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Western Area Planning Committee

Thursday 3 October 2024 at 6.00pm

in the Council Chamber Council Offices Market Street Newbury

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If members of the public wish to make representations to the Committee on any of the planning applications being considered at this meeting, they can do so either remotely or in person. Members of the public who wish to make representations must notify the Planning Team by no later than 4.00pm on Wednesday 2 October 2024 by emailing planningcommittee@westberks.gov.uk.

Members Interests

Note: If you consider you may have an interest in any Planning Application included on this agenda then please seek early advice from the appropriate officers.

Date of despatch of Agenda: Wednesday 25 September 2024

Further information for members of the public

Plans and photographs relating to the Planning Applications to be considered at the meeting can be viewed by clicking on the link on the front page of the relevant report.

For further information about this Agenda, or to inspect any background documents referred to in Part I reports, please contact the Planning Team on (01635) 519148 or email planningcommittee@westberks.gov.uk.

Further information, Planning Applications and Minutes are also available on the Council's website at www.westberks.gov.uk

Any queries relating to the Committee should be directed to the Democratic Services Team by emailing executivecycle@westberks.gov.uk.

West Berkshire COUNCIL

To: Councillors Phil Barnett (Chairman), Clive Hooker (Vice-Chairman), Adrian Abbs, Antony Amirtharaj, Paul Dick, Nigel Foot, Denise Gaines, Tony Vickers and Howard Woollaston

Substitutes: Councillors Dennis Benneyworth, Martin Colston, Carolyne Culver, Billy Drummond and Stuart Gourley

Agenda

Part I

Page No.

1. **Apologies for absence**
To receive apologies for inability to attend the meeting (if any).

2. **Declarations of Interest**
To remind Members of the need to record the existence and nature of any personal, disclosable pecuniary or other registrable interests in items on the agenda, in accordance with the Members' Code of Conduct.

3. **Schedule of Planning Applications**
(Note: The Chairman, with the consent of the Committee, reserves the right to alter the order of business on this agenda based on public interest and participation in individual applications).

(1) **Application No. and Parish: 23/02094/FULMAJ - The Mall, The Kennet Centre, Newbury** 5 - 112

Proposal: Full planning permission for the redevelopment of the Kennet Centre comprising the partial demolition of the existing building on site and the development of new residential dwellings (Use Class C3) and residents' ancillary facilities; commercial, business and service floorspace including office (Class E (a, b, c, d, e, f, and g)); access, parking, and cycle parking; landscaping and open space; sustainable energy installations; associated works, and alterations to the retained Vue Cinema and multi storey car park.

Location: The Mall, The Kennet Centre, Newbury, RG14 5EN

Applicant: Lochailort Newbury Ltd
Eagle House 108-110 Jermyn Street
London
SW1Y 6EE

Recommendation: PROVIDED THAT a Section 106 Agreement has been completed within 3 months (or such longer period that may be authorised by the Development Manager, in consultation with the Chairman or Vice Chairman of the Western Area Planning Committee), to delegate to the Development Manager to **GRANT PLANNING PERMISSION** subject to the conditions listed in section 8 of this report (or minor and inconsequential amendments to those conditions authorised by the Development Manager, in consultation with the Chairman or Vice Chairman of the Western Area Planning Committee).

Or, if the Section 106 legal agreement is not completed, to delegate to the Development Manager to **REFUSE PLANNING PERMISSION** for the reasons listed in section 8 of this report.

Background Papers

(a) The West Berkshire Core Strategy 2006-2026.
(b) The West Berkshire District Local Plan (Saved Policies September 2007), the Replacement Minerals Local Plan for Berkshire, the Waste Local Plan for Berkshire and relevant Supplementary Planning Guidance and Documents.
(c) Any previous planning applications for the site, together with correspondence and report(s) on those applications.
(d) The case file for the current application comprising plans, application forms, correspondence and case officer's notes.
(e) The Human Rights Act.

Sarah Clarke

Sarah Clarke
Service Director – Strategy & Governance
West Berkshire District Council

If you require this information in a different format or translation, please contact Stephen Chard on (01635) 519462.

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Item No.	Application No. and Parish	Statutory Target Date	Proposal, Location, Applicant
(1)	23/02094/FULMAJ Newbury	25/12/2023[1]	Full planning permission for the redevelopment of the Kennet Centre comprising the partial demolition of the existing building on site and the development of new residential dwellings (Use Class C3) and residents ancillary facilities; commercial, business and service floorspace including office (Class E (a, b, c, d, e, f, and g)); access, parking, and cycle parking; landscaping and open space; sustainable energy installations; associated works, and alterations to the retained Vue Cinema and multi storey car park. The Mall The Kennet Centre Newbury RG14 5EN Lochailort Newbury Ltd Eagle House 108-110 Jermyn Street London SW1Y 6EE

[1] Extension of time agreed with applicant until 04/10/2024

The application can be viewed on the Council's website at the following link: https://publicaccess.westberks.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=S0NSVJRD09N00

Recommendation Summary:	PROVIDED THAT a Section 106 Agreement has been completed within 3 months (or such longer period that may be authorised by the Development Manager, in consultation with the Chairman or Vice Chairman of the Western Area Planning Committee), to delegate to the Development Manager to **GRANT PLANNING PERMISSION** subject to the conditions listed in section 8 of this report (or minor and inconsequential amendments to those conditions authorised by the Development Manager, in consultation with the Chairman or Vice Chairman of the Western Area Planning Committee). **Or**, if the Section 106 legal agreement is not completed, to delegate to the Development Manager to **REFUSE PLANNING PERMISSION** for the reasons listed in section 8 of this report.
Ward Members:	Councillor Louise Sturgess Councillor Martin Colston

Reason for Committee Determination:	Referred to Planning Committee by the Development Manager due to Public Interest, and due to the level of objection.
Committee Site Visit:	1st October 2024

Contact Officer Details	
Name:	Mr. Matthew Shepherd
Job Title:	Senior Planning Officer
Tel No:	01635 519111
Email:	Matthew.Shepherd@Westberks.gov.uk

1. Introduction

1.1 This application seeks planning permission for full planning permission for the redevelopment of the Kennet Centre comprising the partial demolition of the existing building on site and the development of new residential dwellings (Use Class C3) and residents ancillary facilities; commercial, business and service floorspace including office (Class E (a, b, c, d, e, f, and g)); access, parking, and cycle parking; landscaping and open space; sustainable energy installations; associated works, and alterations to the retained Vue Cinema and multi storey car park.

1.2 The development would consist of a build to rent scheme. Build to rent is defined in the National Planning Policy Framework as

*"**Build to Rent:** Purpose built housing that is typically 100% rented out. It can form part of a wider multi-tenure development comprising either flats or houses but should be on the same site and/or contiguous with the main development. Schemes will usually offer longer tenancy agreements of three years or more and will typically be professionally managed stock in single ownership and management control."*

1.3 For context it is generally considered that build to rent (BtR) is a positive way of meeting a growing demand within the UK's Housing Market.

1.4 There are broadly four benefits to Build to Rent development. Firstly, these developments have the ability to significantly boost housing supply in comparison with the traditional build to sell model. They are often able to be developed faster, as they can be absorbed into the market more quickly. In addition, the method of utilising high-density housing, economies of scale, and efficient use of space can offer more, high-quality dwellings. They also offer increased housing choice for people priced out of the open market (referred to as the mobile intermediate market; people who are not eligible for social housing yet cannot afford to own their own home).

1.5 The proposal will deliver 427 new build to rent homes and approximately 3,116.87 sqm of new Use Class E floorspace which, alongside the existing retained Class E floorspace including the retained cinema and restaurants on site (5,068.96 sqm), amounts to 8,185.83 sqm of Class E floorspace. The new Class E floorspace comprises, new retail and commercial spaces for independent shops, cafes, and floorspace. In addition, the proposals incorporate significant new areas of public realm, and amenity space for the residential accommodation.

1.6 The proposed development would include sustainable energy installations including ground source heat pumps, resulting in a six-fold reduction in carbon emissions on site net when compared to the existing situation. Promotion of sustainable transport modes with space for 632 cycles on site, 3 new car club spaces, and 53 electric vehicle charging points.

1.7 A new pedestrianised street linking the railway station and Market Place development to the town centre would also be delivered. Furthermore, improvements to the Kennet Centre Multi-Storey Car Park including additional Electric Vehicle Charging Points (EVCP) are included.

1.8 The works would include improvements to the existing Vue Cinema including a new pedestrian link into the development. There would be associated works including sustainable drainage.

1.9 The site currently comprises the Kennet shopping centre, built in the late 1970's/early 1980s it is in a state of decline according to the applicants and is considered to be failing

as a shopping centre and in need of significant investment and repurposing. The proposed development involves the demolition of the majority of the centre with the exception of the Vue cinema block and multi-storey car park.

1.10 The scheme is made up of 9 residential blocks ranging from 2 to 7 storeys in height. In comparison with the appeal scheme, the tallest elements, Blocks A and B have been reduced by 2 storeys from 9 to 7. Block S is up to 7 storeys high but remains broadly the same height as the office block previously in this location.

2. Planning History

2.1 The table below outlines the relevant planning history of the application site (not including applications relating to individual units within or small areas of the site)

Application	Proposal	Decision / Date
21/00379/FULMAJ	Full: Phased redevelopment of the Kennet Centre comprising (1) partial demolition of existing building, and development of (ii) flexible-use commercial space including business, service and office in Use Class E a, b, c, d, e, f and g (iii) 367 dwellings plus residents ancillary facilities (iv) access, car parking and cycle parking (v) landscaping and open space (vi) sustainable energy installations (vii) associated works.	Refused 04/11/2022
21/00380/FULMAJ	Full: 91 retirement living apartments with ancillary residents amenities and associated works	Refused 04/11/2022
06/01674/COMIND	Approval of new 7 screen cinema, class A3/A4 retail floor space, new foyer/circulation, replacement public conveniences and sub-station.	Approved 19/10/2006
83/19101/ADD	Final phase of Kennet Centre comprising new department store, enlarged supermarket, shops, car park and bus station alterations to existing multi storey car park.	Approved 06/09/1985
80/13824/ADD	, 1982, Approval of phase two of town centre development comprising new department store and shops with ancillary accommodation, service road and operational car parking.	Approved 31/03/1982
79/10612/ADD	1979, Approval of renewal of details consent for 26 shops and two storey department store.	Approved 19/06/1979
301/67	1968, Approval of outline for 26 shops and two storey department store.	Approved

3. Procedural Matters

3.1 **EIA**: EIA screening was undertaken under 20/02647/SCREEN in November 2020. The screening decision was that the proposal would not be EIA development and an Environmental Statement would not be required.

3.2 **Publicity**: Site notices were displayed on 27th September 2023 by/on the main access doors to the Kennet Centre; the deadline for representations expired on 18th October 2023. A public notice was displayed in the Newbury Weekly News on 29 April 2021.

3.3 **Amendments**: The original proposal has been amended with a full consultation and site notices undertaken for 21 days for amendments. Notices were erected on the 20th December 2023 and expired on the 23rd January 2024.

3.4 **Local Financial Considerations**: Section 70(2) of the Town and Country Planning Act 1990 (as amended) provides that a local planning authority must have regard to a local finance consideration as far as it is material. Whether or not a 'local finance consideration' is material to a particular decision will depend on whether it could help to make the development acceptable in planning terms. It would not be appropriate to make a decision based on the potential for the development to raise money for a local authority or other government body. The table below identified the relevant local financial considerations for this proposal.

Consideration	Applicable to proposal	Material to decision
Community Infrastructure Levy (CIL)	Yes	No
New Homes Bonus	Yes	No
Affordable Housing	Yes	Yes
Public Open Space or Play Areas	Yes	Yes
Developer Contributions (S106)	Yes	Yes
Job Creation	Yes	Yes

3.5 **Community Infrastructure Levy (CIL)**: CIL is a levy charged on most new development within an authority area. The money is used to pay for new infrastructure supporting the development of an area by funding the provision, replacement, operation or maintenance of infrastructure. CIL will be charged on residential (C3 and C4) and retail (A1 - A5) development at a rate per square metre (based on Gross Internal Area) on new development of more than 100 square metres of net floorspace (including extensions) or when a new dwelling is created (even if it is less than 100 square metres).

3.6 CIL liability will be formally confirmed by the CIL Charging Authority under separate cover following the grant of any permission. More information is available at www.westberks.gov.uk/cil.

3.7 **New Homes Bonus (NHB)**: New Homes Bonus payments recognise the efforts made by authorities to bring residential development forward. NHB is not considered to be a relevant material consideration in this instance but can be noted for information.

3.8 **Public Sector Equality Duty (PSED)**: In determining this application the Council is required to have due regard to its obligations under the Equality Act 2010. The Council must have due regard to the need to achieve the following objectives:

(a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Equality Act 2010;

(b) advance equality of opportunity between persons who share a relevant protected characteristic and 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.

3.9 Having due regard to the need to advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it involves having due regard, in particular, to the need to—

(a) remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic;

(b) 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) encourage persons who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.

3.10 The key equalities protected characteristics include age, disability, gender, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief. Whilst there is no absolute requirement to fully remove any disadvantage, the duty is to have regard to and remove or minimise disadvantage. In considering the merits of this planning application, due regard has been given to these objectives.

3.11 There is no indication or evidence (including from consultation on the application) that persons with protected characteristics as identified by the Act have or will have different needs, experiences, issues and priorities in relation to this particular planning application and there would be no significant adverse impacts as a result of the development.

3.12 All new buildings within the development will be required to comply with Building Regulations which have their own criteria to apply for the design of buildings which also has due regard to the Act.

3.13 **Human Rights Act**: The development has been assessed against the provisions of the Human Rights Act, including Article 1 of the First Protocol (Protection of property), Article 6 (Right to a fair trial) and Article 8 (Right to respect for private and family life and home) of the Act itself. The consideration of the application in accordance with the Council procedures will ensure that views of all those interested are taken into account. All comments from interested parties have been considered and reported in summary in this report, with full text available via the Council's website.

3.14 It is It is acknowledged that there are certain properties where they may be some impact. However, any interference with the right to a private and family life and home arising from the scheme as a result of impact on residential amenity is considered necessary in a democratic society in the interests of the economic well-being of the district and wider area and is proportionate given the overall benefits of the scheme in terms of provision of housing, including affordable housing.

3.15 Any interference with property rights is in the public interest and in accordance with the Town and Country Planning Act 1990 regime for controlling the development of land. This recommendation is based on the consideration of the proposal against adopted Development Plan policies, the application of which does not prejudice the Human Rights of the applicant or any third party.

3.16 The site is located within Newbury Town Centre Conservation Area and there are a number of listed buildings that adjoin or are within close proximity to the Site. A list of the buildings immediately adjacent to the site below with further details provided in the DAS and the Heritage Report:

3.17 **Listed building setting**: Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special regard must be had to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses. Section 16(2) has the same requirement for proposals for listed building consent. This application is considered through its impact on nearby nationally designated heritage assets detailed below.

- Bricklayers Arms (now named The Newbury) (Grade II Listed)
- 149 Bartholomew Street (Grade II Listed)
- 150 and 151 Bartholomew Street (Grade II Listed)
- 152 and 153 Bartholomew Street (Grade II Listed)
- 154 Bartholomew Street (Grade II Listed)
- Town Hall and Municipal Buildings (Grade II Listed)
- 27 Market Place (Grade II Listed)
- 21-25 Market Place (Grade II Listed)
- Catherine Wheel Inn (Grade II Listed)
- 33 and 34 Cheap Street (Grade II Listed)
- 16, 17, 28A, 29A and 29 Bartholomew Street (Grade II Listed)
- 28 Bartholomew Street (Grade II* Listed)
- 40-45 Bartholomew Street (Grade II)
- 102 and 103 and 104-106 Bartholomew Street (Grade II)
- The Coopers Arms Bartholomew Street (Grade II)
- 118 Bartholomew Street (Grade II)
- 114 and 115 Bartholomew Street (Grade II)
- 113 Bartholomew Street (The Dolphin) (Grade II)
- South Gateway to Churchyard of St Nicholas' Church adjoining Bartholomew Street (Grade II* Listed)
- North Gateway to Churchyard of St Nicholas' Church (Grade II*)

- Parish Church of St Nicholas (Grade I Listed)
- The Hatchet (Grade II Listed)
- Corn Exchange (Grade II Listed)
- 8 Market Place Elephant at the Market (formerly Queen's Hotel) (Grade II Listed)
- Newbury Post Office (Grade II Listed)
- 41, 48, 49 & 50 Cheap Street (Grade II Listed)
- Bridge over Bridge Street (Grade II*)
- 1 Bridge Street (Grade II)
- 2 Bridge Street (Grade II)
- 4 Bridge Street (Grade II)

3.18 **Conservation areas**: Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of a conservation area. This application is considered through its impact on the Newbury Town Centre Conservation Area (and its setting).

3.19 The impact on heritage assets is considered in the submitted Heritage Impact Assessment and assessed later in this report.

4. Constraints and Designations

- Within the settlement boundary of Newbury (Urban Area under Policy ADPP1)
- In proximity to listed buildings
- Within a conservation area
- Within an area of archaeological interest
- Within a town centre commercial area
- Part of primary shopping frontage
- In proximity to a Site of Special Scientific Interest and the Kennet and Avon canal
- In proximity to public rights of way
- Within flood zone 2

5. Consultation

Statutory and non-statutory consultation

5.1 The table below summarises the consultation responses received during the consideration of the application. The full responses may be viewed with the application documents on the Council's website, using the link at the start of this report.

Newbury Town Council	The Committee considered the recommendations of the Council's Heritage Working group and resolved that this Council objects to this planning application on the following grounds: 1. It is out of scale with the character and scale of the Newbury Town Centre Conservation area. 2. It does not preserve or enhance the listed buildings in its vicinity 3. It fails to meet the criteria required regarding public benefits (see Historic England guidance)
WBC Highways:	No objection subject to planning obligation.
Active Travel England	No objections subject to conditions
Royal Berkshire Fire and Rescue	No response within the 21-day consultation period.
WBC Archaeology Officer	No objections subject to conditions
WBC Car Parking Manager	Objection
NHS Buckinghamshire, Oxfordshire and Berkshire West Integrated Car Board	No objections subject to commuted sum
Disabled Access Officer	No response within the 21-day consultation period.
WBC Ecology Officer	No objections subject to conditions.
WBC Economic Development Officer	Support the application
WBC Education Officer	No objections- It is anticipated that the impact will be met by CIL.

Historic England	Historic England has concerns regarding the application on heritage grounds. We consider that the issues and safeguards outlined in our advice need to be addressed in order for the application to meet the requirements of paragraphs 206 and 208 of the NPPF. In determining this application, you should bear in mind the statutory duty of section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest which they possess and section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas. Through conversations between Conservation Officers and Historic England the following conclusion was given by email dated 25/03/2024 as below "*In our view they have got to a point with the design where – if properly detailed – the harm cannot get much lower if the scale of development proposed is to be delivered. If your Council is satisfied that the scale of development is needed to deliver the benefits that could reasonably be considered a clear and convincing justification*."
Natural England	No objections
Environments Agency	No objections
WBC Environments Team	No objections
Berkshire Newt Officer	No objections.
WBC Housing Officer	No objections
WBC Conservation Officer	No objections
Historic Buildings and Places	No response within the 21 day consultation period.
Newbury Society	Objection - The Newbury Society objects to the application 23/02094/FULMAJ for the following summarised reasons. The application should be refused on the grounds that: 1. It is out of scale and proportion with the rest of Newbury town centre.

	2. It is out of character with and harmful to the Newbury town centre conservation area and also to the heritage assets (listed buildings and otherwise) within it. 3. The design of the street-frontage of the flats in Market Street, and the street-frontage design of Block E (next to the multi storey car park) in Bartholomew Street are all in need of improvement. These designs and those of Blocks A, B and S are not appropriate to the conservation area. 4. There is a substantial shortfall in affordable housing proposed: 19 units instead of the WBC policy requirement for 128 (15% of policy requirement). 5. There is a substantial shortfall in dedicated parking spaces for residents: 83 instead of the WBC policy requirement for 471 (18% of policy requirement). 6. The vehicle access proposals in Cheap Street would have a harmful effect on the circulation of town centre traffic as a whole; and the vehicle access proposed in Bartholomew Street is in an area which is currently pedestrianised for a significant part of each day. 7. There is a substantial shortfall in the provision of amenity space, less than 65% of the WBC policy requirement.
Thames Valley Police	No response within the 21 day consultation period.
WBC Public Rights of Way Officer	No response within the 21 day consultation period.
WBC Environmental Health	Concern raised in regard to the impact to future occupiers amenity from the nighttime economy of Newbury Town Centre.
Ramblers Association	No response within the 21 day consultation period.
River Thames Society	No response within the 21 day consultation period.
WBC Adult Social Care	No response within the 21 day consultation period.
SPOKES	No response within the 21 day consultation period.
WBC Lead Local Flood Authority	No objections subject to conditions
WBC Transport Policy	No objections subject to conditions
WBC Tree Officer	No objections subject to conditions

Thames Water Utilities	No response within the 21 day consultation period.
WBC Waste Management Officer	No response within the 21 day consultation period.

Public representations

5.2 Representations have been received from 97 contributors, 2 of which support, and 92 of which object, and 3 provide ambivalent views to the proposal.

5.3 Three petitions were submitted by Newbury Society:

- Petition 1: 100 persons
- Petition 2: 41 persons
- Petition 3: 1,071 persons

5.4 The full responses may be viewed with the application documents on the Council's website, using the link at the start of this report. In summary, the following issues/points have been raised:

Matters raised in support:
- This will revitalise the area and bring investment to the town.
- Will help tackle the growing population of Newbury.
- Will provide access to workers along the commuter belt, making it an ideal place for people to live and move out of cities such as London, Southampton, Bristol etc.
- Will provide employment for local construction individuals.
- The town is dying; the injection of capital investment and new residents will bring life and vibrancy back to this area of the town centre
- Concerns raised by the Civic Society overstate the development's true effect on the character and appearance.
- Need regeneration and more housing.

Matters raised in objection:
- Nothing significant has been changed to change objections previously made,
- All rental properties, no ability for local people to purchase,
- Scale of development still not appropriate for this sensitive location,
- Reducing the height by two storeys makes little change to proposal,
- Impact on traffic during the build process,
- Negative heritage and landscape character impacts for a market town,
- Scale out of character with area, too dominant,
- More suited for commuter towns such as Bracknell and Wokingham,
- Drawings show a misleading representation of the impact by using unrealistic viewpoints and angles.
- A wider range of housing is required.
- Inadequate provision of car parking,
- That residents should use and pay for their parking in the current Kennet Centre car park is unrealistic,
- Proposed housing too high density,
- Lack of affordable housing, should be more than offered,
- Height of the main blocks is still too tall and out of character with the town and will tower over the existing historic buildings and the town centre in general,

- Changes from first plan are minimal,
- Proposal is as mundane and as unsympathetic as the first one,
- The Kennet Centre is 'run down' but does provide a variety of useful shops,
- The proposed development does not provide similar shop space,
- The Grainger Trust scheme is an eyesore and forms a warning precedent, that site has delivered very expensive accommodation,
- This application will do nothing to alleviate the genuine housing crisis in the area,
- The ground floor level is almost all taken up with parking, refuse and access.
- No one in Newbury would welcome a town centre of multiple blocks based on the Telephone Exchange, which is on offer here,
- All the huge blocks are out of character, but Block S on Market Street is particularly poor - the mass of balconies is distinctly odd in a Newbury context, concern regarding furniture and washing being hung,
- Disappointed that people who submitted comments on previous application were not informed of new application,
- Disappointed by the very short consultation period on this new application,
- What is the impact of all these flats on traffic within the town centre?
- While the Kennet Centre does need redevelopment there must be more sympathetic ways of doing this,
- Room sizes are sub recommended living space and a disproportionate number of small flats - not accommodating families.
- Lack of private outdoor space,
- The energy statement is not well developed, lack of information re heat pumps positions etc.,
- High cost of rental of proposed flats,
- No need for additional flats - already a surplus,
- The number of new residents of the development will be a strain on local services,
- Layout will become a wind tunnel,
- High carbon footprint of demolition and construction,
- Vehicle access requiring two way traffic on section of Bartholomew Street is undesirable,
- Exacerbate existing closure of retail units within the town,
- Reduction of parking for visitors and shoppers,
- No development should exceed 5 storeys maximum,
- Lack of natural light into blocks,
- Overshadowing and loss of light into existing adjacent buildings,
- No scale model of the site which would give a true picture of the development,
- No assessment on the impacts of electricity supply and water and sewage facilities,
- Proposal reduces the pedestrian routes across the area,
- Has the Building Safety Regulator been consulted under the Gateway One requirements for Higher Risk Buildings?
- There will be significant overcrowding and lack of privacy for the majority of residents,
- Number of units overdevelopment,
- Lack of cycleway through development,
- Adverse impact on traffic around the town,
- Loss of employers with town - reduced employment opportunities for new residents,
- Not clear which cycle parking is for residents and for visitors,
- The location of the cycle parking will encourage people to cycle through the site,
- Provision needed for small number of oversize bikes,
- Lack of covered areas.

