8 response with strong support for as much affordable housing as possible and to be social rent / shared ownership 5 responses not in favour of more residential development and with particular objection to flats	Brief to reinforce that redevelopment should be mixed use and where residential development is needed to financially support economically more challenging business space development
More business units to be delivered and less office space (9 comments in total)	There was a general presumption that business should be encouraged and protected. 5 responses were strongly in favour of Tech business provision and 4 responses saying more office is not appropriate	No major amendments proposed bar acknowledge comments.

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Response Area	Summary of response	Recommended amendment to Development Brief
Is CPO beyond the Council's freehold ownership a possibility (3 comments)	Specific queries about residential garden land South of the A4 and West of the LRIE being subject to CPO to help facilitate redevelopment.	Brief to be amended within CPO section to confirm that CPO of residential back garden land South of the A4 and West of the LRIE will not be pursued by the Council.
Brief should have status as a Planning document (2 comments)	Comments that an expensive brief has little value if it cannot stand as a planning document	Brief to reinforce that it is produced for the Council as land owner.
Brief should place emphasis on green issues, social well-being and climate emergency (10 comments)	General observations that brief does not talk about or illustrate in detail cycle paths, greater connectivity to Victoria Park, align proposals specifically to climate emergency issues and the environment generally	Brief to note comments, explain that matters such as cycle routes and connectivity are dealt with at detailed planning stage and that proposals must align generally with Planning Policy requirements in terms of sustainability, build quality, materials etc.
Housing on flood plain not acceptable (13 comments)	A general presumption that residential development should not or cannot be delivered on land within flood zones	Brief to explain that providing appropriate mitigation measures are put in place, that detailed design at planning stage demonstrate how measures are to be built out and the Environment Agency can support these measures, housing on flood plain can achieve a safe consent
Concerns over 'Baseline' approach to development (plot by plot) as opposed to Masterplan approach (4 comments)	Concern that 'plot by plot' development is at the expense of development providing appropriate infrastructure to	Brief to explain the compromise between a masterplan delivery and 'plot by plot' delivery is not poor infrastructure but a compromise on the most

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Response Area	Summary of response	Recommended amendment to Development Brief
	<p>deliver good redevelopment and that only a 'clean' site, where all existing buildings are removed, can deliver appropriate infrastructure.</p>	<p>efficient use of developable land within an overall vision for the site</p>
<p>Infrastructure & site conditions (11 comments)</p>	<p>General comment that the brief is weakened by not considering in detail development infrastructure requirements and site conditions.</p>	<p>Brief to explain detailed engineer type surveys covering utilities, environmental issues, ground structure, potential contamination remediation and flood mitigation are studies to be undertaken once basic development viability has been confirmed in term of planning policy and market conditions and are an important part of the development proposals at that stage.</p>
<p>Football should not move away from LRIE (45 comments, of which 33 were exclusively about football)</p>	<p>General comments stating it is wrong to build on the old football ground</p>	<p>Brief to reinforce existing comments that the old football ground is integral to the successful redevelopment of the LRIE, where the Council has plans to re-provide football within the Newbury area and where these plans are supported by Sport England.</p>

5.10 Where relevant the final version of the Avison Young Development Brief has been updated to reflect feedback from the consultation process as requested by the Executive.

Proposals

5.11 That the Executive approves publication of the final version of the Development Brief post consultation.

6 Other options considered

- 6.1 The Council should sell its freehold interest in the LRIE. Existing ground rents are fixed at a good yield and where ground rents are paid to the Council by the leaseholder regardless of occupational rents received by leaseholders. Any capital receipt could be invested in assets generating similar returns but would only maintain existing income levels and at the same time remove the Council's ability to bring forward regeneration on this run down part of Newbury. Moreover new owners might sit on existing LRIE freeholds, leaving the estate to further deteriorate and where the Council's control would be limited to that of planning authority.
- 6.2 To note the contents of the Avison Young Development Brief in its final form and for the Council to decide not to initiate and drive forward regeneration on the LRIE, leave the estate as it is and deal with change if and when it happens in the years ahead. This approach is likely to be overtaken by events where the Council has to engage and negotiate with leaseholders who will progressively bring forward their own schemes on Council freehold land in the same way FDL and NWN already have. It is preferable for the Council to be in control of events rather than react to them.