6. Planning Policy

6.1 Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate

otherwise. The following policies of the statutory development plan are relevant to the consideration of this application.

- Policies ADPP1, ADPP2, CS1, CS4, CS5, CS6, CS9, CS11, CS13, CS14, CS15, CS16, CS17, CS19 of the West Berkshire Core Strategy 2006-2026 (WBCS).
- Policies C1, P1 of the Housing Site Allocations Development Plan Document 2006-2026 (HSA DPD).
- Policies TRANS.1, OVS.5, OVS.6, HSG.13, ECON.5, SHOP.1, RL.1, RL.2, RL.3, RL.5 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).
- Policies 1 and 2 of the Replacement Minerals Local Plan for Berkshire 2001 (RMLP).
- Policy NRM6 of the South East Plan.

6.2 Herein the separate documents are referred to as the development plan.

6.3 The following material considerations are relevant to the consideration of this application:

- The National Planning Policy Framework (NPPF)
- The Planning Practice Guidance (PPG)
- Quality Design SPD (2006)
- Sustainable Drainage Systems SPD (2018)
- Planning Obligations SPD (2014)
- Newbury Town Design Statement (2018)
- Cycle and Motorcycle Advice and Standards for new development

7. Development Appraisal

7.1 The main issues for consideration in this application are:

- Principle of development
- Flood Sequential Test
- Economic Development
- Affordable housing and Viability
- Heritage, Design, Character and Appearance
- Housing Mix
- Amenity
- Highways
- Sustainable construction
- Flood risk and Sustainable Drainage
- Archaeology
- Ecology &Trees
- Healthcare
- Other matters
- Planning Obligations
- Planning Balance and Conclusion

8. Principle of development

8.1 At the heart of the National Planning Policy Framework (NPPF) remains a presumption in favour of sustainable development, which should be approved without delay unless material considerations dictate otherwise. Planning policies and decisions should

promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions. It encourages mixed use development schemes in urban areas, particularly where there is a net environmental gain. In relation to retail uses and commercial development the NPPF states that planning policies and decisions should support the role that town centres play at the heart of local communities, by taking a positive approach to their growth, management and adaptation.

8.2 Policy ADPP1 sets out the settlement hierarchy of the District with Newbury being one of the main urban areas which is a focus for development and provides for a wide range of services.

8.3 Policy ADPP2 is specific to Newbury, it states:

- there's significant development potential on previously developed land particularly in the town centre and periphery for housing.

- it identifies the Market Place as a cultural and leisure quarter which holds weekly markets.

- identifies the Market Street area currently being developed as a mixed use 'urban village' for predominantly residential use.

- that Newbury is the main focus for business development; and existing community facilities will be protected.

8.4 Policy CS11 sets out the hierarchy of centres for across the district. This includes Newbury as one of the major town centres to which the main town centre uses identified in the NPPF are directed towards. Policy CS11 seeks to protect and enhance the vitality and viability of these centres. It identifies no capacity for any additional retail convenience and comparison floorspace on top of that which is already committed has been identified through the 2010 Retail Study, any retail development during the Core Strategy period will be mainly focused on the implementation of current schemes such as the Parkway development in Newbury, plus regeneration and other qualitative improvements and schemes. Any scheme will need to be appropriate in scale and character to reflect and respond to the role and function of the centre and promote its individuality.

8.5 Policy CS9 relates to business development and seeks to manage the growth of office floorspace to meet future requirements and directs such development to town and district centres in line with policy CS11.

8.6 Policy ECON.5 directs business development to the commercial areas including Newbury provided it meets the five criteria:

- To not give rise to transport, parking or infrastructure problems.

- To not harm the physical or visual character of the area. Or to the amenities of adjoining users especially residential or to the relationship with the surrounding landscape.

- It should not unduly prejudice the prime shopping frontages.

- It should make provision for a reasonably variety and scale of business development appropriate to the nature and character of the centre

- It should not give rise to pressure for housing development beyond that of the development plan.

8.7 Policy SHOP.1 relates to the primary shopping frontages within Newbury (and other settlements) and states proposals for change of use away from retail within these areas will be refused where it would result in a concentration of non-retail uses harmful to the vitality of the shopping centre.

8.8 With regard to the proposed retail, café and restaurant, office, tech hub, and additional cinema block floorspace these uses are supported in principle by policies ADPP1, ADPP2, CS11, CS9, ECON.5 and SHOP.1. These uses contribute to a wide range of services within the main urban area of the District.

8.9 However, there would be an overall loss in retail/use class E floor space of around 15,000sqm in comparison with the existing development.

8.10 The Council's housing policies are ADPP1, ADPP2, CS1, and C1. Where the site is within the settlement boundary of Newbury there is a presumption in favour of housing development under these policies. However, where the site is also in the town centre into which town centre uses are directed there is a balance to be struck to ensure there is sufficient vitality and viability of town centre uses. The residential accommodation is proposed on the first floor and above, with the proposed retail, cafe and office uses at ground floor level (and above for the offices). This arrangement is considered to be consistent with the balance between town centre residential living and commercial areas.

9. Flood Sequential Test

9.1 Also, a matter of principle is that a large part of the site is in flood zone 2 - 44.9% according to the Council's Housing and Economic Land Availability Assessment (HELAA).

9.2 The proposed retail, commercial and business uses are less vulnerable to flooding under the NPPF Annex 3: Flood risk vulnerability classification.

9.3 The proposed residential development is more vulnerable to flooding. The development plan policies were subject to a strategic flood risk assessment. Where the policies direct main town centre uses to an identified town centre area and these uses are less vulnerable to flooding, it is considered that the flooding sequential test does not need to be applied to the main town centre uses proposed as part of the development.

9.4 Where the proposed residential development is a more vulnerable use, would be located within flood zone 2 on site, is not allocated for housing and has not been subject to a flooding sequential test for residential development, the proposed residential element of the development requires a flooding sequential test. Policy CS16 would require the sequential test to be applied in accordance with the NPPF across the District. The relevant paragraphs of the NPPF are 167 to 175 inclusive. These raise a range of issues, but the crux of the matter is to direct development away from areas at highest risk of flooding, and making a development safe without increasing flood risk elsewhere is the basis for the exception test.

9.5 The sequential test is conducted over an agreed search area, in which alternative sites at a lesser vulnerability of flooding are considered and whether these could deliver the development. Furthermore, it should be considered whether the development can be delivered on alternative sites in a disaggregated manner. In determining the previous application 21/00379/FULMAJ it was considered the scope of the sequential test was too narrow due to only considering main centres of the district and not considering disaggregation as appropriate for the build to rent type of scheme. As a result of this the

applicant has revisited their sequential test and has applied it to the whole of West Berkshire.

9.6 The applicants have also discussed disaggregation of the scheme and suggest that due to the level of shared amenities and services provided to the whole flatted scheme such as a gym, parcel room, dining rooms, meeting rooms, tenant hub and outdoor amenity areas there is a requirement for the development to be of a certain size to deliver these features. These features are characteristics of build to rent developments whereby a key goal is to create areas where longer tenancy can be provided and professionally managed by a single owner and management group. It is put forward that if a build to rent scheme where to fall below a certain threshold, the communal facilities could not be provided. According to the applicants:

"*..it is widely recognised that a threshold of 200 units is necessary in order to provide the services and communal facilities which are integral to the Built to Rent model. Due to the facilities included in the appeal scheme, CBRE* (Global Commercial Real Estate) *has confirmed that the minimum development size that could achieve these benefits would actually have a higher threshold of 250 units which would be the minimum size necessary at the site*."

9.7 As such the applicant states that the build to rent proposal put forward could not achieve the benefits of the proposal if provided at a site of 250 units or lower. Following on from this it stands that disaggregating 250 units onto another site would leave 117 dwellings unable to be located on another site due to the required 'economies of scale' to achieve the envisage development. Therefore, due to the minimum size threshold as stated by the applicant they consider it is not possible to disaggregate the scheme into a series of smaller sites. However, if the lower threshold of 200 units is used 167 units would remain which again would not meet the required thresholds to achieve 'economies of scale' to deliver the requirements of the scheme.

9.8 Given the build to rent consideration and the requirement to achieve economies of scale for the development's attractive features such as shared amenity space, and other amenities in a build to rent development the Council is on balance, minded to agree this approach for this site and this specific circumstance.

9.9 Having agreed the approach to the sequential test the Council as considered the applicants evidence in terms of reasonably available alternative sites. The applicant has considered 10 major sites and 44 minor sites as potential alternative sites.

9.10 The applicant states that whilst the major sites would provide a combined total of 568 dwellings, the largest individual site, at Sandleford Park, would only provide 200 dwellings. This is below the minimum size threshold necessary to achieve the current scheme proposed Build to Rent development and therefore none of these sites represent a suitable alternative to the proposed development. Officers agree with this approach and conclusion.

9.11 The applicant goes on to consider minor sites to which would provide a total of 75 dwellings, but by their nature are only delivering developments of under 10 units. These are therefore all below the minimum size threshold for the appeal scheme, and therefore none of these sites represent a suitable alternative to the proposed development. Officers agree with this approach and conclusion.

9.12 The applicant's evidence in the Sequential Test identified a number of sites within West Berkshire which are due to deliver residential dwellings within the five-year period, none of these meet the minimum size requirement necessary for the proposed Build to Rent development.

9.13 For this reason, the Sequential Test is considered to be passed as no suitable alternative site is available for the proposed development.

9.14 Notwithstanding the above, an alternative (reduced) area of search could also be considered to be acceptable where it can be demonstrated that there is a specific need for the proposed development to be in a particular sub-area (i.e. it could not be replicated elsewhere within the town centre, let alone outside of the town centre). The area of search may be influenced by the purpose or nature of the development itself (e.g. a particular catchment area it intends to serve, its functional or locational requirements etc), but also wider policy objectives (e.g. a local need for affordable housing, town centre regeneration of a specific site, etc).

9.15 In this case the Council has identified the Kennet Centre as an area in need of regeneration to support the vitality and viability of the town centre (Newbury Town Centre Master Plan 2022). Improving this site is essential for unlocking the economic potential of the town centre, and it would not be possible to locate this mixed-use development anywhere else. It is also important to highlight that the residential elements of this development will be necessary for the viability of the overall development. So although the residential elements may be delivered elsewhere, it is almost certainly needed on this site in order to bring forward this essential piece of commercial redevelopment and enhancement of the public-realm.

9.16 The application of the exception test should be informed by a strategic or site-specific flood risk assessment, depending on whether it is being applied during plan production or at the application stage. To pass the exception test it should be demonstrated that:

a) the development would provide wider sustainability benefits to the community that outweigh the flood risk; and

b) the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall.

9.17 Both elements of the exception test should be satisfied for development to be allocated or permitted. The Council has considered the benefits of the development which are set out later in this report and considered them to bring a number of wider social and economic benefits to West Berkshire. This report will explore later the Flooding and Sustainable drainage methods considered by Lead Local Flood Authority officers, Thames Water, and the Environments Agency. In short, they have raised no objection subject to conditions. The surface water drainage scheme submitted with this application is a betterment over the existing site and as such would reduce surface water flooding. As such the proposed development is considered to pass the exception test.

Summary on Principle of Development

9.18 The development is considered to pass the sequential and exception test in regard to flooding and the development of housing being located in a flood zone. With regard to the proposed retail, café and restaurant, office, tech hub, and additional cinema block floorspace these uses are supported in principle by policies ADPP1, ADPP2, CS11, CS9, ECON.5 and SHOP.1. These uses contribute to a wide range of services within the main urban area of the district.

9.19 The Council's housing policies are ADPP1, ADPP2, CS1, and C1. Where the site is within the settlement boundary of Newbury there is a presumption in favour of housing development under these policies. However, where the site is also in the town centre into which town centre uses are directed there is a balance to be struck to ensure there is sufficient vitality and viability of town centre uses. The residential accommodation is

proposed on the first floor and above, with the proposed retail, cafe and office uses at ground floor level (and above for the offices). This arrangement is considered to be consistent with the balance between town centre residential living and commercial areas.

9.20 The principle of development is therefore agreed and considered in accordance with ADPP1, ADPP2, CS1, CS9, CS11, CS16, C1, ECON.5, and SHOP.1 of the development plan.

10. Economic Development

10.1 The Economic Development Team support the application on the grounds that the redevelopment of the Kennet Centre is key to unlocking the long-term viability and economic prosperity of Newbury and the wider district by meeting the changing needs of residents, businesses, and visitors.

10.2 The proposed mixed use of the redevelopment, specifically the addition of on-site office space, is also a positive addition to the scheme as it'll ensure diversified economic activity on-site, which will improve the town centre's prosperity and resilience to industry-specific shock factors.

10.3 It is also important to highlight that the residential elements of this development will be necessary for the viability of the overall development (as outlined in paragraph 9.15 above).

10.4 If this site is not redeveloped, then it will limit the ability of the town centre to grow as the main economic hub of West Berkshire and a destination for residents and visitors. There is a risk that the Kennet Centre, as it is now, as an outdated and redundant commercial site, will become a stranded asset if it is not allowed to be redeveloped and improved.

The Newbury Town Centre Master Plan 2022

10.5 Whilst the Newbury Town Centre Master Plan carries little weight in the planning process, as it does not form part of the Local plan, it does set out the Council's overall vision for the town centre, including the importance of redeveloping the Kennet Centre.

"*The Kennet Centre, located at the southern end of the town, provides a second shopping centre facility, however it is older and noticeably more dated than Parkway and provides a lower quality retail offer. However, a planning application is awaiting determination for the redevelopment of the Kennet Centre to be rebranded as the Eagle Quarter. If approved, the scheme will reduce the overall volume of retail floorspace, whilst offering new flexible-use commercial uses of varying sizes to attract a mix of artisan and local operators, supported by flexible terms, to complement the national multiple retail offering more concentrated in the northern end of the town centre*."

"*The masterplan proposes enhanced arrival spaces at the rail and bus station. The Kennet Centre proposals, together with the Market Street redevelopment, create stronger links from the rail station to the town centre" (page 56)*.

10.6 As you can see from the quotes above, the masterplan highlights the strategic importance of the location of the Kennet Centre, and that redevelopment of the site will play an important role in ensuring the Town Centre offers a mix of unit sizes that caters to shifting consumer demand away from retail and towards leisure, restaurants, cafés, and services.

10.7 The 2017 West Berkshire retail study identified 47% growth in expenditure in restaurants and cafés and 46% growth in expenditure on leisure activities in the Newbury area by 2036. The UK's 'experience economy' is on the rise, and Newbury must increase its provision of independent food and drink operators and cultural activities to take full advantage of the economic benefits of this shift.

10.8 The Kennet Centre has historically catered to large national chains, while the redevelopment's aim is to include smaller ground-floor units (starting at 400 sq ft) for the purposes of being marketed towards smaller independent businesses. The masterplan stresses the importance of this shift occurring in Newbury to ensure a vibrant mix of uses and the economic resilience of the town centre.

Economic benefits

10.9 As highlighted in the Economic Impact Assessment, the redevelopment of the Kennet Centre will have a considerable boost on the economy of West Berkshire by significantly improving what Newbury town centre has to offer visitors, residents, and shoppers and enhancing the public realm.

10.10 Over the last decade, the Kennet Centre has seen rising vacancy rates (see figure 1 below) as occupiers have slowly moved away from the site. This has caused the employment on-site to drop by 47% from 349 FTE staff in 2012 to 185 in 2020 (applicant's Economic Impact Assessment Sept 2023). This falling employment has a widespread economic impact on the local area through direct wages, reduced sales capacity for businesses, and less tax revenue for the central government.

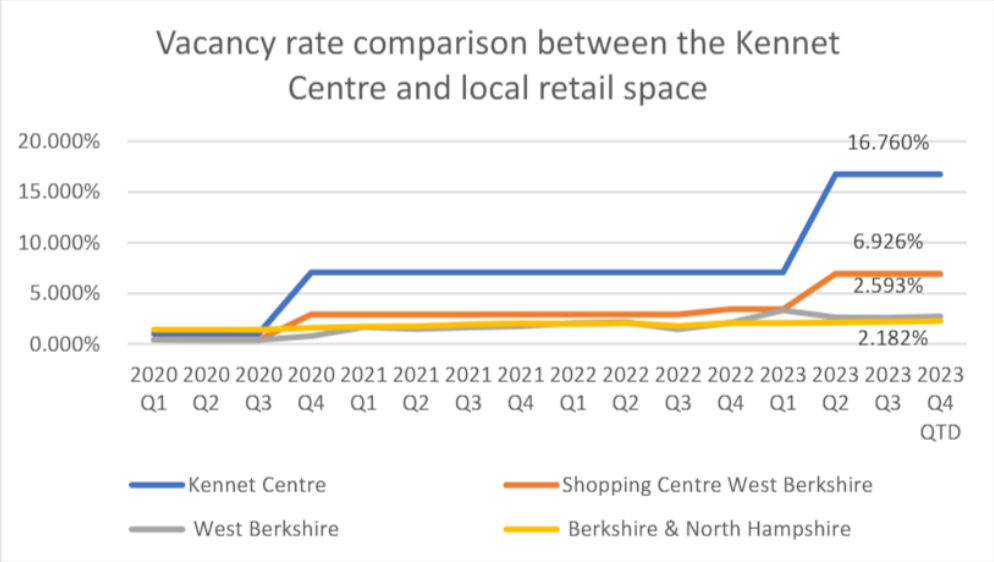


Figure 1: Source CoStar

10.11 The redevelopment is estimated to create a net employment capacity of 134 additional FTE jobs, with most of the additional job capacity coming from outside of the Kennet Centre's current retail-dominated employment. The inclusion of office space in the proposal is set to create the largest increase in job capacity, adding an additional 88 FTE jobs.

10.12 Additionally, the inclusion of residential units in the scheme brings forward other economic considerations. The development will provide residential space for 427 households, which are expected to generate £7.5 million per year in expenditure for the local economy, thus providing the Eagle Quarter and Town Centre with a larger customer base.

Green infrastructure and pedestrianisation

10.13 Newbury town centre has a well-connected network of pedestrian streets, but the connections to the town centre and the station remain poor, interrupted by the Kennet Centre barrier. This proposal seeks to redevelop the Kennet Centre and create a more open network of streets with 3,669.76 sq m of public realm improvements, connecting the site to the Market Street redevelopment and the rail station.

10.14 This connection will have a notable impact on the pedestrian connectivity between the train station and the town centre, which will improve both visitor access to the town centre and residents' access to the train station, further promoting sustainable travel and increased footfall across the town centre.

Retail space

10.15 Vacant retail space has been on the rise across the UK since 2020, with Newbury adhering to this trend. According to CoStar's statistics, over this period, the total retail vacancy rate in Newbury Town Centre has risen from 0.89% (Q1 2020) to 6% (Q3 2023).

10.16 This trend is part of a wider shift in consumer demand for high-street space. With the introduction of internet shopping, the high street and, to a greater degree, shopping centres have seen drastically higher competition for consumers. As such, town centres need to offer a wider variety of leisure and amenities to consumers to encourage their footfall.

10.17 This considerable increase in retail vacancies supports the shifts in retail demand stated in the Newbury Master Plan. Because of the significant increase in total available retail floor space (currently 87.5K sq ft) in Newbury, the loss of some retail space that has been deemed outdated will most likely not result in a shortfall in retail space supply and is a worthwhile trade-off to allow for modern multi-use retail and leisure space that better reflects the changing market demand.

10.18 As of Q3 2023, the Kennet Centre has a vacancy rate of 16.76% (Figure 1 above). This is 9.834% higher than the average shopping centre vacancy rate across West Berkshire, with the Kennet Centre's direct competitor, Parkway, currently having a vacancy rate of 0%.

10.19 As such, the reduction in commercial floor space from 244,000 sqft to 22,000 sqft (excluding the retained and enhanced cinema wing) is justifiable given the outdated and long-term vacancy of a large portion of the existing Kennet Centre, competition from existing shopping centres (parkway), and the pedestrian benefits gained across Newbury from the redevelopment of the pedestrianised street.

10.20 The redevelopment of the Kennet Centre is estimated to provide around 360 FTE jobs related to construction sector activity. This will provide a massive opportunity for local construction workers to seek employment and upskill during the construction phase.

10.21 However, as pointed out in the Economic Impact Assessment, the employment generated by the redevelopment will likely have a leakage effect in which construction workers from outside the district are hired to fulfil the demand for labour. This suggests around 72 FTE jobs will be generated locally.

10.22 To reduce leakage in future developments across the district, the Economic Development team have requested an Employment Skills Plan (ESP) for the purpose of improving local construction skills and labour supply. This is to be required by condition.

11. Affordable housing & Viability

11.1 Policy CS6 of the WBCS is concerned with the provision of affordable housing. In order to address the need for affordable housing in West Berkshire a proportion of affordable homes will be sought from residential development.

11.2 The Council's SPD states the affordable housing should consist of 70% social rent and 30% intermediate housing options such as shared ownership, however it is also now National Policy for First Homes to contribute 25% of all Affordable Housing with Local Authorities able to retain their original policy compliant level of social rent. West Berkshire Council now require 70% Social rent, 25% First Homes and 5% Shared Ownership.

11.3 The Council should seek 30% affordable housing on this site, which will equate to 128 total affordable units.

11.4 However, due to the development being a build to rent scheme the NPPF and PPG outline that affordable housing should take the form of a percentage of 20% of the units with a rent of 20% lower than the benchmark level for the site. However, the Council is of the view that given the level of need for affordable housing in the district the policy requirement of 30% of units at 20% lower rent levels is justifiable and would be appropriate to apply in this instance.

11.5 The Housing Development Officer indicated that a mix should accord with the requirements of the Core Strategy Policy CS6.

11.6 It is, however, the applicant's case that no affordable housing units are being put forward as the development is considered unviable. Policy CS6 notes that the provision of affordable housing is subject to the economics of provision. The policy goes on to note that where the proposed provision is below the levels set out in the policy a fully justified case should be set out by the applicant with clear evidence of the viability assessment which needs to be agreed with the Council.

11.7 The appellants have provided a Financial Viability Assessment which contains commercially sensitive information. In line with the Planning Practice Guidance, they have provided an Executive summary which outlines their position which is the scheme is unviable and unable to provide a contribution to affordable housing.

11.8 The summary established the following

- The scheme delivering 100% private build to rent units generates a Gross Development Value (GDV) of £130.64 million.

- The total costs for delivering the scheme are £158.00 million.

- The applicants have assumed a developer return of £14.52 million which equates to 12.50% return* on GDV.

  *It is important to note that a return of 12.50% is below the guidance of the NPPF (15.00% - 20.00% return on GDV) and is based on a forward fund delivery model.

- When delivering a 100% private tenure mix the scheme generates a residual land value of -£41.61 million. It is unlikely and uncertain that this would be achieved in the market at today's date.

- The Existing Use Valuation (EUV) of the site is £4.25 million. They have applied a premium of 10%. This generates a benchmark land value of £4.68 million.

11.9 When the residual land value of the proposed scheme delivering 100% private tenure is compared against the benchmark land value of £4.68 million, this produces a deficit of -£46.36 million. Therefore, the scheme is unable to provide any affordable housing in the applicants considered approach.

11.10 The applicants note that:

> *"..it is not unusual for a brownfield redevelopment of this size to have viability constraints. The size of the existing building and planning constraints lead to high development costs in comparison to greenfield / less complex schemes which is the main viability constraint in this case."*

11.11 The Council has employed independent viability consultants Dixon Searle to review this scheme and the applicant's Financial Viability Appraisal (FVA). The conclusion of its consultants is that the development is not viable and cannot provide affordable housing.

11.12 Dixon Searle confirm that having robustly tested different scenarios, their appraisal indicates that the scheme as designed is unlikely to be deliverable with a reasonable level of developer profit whilst also supporting an appropriate level of benchmark land value unless costs can be reduced via 'value engineering' processes, and/or values can increased due to improvements in the market.

11.13 For these reasons, a policy-compliant level of affordable housing provision cannot be provided on site or as a commuted sum. The development whilst not providing affordable housing does not strictly conflict with CS15. Whilst it does not provide any affordable housing the policy makes allowances for the economics of the development to dictate the level of contribution. The policy notes that CS15 is subject to the economics of the scheme. The economics of this scheme are such that it cannot provide affordable housing. Therefore, it is still considered in accordance with CS15.

11.14 Whilst the lack of affordable housing is disappointing on such a significant town centre site, the 427 residential units are to be Build to Rent units. BtR schemes are purpose built large-scale private rented sector developments of flats and/or houses owned by institutional investors, property companies, housing associations and property management organisations over the long-term. They provide professionally managed, high quality private rented housing. PRS schemes are encouraged by the Government due to the fact they offer increased housing choice for people priced out of the open market (referred to as the mobile intermediate market; people who are not eligible for social housing, yet cannot afford to own their own home). They also result in rapid and high volume delivery of quality new housing; boosting flexibility, choice and affordability.

11.15 Therefore, whilst it is possible that BtR housing may be unaffordable to most households whom the Council owe a statutory housing duty to, they do offer increased housing choice to many.

11.16 To ensure that these homes remain available to rent only for a minimum period, the Government guidance on 'Build to Rent' schemes advises that "*consideration should also be given to a covenant period for the retention of private market rent homes in that tenure"*. It is therefore recommended that a covenant be included in the S106. A reasonable time period, as evidence by BtR schemes elsewhere, is considered to be 10 years.

11.17 Notwithstanding the above, the recommended heads of terms in the S106 includes provision for a later stage viability review. This would ensure that if the viability of the scheme improves by that stage that either additional on-site affordable units would be provided or an additional financial contribution towards affordable housing would be made.

12. Heritage, Design, Character and Appearance

National and Local Policy

12.1 In relation to design the NPPF emphasises that high quality, beautiful and sustainable buildings are fundamental to achieving sustainable development and good design creates better places in which to live and work and helps make development acceptable to communities. New development should function well, be visually attractive, sympathetic to local character and history, establish or maintain a strong sense of place, optimise the potential of the site and create places that are safe, inclusive and accessible and which promote health and well-being.

12.2 In relation to the historic environment, the NPPF requires proposals to be based upon an informed analysis of the significance of all affected heritage assets. These assets are an irreplaceable resource and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations.

12.3 Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 require local planning authorities to have special regard to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses, and to pay special attention to the desirability of preserving or enhancing the character or appearance of a conservation area, including its setting. Case law has made clear that the duty to pay special attention to or to have special regard is to afford considerable weight to that duty and that this duty should be the first consideration for any decision maker. In considering any degree of harm, whether substantial or less than substantial, the duty under section 66(1) to preserve the significance of the heritage asset must be afforded considerable importance and weight.

12.4 In considering the impact of a proposed development on the significance of a designated heritage asset, paragraph 205 of the NPPF (2023) requires that great weight be given to the asset's conservation (and the more important the asset, the greater the weight should be).

12.5 Paragraph 206 then requires that any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification.

12.6 Having assessed any degree of harm that may be caused to the significance of a heritage asset affording considerable weight to the preservation of the asset's significance, the decision maker is then required to weigh this harm against any public benefits that may arise as a result of the development including, where appropriate, securing its optimum viable use (paragraph 208 of the NPPF). What amounts to a relevant "public benefit" in a particular case is a matter for the decision-maker, as is the weight to be given to such benefits as material considerations. A potentially relevant "public benefit", which either on its own or with others might be decisive in the balance, can include a heritage-related benefit as well as one that has nothing to do with heritage. The relevant guidance in the PPG applies a broad meaning to the concept of "public benefits". While these "may include heritage benefits", the guidance confirms that "all types of public benefits can be taken together and weighed against harm".

12.7 In Jones v Mordue (2015), the Court of Appeal accepted that if the approach in paragraphs 205 - 208 of the NPPF (as published in the most recent version of the NPPF, December 2023) is followed, the section 66(1) duty is likely to be properly performed.

12.8 Policy CS14 requires new developments to demonstrate high quality and sustainable design that respects and enhances the character and appearance of the area and

makes a positive contribution to the quality of life in West Berkshire. The Policy advises that considerations of design and layout must be informed by the wider context, having regard not just to the immediate area, but to the wider locality. Policy CS14 also sets out that development proposals will be expected to, amongst others: create safe environments; make good provision for access; are accessible; make efficient use of land whilst respecting the density, character, landscape and biodiversity of the surrounding area.

12.9 Policy CS19 of the Core Strategy outlines that in order to ensure that the diversity and local distinctiveness of the landscape character of the District is conserved and enhanced, the natural, cultural, and functional components of its character will be considered as a whole. In adopting this holistic approach, particular regard has been given to the sensitivity of the area to change and ensuring that the new development is appropriate in terms of location, scale and design in the context of the existing settlement history, form, pattern and character.

Heritage Significance

12.10 This application proposes the comprehensive redevelopment of the Kennet Centre, a late 1970s/early 1980s shopping centre located centrally to the Newbury Town Centre Conservation Area and within close proximity to a number of listed buildings (and forming a backdrop to those further afield). The Kennet Centre has a prominent location within Newbury, forming part of an 'island' site bounded by Batholomew Street to the west, Market Street to the south and Cheap Street (and Market Place) to the east.

12.11 The Newbury Town Centre Conservation Area is primarily characterised by its historic settlement core, which developed around a crossing of the river Kennet, emerging as a market town in C16. As outlined in the Historic England comments, the town centre is composed of buildings of varied form, age and detailing, but retaining cohesion through scale, building line and the use of a fairly consistent palette of local materials. Buildings of historic and architectural interest (mostly C18 and C19, but some C16 and C17 surviving) are generally not dominated by later development.

12.12 Due to its central location in the core of the town, any redevelopment of the site has the potential to impact the significance of the Conservation Area and the setting of a numerous listed buildings and non-designated heritage assets, which are experienced from a number of short and medium distance viewpoints within the town centre.

12.13 The conservation area holds above 150 listed buildings and structures, and a number of heritage assets of local significance. The submitted Heritage, Townscape and Visual Impact Assessment appropriately identifies heritage assets that are impacted by the proposed development which include:

- The Newbury Town Centre Conservation Area
- Enveloped listed buildings (located on the 'island' site)
- Adjacent/proximate listed buildings:
- Parish Church of St Nicolas (grade I)
- Group 2 (listed buildings along Bartholomew Street)
- Group 3 (listed buildings along Cheap Street)
- Group 5 (listed buildings/structures along Market Place, Wharf Street, Mansion House Street, Bridge Street and the northern end of Bartholomew Street)
- Mid-wider context heritage assets:
- Kennet and Avon Canal East Conservation Area
- Museum Wharf Street (grade I)
- Corn Stores (grade II*)
- Group 1 (listed buildings along West Mills)

- Group 4 (listed buildings along Northbrook Street)

12.14 This document is considered to appropriately describe the significance of the impacted heritage assets (in line with the NPPF, paragraph 200).

12.15 The significance of Newbury Town Centre Conservation Area is largely derived from the following:

- Its high concentration of high quality C18th and C19th buildings, many of which are listed;
- Survival of C16th and C17th timber framed buildings (some of which are hidden behind newer frontages);
- The surviving medieval inverted 'Y' shaped street pattern culminating at Market Place gives a clear focus to the town, provides a visual reminder of its origins, and makes a major contribution to the continuing market town character;
- Survival of some medieval burgage plots;
- Fine grain and varied frontages and roof lines, with modest two and three storey C18th and 19th century buildings on archaeologically significant narrow plots;
- The buildings of the Corn Store and Cloth House, represent a period of industrial development relating to the woollen cloth industry integral to the development of the town during the C16th to C17th;
- The visual, physical, and functional relationship between the town centre and the Kennet and Avon Canal;
- The architectural detail, quality of craftsmanship and scale of Newbury's civic buildings and churches make them landmark buildings that define particular locations and form key landmarks within the area;
- Its historical development as a market town whose prosperity grew in the 16th century due to the woollen cloth trade and developed further in the 17th-19th centuries as a result of its enviable mid-way position on the London to Bath road, the C18th development of the Kennet and Avon Canal, and the construction of the railway lines. Each of these principal phases of development has left a wealth of historic buildings and structures overlaying an historic settlement form.

12.16 Although no single architectural style dominates in Newbury town centre, the generally high-quality stock of C18th to C19th buildings (and survival of some C16th and C17th buildings), shared palette of traditional materials, narrow plots, fine urban grain, and generally low-level buildings create a strong coherent character. Many of these buildings are listed and a large concentration are found in close proximity to the application site.

12.17 Whilst building heights within the town centre vary due to the differing designs, the majority of buildings are of relatively small scale, comprising 2-3 storeys, with the occasional attic floor with dormers. The exceptions to this are the Corn Exchange, Town Hall and the towers of St Nicolas and St Joseph's churches which intentionally protrude above the roofline of the surrounding buildings and form key landmarks within the area.

12.18 The generally low-level traditional buildings within the town centre, the fine urban grain concentrated around the historic route network, and the survival of the medieval street pattern, combine to define Newbury's market town characteristics.

12.19 Indeed, the fact that Newbury has retained its market town characteristics, despite having been the focus for a number of industries, is noted in the Newbury Historic Character Study 2005 (para. 7.1.1), which concludes that "Newbury has remained primarily a market town since the medieval period, a role helped by its convenient location at a river crossing and at the intersection of two important roads. These features might also have provided a focus for industry, but, although businesses such as wool, malting and brewing and, later, boatbuilding and metal-working [Eagle Iron Works] have

been established in the town, they have never developed sufficiently to change its primary character."

12.20 In terms of important views within the conservation area, the majority tend to be along the main historic thoroughfares. Due to the organic nature of the historic route network, these views are typically channelled or directed views which tend to unfold as the viewer moves along the street, continuing around curving corners of streets.

12.21 Other than the Town Hall and the towers of St Nicolas and St Joseph's churches there are not many other buildings or structures that terminate views. Many of the key views are defined by the low-rise buildings that create an overall consistently declining roofline that descends towards a vanishing point.

12.22 These views are an important and defining characteristic of the Newbury Town Centre Conservation Area. The most notable of which can be found along Bartholomew Street in both directions, Northbrook Street in both directions, and from Bridge Street in both directions.

12.23 Due to the tight route network in the centre of Newbury, wide views and vistas are limited within the conservation area. The only ones within the conservation area are across the open spaces of Victoria Park and Market Place, the latter forming the historic core of the town centre.

12.24 In summary, the heritage significance of the site lies within:

- its historic evolution as a site at the commercial heart of the city,
- its role in the development of the town's commercial industry,
- its context and relationship to the surrounding heritage assets and their settings (listed buildings, conservation area, undesignated heritage assets), and
- its relationship to the wider townscape context of Newbury

Existing Site

12.25 The site, in its existing form, is considered to have a negative contribution to the conservation area and setting of nearby listed buildings/structures. While the Kennet Centre has some alignment with the scale of surrounding development, it forms a large urban block that does not reflect the fine urban grain of the historic town centre. The footprint of the existing development is at odds with the historic tightly knit burgage plots of Newbury, which were previously on site prior to demolition (alongside the former Eagle Works) in the late 1970s to make way for the Kennet Centre. The perimeter façade is broken up and contains variation in some locations, which helps to better align with the surrounding building widths (along Bartholomew Street and Cheap Street). However, further to the south, there is little to no façade articulation and activation. The design and detailing of the existing Kennet Centre are not sympathetic to the traditional and vernacular character of the surrounding buildings in façade rhythm, proportions and materiality.

12.26 The proposed redevelopment of this site offers an opportunity to create a development that is more sympathetic to the historic character and appearance of Newbury's town centre, and that ties in, more successfully, to the surrounding historic development.

Proposed Development

12.27 The proposal is a mixed-use development, primarily residential and commercial (the existing Vue Cinema and car park are proposed to be retained). The proposed

redevelopment includes a series of new perimeter buildings along Bartholomew Street, Market Street and Cheap Street, as well as the creation of new streets/axes within this 'island' site (primarily oriented north-south). A number of taller buildings (up to 7 storeys) are located to the centre of the site and along Market Street (up to 6 storeys). Building heights mostly vary between 2 to 5 storeys along Cheap Street, Market Place and Bartholomew Street (lower along Market Place). The proposed development results in a substantial increase in height and built form, especially towards the centre and south of the site, which would be perceived in a range of townscape views. The new perimeter buildings (alongside landscaping and associated works) would result in altered streetscapes and views through the conservation area. This application is considered through its impact on the character and appearance of the Newbury Town Centre and the setting of nearby listed buildings.

Historic England

12.28 Historic England (HE) have been consulted on the application and have provided input throughout the process.

12.29 Their full final consultation response, as well as the comments they provided throughout can be found in the application file.

12.30 Despite the changes that have been made to the elevational treatment and detailing of Blocks E and C in response to their comments, Historic England have maintained their objection. They are of the opinion that whilst the elevational changes to Block C and E are welcomed, the scale, bulk and massing of the proposed scheme remains at odds with the historic urban grain of Newbury and as a result, would harm the significance of the conservation area. They assess this harm as being in the middle of the range of less than substantial harm.

12.31 They advise that the Council should refuse the scheme unless they are confident that this harm has clear and convincing justification, as is required by the NPPF.

"Your council will now need to assess whether the remaining harm to the conservation area, which we consider to be in the middle of the range of less than substantial harm, is clearly and convincingly justified, and whether the public benefits of the scheme outweigh the harm, as directed by paragraph 206 and 208 of the National Planning Policy Framework. A key consideration should be whether development on the scale proposed is necessary to make a regeneration scheme viable.

If your council does decide to grant planning permission this would need to be carefully conditioned to ensure the quality of the scheme built. The success of the designs proposed would be almost wholly dependent on the highest quality of detailing. Excellent sample details have been provided but these would need to be executed faithfully on the buildings that they relate to, and a similar standard applied across all the traditionally styled buildings (blocks C, F G & H, the northern part of block E). If they are not, the entire scheme would be poor. Given the great importance of detailing in this case, we suggest that a very robust approach is taken to the discharge of conditions to mitigate the high risk that its quality will be compromised during the building process.

Therefore, if the Council's resolution is to grant planning permission, Historic England would like to be consulted on future applications for the discharge of conditions relating to design details".

12.32 In a follow up email dated 25th March 2024, Historic England confirm that in their view the proposal is at a point where, if properly detailed, the harm cannot get much lower if the scale of development proposed is to be delivered. They advise that if the Council is satisfied that the scale of development proposed is needed to deliver the benefits, then

this would be clear and convincing justification.

Justification for Scheme

12.33 Your officer considers that there is clear and convincing justification for the scale of development proposed. It is considered that the loss of the existing 1970/80's shopping centre has been clearly and convincingly justified, due to the very limited architectural benefit of the buildings and their poor fabric. The proposed demolitions are necessary to provide a more appropriate building envelope that would enhance the town, provide improved permeability and connections through the town centre, and replace the existing unattractive, largely blank facades with new buildings that respect the historic plot patterns, architectural detailing and materials of the conservation area. Retention of the existing building structures and upgrading has been explored, but it is not possible to achieve this and provide the high-quality development proposed.

12.34 At high level, the extensions are required to achieve the quantum of floor space and internal floor to ceiling heights. The quantum and heights have been reduced through discussions with Officers and Historic England during the application process to the minimum required in order to make the redevelopment of this site viable and achieve high-quality architecture and materiality. This is evidenced in the accompanying Financial Viability Assessment which demonstrates that any further reduction in the quantum of proposed development would result in a scheme that would not be economically viable. The Viability Assessment is considered to provide clear and convincingly justification for the volume and scale of built form proposed.

Harm to significance

12.35 This application follows the refused application 21/00380/FULMAJ, differing to it primarily through a reduction in height of the central blocks (A and B) and altered perimeter block design.

12.36 While the height of the internal blocks has been reduced, they are still considered to be substantially taller than the surrounding built form, departing from the scale and massing of Newbury's historic core. The scale of proposed development within the centre of the site would harm the significance of the conservation area and a number of listed buildings within it.

12.37 It is acknowledged that the reduction in height of these blocks has materially reduced their impact on key town centre views. However, the increased massing and built form can still be perceived, especially in AVR Views 1, 2 and 8. In AVR Views 1 and 2, the existing rooflines descend gradually towards the vanishing point. The proposed results in a rising roofscape beyond this descending roofline (with the perceived impact reducing on approach to the site). In AVR View 8, the proposed built form is visible, rising above the long sweeping roofline of the grade II* Corn Stores, impacting views towards the Wharf.

12.38 While the increase in built form departs from the scale of Newbury as a historic market town, this is mitigated in part by the articulated and varied roof form of the proposed development, which reduces the perception of massing at a high level. In some identified views (AVR Views 3, 4 and 5), the proposed development now reads as gently climbing from the existing streetscape, without overly dominating the adjacent buildings.

12.39 While the proposed development is still considered to harm the significance of the conservation area and a number of listed buildings within it, the harm has been meaningfully reduced, though a reduction in the height of Blocks A and B and

improvements to the facades of the Blocks, to a low to moderate level of less than substantial harm. Improvements to the design of the proposal include the following:

- High quality façade and elevational design, especially to the perimeter buildings, which include:
  - Façade articulation, fenestration patterns and varied roof forms that better reflect Newbury's historic fine urban grain
  - Introduction of visual interest through the use of varied materials and detailing which take cue from the positive contributors to the existing streetscapes (high quality parapet, cornice and window details submitted)
  - Further improvements in detailing, articulation and finishes to Blocks C, E and F following detailed Historic England advice. In their email dated 25th March 2024 Historic England confirmed that that "In our view they have got to a point with the design where – if properly detailed – the harm cannot get much lower if the scale of development proposed is to be delivered. If your Council is satisfied that the scale of development is needed to deliver the benefits that could reasonably be considered a clear and convincing justification.".

12.40 The identified level of less than substantial harm to assets that adjoin or are within proximity to the Site are listed below:

- Newbury Town Conservation Area – Less than substantial to a low-moderate level
- Listed Buildings Adjacent to the Site:
- Bricklayers Arms (now named The Newbury) (Grade II Listed) – Less than substantial, to a low-moderate level
- 35 Cheap Street – Catherine Wheel Inn (Grade II Listed) – Less than substantial, to a low-moderate level
- 33 and 34 Cheap Street (Grade II Listed) – Less than substantial, to a low-moderate level
- Listed Buildings Close to the Site:
- 149 Bartholomew Street (Grade II Listed) – Less than substantial, to a low-moderate level
- 150 and 151 Bartholomew Street (Grade II Listed) – Less than substantial, to a low-moderate level
- 152 and 153 Bartholomew Street (Grade II Listed) – Less than substantial, to a low-moderate level
- 154 Bartholomew Street (Grade II Listed) – Less than substantial, to a low level
- Town Hall and Municipal Buildings (Grade II Listed) – Less than substantial, to a low-moderate level
- 27 Market Place (Grade II Listed) – Less than substantial, to a low-moderate level
- 21-25 Market Place (Grade II Listed) – Less than substantial, to a low-moderate level
- 16 Bartholomew Street (Grade II listed) – Less than substantial, to a low-moderate level
- 17 Bartholmew Street (Grade II listed) – Less than substantial, to a low-moderate level
- 28A Bartholomew Street(Grade II listed) – Less than substantial, to a low-moderate level
- 29-29ABartholomew Street (Grade II Listed) – Less than substantial, to a low-moderate level
- 28 Bartholomew Street (Grade II* Listed) – Less than substantial, to a low-moderate level
- 118 Bartholomew Street (Grade II) – Less than substantial, to a low level

- 114 and 115 Bartholomew Street (Grade II) – Less than substantial, to a low level
- 113 Bartholomew Street (The Dolphin) (Grade II) – Less than substantial, to a low level
- The Coopers Arms Bartholomew Street (Grade II) – Less than substantial, to a low level
- 40-45 Bartholomew Street (Grade II) – Less than substantial, to a low level
- 102 and 103 and 104-106 Bartholomew Street (Grade II) – Less than substantial, to a low-moderate level
- South Gateway to Churchyard of St Nicholas' Church adjoining Bartholomew Street (Grade II* Listed) – Less than substantial, to a low-moderate level
- North Gateway to Churchyard of St Nicholas' Church (Grade II*) – Less than substantial, to a low-moderate level
- Parish Church of St Nicholas (Grade I Listed) – Less than substantial, to a low-moderate level
- 12 Market Place - The Hatchet (Grade II Listed) – Less than substantial, to a low-moderate level
- Corn Exchange (Grade II Listed) – Less than substantial, to a low-moderate level
- 8 Market Place Elephant at the Market (formerly Queen's Hotel) (Grade II Listed) – Less than substantial, to a low level
- Newbury Post Office (Grade II Listed) – Less than substantial, to a low-moderate level
- 41 Cheap Street (Grade II listed) – Less than substantial, to a low-moderate level
- 48 Cheap Street (Grade II listed) – Less than substantial, to a low-moderate level
- 49 & 50 Cheap Street (Grade II Listed) – Less than substantial, to a low-moderate level
- Bridge over Bridge St (Grade II*) – Less than substantial, to a low-moderate level
- 1 Bridge St (Grade II) – Less than substantial, to a low-moderate level
- 2 Bridge St (Grade II) – Less than substantial, to a low-moderate level
- 4 Bridge St (Grade II) – Less than substantial, to a low-moderate level

12.41 In accordance with paragraph 209 of the NPPF, when considering the effect of an application on the significance of a non-designated heritage, a balanced judgement will be required, having regard to the loss of the asset and the significance of the asset. The identified levels of harm to non-designated assets are as follows:

- Nos. 17-19 Market Place – Complete loss

Heritage Summary

12.42 The proposed scheme will result in harm to the significance of the conservation area, and the setting of a number of surrounding listed buildings and non-designated heritage assets, largely as a result of the increased height and scale in the centre of the site.

12.43 Paragraph 206 of the NPPF states that any harm to, or loss of, the significance of a designated heritage asset, should require clear and convincing justification. Paragraphs 12.33 – 12.34 above set out why your officer feels that there is clear and convincing justification for the scale of development proposed.

12.44 With respect to paragraph 208 of the NPPF, the Conservation Officer considers the scheme will result in less than substantial harm to the significance of the conservation area, and the setting of a number of surrounding listed buildings and non-designated heritage assets. They also consider that this harm has been quite significantly reduced from the first iterations of the scheme (largely as a result of the reduction in height of blocks A and B and the now much improved architectural detailing of the street

elevations). As a result of these changes, the Conservation Officer considers that the harm would now be a low to moderate level of less than substantial harm to the heritage assets identified above. However, it is important to note that despite being at the lower end of less than substantial, this harm is real and serious, and carries significant weight in the planning balance.

12.45 In line with paragraph 208 of the NPPF, the less than substantial harm should be weighed against the public benefits of the proposal in a planning balance carried out by the decision maker. In carrying out this balancing exercise, great weight should be given to the conservation of these designated heritage assets.

12.46 The Conservation Officer considers that the following heritage and townscape enhancements would offer public benefits which carry significant weight in the planning balance:

- Increased permeability and legibility of a key site within the centre of Newbury - the existing site is within the town centre but contributes little to the public realm. The proposal would open up the site and the public could enjoy new landscaped links through the town centre.
- The introduction of new routes through the site which breaks up this large urban block, improving access and walkability from the train station to the north of the town centre.
- Creation of new kinetic views through the centre of Newbury, which allows more opportunities for appreciation and experience of the conservation area and other nearby heritage assets. The introduction of new views into and out of the site, including hitherto inaccessible views of the town hall tower.
- Improvements to the architectural treatment of the buildings fronting Bartholomew Street, Market Street, Market Place and Cheap Street, improving the appearance of the conservation area and setting of listed buildings.
- The perimeter block has been designed to reflect the historic plot pattern, form, design character and use of the perimeter streets.
- Each new building fronting the main streets would be identified through carrying architectural detailing and materials.
- Activation of ground floor and mix of uses.
- Replacing blank frontages at ground floor with animated and active commercial uses, particularly to the streets on the perimeter of the site.
- New active frontages and a mix of uses that would increase the perception of safety through natural surveillance and facilitate increased activity.
- Improvements to the public realm in and around the Site – this marks a significant improvement on the existing Kennet Centre which is enclosed has no external landscaping.
- Improvement and increased provision of public and open space, with scope to facilitate increased activity and opportunities to appreciate surrounding heritage assets.
- Helping to secure and maintain the viability and vibrancy of the town centre helping to reflect its historic importance as a vibrant commercial town.
- I am mindful of the threat from the continued slow decline in the significance of the site and how the site's significance and that of the wider Conservation Area can be best retained. Delivering a sustainable regeneration scheme is thought to carry considerable public benefits which needs to be weighed against the level of harm in the planning balance.