7 Conclusions

- 7.1 The Council has a Development Brief that confirms regeneration of the LRIE remains a viable proposition. The process will be long, challenging and potentially risky if the Council considers any element of self-delivery. Nonetheless bringing forward regeneration is within the Council's capability.
- 7.2 The consultation process has not thrown up matters that should alter the Council's intention to regenerate the LRIE nor deter the Council from taking the next steps in bringing forward regeneration on the LRIE.
- 7.3 The Council can choose to do nothing and leave the estate in its present state and rely on existing ground rents for the foreseeable future. However, this would be to turn its back on a long held Council aspiration, where the estate will further deteriorate and in the context of a Council that is already well informed about what it might seek from its earlier experience in the abortive process to secure a development partner.
- 7.4 On the basis that doing nothing or selling the Council's freehold interest are unacceptable options, the Executive will be acting reasonably if it approves publication of the final version of the Avison Young Development Brief.

8 Appendices

- 8.1 Appendix A – Equality Impact Assessment – Stage One
- 8.2 Appendix B – Data Protection Impact Assessment – Stage One

8.3 Appendix C – Revised Avison Young LRIE Development Brief

Background Papers:

EX3946 – paper to Executive on 3 September 2020

Subject to Call-In:

Yes: X No:

- The item is due to be referred to Council for final approval
- Delays in implementation could have serious financial implications for the Council
- Delays in implementation could compromise the Council’s position
- Considered or reviewed by Overview and Scrutiny Management Committee or associated Task Groups within preceding six months
- Item is Urgent Key Decision
- Report is to note only

Wards affected: Victoria Ward

Officer details:

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Document Control

Document Ref:		Date Created:	6 th October 2020
Version:	1st	Date Modified:	
Author:	Bill Bagnell		
Owning Service	Property Services		

Change History

Version	Date	Description	Change ID
1			
2			

Appendix A

Equality Impact Assessment - Stage One

We need to ensure that our strategies, policies, functions and services, current and proposed have given due regard to equality and diversity as set out in the Public Sector Equality Duty (Section 149 of the Equality Act), which states:

- (1) A public authority must, in the exercise of its functions, have due regard to the need to:***
 - (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;***
 - (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; This includes the need to:***
 - (i) remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic;***
 - (ii) take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it;***
 - (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it, with due regard, in particular, to the need to be aware that compliance with the duties in this section may involve treating some persons more favourably than others.***
- (2) The steps involved in meeting the needs of disabled persons that are different from the needs of persons who are not disabled include, in particular, steps to take account of disabled persons' disabilities.***
- (3) Compliance with the duties in this section may involve treating some persons more favourably than others.***

The following list of questions may help to establish whether the decision is relevant to equality:

- Does the decision affect service users, employees or the wider community?
- (The relevance of a decision to equality depends not just on the number of those affected but on the significance of the impact on them)
- Is it likely to affect people with particular protected characteristics differently?
- Is it a major policy, or a major change to an existing policy, significantly affecting how functions are delivered?
- Will the decision have a significant impact on how other organisations operate in terms of equality?
- Does the decision relate to functions that engagement has identified as being important to people with particular protected characteristics?
- Does the decision relate to an area with known inequalities?
- Does the decision relate to any equality objectives that have been set by the council?

Please complete the following questions to determine whether a full Stage Two, Equality Impact Assessment is required.

What is the proposed decision that you are asking the Executive to make:	To note the contents of the Avison Young Development Brief and to consider what steps to take, if any, in further bringing forward regeneration on the London Road Industrial Estate.
Summary of relevant legislation:	N/A
Does the proposed decision conflict with any of the Council’s key strategy priorities?	No
Name of assessor:	Bill Bagnell
Date of assessment:	14 th July 2020

Is this a:		Is this:	
Policy	No	Proposed	Yes
Strategy	No	Already exists and is being reviewed	Yes
Function	No	Is changing	No
Service	No		

What are the main aims, objectives and intended outcomes of the proposed decision and who is likely to benefit from it?	
Aims:	To agree the next steps in bringing forward regeneration of the LRIE.
Objectives:	To secure again a partner or partners who will manage the regeneration of Council freehold assets on the LRIE and where necessary and in support of that process for the Council to exercise its powers of compulsory purchase.
Outcomes:	Provision of BREEAM Excellent residential accommodation, new fit for purpose office accommodation and / or employment spaces and retail opportunities.
Benefits:	Secure and enhanced LRIE income, town centre affordable housing, improved employment opportunities and generally raise the run down profile of an important town centre location.