12.47 The proposed development is considered to incur less than substantial harm to the significance of the conservation area and setting of proximate listed buildings. If the decision maker considers that the less than substantial harm incurred by the proposed development can be outweighed by the public benefits of the proposal (including those

identified above), then subject to conditions the Conservation Officer would raise no objections on balance.

Design

Layout and Access across the Site

12.48 The Conservation Officer and case officer have also considered the design of the development in terms of place making in Newbury. It is considered a significant benefit to Newbury Town Centre that the development would provide one continuous street/passage from the Train station to the town centre. From leaving the train station to the north there would be a natural route/flow from the station, through the Market Street Development into the proposed Kennet Centre redevelopment. This in comparison to the current unattractive brick façade that presents itself to pedestrians as they enter Market Street from the north.

12.49 The layout has been carefully designed to integrate with the town centre, paying special regard to the urban grain of the surrounding area, including the pattern of movement across this area of the town centre. It provides a permeable layout that connect with the surrounding streets, offering a strong framework of north/south and east/west links.

12.50 Wayfinding signs along the routes, which link to the wayfinding signs across the town centre, will also help movement across the site. A contribution towards these will be secured by a S106.

12.51 The redevelopment of the Kennet Centre would also open the area in the centre of the site to the public rather than be closed off inside the old shopping centre which closes at night. This would provide a new street with active frontages, cafes, seating areas and landscaping. This street would then spill east and west providing access to the Corn Exchange and further on to Bartholomew Street. The proposed development would increase connectivity throughout Newbury Town Centre bringing a number of enhancements to the public realm both within and adjacent to the site. This would align closely with the aims of the Newbury Town Centre Masterplan.

12.52 The opening up of the site through the creation of new landscaped pedestrian routes, public spaces and new streets which provides new linkages between Market Street, Bartholomew Street and Cheap Street and that connect the main areas of pedestrian activity and interest such as the railway station, Market Place, the Corn Exchange, St Nicholas, Bartholomew Street and Northbrook Street, and the River in a manner that is vibrant, direct, legible, active, safe, well-lit and seamless.

12.53 The width of the proposed streets varies, with roads tapering and then widening to add interest to the streetscape and accentuate areas of public space. This arrangement is typical of the town centre which is characterised by an irregular street pattern consisting of streets which widen and converge to create spaces within the centre.

12.54 The layout and arrangement of the blocks is such that the public spaces will be overlooked by buildings. In addition, each building has an active street frontage, either commercial or residential. The scheme therefore provides a high level of natural surveillance which will help reduce opportunities for crime and disorder.

Design and materials

12.55 The buildings comprise a palette of traditional materials, such as red and grey brick, stone, render and painted brickwork, all of which characterise the town centre. The

elevations are regularly articulated and precise, and will, in coordination with a high quality landscape scheme, create an attractive and welcoming town centre development.

12.56 All buildings have been well articulated and detailed and have a strong vertical rhythm. The blocks have a varied plot width, reflecting the plot widths that characterise the surrounding Conservation Area. The buildings have been broken down into smaller elements with the introduction of roofs of varying forms and heights. It is considered that this creates an interesting skyline which reflects the varied rooftops and skyline within Newbury Town Centre. It also helps accentuate the vertical rhythm of the buildings, as does the proportion and alignment of the windows, projecting bays, oriel windows, and narrow gables. The vertical proportions of the proposed buildings reflect the vertical proportions that characterise the buildings within the town centre.

12.57 The proposed use of a variety of traditional materials and architectural detailing not only reflects the vernacular materials and detailing in the town centre, but will also help break down the scale of the development. To ensure the materials are of a high quality, samples can be required by condition.

12.58 The ground floor commercial frontages are clearly delineated from the residential floors above through the use of contrasting materials and glazed shopfronts, the proportions of which reflect other shopfronts within the town centre. The shopfronts give the buildings a defined 'base' which helps reduce their overall height and adds interest to the elevations.

Public realm

12.59 From an urban design perspective it is considered that the proposal achieves an adequate mix of soft and hard landscaping within this urban environment, whilst allowing for the movement of pedestrians through the site.

12.60 The proposed civic square 'Eagle Square' to the south of the Site, would enhance the public realm and further connecting the proposed development to the Market Street development to the south.

12.61 It is considered that the proposal would offer a high quality attractive public realm, that offers a permeable and legible layout, with a seamless series of active streets and spaces.

13. Housing Mix

13.1 The proposed housing mix would be as set out in the table below

No. of bedrooms/dwelling type	Number of dwellings	Percentage
Studio	44	10.3%

1 Bedroom Apartment	184	43.1%
2 Bedroom Apartment	186	43.6%
3 Bedroom Apartment	13	3%
Total	427	

13.2 Policy CS4 states that a higher density of development of over 50 dwellings per hectare may be acceptable in town centres and the mix shall have regard to the character of the area, its accessibility and evidence of housing need and demand. The proposal is of a high density greater than 50 dwellings per hectare and is accessible. The proposed development would be approx. 194 units/hectare.

13.3 The housing mix would be particularly low in terms of three-bedroom apartments compared to the Berkshire Strategic Housing Market Assessment (SHMA), and particularly high in studio and one-bedroom apartments compared to the SHMA (which is similar to the recent suggested housing mix by size and tenure in the West Berkshire Updated Housing Needs Assessment 2022).

13.4 Policy CS4 expects residential development outside town centres to be predominantly family sized housing and by implication that town centre development might be expected to provide less family sized housing. Whilst the proposed three-bedroom units are particularly low, this is to be expected in a town centre development and follows the general thrust of CS4 in that larger residential development (such as 3-bedroom properties) would be found outside of town centres (on sites such as Sandleford).

13.5 The residential development proposed is for exclusively build to rent which is defined in the NPPF. Policy CS4 pre-dates the definition of build to rent units in the NPPF. The SHMA identifies that the private rental market makes up 12% of the tenure of West Berkshire and that across the housing market area there has been an increase in private rent, primarily due to not being able to afford to buy or not being able to secure mortgages.

13.6 Whilst the proposal would only provide one tenure which does not fully accord with Policy CS4 it would appear to broadly conform with the identified trend of the SHMA, which is not significantly altered by the findings of the Updated Housing Needs Assessment. It is generally accepted that build to rent developments are a positive form of development that addresses a need in the housing market.

14. Amenity

Neighbouring Amenity

14.1 According to paragraph 135 of the NPPF, planning decisions should ensure that developments create places with a high standard of amenity for existing and future occupiers.

14.2 According to Policy CS14, new development must demonstrate high quality and sustainable design that makes a positive contribution to the quality of life in West Berkshire. According to Policy OVS.6, the Council will require appropriate measures to be taken in the location, design, layout and operation of development proposals in order to minimise any adverse impact as a result of noise generated. The NPPF states planning decisions should ensure that developments create places with a high standard

of amenity for existing and future users. Part 2 of the Quality Design SPD provides guidance on residential amenity, including on acceptable relationships between built form and habitable windows.

14.3 The proposed development is considered to create an acceptable environment in terms of impact to neighbouring amenity. The design of the development adheres to the existing street pattern externally around Bartholomew Street and across the Market Place. The windows facing out of the development serving residential development would follow the SPG Quality Design Part 2 requirements of minimum street depths of 9m. This distance ensures adequate spacing between windows serving flats.

14.4 The proposed flats are between 2 and 7 storeys with the taller blocks kept towards the centre of the site rather than on the periphery. This reduces the external impact on neighbouring properties in terms of overshadowing or overbearing of development on the amenity. The internal layout of the proposed development creates a similar street layout and distance as seen in the surrounding area adhering to the minimum of 9 meters of separation. The development proposes active frontages around the development enabling both passive and direct overlooking of public spaces.

14.5 Due to the proposed layout and distance between openings and neighbouring properties, the proposed development is not considered to introduce any significant overlooking or loss of privacy for neighbouring properties.

14.6 It is acknowledged that during construction there is potential for some impact on neighbouring properties as a result of noise and dust. However, as confirmed by the Environmental Health Officer, those matters can be adequately controlled through a suitable Construction and Demolition Management Plan secured by condition.

14.7 Therefore, subject to appropriate conditions, the proposed development is not considered to introduce any significant detrimental impact on the amenity of neighbouring properties.

Future Residents Amenity

Internal

14.8 The Councils Environmental Health Officers have considered this application and the impact of noise and odour from the development on existing and future receptors

- The impact of the existing environment on future receptors
- Air quality
- Land contamination
- Impact of noise, vibration and dust during the construction phase

14.9 They have raised an overall objection to the proposed development in regard to the noise impact to future residents and the impact this may have on the future operation of nighttime economy in the town centre.

14.10 The report will come to this issue later but will consider other aspects of amenity first.

Commercial and Plant Noise

14.11 Class E uses are proposed for ground floor level premises although the end user will not yet be known. It is noted from the plans that a gym is proposed for ground floor block A with residential above. Environmental Health Officers would recommend that a condition for a noise management plan for Use Class E premises' is attached to any decision. This would seek to ensure appropriate mitigation strategies are submitted and agreed by the LPA. A further informative is recommended on this matter as well.

14.12 It is expected that some of the commercial premises will require plant for extraction, heating, air conditioning or condensers which have the potential to cause noise, vibration and odour issues for adjoining or neighboring properties. There are also air source heat pumps for the residential properties. Appropriately worded conditions can be used to mitigate the impact of any noise, vibration and odour from these emitters.

14.13 The Stuart Michael Associates report Ref: 6377/AQA Sept 2023 considers emissions from road traffic on future receptors and emissions from construction on existing receptors and concludes that satisfactory conditions for the future users will be achieved and there is assessed to be an imperceptible change during the operational phase due to the development.

14.14 The impact on surrounding residents and businesses during the construction phase will potentially be high. Mitigation is proposed during the construction phase and a CEMP is required to manage environmental impacts.

Contamination

14.15 According to our records there are historic commercial and industrial land uses on the application site including a former iron works, brewery, garage and builder's yard. Such land uses have the potential to cause contamination which could pose an unacceptable risk to the proposed end users. Part of the proposed use is residential and therefore sensitive. In accordance with the National Planning Policy Framework (NPPF) the applicant will be required to carry out a contamination risk assessment of the site followed by remediation and validation works if found to be necessary to ensure the site is made suitable for use.

14.16 A Ground Investigation Report dated September 2023 by soiltechnics has been submitted with the application. This makes reference to a Preliminary Risk Assessment Report (Ref: STR4882-P01) for the application site also written by soiltechnics which has not been provided as part of this application. Very limited information from this report is summarised in the current GIR and so this report must also be submitted to the LPA as supporting information for the application.

14.17 The submitted GIR report states investigations have not revealed any evidence of significant soil contamination at the application site that would present a risk to the proposed end users although it is acknowledged there are large areas of the site that have not been investigated due to the presence of existing buildings on site and restricted access. It is stated that the application site will be entirely covered in hardstanding thus mitigating exposure to any potential contamination that might be present on the site and so the only potential pathways of exposure for future users of the site are the inhalation of hazardous ground gases and vapours. No elevated concentrations of hydrocarbons or methane have been recorded. An elevated concentration of carbon dioxide was recorded on one occasion which requires further investigation and monitoring to be carried out to adequately characterise the gas regime at the site and whether gas protection measures are required. No further soil sampling or testing is proposed unless visual or olfactory evidence of contamination is found during redevelopment.

14.18 EH Officers agree that further gas risk assessment is required at the site. The ground conditions at the site appear to be quite variable so this needs to include installation of additional monitoring wells at the site and not just further monitoring visits as there are large parts of the site where no wells have been installed and therefore the gas regime is not known. EH Officers do not agree that further soil investigation and testing is not required unless visual or olfactory evidence of contamination is found during redevelopment. It has not been made clear where all the identified potential sources of contamination are on the application site in relation to the exploratory hole locations or proposed site layout. It is therefore not clear whether all areas of possible hydrocarbon contamination for example have been adequately investigated or at all.

14.19 EH Officers believe further targeted investigation, testing and monitoring is required across the site, but it would be possible to require this by condition. Should the application be granted the EHO would recommend inclusion of an appropriately worded condition to ensure a suitable and sufficient assessment of potential contamination is carried out at the application site to ensure it is suitable for use or can be made suitable for use.

Noise Impacts for Future Residents

14.20 EH Officers initially raised concerns due to the lack of assessment of the wider noise implications of the development and how the town centre environment may affect future occupiers. Consideration included noise from the existing and proposed commercial uses in the area. This would include their operation, customers and plant.

14.21 The biggest issue identified was The Newbury Public House which has a terrace to the rear to which would be overlooked by residential properties.

14.22 The Stuart Michael Associates report - SMA Ref: 6377/NA - Sept 2023 focused on the construction phase noise and the impact of road traffic noise on future occupiers. It did not address the wider noise implications. The originally submitted report recommended glazing options to achieve satisfactory internal noise levels, however no scheme appears to have been submitted for approval.

14.23 Further noise assessments have been undertaken by the applicants and were considered by officers. Several rounds of noise surveying have been submitted but it remains the EH officer's concern that live music on the terrace at The Newbury would result in significant noise levels within the future development which is likely to make the residential development undesirable.

14.24 The flats in block B are in close proximity to the terrace and would directly overlook it. Flats in blocks E and F would also be significantly affected. It appears that there are around 100 flats with exposed facades. To put the anticipated noise levels into context, the noise modelling indicates levels of up to 76dB at the residential facades. Typically within West Berkshire music noise levels for outdoor music concerts such as Newbury Real Ale Festival would be limited to 65dB at noise sensitive properties and this would be considered acceptable for up to three events within a 12 month period. Lower noise levels would be expected if there were a higher number of events.

14.25 The levels in this instance would be 10dB above the levels permitted for an outdoor concert. An increase of 10 dB is perceived as a doubling in loudness. This means the expected noise levels at the proposed residential properties would be significantly louder than the level we would typically permit for an outdoor concert. Those outdoor events would only occur on only a small number of occasions. Based on The Newbury's current operations this could potentially occur two or three times a week.

14.26 Low frequencies (music bass) are difficult to attenuate against as it readily passes through the structure of a building and a music bass beat is considered to have a higher annoyance factor when compared to other noise sources such as traffic.

14.27 There is some debate over the Newbury's License conditions but it is clear that notwithstanding this there is a close proximity between the nighttime economy and the future receptors of noise.

14.28 The EH officer has suggested that the facades of the properties overlooking the Newbury's terrace will require a high level of sound insulation. Mechanical ventilation will be required to eliminate the need to open windows for ventilation. Suitable attenuation for all openings would be required. The detail of this would need to be agreed and conditioned.

14.29 Even if acceptable internal noise can be achieved through good building design, the communal gardens and private balconies will experience very high noise levels. The acoustic consultant states that the times at which the music events would take place would be the times at which the communal gardens would not typically be in use however, having experienced this level of music noise, EH Officers are of the opinion that this would make the living environment in this location undesirable with it occurring on such a regular basis. The noise levels would be significantly above what the average person would expect in a town center location, and it is anticipated that residents would quickly complain.

14.30 The acoustic consultant's report states that the measurements were made while a live music event was taking place at The Newbury. It is officers' understanding that live music is not permitted on the terrace under the current Premises License for The Newbury. Recorded music is permitted externally, which could possibly include DJ events, however we do not know how the noise levels from a DJ on the terrace would compare.

14.31 In addition, it will not have been possible to fully assess the customer noise from voices while using the external spaces at all of the licensed premises surrounding the development site due to the assessment being carried out in winter at a time when these spaces would not have been in full use.

14.32 Town center living comes with significant benefits, and it is reasonable to expect exposure to higher noise levels in this location. However, EH Officers are concerned that the noise exposure for the future residents of the properties overlooking the terrace at The Newbury would be excessive and would render the properties in this location undesirable places to live.

14.33 They note that they are confident that suitable mitigation measures could be introduced for the noise sources that they would consider typical for a town center location such as customers voices from beer gardens and music from within licensed premises, but they have significant concerns about the impact of the use of the terrace at The Newbury.

14.34 The solution to this issue is to recommend appropriately worded conditions for the design of acoustic mitigation and mechanical ventilation. However, this would reduce future amenity somewhat by restricting the ability to open windows and control noise from an internal perspective. Furthermore, there is concern that the open space would be unacceptably impacted by the noise from the nighttime economy. However, there is an argument that these outdoor spaces might not be typically used during times when music from nighttime economy would be used. Lastly there is some debate over the current license arrangements of the Newbury and the noise permitted versus what is emitted from the terrace.

14.35 In considering these factors the case officer considers that suitably worded conditions can secure noise mitigation for internal rooms to reduce the harm to future residents. The impact on external areas would be reduced given the unlikely coincidence of these outdoor areas being used at the same time as the music played from the Newbury. Furthermore, the development is designed in such a way as to be a 'campus' for future occupiers, they could utilise alternative amenity spaces in the development. Furthermore, the expectation of town center living increases occupiers expected acceptable levels of noise. Furthermore, there are unresolved questions over the current nighttime economy license arrangements.

14.36 It is acknowledged that the development does conflict with CS14, OVS.5, OVS.6 in regard to noise for future residents however, your officer is confident that this can be mitigated to an acceptable level by planning conditions. Overall, the case officer finds the impact of noise emitted from The Newbury on future occupants to be, on balance, acceptable.

External amenity space

14.37 The Council's Supplementary Planning Guidance Quality Design Part 2 document notes that the following provisions should be sought for development in regard to provision of outdoor space.

14.38 Depending on the size of the dwelling, a garden should be large enough to accommodate such features as garden shed, washing lines and other domestic features and should allow for opportunities for sitting outside in comfort and reasonable privacy and, in family dwellings, for children's play.

14.39 Whilst the above list may not all be applicable to a flatted development in the centre of Newbury it is key to recognise that some of the amenity's area proposed for future residents are not outside the development. For instance, the development proposes access to areas for bicycle storage, in the way a garden shed is likely used in a traditional garden. There is also provision of a gym and shared communal areas which can be utilised in a way a garden would through an area to socially eat or exercise.

14.40 The SPG's sizes are guideline figures and relate to the garden's functional role. However, it is noted that there are a variety of approaches to providing outdoor amenity space for flats which will vary according to the location and character of the proposed development. It is the quality of outdoor space, as detailed above, that matters most for flats, a reasonable provision of communal outdoor space is suggested. As noted below;

- 1 and 2 bedroom flats; from 25 sq.m communal open space per unit

- 3 or more bedroom flats; from 40 sq.m communal open space per unit

14.41 The proposed development would provide the following outdoor amenity space provision

Outdoor Amenity Space	Figure Sqm
Communal Amenity	4272.48

Private Terraces	902.58
Private Balconies	367.08
New Street	3669.76
Total	9211.90
Total Without New Street*	5542.14

14.42 The case officer notes that the New Street is proposed as outdoor amenity space for future residents. Whilst the Council acknowledges that the future residents will be able to utilise this area, and this would be a benefit they do not agree that it is amenity space exclusively for use by the residents. To include this area in the figures would blur the distinction of public and private realm unacceptably. Therefore, the case officer has considered the total amenity space without the new street included.

14.43 The below figures display the provision of amenity space as an average across the site per unit

Outdoor Amenity Space requirement in line with SPG	10,850 sqm
Proposed Outdoor Amenity Space	5542.14 sqm
Amenity space provision for majority of units 1- and 2-bedroom flats as required by the SPG	25 sqm
Proposed Amenity space provision average across the site per unit	12.9 sqm

14.44 The Case officer acknowledges that there is a shortfall of outdoor amenity space of approximately half the required amount under the SPG's guidance.

14.45 However, the site is located within the Town Centre and similar schemes within the Town Centre, such as Market Street, have been permitted without amenity provision in accordance with the Quality Design SPD due to the town centre location and access to nearby public open space. Furthermore, recent appeal decisions in West Berkshire have noted that the provision of outdoor space would vary according to: the location and character of the proposal, whether the proposal would provide for family accommodation, and the access to high quality public open space. Planning Inspectors have determined that those factors are important considerations in determining the appropriate level of amenity provision for future occupiers.

14.46 In this instance, the site is located with good accessibility to high quality public open spaces such as the Kennet and Avon Canal, Victoria Park, Northcroft Park and Goldwell Park.

14.47 As such, the proposed amenity provision for future occupiers, despite not being in accordance with the suggested amounts set out in the Quality Design SPD, would not be out of character with the area and future occupants would have access to a good amount of high quality public open space.

14.48 Policy RL.1 of the West Berkshire District Local Plan Saved Policies (2007) requires the provision of between 3 and 4.3 hectares of public open space per thousand population for residential developments of 10 or more dwellings. Policy RL.2 sets out three methods of providing public open space (which can be applied individually or in combination): within the development itself; on other land within the applicant's control and located close to the development proposed; through a contribution to the Council for the provision of public open space or improved facilities nearby.

14.49 It is acknowledged that the site is constrained and to ensure the efficient use of this brownfield site and the delivery of much needed housing it is considered, in this instance, that a contribution can be made to meet the necessary public open space requirements in accordance with Policy RL.2. The amount of contribution necessary to make the development acceptable in planning terms and to ensure that it is fairly and reasonably related in scale and kind to the development has been estimated to be £52,738.56. This is based on the guidance set out in the Planning Obligations SPD December 2014 but is yet to be confirmed by the Council's Countryside and Public Open Space Team.

14.50 It was previously agreed as part of negotiations on the appeal 21/00379/FULMAJ that was subsequently withdrawn that a S106 financial contribution towards open space could be provided for. This contribution could mitigate the increased use of Newbury's open spaces as a result of the development being permitted. This has been sought as a contribution secured under the planning obligation towards improving and maintaining nearby public open spaces.

14.51 Overall, the case officer finds the outdoor amenity space to be, on balance, acceptable.

15. Highways

Traffic generation

15.1 Traffic generation for the existing and proposed uses has been projected with reference to the Trip Rate Information Computer System (TRICS) which is a traffic survey database including many uses covering Ireland and the UK. Shopping habits have somewhat changed in recent years, particularly since the advent of the COVID 19 pandemic from 2020. The existing Kennet shopping centre would have generated a significantly higher traffic generation then what it probably generates today. Highway officers therefore consider with the proposed reduced retail floor area offer and the residential development, that the traffic generation for the proposal is unlikely to be significantly different to what the Kennet shopping centre would have generated up to a few years ago. However, highway officers did note some projected traffic increase of 29 vehicle movements during the 08:00 to 0900 AM peak due to the proposed new residential element. Therefore, as requested by highway officers the applicants used the Councils VISSIM traffic model to assess this proposal for the AM peak for the 2031 year.

15.2 The VISSIM traffic modelling work was undertaken for nearby junctions including along the nearby A339 and Bartholomew Street by WSP for the AM peak within the 2031 future assessment year. The model includes all known committed developments including Sandleford Park, all highway improvement schemes and mitigation from strategic housing developments such as Sandleford Park.

15.3 WSP also updated the model to include a new proposed Bartholomew Street / Market Street traffic junction. These proposed works to this junction will be mentioned later.

15.4 From the results, highway officers are satisfied that the proposed development compared to the original Kennet shopping centre would not have a severe traffic impact on the highway and travel network.

15.5 A Framework Travel Plan that has been submitted to encourage more walking cycling and use of public transport this will be secured by condition or legal agreement.

Access and site layout

15.6 The existing Kennet Shopping Centre MSCP access and exit would remain unchanged as a result of the proposal.

15.7 It is proposed to remove the existing service ramp access onto Market Street and replace with two service accesses, one onto Cheap Street and another onto Bartholomew Street.

15.8 Where the existing service ramp onto Market Street is being removed and the access closed, the footway in this location will need to be reinstated and resurfaced including fronting the site following completion of construction works.

15.9 The proposed Cheap Street access would serve both residential and commercial uses and would be for service and emergency vehicles only. The access would consist of a new drop kerbed access. Final details would need to be submitted. This this can be secured by condition.

15.10 The proposed Bartholomew Street access would also serve both commercial and residential uses and would provide access for service and emergency vehicles. This access would also provide access to an additional resident's car park of 83 car parking spaces. This proposed access is to be located some 30 metres north of the existing Kennet MSCP entrance and the start of the existing pedestrian zone that is currently enforced by a set of bollards and signage. Therefore, this would need to be relocated some 45 metres northwards. This would allow for the access to be used over 24 hours but would also mean that this section of Bartholomew Street would need to become a two-way section.

15.11 In association with the above, it is also proposed that Bartholomew Street from the junction up to near the St Nicholas church would be revamped to include the two-way section but would also include a dedicated cycle route within the retained single way section from the proposed new site access to alongside St Nicholas church. This is all generally welcomed by highway officers and counterparts at Active Travel England but will need to be designed in much more detail during the Highways Act 1980 Section 278 design stage and completed by the developer.

15.12 Also, regarding the proposed two-way section of Bartholomew Street, the existing Market Street / Bartholomew Street traffic signal junction currently only allows for exit northbound one way movements along Bartholomew Street. Therefore, as part of the development proposals, it is proposed that this junction would be redesigned to allow for all movements. Again, much more detailed design work is required on the design of this traffic signal junction with the Section 278 process.

15.13 Highway officers are concerned that larger vehicles such as articulated HGV's will be unable to use either of the new site accesses. However the applicants have provided assurance that due to the size of the retail units, it is unlikely that vehicles of that size will visit the site. Highways Officers also note that a Framework Servicing & Management Plan has been submitted that could be secured by condition.

15.14 A total of 685 spaces for cycles are proposed which highway officers consider to be acceptable. Highway officers also welcome the plans for a cycle workshop to complement one of the areas of cycle parking fronting Cheap Street.

15.15 Electric vehicle charging points are proposed along with parking for disabled persons. Highway officers also consider that motorcycle parking should be provided. These items can be agreed further and secured by condition.

Car parking

15.16 This has been the most difficult aspect for highway officers in assessing this planning application. It has had to be repeatedly stated that the site is not exceptional with regards to the car parking standards contained within Policy P1 of the Housing Site Allocations DPD. However, in fairness, the proposed residential part of the development requires 471 car parking spaces including residential visitor parking. With 475 car parking spaces provided, Policy P1 would at least be provided for the residential element, but the question has always been whether this level would work with the dual use town centre visitor car parking, and what would the implications be, if it didn't, and could this then be mitigated. Therefore, highway officers have organised a number of car parking surveys.

15.17 To project expected car parking demand for the proposed residential element, during late Spring, surveys were undertaken at Bartholomew Court, a nearby development of 46 flats with 46 car parking spaces that did feature in the parking surveys that took place that informed the parking standards set in Policy P1. The survey results from Monday to Saturday revealed a parking rate of 0.43 to 0.57 per flat observed during the day, with 0.57 to 0.70 observed after 16:00. The evening results are as expected, but the results are perhaps higher than expected during the day, possibly due to more working from home since COVID.

15.18 The applicants had already submitted car parking surveys within the Kennet Shopping Centre MSCP from November 2022. By adding figures from this survey and using rates from the surveys at Bartholomew Court the overall occupancy of the proposed car park could then be projected. It would seem that during the week, on most days, all residential and town centre visitor car parking can be accommodated within the MSCP, but on a Saturday, it would seem that demand for residential car parking and town centre car parking will exceed the number of car parking spaces provided around the middle of the day by some 40 to 90 cars on most Saturdays, and possibly Sundays too when more residents are home.

15.19 Highway officers consider that the Kennet Shopping Centre is the main go to car park for the Newbury town centre, especially for all visitors from the southern and middle areas of the town, and it is considered that this will continue.

15.20 Should demand for the Kennet Shopping Centre MSCP exceed the number of spaces provided, then consideration must be given to the capacity of the town centre car parks, particularly at weekends. Highway officers therefore commissioned car parking occupancy surveys during June during the week and at on a Saturday between 12:00 and 14:00 hours, particularly the car parks closest to the application site.

15.21 It needs to be mentioned that parking in The Wharf area is being reduced by some 40 car parking spaces due to improvements planned along the canal, and the car parks south of the river Kennet are already well used according to the results. But there would seem to be significant availability of car parking in the Market Street / Station MSCP.

15.22 However, there are now two difficulties here being that the Market Street / Station MSCP was not designed for and is not attractive for use by visitors such as shoppers. A further issue is that users of the proposed Kennet Shopping Centre MSCP, when full, would

need to be redirected to the Market Street / Station MSCP. For this, there are the Visual Message Signing (VMS), but unfortunately these ageing signs are no longer working well and need replacement.

15.23 It is understood that upgrading the VMS will cost around £1 million, of which the Council has around half this money. Highway officers have therefore sought the remaining half from the developer.

15.24 Highway Officers are also seeking improvements to the Market Street / Station MSCP to ensure that it is more attractive for use by shoppers. Currently, the following is recommended to be funded by the developer:

- Potential improvements to lighting within the car park
- Improvements to doors to enable easier use, including by disabled persons
- Improvements to directional signage within the car park
- Improvements to the surface markings of pedestrian routes through the car park to the lift area and to the car park vehicle entrance with coloured surfacing and markings
- Improvements to the footway on the western side of Market Street fronting alongside the council office building with footway widening, a raised crossover across the grasscrete access area and a marked and coloured surface route to the car park vehicle entrance

15.25 Preferably, the applicants should have ensured that there is sufficient car parking for all users within the proposed car park on site. Unfortunately, in the view of the highway officer, this has not been provided, and therefore highway officers have had to look for potential solutions and have at least devised a potential way forward. But it does require the already agreed financial contribution of £500,000 towards the VMS, and agreement must be reached that funding will also be provided to improve the Market Street / Station MSCP. Officers will update members at the committee on these points.

Proposed Car Park Management Plan

15.26 Highway officers note that a basic Car Park Management Plan has been submitted for the site. It explains that all car parking would be available on a first come first served basis with visitors and residents being charged the prevailing going rate to use the MSCP. Except for the new 83 space residential car park, residents and or the public would be able to park in any space.

15.27 The entrance barrier into the MSCP currently prevents drivers from accessing the car park after 22.30 hours and would be amended to allow access after 22.30 hours.

15.28 The Kennet Shopping Centre MSCP is owned by the applicant and is leased to the Council. However, there are a number of details that need to be considered within a CPMP including how additional staff to manage the car park 24/7 will be provided, the funding for this, and the general amount of funding that the Council will continue to receive from this car park.

15.29 To avoid any financial losses to the Council going forward from the future running of the Kennet shopping Centre MSCP, highway officers consider that all details regarding the CPMP should be agreed upon commencement and prior to occupation of any residential units.

Highways Recommendation

15.30 In conclusion, should all of the above be finalised and agreed, on balance highway officers would recommend approval subject to the following:

A Section 106 Agreement under the Town Country & Country Planning Act 1980 to provide:

i. A financial contribution of £500,000 towards upgrading / replacing the town centre Visual Message Signing (VMS)

ii. A financial contribution (value to be agreed) towards improvements to the Market Street / Station MSCP and pedestrian links as follows:

- Potential improvements to lighting within the car park
- Improvements to doors to enable easier use, including by disabled persons
- Improvements to directional signage within the car park
- Improvements to the surface markings of pedestrian routes through the car park to the lift area and to the car park vehicle entrance with coloured surfacing and markings
- Improvements to the footway on the western side of Market Street fronting alongside the council office building with footway widening, a raised crossover across the grasscrete access area and a marked and coloured surface route to the car park vehicle entrance

A Section 278 Agreement under the Town Country & Country Planning Act 1980 to provide:

i. Closure and reinstatement of existing Market Street vehicle access

ii. Footway resurfacing along the frontage of Market Street

iii. Resurfacing of Bartholomew Street from Market Street to adjacent St Nicholas church including the provision of a two way traffic section from Market Street up to the proposed new site access, along with the provision of a dedicated cycle route.

iv. Relocation of rising bollards within Bartholomew Street

v. Reconfiguration of the Bartholomew Street / Market Street traffic signal junction

15.31 Should the above not all be agreed, then highway officers would recommend refusal.

16. Sustainable Construction

16.1 Policy CS15 of the Core Strategy requires major developments to achieve zero carbon in total CO2 emissions (regulated and unregulated energy use) from renewable energy or low/zero carbon energy generation on site or in the locality of the development as

long as a direct physical connection is used, unless it can be demonstrated that such provision is not technically or economically viable.

16.2 Policy CS15 also requires non-residential development to achieve BREEAM excellent, and major development (residential and non-residential) to achieve zero carbon from renewable or low/zero carbon energy generation on site.

16.3 Policy CS14 Design Principles states "New development must demonstrate high quality and sustainable design that … makes a positive contribution to the quality of life in West Berkshire. Good design relates not only to the appearance of a development, but the way in which it functions… All developments will be expected to minimise carbon dioxide emissions through sustainable design and construction, energy efficiency, and the incorporation of renewable energy technology as appropriate and in accordance with Policy CS15".

16.4 A sustainability and BREEAM pre-assessment report has been submitted which confirms that BREEAM excellent can be achieved for the commercial areas.

16.5 The Councils Environment Delivery Officer has reviewed the application documentation. One area they have reviewed is the requirement of CS15 for the development to meet BREEAM excellent (70%) for major development. The development would meet the following prospective excellent ratings; 71.16% for the retail floorspace; 71.53% on the office floorspace; and 72.68% on the healthcare floorspace. Whilst the margins above the excellent rating are small the Environment Delivery Team have accepted that BREEAM Excellent will be conditioned so if they don't meet the required certification at Post Construction Review stage then it becomes an enforcement issue.

16.6 CS15 also requires major residential development to achieve net zero carbon emissions. The applicants have set out in a letter dated 15th May 2024 to the Case Officer that:

"*the Energy and Sustainability Report by EE (September 2023) and letter from Tim James dated 31 January 2024, the proposed development is designed to achieve very low carbon emissions through the adoption of good fabric performance and employment of ground source heat pumps to supply space heating and domestic hot water. The Ground Source Heat Pumps (GSHP) achieve a 48% reduction in carbon emissions from regulated and non-regulated sources*."

16.7 The applicant states that:

"*the GSHP system provides an efficient and robust renewable energy solution for the site and the building fabric is designed to meet the Approved Document L1 & L2 2021. The proposals therefore meet and exceed the current Building Regulations requirements and are therefore in accordance with the latest Written Ministerial Statement of March 2015 and December 2023*."

16.8 Policy CS15 requires new developments to achieve net zero carbon emissions subject to such provision being technically or economically viable as per the requirements of CS15.

16.9 Bearing this in mind, the applicant's viability consultant has confirmed that the development is unviable. This position has been confirmed by the Council's own consultants, Dixon Searle. Therefore, whilst the proposal would not achieve net zero carbon emissions, your officer is content that it has been sufficiently demonstrated that it would not be economically viable to do so within this site.

16.10 Given the caveats in policy CS15 the proposed development is considered to accord with WBC Core Strategy Policy CS15.

17. Flood Risk and Sustainable Drainage

17.1 Core Strategy Policy CS16 also requires that all developments incorporate sustainable drainage techniques. The Planning Practice Guidance supports this position for major developments. policy CS16 also requires that development adheres to the flooding sequential test, this report deals with the flood sequential and exception test earlier as a matter of principle. It was concluded that this development passes both tests and adheres to Policy CS16 in this regard.

17.2 The issues previously discussed with the applicants in the appeal proceedings of application 21/00379/FULMAJ were the runoff rates they used and the amount of existing information that went into the design. The drainage strategy had conflicting information regarding the proposed rates used which needed to be resolved.

17.3 Following a meeting between the applicants and the Lead Local Flood Authority it was accepted that the proposed development has maximised the storage within the extent of the site and therefore has reduced the flow rate as low as is viable for the scheme.

17.4 Unfortunately, it does not appear possible to reduce the flow rate to the desired 50% of 1:2 year flow. As the applicant has stated previously pre application negotiations did not stipulate criteria for the design flow rates clearly during the pre-application process, suggesting only 50% betterment of the existing rate which the proposal achieves for the 1 in 30 and 1 in 100 year event.

17.5 Despite not meeting the target rate for flow, the proposal does provide significant betterment over the existing scenario according to the data submitted by the applicants.

17.6 This proposal would alleviate pressure on Thames Water surface water sewers over the existing scenario. Without revising the entire development and proposed extent of impermeable surfaces, it is unlikely any further improvements can be made to reduce the flow rate or provide additional storage. There would be little merit in pursuing further reduction in discharge rates without providing a compromised scheme (i.e. requiring the use of pumping stations which adds to potential points of failure).

17.7 The Lead Local Flood Authority (LLFA) officer is therefore satisfied that the applicant will try to implement an acceptable variety of SuDS considering the complexity of the heavily urbanised area, including the use of green roofs, blue roofs and porous/permeable paving. Officers will seek to ensure the proper implementation of SuDS via condition for detailed design.

17.8 The applicant has shown a willingness to try and find a resolution to outstanding matters and has presented a reasonable argument regarding the application of SuDS. The proposed development will not be intensifying the site from a flood risk or drainage perspective as the existing site is already comprised of almost entirely hardstanding surfaces. Additionally, the existing drainage does not appear to include any attenuation/flow control systems, so the proposal will provide a notable reduction to the risk of surface water flooding in the area.

17.9 With these matters considered, the proposal is acceptable subject to conditions to ensure the detailed design and construction of SuDS elements conforms with the approved FRA, and Drainage statement (Revision P05). The LLFA therefore raises no objections subject to conditions.

17.10 The development proposed is considered to accord with Policy CS16 of the Core Strategy and the NPPF in respect of flooding and drainage.

18. Archaeology

18.1 This is for a site within the earliest occupied part of the town of Newbury, as well as perhaps holding evidence from 10,000-year-old human activity - though work is needed to establish the potential for surviving deposits under the existing buildings.

18.2 An archaeological desk-based assessment (DBA) by Oxford Archaeology was undertaken for the earlier application in December 2021 although this was not submitted until September 2022. Archaeology Officers commented on this document in their response to 21/00379/FULMAJ. Though going some way towards satisfying NPPF Para 194, Archaeology Officers were disappointed that the assessment was not as detailed or careful as they would have expected. They listed its shortcomings, so it is surprising that in this amended scheme for the Kennet Centre, no attempt has been made to address any of these matters. The same 2021 document by Oxford Archaeology has been submitted this time, although with an added Lochailort front cover dating it to September 2023.

18.3 The criticisms Archaeology Officers had will therefore be repeated here: It is not customary to use Heritage Gateway links in a DBA, and we maintain the West Berkshire HER, not the 'Berkshire HER'. The inclusion of an extract from the 1849 enclosure map (Fig 9) doesn't help at all as the study area is blank, whereas (for example) the 1849 Davis map would have added to the map regression. The section on Previous Archaeological Investigations has not emphasised the low percentage of the area of The Mall that was subject to any fieldwork; much of what was able to be undertaken in limited areas was rescue excavation, with only the Wessex Archaeology work in the south-east corner of the Kennet Centre for the Cinema being done to modern standards. This absence of previous work means it is even more important to look for opportunities now to increase our knowledge of Newbury's evolution, and what went before it.

18.4 Archaeology Officers would have liked more analysis of geo-technical data in terms of palaeo-environmental evidence that might survive – a brief mention is made in the DBA of a demolition desktop appraisal by Robert Bird Group (which we would like to have seen), but not apparently the Soiltechnics preliminary investigation and ground investigation of 2020 which included the possibility that a shallow covering of peat is present in the area. The Oxford Archaeology DBA did not use an image of the Upper Palaeolithic/Mesolithic deposit model of archaeological potential, or other evidence which might help target any future groundworks. A plan of where there might be other archaeological remains adjacent to historic buildings as mentioned in the report para 12.1.2 would also have been helpful. Archaeology Officers are also interested in establishing whether any industrial deposits relating to the Eagle Works might be present, so identifying this area against an overlay of the new development would be another advantage. The ironworks did not of course cover the whole area that became the Kennet Mall but only a small percentage of it. Its 20th century appearance was also not a multi-storey industrial one like northern mills or factories, but from the evidence of a 1948 oblique aerial photograph, a much more jumbled arrangement of large sheds.

18.5 The most serious fault in the Oxford Archaeology DBA is its conclusion that that archaeological deposits and potential in a development as complex as this can be dealt with under a watching brief condition. It is easy to assume that a 1970-80s construction such as the Kennet Centre would have removed all earlier deposits, but evidence from other shopping centres that have been recently redeveloped, such as in Southampton and Oxford, has shown that some significant archaeology can survive. Any opportunity should therefore be taken through initial ground investigations to gain information about the character, nature, extent and significance of the archaeological resource before development starts – this includes palaeo-environmental deposits, an important resource telling us about the flora and fauna of the area from the end of the Pleistocene and the beginning of the Holocene epoch. At the very least a phased approach to

understanding this potential is needed, including field evaluation. Without more information it is simply not possible to affirm as in the Planning Statement para 18.6 that 'the proposed development will not result in any harm to any potential archaeological remains'.

18.6 Archaeology Officers therefore request that a condition is attached to any approval to ensure that archaeological evidence is properly identified and recorded.

19. Ecology and Trees

19.1 The site is in proximity to a Site of Special Scientific Interest and the Kennet and Avon canal. Policy CS17 requires all new development to maximise opportunities for net gains in biodiversity. Natural England were consulted and raise no objection with regard to the River Lambourn SAC and River Kennet SSSI.

19.2 The Council's Ecology Officer was consulted and noted that they have reviewed the ecological information submitted in support of this planning application and advise that sufficient information has been provided. If planning permission is granted, they advise that conditions securing ecological avoidance and mitigation measures, and the implementation of ecological enhancements are attached. This view takes into account the previous ecology officers view on the previous application and the applicant's response to this in the amended planning application.

19.3 A phasing plan including green phasing should interact with the CEMP and LEMP, to ensure habitats are protected and enhanced and that the planting can become established before handover to the management company. This can be provided as an element of the LEMP condition.

19.4 The Ecologist would suggest a revision to the proposed lighting on site to remove all tree uplighters of the proposed trees on all floors, that would omit habitat/resting value for mobile species that would make use of these ecological features. This can be secured by an appropriately worded condition.

19.5 Intensive lighting may also create a vacuum of invertebrates that use lighting for navigation and would concentrate around artificial lighting creating an inaccessible area for species such as bats which avoid lit areas, effectively removing food resources. Given that species planting is to attract invertebrates and birds, this lighting would be detrimental to the new habitat and foraging ability of nocturnal species and may affect circadian rhythm of local bird species and invertebrate species.

19.6 Whilst it is understood the importance of residents and visitors safety provided by lighting and how this imposes limitations in an urban environment, however there are options for safety lighting to be a hooded design to reduce uplift and spill into the surrounding area and LED to provide sharp cutoff.

19.7 The Ecologist has suggested that 2 years after the first property is occupied an ecological assessment of the success of the LEMP and other environmental safeguarding and enhancement measures, including the changes in key species and habitats onsite should be submitted to the LPA for review. This can be provided as an element of the LEMP condition.

19.8 The Tree Officer has confirmed that given the development looks to increase landscaping and urban planting throughout the development the tree officer has no objections. The increase in urban planting over the existing hard surface development seen currently throughout the Kennet Centre is considered positive. Subject to suitably

worded conditions the Tree Officer raises no objections. The development is therefore considered in accordance with CS17 in regard to the Ecology and Trees of the site.

20. Healthcare

20.1 As identified in the consultation response from the NHS Buckinghamshire, Oxfordshire, and Berkshire West Integrated Care Board (BOB-ICB), the development proposed will impact on existing GP services through the introduction of new residents to the area requiring access to primary care services. The BOB-ICB therefore request that a primary healthcare contribution of £262,872.00 is secured, which will go towards the provision of appropriate primary healthcare facilities in the local area in Newbury to serve the proposed development.

21. Other Matters

21.1 Notwithstanding the extensive consideration of issues identified and reported in this document, it should be noted that in an effort to contain the length of its content to a reasonable level, there may be some areas/issues, including matters raised by the applicant's documentation and also consultees, residents and other third parties in their responses and representations, that, whilst not explicitly stated or referred to in this report, they have nevertheless been considered by officers in the assessment of the impacts and merits of this application proposal (as amended). This report necessarily focuses on the key determinative issues.

22. Planning Obligation (s106 agreement)

22.1 Core Strategy Policy CS5 seeks to ensure the timely delivery of infrastructure made necessary by development. Policy CS6 seeks to secure affordable housing, and Policies RL.1 and RL.2 of the West Berkshire District Local Plan Saved Policies (2007) seeks to ensure appropriate provision of public open space. The Council's adopted Planning Obligations SPD outlines the Council's approach to securing planning obligations for such matters.

22.2 The following table outlines the required Heads to Terms.

1.	**Build to Rent** For a period of 10 years to retain the whole of the BtR land together as one parcel and in one ownership and not to alienate any part of the land or any building erected thereon (save for by way of a lease of an individual unit) without the prior consent of in writing of the Council.
2.	**Viability Review**

	The Owner shall not Occupy or permit to be Occupied more than twenty five (25) of the Residential Units until the Owner has submitted to the Council a Full Viability Reassessment for the Council's review and approval.
3.	**Public Open Space** Financial contribution of £52,738.56 indexed linked payable prior to the commencement of development towards the provision of public open space or improved facilities nearby.
4.	**Highways** • Contribution towards Newbury Town Centre VMS upgrade (maximum £500,000) • Legalising southbound cycle movements by way of a new Traffic Regulation Order with associated signage (£19,000) • Upgrades to Market Street Car Park (approximately £70,000 but TBC) **Total TBC**
5.	**Travel Plan** Travel Plan including Travel Pack (£10,000) including Travel Pack (427 x £50 = £21,350) and Cycle/ Public Transport Vouchers for each unit (427 x £600 = £256,200 Total: £256,200
6	**Travel Plan Monitoring** £5000
7	**Car Club Contribution** £150,000
8	**Healthcare** Financial contribution of £262,872.00 indexed linked payable prior to the commencement of development towards the provision of appropriate primary healthcare facilities in the local area in Newbury to serve the proposed development.
9.	**Sustainable Travel Wayfinding Updates** £15,000

22.3 These heads of terms have been assessed against the CIL Regulations and are considered necessary to make the development acceptable in planning terms, directly related to the development, and fairly and reasonably related in scale and kind to the development.

22.4 The recommendation is therefore subject to completion of a S106 Legal Agreement to secure these heads of terms, in order to ensure the development complies with the aforementioned policies.

22.5 In addition, a Section 278 Agreement under the Town Country & Country Planning Act 1980 to provide the following is required:

- Closure and reinstatement of existing Market Street vehicle access
- Footway resurfacing along the frontage of Market Street
- Resurfacing of Bartholomew Street from Market Street to adjacent St Nicholas church including the provision of a two way traffic section from Market Street up to the proposed new site access, along with the provision of a dedicated cycle route.
- Relocation of rising bollards within Bartholomew Street
- Reconfiguration of the Bartholomew Street / Market Street traffic signal junction.

23. Planning Balance and Conclusion

The Presumption in Favour of Sustainable Development (NPPF Paragraph 11)

23.1 The Council can demonstrate both a 4 year and 5 year housing land supply, and housing delivery over past years passes the Housing Delivery Test. There are many relevant development plan policies and of those development plan policies there is a wide basket of policies, which are 'most important' to the determination of the application and (most of) which are consistent with the relevant NPPF policies and provisions.

23.2 In view of the above, the most important development plan policies for the determination of this application are not out-of-date. For these reasons the NPPF paragraph 11(d) (ii) tilted balance (i.e. the presumption in favour of sustainable development) is not engaged in this case.

Planning balance

23.3 In consideration the planning balance the following hierarchy of weight is used.

- Great
- Significant
- Moderate
- Limited
- None

Benefits of the proposal

23.4 The application will give rise to a number of significant public benefits, which carry positive weight in the planning balance. The most notable benefits are listed here.

Housing

23.5 The proposal would deliver 427 dwellings on previously developed land in a highly sustainable Town Centre location. Whilst the Council currently has in excess of a 5-year housing land supply the proposed development would contribute to meeting the future housing needs of the district and nationally. This is an important social benefit attracting **great positive weight.**

23.6 Those 427 new dwellings would be built to rent dwellings which is a form of intermediate house to which addresses social need for housing that is affordable to those who cannot buy but want a rental unit not owned by a small/independent landlord. **Significant positive weight** is given to this aspect.