Note which groups may be affected by the proposed decision. Consider how they may be affected, whether it is positively or negatively and what sources of information have been used to determine this.

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(Please demonstrate consideration of all strands – Age, Disability, Gender Reassignment, Marriage and Civil Partnership, Pregnancy and Maternity, Race, Religion or Belief, Sex and Sexual Orientation.)		
Group Affected	What might be the effect?	Information to support this
Age	None	
Disability	None	
Gender Reassignment	None	
Marriage and Civil Partnership	None	
Pregnancy and Maternity	None	
Race	None	
Religion or Belief	None	
Sex	None	
Sexual Orientation	None	
Further Comments relating to the item:		
Regenerating the LRIE through redevelopment will be of benefit to the wider Newbury community.		

Result	
Are there any aspects of the proposed decision, including how it is delivered or accessed, that could contribute to inequality?	No
Please provide an explanation for your answer: Regenerating the LRIE through redevelopment will be of benefit to the wider Newbury community.	
Will the proposed decision have an adverse impact upon the lives of people, including employees and service users?	No
Please provide an explanation for your answer: Regenerating the LRIE through redevelopment will be of benefit to the wider Newbury community.	

If your answers to question 2 have identified potential adverse impacts and you have answered ‘yes’ to either of the sections at question 3, or you are unsure about the impact, then you should carry out a Stage Two Equality Impact Assessment.

If a Stage Two Equality Impact Assessment is required, before proceeding you should discuss the scope of the Assessment with service managers in your area.

You will also need to refer to the Equality Impact Assessment guidance and Stage Two template.

Identify next steps as appropriate:	
Stage Two required	Not required
Owner of Stage Two assessment:	
Timescale for Stage Two assessment:	

Name: **Bill Bagnell**

Date: **14th July 2020**

Please now forward this completed form to Rachel Craggs, Principal Policy Officer (Equality and Diversity) (rachel.craggs@westberks.gov.uk), for publication on the WBC website.

Appendix B

Data Protection Impact Assessment – Stage One

The General Data Protection Regulations require a Data Protection Impact Assessment (DPIA) for certain projects that have a significant impact on the rights of data subjects.

Should you require additional guidance in completing this assessment, please refer to the Information Management Officer via dp@westberks.gov.uk

Directorate:	Resources
Service:	Finance & Property
Team:	Property Services
Lead Officer:	Bill Bagnell
Title of Project/System:	LRIE Redevelopment
Date of Assessment:	14 th July 2020

Do you need to do a Data Protection Impact Assessment (DPIA)?

	Yes	No
<p>Will you be processing SENSITIVE or “special category” personal data?</p> <p><i>Note – sensitive personal data is described as “data revealing racial or ethnic origin, political opinions, religious or philosophical beliefs, or trade union membership, and the processing of genetic data, biometric data for the purpose of uniquely identifying a natural person, data concerning health or data concerning a natural person’s sex life or sexual orientation”</i></p>	<input type="checkbox"/>	X
<p>Will you be processing data on a large scale?</p> <p><i>Note – Large scale might apply to the number of individuals affected OR the volume of data you are processing OR both</i></p>	<input type="checkbox"/>	X
<p>Will your project or system have a “social media” dimension?</p> <p><i>Note – will it have an interactive element which allows users to communicate directly with one another?</i></p>	<input type="checkbox"/>	X
<p>Will any decisions be automated?</p> <p><i>Note – does your system or process involve circumstances where an individual’s input is “scored” or assessed without intervention/review/checking by a human being? Will there be any “profiling” of data subjects?</i></p>	<input type="checkbox"/>	X

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	Yes	No
Will your project/system involve CCTV or monitoring of an area accessible to the public?	<input type="checkbox"/>	X
Will you be using the data you collect to match or cross-reference against another existing set of data?	<input type="checkbox"/>	X
Will you be using any novel, or technologically advanced systems or processes?	<input type="checkbox"/>	X
<small>Note – this could include biometrics, “internet of things” connectivity or anything that is currently not widely utilised</small>		

If you answer “Yes” to any of the above, you will probably need to complete [Data Protection Impact Assessment - Stage Two](#). If you are unsure, please consult with the Information Management Officer before proceeding.