Townscape

23.7 The proposed development creates a continuous street from Newbury Train station into the Town Centre. This would increase legibility of the Town Centre connecting key sustainable transport facilities to the commercial and shopping areas of the Town Centre. In comparison to the existing brick wall that greets those who walk through the Market Street Redevelopment todays the town centre. These changes cannot be understated in terms of planning benefit to Newbury. The aspect attracts **great positive weight.**

23.8 The development proposes to alter a dated and failing shopping centre with a proposed development of a highly attractive design. It would alter currently empty shop frontages to active, attractive frontages enhance the street scape externally around the site in Newbury. The proposed street through the development would be a significant enhancement compared to the current covered enclosed shopping centre. This issue attracts **significant positive weight.**

Economic benefit

23.9 The application proposal would provide economic benefits such as temporary employment opportunities during its construction phase; secondary employment through future residents' spending in the local area and using expanded local services, while a number of them are likely to be involved/employed in the local economy during the operational phase of the development. The proposal would also increase expenditure in the local area. These economic benefits attract **significant positive weight.**

Surface water management

23.10 The development would propose a significant enhancement in regard to surface water management in the area compared to the existing site which would attract **moderate weight.**

Planning Matters Attributed no or neutral weight in the balance

Parking

23.11 There is considered to be a lack of parking for the development at specific times which may displace users of the Kennet Centre car park to other car parks in Newbury. However, this impact is only limited and is mitigated by the proposed obligation to improve parking facilities and connectivity at the nearby Market Street MSCP. Therefore, the obligation in place to mitigate this harm results in this issue having neutral weight in the planning balance.

Developer contributions and CIL

23.12 Associated financial payments to the Council arising from the development are irrelevant as they are not used in relation to the development and therefore carry no weight. CIL is used for infrastructure provision and improvement, but, even if it ends up being used in mitigation to the development, it is not ring-fenced to be used exclusively in connection with it and thus carries no weight in the determination of this particular application. Similarly, Section 106 payments although directly related to the development are provided in response to policy requirements and in mitigation of its impacts and therefore are neutral in the planning balance.

Renewable energy

23.13 The provision of renewable energies within the development would attract neutral weight. The proposed development would secure renewable energies to the level of building regulations but does not get to a level to which CS15 aims to achieve due to the viability. Whilst the provision of renewable energy is a positive, the development should go further than it is in dealing with this issue. Any benefit is cancelled out by the draw backs of lack of hitting zero carbon. Therefore, this issue carries neutral weight in the decision making.

Disbenefits of the proposal

Affordable housing

23.14 The proposed development would not provide any affordable housing units. This attracts **significant negative weight** in the planning balance. The district has a large affordable housing need and posting supply is essential. Despite this the weight given to this negative is reduced because of the development is not viable to deliver affordable housing.

Heritage

23.15 Paragraph 205 of the National Planning Policy Framework (2023) (the Framework) advises that great weight be given to the conservation of designated heritage assets (and the more important the asset, the greater the weight should be). Paragraph 206 goes on to advise that significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting and that this should have clear and convincing justification. With reference to paragraphs 207 and 208 of the Framework, in finding harm to the significance of these designated heritage assets, the magnitude of that harm should be assessed. The Conservation Officer has advised that there is a low level of less than substantial harm to the Heritage Assets of Newbury.

23.16 The harm to these heritage assets would be at the low-moderate level of 'less than substantial' but, nevertheless, **great weight** needs to apply to this issue.

23.17 Under such circumstances, paragraph 208 advises that this harm should be weighed against the public benefits of the proposal. In this regard, even in circumstances where a lower level of less than substantial harm exists, this should not be equated with a lesser planning objection and is afforded considerable weight in the balancing exercise.

Amenity

23.18 **Moderate negative weight** is given to the issue of future occupiers amenity to which may be impacted by the night time economy of Newbury. This is considered to attract moderate weight as this is only in outdoor amenity areas. Internal amenity can be

preserved by conditions for glazing and ventilation which can be secure acceptable internal amenity.

Impact on Heritage Assets Significance and the NPPF test

23.19 It is acknowledged that there would be a level of less than substantial harm to heritage assets in this case from the development. However, there is clear and convincing justification for the scheme. Officers have given great weight and importance to the desirability of preserving or enhancing the character and appearance of the conservation area, setting of listed buildings and other non-designated heritage assets. It is considered that the less than substantial harm that would be caused by the proposed development has been adequately mitigated by quality design, detailing and materiality and is justified, and the harm would be outweighed by the high level of public benefits that would result in accordance with Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and the NPPF.

The Planning Balance

23.20 In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 and Section 70(2) of the Town and Country Planning Act 1990 (as amended), the application should be determined in accordance with the development plan, unless there are material considerations that indicate otherwise.

23.21 As set out above, the application includes a variety of planning benefits and disbenefits, such that a balanced conclusion is required.

23.22 It is considered by officers, having particular regard to the redevelopment opportunities presented by this proposal that, taken together the planning benefits of the proposal outweigh the disbenefits, and there are no other material considerations of sufficient weight that indicate that planning permission should otherwise be refused.

23.23 Technical issues from consultees can be dealt with by way of planning conditions.

24. Conclusion

24.1 In view of the above this planning application, as amended, is acceptable and satisfactory and officers recommend that it should be granted planning permission subject to conditions and the prior satisfactory completion of a Section 106 Legal Agreement. The proposed resolution includes the ability to refuse the application if the S106 is not completed within a reasonable timeframe.

25. Full Recommendation

25.1 PROVIDED THAT a Section 106 Agreement has been completed within 3 months (or such longer period that may be authorised by the Development Manager, in consultation with the Chairman or Vice Chairman of the Western Area Planning Committee), to delegate to the Development Manager to **GRANT PLANNING PERMISSION** subject to the conditions listed below (or minor and inconsequential amendments to those conditions authorised by the Development Manager, in consultation with the Chairman or Vice Chairman of the Western Area Planning Committee).

25.2 OR, if a Section 106 Agreement is not completed, to delegate to the Development Manager to **REFUSE PLANNING PERMISSION** for the reasons listed below.

Conditions

Overview list

1. 3 Years
2. Approved Plans
3. Materials
4. Surfacing Materials Schedule
5. Sample Brickwork/Stonework
6. Roofing Material Sample
7. Window Samples
8. Rainwater Goods
9. Visible Services
10. Architectural details
11. Method Statement and Schedule of Works
12. Support for Adjacent Buildings
13. Archaeology
14. Tree Protection Scheme
15. Landscaping (Soft and Hard)
16. SUDS
17. Additional post construction SUDS condition
18. Compliance with existing detailed biodiversity method statements, strategies, plans and schemes
19. Submission of a copy of the EPS licence
20. Landscape and Ecological Management Plan (LEMP)
21. Construction Environmental Management Plan (CEMP)
22. Ground levels and Finished Floor levels
23. Construction Method Statement
24. Hours of Construction
25. Electric Charging Points
26. Framework Servicing & Management Plan – details to be submitted
27. Vehicle parking provided to standards.
28. Access construction prior to occupation/use (plans required)
29. Car Parking Management Plan
30. Lighting Highways & Amenity
31. Lighting Biodiversity
32. Travel Plan
33. Refuse Storage
34. Cycle and Motorcycle Parking
35. Spoil
36. Skills and Employment Plan
37. BREEAM Excellent
38. Condition – Noise Management Plan for Use Class E Premises
39. Noise protection for future occupiers
40. deliveries
41. Cooking Odors from commercial kitchens
42. Plant Noise
43. CEMP EHO
44. Contamination Site Characterisation
45. Submission of Remediation Scheme
46. Implementation of Approved Remediation Scheme
47. Reporting of Unexpected Contamination
48. Zero Carbon Strategy
49. Water Network
50. Public Art
51. Shopfront design

1. **Commencement of development**
The development hereby permitted shall begin not later than three years from the date of this decision.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).

2. **Approved plans and documents (whole planning site)**

The development hereby permitted shall be informed and carried out in accordance with the following approved plans and documents.

Site Location Plan	P0-001	
Existing Site Plan	P0-010	
Existing Elevations	P0-020	
Demolition Site Plan	P0-030	
Demolition Elevations	P0-040	
Proposed Site Plan – Ground Floor	P0-100	P19
Proposed Site Plan – First Floor	P0-101	P19
Proposed Site Plan – Second Floor	P0-102	P19
Proposed Site Plan – Third Floor	P0-103	P19
Proposed Site Plan – Fourth Floor	P0-104	P19
Proposed Site Plan – Fifth Floor	P0-105	P19
Proposed Site Plan – Sixth Floor	P0-106	P19
Proposed Site Plan – Seventh Floor	P0-107	P19
Proposed Site Plan – Roof Plan	P0-111	P19
Blocks A, C, D & Cinema – Proposed Plan – Ground Floor	P1-100	P19
Blocks A, C, D & Cinema – Proposed Plan – First Floor	P1-101	P19
Blocks A, C, D & Cinema – Proposed Plan – Second Floor	P1-102	P19
Blocks A, C, D & Cinema – Proposed Plan – Third Floor	P1-103	P19
Blocks A, C, D & Cinema – Proposed Plan – Fourth Floor	P1-104	P19
Blocks A, C, D & Cinema – Proposed Plan – Fifth Floor	P1-105	P19
Blocks A, C, D & Cinema – Proposed Plan – Sixth Floor	P1-106	P19
Blocks A, C, D & Cinema – Proposed Plan – Seventh Floor	P1-107	P19
Blocks A, C, D & Cinema – Proposed Plan – Roof Plan	P1-111	P19
Blocks B, E, F, G and H – Proposed Plan – Ground Floor	P1-200	P19
Blocks B, E, F, G and H – Proposed Plan – First Floor	P1-201	P19
Blocks B, E, F, G and H – Proposed Plan – Second Floor	P1-202	P19
Blocks B, E, F, G and H – Proposed Plan – Third Floor	P1-203	P19
Blocks B, E, F, G and H – Proposed Plan – Fourth Floor	P1-204	P19
Blocks B, E, F, G and H – Proposed Plan – Fifth Floor	P1-205	P19
Blocks B, E, F, G and H – Proposed Plan – Sixth Floor	P1-206	P19
Blocks B, E, F, G and H – Proposed Plan – Seventh Floor	P1-207	P19

Blocks B, E, F, G and H – Proposed Plan – Roof Plan	P1-210	P19
Block S & Car Park – Proposed Plan – Ground Floor	P1-300	P19
Block S & Car Park – Proposed Plan – First Floor	P1-301	P19
Block S & Car Park – Proposed Plan – Second Floor	P1-302	P19
Block S & Car Park – Proposed Plan – Third Floor	P1-303	P19
Block S & Car Park – Proposed Plan – Fourth Floor	P1-304	P19
Block S & Car Park – Proposed Plan – Fifth Floor	P1-305	P19
Block S & Car Park – Proposed Plan – Sixth Floor	P1-306	P19
Block S & Car Park – Proposed Plan – Seventh Floor	P1-307	P19
Block S & Car Park – Proposed Plan – Roof Plan	P1-320	P19
Proposed Elevations – Block A – South and West	P3-101	P19
Proposed Elevations – Block A – East and North	P3-102	P19
Proposed Elevations – Block B – East and North	P3-103	P20
Proposed Elevations – Block B – South and West	P3-104	P19
Proposed Elevations – Block C	P3-105	PC
Proposed Elevations – Block D	P3-106	P20
Proposed Elevations – Block E	P3-108	PC
Proposed Elevations – Block F	P3-109	PC
Proposed Elevations – Block G	P3-111	P19
Proposed Elevations – Block H	P3-112	P19
Proposed Elevations – Block S	P3-113	P19
Proposed Bartholomew Street Elevation	P3-200	P19
Proposed Cheap Street/ Market Street Elevation	P3-201	P19
Proposed Market Street Elevation	P3-202	P19

Reason: For the avoidance of doubt and in the interest of proper planning.

3. **Schedule of materials (prior approval)**

No above ground construction development shall take place until a schedule of all materials and finishes visible external to the building have been submitted to and approved in writing by the Local Planning Authority. Samples shall be made available to be viewed at the site or by arrangement with the Planning Officer. All materials incorporated in the work shall match the approved samples.

Reason: To ensure that the materials are appropriate to the character of the building, and the Conservation Area. This condition is imposed in accordance with the National Planning Policy Framework and Policies CS14 and CS19 of the West Berkshire Core Strategy (2006-2026).

4 **Surfacing Materials Schedule**

No above ground construction development shall take place until a schedule of all hard surfacing materials have been submitted to and approved in writing by the Local Planning Authority.

Samples shall be made available to be viewed at the site or by arrangement with the Planning Officer. All materials incorporated in the work shall match the approved samples.

Reason: To ensure that the materials are appropriate to the character of the building, and the Conservation Area. This condition is imposed in accordance with the National Planning Policy Framework and Policies CS14 and CS19 of the West Berkshire Core Strategy (2006-2026).

5 **Sample Brickwork/Stonework**

No brickwork/stonework shall take place until a sample area of brickwork/stonework (minimum area of 1 m^2) has been constructed and then made available to and approved in writing by the Local Planning Authority. This approved sample shall remain available for inspection on site for the duration of the work. All new brickwork/stonework shall match this sample in terms of bricks/stones, mortar (mix, colour and texture), joint profile and bond.

Reason: To ensure that the materials are appropriate to the character of the building, and the Conservation Area. This condition is imposed in accordance with the National Planning Policy Framework and Policies CS14 and CS19 of the West Berkshire Core Strategy (2006-2026).

6 **Roofing Material Sample**

No above ground construction development shall take place until a sample of the roofing materials have been submitted to and approved in writing by the Local Planning Authority. All materials incorporated in the work shall match the approved samples.

Reason: To ensure that the materials are appropriate to the character of the building, and the Conservation Area. This condition is imposed in accordance with the National Planning Policy Framework and Policies CS14 and CS19 of the West Berkshire Core Strategy (2006-2026).

7 **Window/door details**

No new external doors and windows shall be fitted until working drawings (scale 1:20, 1:10, 1:5, half or full size etc.) fully detailing the new / or replacement windows and/or external doors (cross sections for full glazing bars, sills, heads etc.) have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out using the approved specification and retained thereafter.

Reason: To ensure that the materials are appropriate to the character of the building, and the Conservation Area. This condition is imposed in accordance with the National Planning Policy Framework and Policies CS14 and CS19 of the West Berkshire Core Strategy (2006-2026).

8 **Rainwater Goods**

Notwithstanding what is shown on the approved drawings or other approved documents, unless otherwise agreed in writing by the Local Planning Authority, all new rainwater goods shall be metal painted black, and any existing metal rainwater goods and accessories (to adjacent heritage assets) shall not be removed or modified without the prior written approval of the Local Planning Authority on an application made for that purpose.

Reason: To ensure that the materials are appropriate to the character of the building, and the Conservation Area. This condition is imposed in accordance with the

National Planning Policy Framework and Policies CS14 and CS19 of the West Berkshire Core Strategy (2006-2026).

9 **Visible Services**

No above ground construction development shall take place until details of services visible external to the development, including the type and location of any services to include, drainage pipework (including soil vent pipe terminations) and accessories, rainwater goods, boiler flues, extract vent grilles, meter cupboards, external lighting, have been submitted to and approved in writing by the Local Planning Authority. Thereafter the external services shall be installed in accordance with the approved details.

Reason: To ensure that the materials are appropriate to the character of the building, and the Conservation Area. This condition is imposed in accordance with the National Planning Policy Framework and Policies CS14 and CS19 of the West Berkshire Core Strategy (2006-2026).

10 **Architectural details**

No above ground construction development shall take place until full details of the following have been submitted to and approved in writing by the Local Planning Authority:

- window/door arches, lintels, reveals and surrounds
- eaves and fascia
- parapets, cornices and pediments
- brick detailing and decorative features
- metalwork (railings and/or balconies)

Thereafter the development shall incorporate and be undertaken in accordance with the approved details.

Reason: To ensure that the materials are appropriate to the character of the building, and the Conservation Area. This condition is imposed in accordance with the National Planning Policy Framework and Policies CS14 and CS19 of the West Berkshire Core Strategy (2006-2026).

11 **Method Statement and Schedule of Works**

No development (including preparatory or demolition work), shall take place until a detailed method statement and schedule of works relating to any demolition and buildings works occurring beside the adjacent listed buildings has been submitted to and approved in writing by the Local Planning Authority. This shall include all work required to meet Building Regulations. Thereafter the development shall incorporate and be undertaken in accordance with the approved details.

Reason: To protect the special architectural or historic interest of the heritage assets. This condition is imposed in accordance with the National Planning Policy Framework and Policies CS14 and CS19 of the West Berkshire Core Strategy (2006-2026).

A pre-commencement condition is necessary because insufficient detailed information accompanies the application, so it is necessary to approve these details before any development takes place.

12 **Support for Adjacent Buildings**

Adequate protection and support to the adjacent listed buildings shall be provided at all times during the work. Sufficient care shall be taken in the design and execution of all work, including any demolition and the preparation and the erection of any scaffolding, to ensure that no damage is incurred to the historic fabric of the listed buildings.

Reason: To protect the special architectural or historic interest of the heritage assets. This condition is imposed in accordance with the National Planning Policy Framework and Policies CS14 and CS19 of the West Berkshire Core Strategy (2006-2026)

13 **Archaeology**

No development including site clearance shall take place within the application area until a Stage 1 written scheme of investigation (WSI) for a programme of archaeological work has been submitted to and approved by the local planning authority in writing. For land that is included within the WSI no demolition or development shall take place other than in accordance with the agreed WSI, and the programme and methodology of site evaluation and the nomination of a competent person(s) or organisation to undertake the agreed works.

If heritage assets of archaeological interest are identified by Stage 1, then for those parts of the site which have archaeological interest a Stage 2 WSI shall be submitted to and approved by the local planning authority in writing. For land that is included within the WSI no site clearance work or development shall take place other than in accordance with the agreed WSI, which shall include:

A. The Statement of significance and research objectives, the programme and methodology of archaeological site investigation and recording and the nomination of a competent person(s) or organisation to undertake the agreed works.

B. The programme for post-investigation assessment and subsequent analysis, publication & dissemination and deposition of resulting archaeological material. This part of the condition shall not be discharged until these elements have been fulfilled in accordance with the programme set out in the Stage 2 WSI.

Reason: To ensure that any significant archaeological remains that are found are adequately recorded. Such an approach follows the guidance set out in paragraph 205 of the 2021 National Planning Policy Framework and is accordant with the requirements of Policy CS19 of the West Berkshire Local Plan (2006-2026) 2012.

A pre-commencement condition is necessary because insufficient detailed information accompanies the application, so it is necessary to approve these details before any development takes place. The measures required for this condition will need to be in place for when the development begins.

14 **Tree protection scheme**

No development (including site clearance and any other preparatory works) shall commence on site until a scheme for the protection of trees to be retained is submitted to and approved in writing by the Local Planning Authority.

Such a scheme shall include**:**

- a plan showing the location and type of the protective fencing.
- All such fencing shall be erected prior to any development works.

- At least 2 working days notice shall be given to the Local Planning Authority that it has been erected.
- It shall be maintained and retained for the full duration of works or until such time as agreed in writing with the Local Planning Authority.
- No activities or storage of materials whatsoever shall take place within the protected areas without the prior written agreement of the Local Planning Authority.

Note 1: The protective fencing should be as specified in the BS5837:2012 at Chapter 6 and detailed in figure 2.

Note 2: Ground Protection shall be as paragraph 6.2.3.3. of the same British Standard.

A pre-commencement condition is necessary because insufficient detailed information accompanies the application; tree protection installation measures may be required to be undertaken throughout the construction phase and so it is necessary to approve these details before any development takes place.

Reason: Required to safeguard and to enhance its setting within the immediate locality to ensure the protection and retention of existing trees and natural features during the construction phase in accordance with the NPPF and Policies ADPP1, CS14, CS17, CS18 and CS19 of the West Berkshire Core Strategy 2006-2026.

A pre-commencement condition is necessary because insufficient detailed information accompanies the application, so it is necessary to approve these details before any development takes place. The measures required for this condition will need to be in place for when the development begins.

15 **Landscape (Soft and Hard) – (Major applications)**

Prior to completion or first occupation of the development hereby approved, whichever is the sooner; details of treatment of all parts on the site not covered by buildings shall be submitted to and approved in writing by the Local Planning Authority. The site shall be landscaped strictly in accordance with the approved details in the first planting season after completion or first occupation of the development, whichever is the sooner. Details shall include:

1) a scaled plan showing all existing vegetation and landscape features to be retained and trees and plants to be planted;
2) location, type and materials to be used for hard landscaping including specifications, where applicable for:
   a) permeable paving
   b) tree pit design
   c) underground modular systems
   d) Sustainable urban drainage integration
   e) use within tree Root Protection Areas (RPAs);
3) a schedule detailing sizes and numbers/densities of all proposed trees/plants;
4) specifications for operations associated with plant establishment and maintenance that are compliant with best practise; and
5) types and dimensions of all boundary treatments

There shall be no excavation or raising or lowering of levels within the prescribed root protection area of retained trees unless agreed in writing by the Local Planning Authority. Unless required by a separate landscape management condition, all soft landscaping shall have a written five-year maintenance programme following

planting. Any new tree(s) that die(s), are/is removed or become(s) severely damaged or diseased shall be replaced and any new planting (other than trees) which dies, is removed, becomes severely damaged or diseased within five years of planting shall be replaced. Unless further specific permission has been given by the Local Planning Authority, replacement planting shall be in accordance with the approved details.

Reason: Required to safeguard and enhance the character and amenity of the area, to provide ecological, environmental and bio-diversity benefits and to maximise the quality and usability of open spaces within the development, and to enhance its setting within the immediate locality in accordance with the NPPF and Policies ADPP1, CS14, CS17, CS18 and CS19 of the West Berkshire Core Strategy 2006-2026.

16 **Sustainable Drainage**

No development shall take place until details of sustainable drainage measures to manage surface water within the site have been submitted to and approved in writing by the Local Planning Authority. These details shall:

a) Incorporate the implementation of Sustainable Drainage methods (SuDS) in accordance with the Non-Statutory Technical Standards for SuDS (March 2015), the SuDS Manual C753 (2015) and the WBC SuDS Supplementary Planning Document December 2018 with particular emphasis on Green SuDS and water re- use.
b) Incorporate the flood mitigation measures set out in the approved Flood Risk Assessment (Ref. 4508-RBG-ZZ-XX-RP-CV-00001 – P05, Robert Bird Group, 10 November 2023).
c) Include a Flood Response Plan identifying safe access and egress routes to the site and, where appropriate, areas of safe refuge for the occupants. Details of procedures to be followed and provisions to be available should be included within the pack for use during a flood event. The relevant emergency contact details should also be provided.
d) Include flood water exceedance routes (low flow, overflow and exceedance routes), both on and off site.
e) Demonstrate that proposed finished floor levels are set in accordance with Environment Agency Standing Advice on flooding (https://www.gov.uk/guidance/flood-risk-assessment-standing-advice) and BS8533 through the provision of As-Built drawings.
f) Include run-off calculations based on current rainfall data models, discharge rates (not exceeding 44.5 l/s, 120.4 l/s and 185.2 l/s for the 2yr., 30yr., and 100yr. + climate change events, respectively) and storage capacity calculations for the proposed SuDS measures based on a 1 in 100-year storm +40% for climate change. The calculations should demonstrate hydraulic connectivity between the different features and be easily cross-referenced with a detailed surface water drainage strategy plan.
g) Include construction drawings, cross-sections and specifications of all proposed SuDS measures within the site.
h) Include construction details, cross-sections and long sections of the proposed pipework inclusive of protection details where cover is shallow and interaction with the proposed permeable paving.
i) Ensure permeable paved areas are designed and constructed in accordance with manufacturers guidelines if using a proprietary porous paved block system; otherwise ensure any permeable areas are constructed on a permeable sub-base material, such as MoT/DoT Type 3;
j) Include written confirmation from Thames Water of their acceptance of the discharge from the site into the surface water sewer and confirmation that

the downstream sewer network has the capacity to take this flow. This should take the form of the a detailed application for connection and reuse of any existing connections and not just be a pre-development enquiry.

k) Include a standalone management and maintenance plan showing how the SuDS measures will be maintained and managed after completion for the lifetime of the development. This plan shall incorporate arrangements for adoption by the Council, Water and Sewage Undertaker, Maintenance or Management Company (private company or Trust) or individual property owners, or any other arrangements, including maintenance responsibilities resting with individual property owners, to secure the operation of the sustainable drainage scheme throughout its lifetime. These details shall be provided as part of a handover pack for subsequent purchasers and owners of the property/premises.

l) Include a verification report carried out by a qualified drainage engineer demonstrating that the drainage system has been constructed as per the approved scheme (or detail any minor variations thereof), to be submitted immediately following construction to be approved by the Local Planning Authority. This Report shall include plans and details of all key drainage elements (surface water drainage network, attenuation devices/areas, flow restriction devices and outfalls) and details of any management company managing the SuDS measures thereafter.

The above sustainable drainage measures shall be implemented in accordance with the approved details before the use hereby permitted is commenced/before the building(s) hereby permitted is/are occupied/before the dwelling(s) hereby permitted is/are occupied/in accordance with a timetable to be submitted and agreed in writing with the Local Planning Authority as part of the details submitted for this condition. The sustainable drainage measures shall be maintained in the approved condition thereafter/The sustainable drainage measures shall be maintained and managed in accordance with the approved details thereafter.

Reason: To ensure that surface water will be managed in a sustainable manner; to prevent the increased risk of flooding; to improve and protect water quality, habitat and amenity and ensure future maintenance of the surface water drainage system can be, and is carried out in an appropriate and efficient manner.

This condition is applied in accordance with the National Planning Policy Framework, Policy CS16 of the West Berkshire Core Strategy (2006-2026), Part 4 of Supplementary Planning Document Quality Design (June 2006) and SuDS Supplementary Planning Document (Dec 2018). A pre-condition is necessary because insufficient detailed information accompanies the application; sustainable drainage measures may require work to be undertaken throughout the construction phase and so it is necessary to approve these details before any development takes place.

17 **Additional post construction SUDS condition**

The proposed development shall not be brought into use unless the following conditions are satisfied:

a) Include a verification report carried out by a qualified drainage engineer demonstrating that the drainage system has been constructed as per the approved scheme (or detail any minor variations thereof), to be submitted immediately following construction to be approved by the Local Planning Authority. This Report shall include plans and details of all key drainage elements (surface water drainage network, attenuation devices/areas, flow

restriction devices and outfalls) and details of any management company managing the SuDS measures thereafter.

Reason: To ensure that surface water will be managed in a sustainable manner; to prevent the increased risk of flooding; to improve and protect water quality, habitat and amenity and ensure future maintenance of the surface water drainage system can be, and is carried out in an appropriate and efficient manner. This condition is applied in accordance with the National Planning Policy Framework, Policy CS16 of the West Berkshire Core Strategy (2006-2026), Part 4 of Supplementary Planning Document Quality Design (June 2006) and SuDS Supplementary Planning Document (Dec 2018).

A pre-condition is necessary because insufficient detailed information accompanies the application; sustainable drainage measures may require work to be undertaken throughout the construction phase and so it is necessary to approve these details before any development takes place.

18 **Compliance with existing detailed biodiversity method statements, strategies, plans and schemes**

All ecological measures and/or works shall be carried out in accordance with the details contained in Ecological impact assessment (September 2023, Eagle Quarter) and the Landscape Design Statement (March 2021, Eagle Quarter) as already submitted with the planning application and agreed in principle with the Local Planning Authority prior to determination.

Reason: To ensure the adequate safeguarding of protected species in accordance with the National Planning Policy Framework, and Policy CS17 of the West Berkshire Core Strategy 2006-2026.

19 **Submission of a copy of the EPS licence**

The following works '*the partial demolition of the existing building on site'* shall not in any circumstances commence unless the Local Planning Authority has been provided with either:

(a) A licence issued by Natural England pursuant to Regulation 53 of The Conservation of Habitats and Species Regulations 2010 authorising the specified activity/development to go ahead; or
(b) A statement in writing from Natural England to the effect that it does not consider that the specified activity/development will require a licence.

Reason: To ensure the adequate safeguarding of protected species in accordance with the National Planning Policy Framework, and Policy CS17 of the West Berkshire Core Strategy 2006-2026. This "strict protection" condition helps to ensure that a developer will apply for an EPS licence and, if they do not, can be prevented in advance from undertaking the activities that might jeopardize the protected species, before the species is harmed. The use of planning conditions for this purpose has been established through case law and is also recommended in government.

20 **Landscape and Ecological Management Plan (LEMP)**

No development shall take place until a Landscape and Ecological Management Plan (LEMP) (also referred to as a Habitat or Biodiversity Management Plan) has been submitted to and be approved in writing by the Local Planning Authority. The content of the LEMP shall include the following:

(a) Description and evaluation of features to be managed.
(b) Ecological trends and constraints on site that might influence management.

(c) Aims and objectives of management.
(d) Appropriate management options for achieving aims and objectives.
(e) Prescriptions for management actions.
(f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period) and 30 year management plan for meeting biodiversity net gain requirements.
(g) Details of the body or organization responsible for implementation of the plan.
(h) Ongoing monitoring and remedial measures.
(i) Habitat enhancement measures and location plan including all bird and bat boxes integrated into the new structures (Five clusters of five swift bricks, Peregrine Falcon box).

The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery.

The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme.

The approved plan will be implemented in accordance with the approved details.

Reason: To ensure the adequate safeguarding of protected species in accordance with the National Planning Policy Framework, and Policy CS17 of the West Berkshire Core Strategy 2006-2026.

A pre-commencement condition is necessary because insufficient detailed information accompanies the application, so it is necessary to approve these details before any development takes place.

21 **Construction Environmental Management Plan (CEMP)**

No development shall take place (including demolition, ground works, vegetation clearance) until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The CEMP 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 shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority.

Reason: To ensure the adequate safeguarding of protected species in accordance with the National Planning Policy Framework, and Policy CS17 of the West Berkshire Core Strategy 2006-2026.

A pre-commencement condition is necessary because insufficient detailed information accompanies the application, so it is necessary to approve these details before any development takes place. The measures required for this condition will need to be in place for when the development begins.

22 **Ground levels and finished floor levels.**

No development hereby approved shall take place until details of existing and proposed ground levels and finished floor levels of the development (phased as appropriate), have been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved details.

Reason: To ensure a satisfactory relationship between the proposed development and the adjacent land. This condition is applied in accordance with the National Planning Policy Framework, Policies CS14 and CS19 of the West Berkshire Core Strategy (2006-2026), and the Quality Design SPD (June 2006).

A pre-commencement condition is necessary because insufficient detailed information accompanies the application, so it is necessary to approve these details before any development takes place..

23 **Construction method statement (Highway)**

No development shall take place until a Construction Method Statement and plan has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details. The statement shall provide for:

(a) The parking of vehicles of site operatives and visitors
(b) Loading and unloading of plant and materials
(c) Storage of plant and materials used in constructing the development
(d) The erection and maintenance of security hoarding including decorative displays and facilities for public viewing
(e) Wheel washing facilities
(f) Measures to control the emission of dust and dirt during construction
(g) A scheme for recycling/disposing of waste resulting from demolition and construction works
(h) A site set-up plan during the works

Reason: To safeguard the amenity of adjoining land uses and occupiers and in the interests of highway safety. This condition is applied in accordance with the National Planning Policy Framework, Policies CS5 and CS13 of the West Berkshire Core Strategy (2006-2026), Policy TRANS 1 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).

A pre-commencement condition is necessary because insufficient detailed information accompanies the application, so it is necessary to approve these details before any development takes place. The measures required for this condition will need to be in place for when the development begins.

24 **Hours of Construction Works**

No construction works shall take place outside the following.
hours:

0730 hours to 1800 hours Mondays to Fridays.
0830 hours to 1300 hours Saturdays; and

No work shall be carried out at any time on Sundays or Bank Holidays

Reason: To safeguard the amenity of adjoining land uses and occupiers. This condition is applied in accordance with the National Planning Policy Framework, Policy CS13 of the West Berkshire Core Strategy (2006-2026), and Policies OVS.5, OVS.6 and TRANS.1 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).

25 **Electric Charging Points**

No unit shall be occupied until details of electric vehicle charging points have been submitted to and approved in writing by the Local Planning Authority. The development shall not be brought into use until associated electric vehicle charging points have been provided in accordance with the approved drawings. The charging point shall thereafter be retained and kept available for the potential use of an electric car.

Reason: To promote the use of electric vehicles. This condition is applied in accordance with the National Planning Policy Framework, Policies CS13 and CS14 of the West Berkshire Core Strategy (2006-2026), Policy P1 of the Housing Site Allocation DPD and Policy TRANS1 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).

26 **Framework Servicing & Management Plan – details to be submitted**

No development shall take place until a Framework Servicing & Management Plan Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority.

Reason: To safeguard the amenity of adjoining land uses and occupiers and in the interests of highway safety. This condition is imposed in accordance with the National Planning Policy Framework, Policies CS5 and CS13 of the West Berkshire Core Strategy (2006-2026), Policy TRANS 1 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).

A pre-commencement condition is necessary because insufficient detailed information accompanies the application, so it is necessary to approve these details before any development takes place.

27 **Vehicle parking provided to standards.**

No development shall take place until details of the vehicle parking and turning space areas have been submitted to and approved in writing by the Local Planning Authority. Such details shall show how the parking spaces are to be surfaced and marked out. The development shall not be brought into use until the associated vehicle parking and turning spaces/areas have been provided in accordance with the approved details. The parking and turning space shall thereafter be kept available for parking (of private motor cars and light goods vehicles) at all times.

Reason: To ensure the development is provided with adequate parking facilities in order to reduce the likelihood of roadside parking which would adversely affect road

safety and the flow of traffic. This condition is applied in accordance with the National Planning Policy Framework, Policy CS13 of the West Berkshire Core Strategy (2006-2026) and Policy TRANS1 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).

A pre-commencement condition is necessary because insufficient detailed information accompanies the application, so it is necessary to approve these details before any development takes place.

28 **Access construction prior to occupation/use (plans required)**

No development shall take place until details of all access(es) into the site have been submitted to and approved in writing by the Local Planning Authority. The use shall not commence until the associated accesses have been constructed in accordance with the approved details.

Reason: In the interest of road safety. This condition is imposed in accordance with the National Planning Policy Framework and Policy CS13 of the West Berkshire Core Strategy (2006-2026).

A pre-commencement condition is necessary because insufficient detailed information accompanies the application, so it is necessary to approve these details before any development takes place. The measures required for this condition will need to be in place for when the development begins.

29 **Car Parking Management Plan**

No part of the development shall be taken into use until a Car Parking Management Plan for the proposed car parks has been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall incorporate and be undertaken in accordance with the approved plan.

Reason: To ensure the development is provided with adequate parking facilities for all users within the scheme, in order to reduce the likelihood of roadside parking that would adversely affect road safety and the flow of traffic. This condition is imposed in accordance with the National Planning Policy Framework (March 2012), Policies CS13 and CS14 of the West Berkshire Core Strategy (2006-2026) and Policy P1 of the West Berkshire Council Housing Site Allocations DPD.

30 **Lighting Highways & Amenity**

No development shall take place until details of a system of lighting which shall include a scheme of illuminating pedestrian, cycle and car parking areas have been submitted to and approved in writing by the Local Planning Authority. The Scheme shall have regard to the amenity of future occupiers amenity. Thereafter the scheme of lighting shall be implemented prior to the development being brought into use and maintained in accordance with the approved scheme.

Reason: In the interest of security and safety and presever future amenity of occupiers. This condition is imposed in accordance with the National Planning Policy Framework and Policy CS13 of the West Berkshire Core Strategy (2006-2026).

A pre-commencement condition is necessary because insufficient detailed information accompanies the application, so it is necessary to approve these details before any development takes place. The measures required for this condition will need to be in place for when the development begins.

31 **Lighting Design Strategy for Light Sensitive Biodiversity**

The development shall not be first occupied, and no external lighting installed, until a "lighting design strategy for biodiversity" has been submitted to submitted to and approved in writing by the Local Planning Authority. The strategy shall:

a) identify those areas/features on site that are particularly sensitive for bats and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example, for foraging; and

b) show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places.

All external lighting shall be installed in accordance with the specifications and locations set out in the strategy, and these shall be maintained thereafter in accordance with the strategy. Under no circumstances should any other external lighting be installed without prior consent from the Local Planning Authority.

Reason: Bats are sensitive to light pollution. The introduction of artificial light might mean such species are disturbed and/or discouraged from using their breeding and resting places, established flyways or foraging areas. Such disturbance can constitute an offence under relevant wildlife legislation. This condition is applied in accordance with the National Planning Policy Framework, and Policy CS17 of the West Berkshire Core Strategy 2006-2026.

32 **Travel Plan (to be submitted)**

No development shall take place until a Travel Plan has been submitted to and approved in writing by the Local Planning Authority. The Travel Plan shall be implemented from the development first being brought into use. It should be reviewed and updated if necessary within 6 months of first implementation. After that the Travel Plan shall be annually reviewed and updated and all reasonable practicable steps made to achieve the agreed targets and measures within the timescales set out in the plan and any subsequent revisions.

Reason: To ensure the development reduces reliance on private motor vehicles and provides the appropriate level of vehicle parking. This condition is imposed in accordance with the National Planning Policy Framework, the West Berkshire Core Strategy (2006-2026), Policy TRANS1 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007)

A pre-commencement condition is necessary because insufficient detailed information accompanies the application, so it is necessary to approve these details before any development takes place. The measures required for this condition will need to be in place for when the development begins.

33 **Refuse Storage**

Prior to any works above foundation level development taking place on the development hereby permitted, details of storage for refuse and recycling materials for the dwellings shall have been submitted to and approved in writing by the Local Planning Authority. The approved dwellings shall not be occupied until the refuse

and recycling facilities have been provided in accordance with the approved details and shall thereafter be retained for this purpose.

Reason: To ensure that there are adequate and safe refuse/recycling facilities within the site. This condition is applied in accordance with the National Planning Policy Framework, Policies CS13 and CS14 of the West Berkshire Core Strategy (2006-2026), and Supplementary Planning Document Quality Design (June 2006).

A pre-commencement condition is necessary because insufficient detailed information accompanies the application, so it is necessary to approve these details before any development takes place. The measures required for this condition will need to be in place for when the development begins.

34 **Cycle and motorcycle parking**

No development shall take place until details of the cycle and motorcycle parking and storage space have been submitted to and approved in writing by the Local Planning Authority. The use shall not commence until the associated cycle and motorcycle parking and storage space has been provided in accordance with the approved details and retained for this purpose at all times.

Reason: To ensure that there is adequate and safe cycle and motorcycle storage space within the site. This condition is imposed in accordance with the National Planning Policy Framework, Policy CS13 of the West Berkshire Core Strategy (2006-2026) and Policy TRANS1 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).

A pre-commencement condition is necessary because insufficient detailed information accompanies the application, so it is necessary to approve these details before any development takes place. The measures required for this condition will need to be in place for when the development begins.

35 **Spoil**

No development hereby permitted shall take place until details of how all spoil arising from the development will be used and/or disposed have been submitted to and approved in writing by the Local Planning Authority. These details shall:

- Show where any spoil to remain on the site will be deposited.
- Show the resultant ground levels for spoil deposited on the site (compared to existing ground levels).
- Include measures to remove all spoil from the site (that is not to be deposited).
- Include timescales for the depositing/removal of spoil.

All spoil arising from the development shall be used and/or disposed of in accordance with the approved details.

Reason: To ensure appropriate disposal of spoil from the development and to ensure that ground levels are not raised in order to protect the character and amenity of the area. A pre-condition is required because insufficient information accompanies the application, and the agreed details will affect early construction activities. This condition is applied in accordance with the NPPF, Policies ADPP5, CS14 and CS19 of the West Berkshire Core Strategy (2006-2026) and Quality Design SPD (June 2006).

A pre-commencement condition is necessary because insufficient detailed information accompanies the application, so it is necessary to approve these details

before any development takes place. The measures required for this condition will need to be in place for when the development begins.

36 **Skills and Employment Plan**

No development shall take place until an Employment and Skills Plan (ESP), in relation to the construction phase of the development, has been submitted to and approved in writing by the Local Planning Authority. The ESP will set out the measures that the developer will take to enhance the training and employment opportunities that are offered to the local workforce in West Berkshire in the construction process. The measures set out in the ESP should be appropriate and proportional to the scale and value of the development. The ESP should set out, through a method statement, how the following priorities will be addressed:

(a) Promotion of employment opportunities generated on site to the West Berkshire workforce (but not excluding those outside of West Berkshire), with a focus on those who are not currently employed.

(b) Creation of new apprenticeship starts specific to the development site. This should include how the developer will work directly with local employment and training agencies.

(c) Identification of training and work placement opportunities on site with discussion on how these may be promoted to local people, working directly with local employment and training agencies.

The Employment and Skills Plan should also:

(d) Identify a lead contact who is responsible for managing the plan.
(e) Set out a timetable for the implementation of the ESP which, for the avoidance of doubt, shall include a start date no later than the date of commencement of development.
(f) Set out the process for how implementation of the ESP will be monitored and reported back to West Berkshire Council.

Thereafter approved ESP shall be implemented in full concurrent with the development of the site.

Reason: To promote local job opportunities in the district in accordance with the National Planning Policy Framework. A pre-commencement condition is necessary because the ESP will need to be in place before any construction activities take place.

A pre-commencement condition is necessary because insufficient detailed information accompanies the application, so it is necessary to approve these details before any development takes place. The measures required for this condition will need to be in place for when the development begins as they relate to construction workforce.

37 **BREEAM Excellent**

The All the non-residential areas of the development shall achieve and Excellent rating under BREEAM (or any such equivalent national measure of sustainable building which replaces that scheme). No later than 3 months after the building is operational, a final Certificate must be issued certifying that BREEAM (or any such equivalent national measure of sustainable building which replaces that scheme)

rating of Excellent has been achieved for the development, and a copy provided to the Local Planning Authority.

Reason: To ensure the development contributes to sustainable construction. This condition is applied in accordance with the National Planning Policy Framework, Policy CS15 of the West Berkshire Core Strategy (2006-2026) and Supplementary Planning Document Quality Design (June 2006).

38 **Condition – Noise Management Plan for Use Class E Premises**

A Noise Management Plan shall be produced for Use Class E premises and submitted to Environmental Health for approval prior to Class E uses commencing or any subsequent change of use/user. The Noise Management Plan shall include:

1. An assessment of how the business use could impact neighbouring noise sensitive receptors, including structural and airborne transfer of noise
2. Details of the noise control measures employed to mitigate the impact of noise as far as reasonably possible, including structural design, operational hours, and noise management procedures
3. Contact details of the person responsible for noise management

The noise management plan shall be reviewed periodically and whenever there are changes which could result in a change to the impact on surrounding neighbors.

Reason: In the interests of the amenities of neighbouring occupiers. This condition is applied in accordance with the National Planning Policy Framework, Policy CS14 of the West Berkshire Core Strategy (2006-2026), and Policies OVS.5, OVS.6 and TRANS.1 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).

39 **Condition – noise protection for future occupiers**

A scheme for protecting the proposed dwellings of the approved development from road and entertainment noise from the town center night time economy shall be submitted, for written approval, to the Local Planning Authority.

The development shall not be occupied until the noise mitigation measure identified in the approved scheme, have been fully implemented. The noise mitigation measures shall be retained and maintained thereafter.

Reason: To protect future residents from noise from road noise and commercial noise from the town centre. This condition is applied in accordance with the National Planning Policy Framework, Policy CS14 of the West Berkshire Core Strategy (2006-2026), and Policies OVS.5, OVS.6 and TRANS.1 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).

40 **Condition – Deliveries**

No deliveries including collection of waste shall be dispatched or accepted outside the following times.

- Monday to Saturday – 7:00 am and 10:00 pm
- Sundays and Public Holidays – 9:00 am and 6:00 pm

Vehicle engines and refrigeration units shall be switched off during deliveries and no engine idling shall be permitted.

Reason: To protect the amenity of residents living in the vicinity of the site and to reduce impact on air quality. This condition is applied in accordance with the National Planning Policy Framework, Policy CS14 of the West Berkshire Core Strategy (2006-2026), and Policies OVS.5, OVS.6 and TRANS.1 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).

41 **Cooking Odours from Commercial Kitchens**

The applicant shall submit to the Local Planning Authority, for written approval, a scheme of works to minimise the emission of cooking odours.

The permitted use shall not commence until the odour mitigation measures, as set out in the approved scheme, have been implemented. The odour mitigation measures shall be maintained and retained for the duration of the development.

Reason: In the interests of the amenities of neighbouring occupiers. This condition is applied in accordance with the National Planning Policy Framework, Policy CS14 of the West Berkshire Core Strategy (2006-2026), and Policies OVS.5, OVS.6 and TRANS.1 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).

42 **Plant noise**

Before development commences the following shall be submitted to the Local Planning Authority

(a) written details concerning any proposed air handling plant associated with the development including:
- the proposed number and location of such plant as well as the manufacturer's information and specifications;
- the acoustic specification of the plant including general sound levels and frequency analysis under conditions likely to be experienced in practice
- and the intended operating days and times.

b) calculations showing the likely impact of noise from the development;

c) a scheme of works or such other steps as may be necessary to minimize the effects of noise from the development;

d) The development shall not commence until written approval of a scheme under (c) above has been given by the Local Planning Authority. All works forming part of the scheme shall be completed before any of the dwellings is first occupied.

Reason: In the interests of the amenities of neighbouring occupiers. This condition is applied in accordance with the National Planning Policy Framework, Policy CS14 of the West Berkshire Core Strategy (2006-2026), and Policies OVS.5, OVS.6 and TRANS.1 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).

A pre-commencement condition is necessary because insufficient detailed information accompanies the application, so it is necessary to approve these details before any development takes place.

43 **Construction Environmental Health**

No development shall take place until details of a scheme (Construction Method Statement) to control the environmental effects of the demolition and/or construction work has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include:-

(i) the control of noise
(ii) the control of dust, smell and other effluvia
(iii) the control of rats and other vermin
(iii) the control of surface water run-off
(iv) the proposed method of piling for foundations (if any)
(v) proposed construction and demolition working hours
(vi) hours during the construction and demolition phase when delivery vehicles, or vehicles taking materials, are permitted to enter or leave the site.

The development shall be carried out in accordance with the approved scheme.

Reason: In the interests of the amenities of the area. This condition is applied in accordance with the National Planning Policy Framework, Policy CS14 of the West Berkshire Core Strategy (2006-2026), and Policies OVS.5, OVS.6 and TRANS.1 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).

A pre-commencement condition is necessary because insufficient detailed information accompanies the application, so it is necessary to approve these details before any development takes place. The measures required for this condition will need to be in place for when the development begins.

Reason: To ensure the development provides a carbon reduction. This condition is applied in accordance with the National Planning Policy Framework, and policy CS15 of the West Berkshire District Core Strategy 2006-2026

44 **Contamination Site Characterisation**

Following demolition and site clearance further investigation and risk assessment must be completed to assess the nature and extent of any contamination across the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

(i) a survey of the extent, scale and nature of contamination;
(ii) an assessment of the potential risks to:
- human health,
- property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
- adjoining land,
- groundwaters and surface waters,
- ecological systems,
- archeological sites and ancient monuments;

(iii) an appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters,

property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors

45 **Submission of Remediation Scheme**

A detailed remediation scheme shall be submitted prior to commencement of the development. This scheme shall 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 must be prepared and is subject to the approval in writing of the Local Planning Authority.

The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, 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.

Should any unexpected contamination be found during the course of construction post discharge of this condition the report shall be updated and approval sought by the Local Planning Authority that the Scheme of Remediation is updated acceptably.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

46 **Implementation of Approved Remediation Scheme**

The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be produced and is subject to the approval in writing of the Local Planning Authority.

Should any unexpected contamination be found and the remediation scheme be updated during the course of construction the development shall be undertaken in accordance with that approved scheme unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors

47 **Reporting of Unexpected Contamination**

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment

must be undertaken in accordance with the requirements of condition 1, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 2, which is subject to the approval in writing of the Local Planning Authority.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with condition 3.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors

48 **Zero Carbon Strategy**

No development shall take place until a strategy has been submitted outlining how the development shall achieve the details set out in the Energy and Sustainability Report by EE (September 2023) and letter from Tim James dated 31 January 2024.

The report shall include details of the measures such as Ground Source Heat Pumps (GSHP) and how they can achieve at least a 48% reduction in carbon emissions from regulated and non-regulated sources.

No dwelling shall be occupied until the measures have been provided in accordance with the approved strategy.

A pre-commencement condition is necessary because insufficient detailed information accompanies the application, so it is necessary to approve these details before any development takes place.

Reason: To ensure the development provides a carbon reduction. This condition is applied in accordance with the National Planning Policy Framework, and policy CS15 of the West Berkshire District Core Strategy 2006-2026.

49 **Water Network**

No dwelling shall be first occupied until confirmation has been submitted to and approved in writing by the Local Planning Authority that either:

a) all water network upgrades required to accommodate the additional demand to serve the development have been completed;

or

b) a development and infrastructure phasing plan has been agreed with Thames Water to allow development to be occupied.

Where a development and infrastructure phasing plan is agreed, no occupation shall take place other than in accordance with the agreed development and infrastructure phasing plan.

Reason: The development may result in no / low water pressure and network reinforcement works are likely to be necessary to ensure that sufficient capacity is made available to accommodate additional demand anticipated from the new development and the provision of adequate and appropriate infrastructure for water supply, both on and off site. This condition is imposed in accordance with the

National Planning Policy Framework, and Policy CS5 of the West Berkshire Core Strategy 2006-2026.

Reason: To ensure the development provides a carbon reduction. This condition is applied in accordance with the National Planning Policy Framework, and policy CS15 of the West Berkshire District Core Strategy 2006-2026

50 **Public Art**

No dwelling or commercial unit hereby approved shall be occupied until details of a unique site-specific integrated scheme of Public Art to be implemented within the development site has been submitted to and approved in writing by the Local Planning Authority.

The public art should be designed to facilitate public appreciation of this space as a past focus of historic activities that were key components to the economic growth of this market town.

The Public Art Delivery Plan should include the selection and commissioning process, the artist's brief, the budget, possible form, materials and locations of public art, the timetable for provision, maintenance agreement and community engagement, and the development shall be carried out in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

Reason: To protect the character, distinctiveness and visual amenity of the site and the surrounding locality. This condition is imposed in accordance with the National Planning Policy Framework (March 2012), Policy CS14 of the West Berkshire Core Strategy (2006-2026), Supplementary Planning Document Quality Design (June 2006), and the Newbury Town Design Statement (April 2005).

51 **Details of shopfronts**

No commercial unit shall be occupied until full details of the design and external appearance of the shop front(s), including the fascias, joinery, stall risers, pilasters, etc.) have been submitted to and approved in writing by the Local Planning Authority.

Thereafter the development shall be carried out in accordance with the approved details.

Reason: The application does not contain sufficient details of the shop fronts to enable the Local Planning Authority to give proper consideration to those matters. This condition is imposed in accordance with the National Planning Policy Framework (March 2012), Policy CS14 of the West Berkshire Core Strategy (2006-2026) and Supplementary Planning Guidance 'Shopfronts'.

Informatives

1. **Proactive**

This decision has been made in a positive way to foster the delivery of sustainable development having regard to Development Plan policies and available guidance to

secure high quality appropriate development. In this application whilst there has been a need to balance conflicting considerations, the local planning authority has worked proactively with the applicant to secure and accept what is considered to be a development which improves the economic, social and environmental conditions of the area

2. **CIL Liability**

The development hereby approved results in a requirement to make payments to the Council as part of the Community Infrastructure Levy (CIL) procedure. A Liability Notice setting out further details, and including the amount of CIL payable will be sent out separately from this Decision Notice. You are advised to read the Liability Notice and ensure that a Commencement Notice is submitted to the authority prior to the commencement of the development. Failure to submit the Commencement Notice will result in the loss of any exemptions claimed, and the loss of any right to pay by instalments, and additional costs to you in the form of surcharges. For further details see the website at www.westberks.gov.uk/cil

3. **Compliance with conditions**

Your attention is drawn to the conditions of this permission and to the Council's powers of enforcement, including the power to serve a Breach of Condition Notice under the Town and Country Planning Act 1990 (as amended). All Conditions must be complied with. If you wish to seek to amend a condition you should apply to do so under s.73 of the Act, explaining why you consider it is no longer necessary, or possible, to comply with a particular condition.

4. **Pre-conditions**

Conditions impose requirements which must be met prior to commencement of the development. Failure to observe these requirements could result in the Council taking enforcement action, or may invalidate the planning permission and render the whole of the development unlawful.

5. **Compliance with approved drawings**

Planning permission is hereby granted for the development as shown on the approved drawings. Any variation to the approved scheme may require further permission, and unauthorised variations may lay you open to planning enforcement action. You are advised to seek advice from the Local Planning Authority, before work commences, if you are thinking of introducing any variations to the approved development. Advice should urgently be sought if a problem occurs during approved works, but it is clearly preferable to seek advice at as early a stage as possible.

6. **Building Regulations**

Separate approval for the works hereby granted permission/consent may be required by the Building Act 1984 and the Building Regulations 2000 (as amended), and the grant of planning permission does not imply that such approval will be given. You are advised to consult with Building Control Solutions (the Local Authority Building Control service for West Berkshire provided in partnership by Wokingham Borough Council) before works commence. Call: 0118 974 6239, email: building.control@wokingham.gov.uk, or visit: www.wokingham.gov.uk/building-control

7. **Health and safety**

The responsibility and any liability for the safe development of the site rests with the developer and/or landowner. Although the Council has used its best endeavours to determine this application on the basis of the information available to it, this does not mean that the land or adjoining land will necessarily remain free from instability. The Council's consideration has been only on the basis of the development proposed, and these considerations may be different in relation to any other development. The question of stability of adjacent land has been a material planning consideration, and the resolution of this issue for the purposes of granting planning permission does not necessarily imply that the requirements of any other controlling authority would be satisfied and, in particular, the granting of planning permission does not give any warranty for support or stability or against damage of adjoining or nearby properties.

8. **Control of Pollution Act 1974**

Your attention is drawn to Section 61 of the Control of Pollution Act 1974, which allows developers and their building contractors to apply for 'prior consent' for noise generating activities during building works. This proactive approach involves assessment of construction working methods to be used and prediction of likely construction noise levels at sensitive positions, with the aim of managing the generation of construction noise using the 'best practicable means' available. You are advised to engage an acoustic consultant experienced in construction noise and vibration assessment and prediction to complete your S.61 application. Relevant information can be found here S.61 Control of Pollution Act 1974

9. **Construction noise**

The attention of the applicant is drawn to the requirements of Section 60 of the Control of Pollution Act 1974 in respect of the minimisation of noise on construction and demolition sites. Application under Section 61 of the Act, for prior consent to the works, can be made to West Berkshire Environmental Health. For more information: email ehadvice@westberks.gov.uk, call 01635 519192, or visit http://info.westberks.gov.uk/environmentalhealth.

10. **Official Postal Address**

Please complete and online street naming and numbering application form at https://www.westberks.gov.uk/snn to obtain an official postal address(s) once development has started on site. Applying for an official address promptly at the beginning of development will be beneficial for obtaining services. Street naming and numbering is a statutory function of the local authority.

11. **Legal Agreements**

This Decision Notice must be read in conjunction with the terms of a Legal Agreement of the (date to be inserted once agreement is completed). You are advised to ensure that you have all the necessary documents before development starts on site.

12. **Consent to Enter Adjoining Land**

You must obtain the prior consent of the owner and occupier of any land upon which it is necessary for you to enter in order construct, externally finish, decorate, or in any other way carry out any works in connection with this development, or to obtain

any support from adjoining property. This permission granted by the Council in no way authorises you to take such action without first obtaining this consent.

13. **Access Construction**

The Highways (Planning) Manager, West Berkshire District Council, Highways and Transport, Council Offices, Market Street, Newbury RG14 5LD, telephone 01635 519169, should be contacted to agree the access construction details and to grant a licence before any work is carried out within the highway. A formal application should be made, allowing at least four (4) weeks notice, to obtain details of underground services on the applicants behalf.

14. **Incidental Works**

Any incidental works affecting the adjoining highway shall be approved by, and a licence obtained from, the Principal Engineer, Highways and Transport, West Berkshire Council, Market Street, Newbury, RG14 5LD, telephone 01635 519169, before development is commenced.

15. **Damage to Footways, Cycleways and Verges**

The attention of the applicant is drawn to the Berkshire Act, 1986, Part II, Clause 9, which enables the Highway Authority to recover the costs of repairing damage to the footway, cycleway or grass verge, arising during building operations.

16. **Damage to the Carriageway**

The attention of the applicant is drawn to the Highways Act 1980, which enables the Highway Authority to recover expenses due to extraordinary traffic.

17. **Biodiversity Net Gain**

The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for development of land in England is deemed to have been granted subject to the condition (biodiversity gain condition) that development may not begin unless:
(a) a Biodiversity Gain Plan has been submitted to the planning authority, and
(b) the planning authority has approved the plan.

The planning authority, for the purposes of determining whether to approve a Biodiversity Gain Plan, if one is required in respect of this permission would be West Berkshire District Council.

There are statutory exemptions and transitional arrangements which mean that the biodiversity gain condition does not always apply. These are listed below.

Based on the information available this permission is considered to be one which will not require the approval of a biodiversity gain plan before development is begun because one or more of the statutory exemptions or transitional arrangements in the list below is/are considered to apply.

EXEMPTIONS AND TRANSITIONAL ARRANGEMENTS

The following are the statutory exemptions and transitional arrangements in respect of the biodiversity gain condition.

1. The application for planning permission was made before 12 February 2024.

2. The planning permission relates to development to which section 73A of the Town and Country Planning Act 1990 (planning permission for development already carried out) applies.

3. The planning permission was granted on an application made under section 73 of the Town and Country Planning Act 1990 and
(i)the original planning permission to which the section 73 planning permission relates* was granted before 12 February 2024; or
(ii)the application for the original planning permission* to which the section 73 planning permission relates was made before 12 February 2024.

4. The permission which has been granted is for development which is exempt being:

4.1 Development which is not 'major development' (within the meaning of article 2(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015) where:
i) the application for planning permission was made before 2 April 2024;
ii) planning permission is granted which has effect before 2 April 2024; or
iii) planning permission is granted on an application made under section 73 of the Town and Country Planning Act 1990 where the original permission to which the section 73 permission relates* was exempt by virtue of (i) or (ii).

4.2 Development below the de minimis threshold, meaning development which:
i) does not impact an onsite priority habitat (a habitat specified in a list published under section 41 of the Natural Environment and Rural Communities Act 2006); and
ii) impacts less than 25 square metres of onsite habitat that has biodiversity value greater than zero and less than 5 metres in length of onsite linear habitat (as defined in the statutory metric).

4.3 Development which is subject of a householder application within the meaning of article 2(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015. A "householder application" means an application for planning permission for development for an existing dwellinghouse, or development within the curtilage of such a dwellinghouse for any purpose incidental to the enjoyment of the dwellinghouse which is not an application for change of use or an application to change the number of dwellings in a building.

4.4 Development of a biodiversity gain site, meaning development which is undertaken solely or mainly for the purpose of fulfilling, in whole or in part, the Biodiversity Gain Planning condition which applies in relation to another development, (no account is to be taken of any facility for the public to access or to use the site for educational or recreational purposes, if that access or use is permitted without the payment of a fee).

4.5 Self and Custom Build Development, meaning development which:
i) consists of no more than 9 dwellings;
ii) is carried out on a site which has an area no larger than 0.5 hectares; and
iii) consists exclusively of dwellings which are self-build or custom housebuilding (as defined in section 1(A1) of the Self-build and Custom Housebuilding Act 2015).

4.6 Development forming part of, or ancillary to, the high speed railway transport network (High Speed 2) comprising connections between all or any of the places or parts of the transport network specified in section 1(2) of the High Speed Rail (Preparation) Act 2013.

* "original planning permission means the permission to which the section 73 planning permission relates" means a planning permission which is the first in a sequence of two or more planning permissions, where the second and any subsequent planning permissions are section 73 planning permissions.

APPLICABLE EXEMPTION

The exemption that is considered to apply to this application is: The application for planning permission was made before 12 February 2024.

IRREPLACEABLE HABITAT

If the onsite habitat includes irreplaceable habitat (within the meaning of the Biodiversity Gain Requirements (Irreplaceable Habitat) Regulations 2024) there are additional requirements for the content and approval of Biodiversity Gain Plans.

The Biodiversity Gain Plan must include, in addition to information about steps taken or to be taken to minimise any adverse effect of the development on the habitat, information on arrangements for compensation for any impact the development has on the biodiversity of the irreplaceable habitat.

The planning authority can only approve a Biodiversity Gain Plan if satisfied that the adverse effect of the development on the biodiversity of the irreplaceable habitat is minimised and appropriate arrangements have been made for the purpose of compensating for any impact which do not include the use of biodiversity credits.

THE EFFECT OF SECTION 73D OF THE TOWN AND COUNTRY PLANNING ACT 1990

If planning permission is granted on an application made under section 73 of the Town and Country Planning Act 1990 (application to develop land without compliance with conditions previously attached) and a Biodiversity Gain Plan was approved in relation to the previous planning permission ("the earlier Biodiversity Gain Plan") there are circumstances when the earlier Biodiversity Gain Plan is regarded as approved for the purpose of discharging the biodiversity gain condition subject to which the section 73 planning permission is granted.

Those circumstances are that the conditions subject to which the section 73 permission is granted:
i) do not affect the post-development value of the onsite habitat as specified in the earlier Biodiversity Gain Plan, and
ii) in the case of planning permission for a development where all or any part of the onsite habitat is irreplaceable habitat the conditions do not change the effect of the development on the biodiversity of that onsite habitat (including any arrangements made to compensate for any such effect) as specified in the earlier Biodiversity Gain Plan.

PHASED DEVELOPMENT

If the permission which has been granted has the effect of requiring or permitting the development to proceed in phases, the modifications in respect of the biodiversity gain condition which are set out in Part 2 of the Biodiversity Gain (Town and Country Planning) (Modifications and Amendments) (England) Regulations 2024 would apply if the permission were subject to the biodiversity gain condition.
In summary: Biodiversity gain plans would be required to be submitted to, and approved by, the planning authority before development may be begun (the overall plan), and before each phase of development may be begun (phase plans).

Heads of Terms for Section 106 Agreement

1. **Build to Rent**

For a period of 10 years to retain the whole of the BtR land together as one parcel and in one ownership and not to alienate any part of the land or any building erected thereon (save for by way of a lease of an individual unit) without the prior consent of in writing of the Council.

2. **Viability Review (affordable housing)**

The Owner shall not Occupy or permit to be Occupied more than twenty five (25) of the Residential Units until the Owner has submitted to the Council a Full Viability Reassessment for the Council's review and approval.

3. **Public Open Space**

Financial contribution of £52,738.56 indexed linked payable prior to the commencement of development towards the provision of public open space or improved facilities nearby.

4. **Highways**

- Contribution towards Newbury Town Centre VMS upgrade (maximum £500,000)
- Legalising southbound cycle movements by way of a new Traffic Regulation Order with associated signage (£19,000)
- Upgrades to Market Street Car Park (approximately £70,000 but TBC)

Total TBC

5. **Travel Plan**

Travel Plan including Travel Pack (£10,000) including Travel Pack

(427 x £50 = £21,350)

and Cycle/ Public Transport Vouchers for each unit (427 x £600 = £256,200

Total: £256,200

6 **Travel Plan Monitoring**

£5,000

7 **Car Club Contribution**

£150,000

8 **Healthcare**

Financial contribution of £262,872.00 indexed linked payable prior to the commencement of development towards the provision of appropriate primary healthcare facilities in the local area in Newbury to serve the proposed development.

9. **Sustainable Travel Wayfinding Updates**

£15,000

Refusal Reasons (in the event that the S106 Legal Agreement is not completed)

1. **Affordable housing (S106)**

The application fails to provide an appropriate planning obligation to deliver affordable housing. The district has a high affordable housing need and an affordability ratio above the national average. Compliance with Core Strategy Policy C6 through the provision of affordable housing is therefore necessary to make the development acceptable. In the absence of an appropriate planning obligation, the proposal is contrary to Policy CS6 of the West Berkshire Core Strategy 2006-2026, the Planning Obligations Supplementary Planning Document, the National Planning Policy Framework, as well as the relevant policies of the emerging Local Plan Review.

2. **Infrastructure mitigation (S106)**

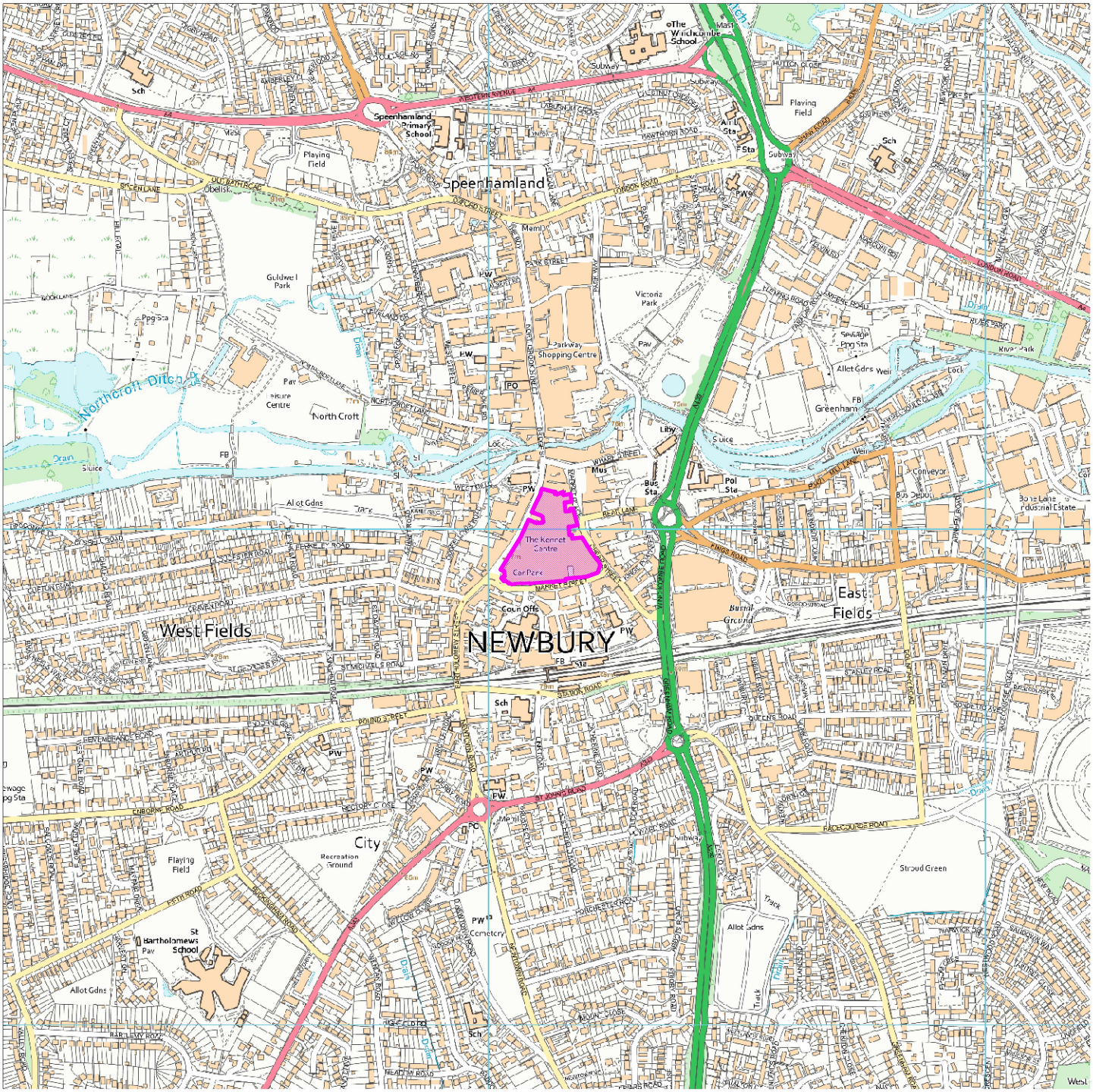
The application fails to provide appropriate planning obligations to deliver the necessary off-site infrastructure, namely improvement to local highways network, travel plan, public open space and primary healthcare facilities in the local area. In the absence of an appropriate planning obligation, the proposal is contrary to Policies CS5 and CS18 of the West Berkshire Core Strategy 2006-2026 and Policies RL.1 and RL.2 of the West Berkshire District Local Plan Saved Policies (2007), the Planning Obligations Supplementary Planning Document, the National Planning Policy Framework, as well as the relevant policies of the emerging Local Plan Review.

3. **Highways**

The layout does not comply to the council's car parking standards and does not provide adequate car parking to enable use by both residents and visitors to the town centre, with the applicant failing to provide adequate mitigation to allow for when the proposed car park is full. This could result in on street parking and additional traffic movements on the highway network, adversely affecting road safety and the flow of traffic. This would be contrary to Policy CS13 of the West Berkshire District Core Strategy 2006 to 2026 and Policy P1 of the Housing Site Allocations DPD 2017.

23/02094/FULMAJ

The Mall, The Kennet Centre, Newbury RG14 5FN



Map Centre Coordinates :

Scale : 1:11550

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Scale 1:11550

m 150 300 450 600

Organisation	West Berkshire Council
Department	
Comments	Not Set
Date	16 September 2024
SLA Number	0100024151

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Plans and drawings relevant to reports submitted to Western Area Planning Committee

Thursday 3rd October 2024 at 6pm

At Council Chamber, Council Offices, Market Street, Newbury, RG14 5LD

&

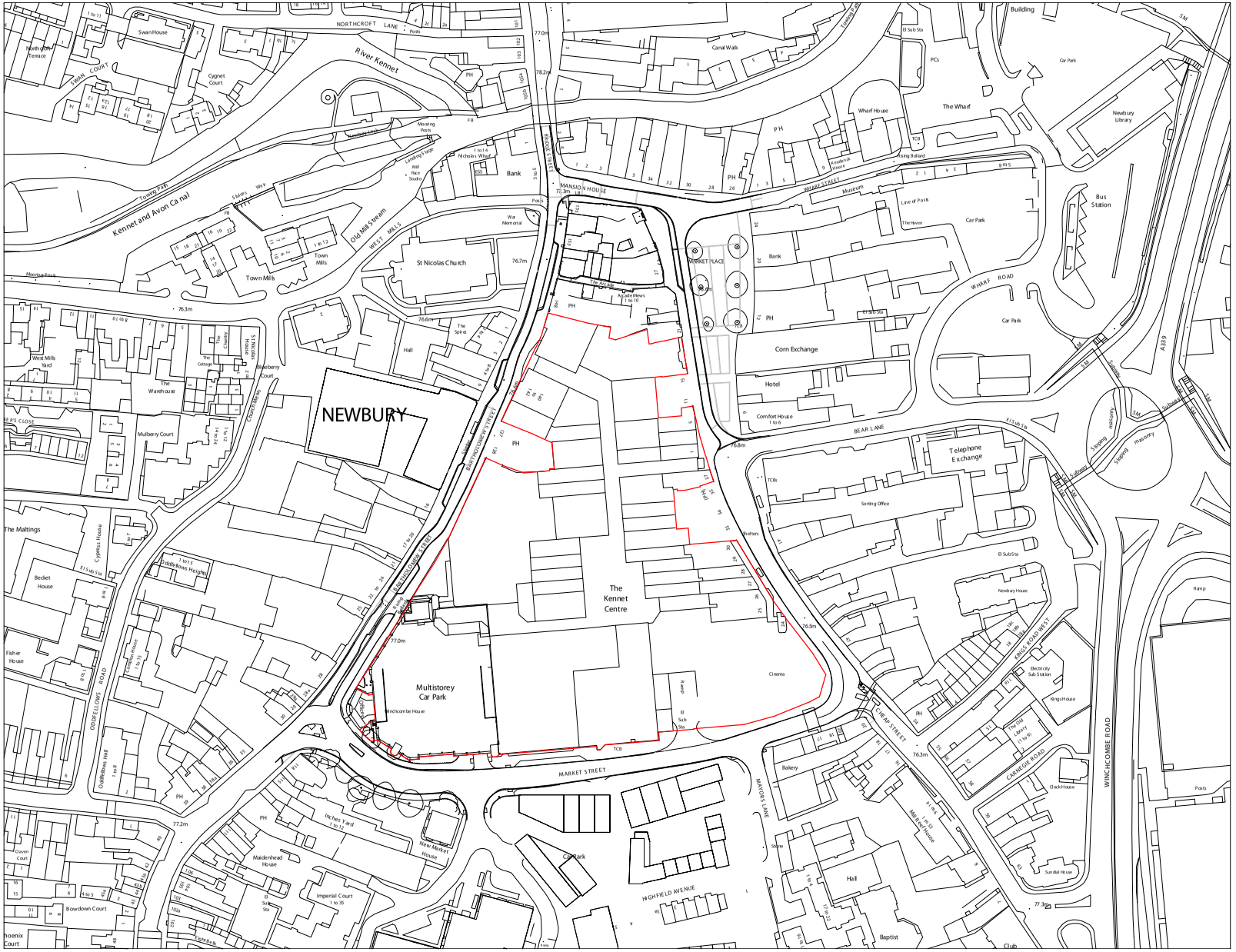
And via Zoom

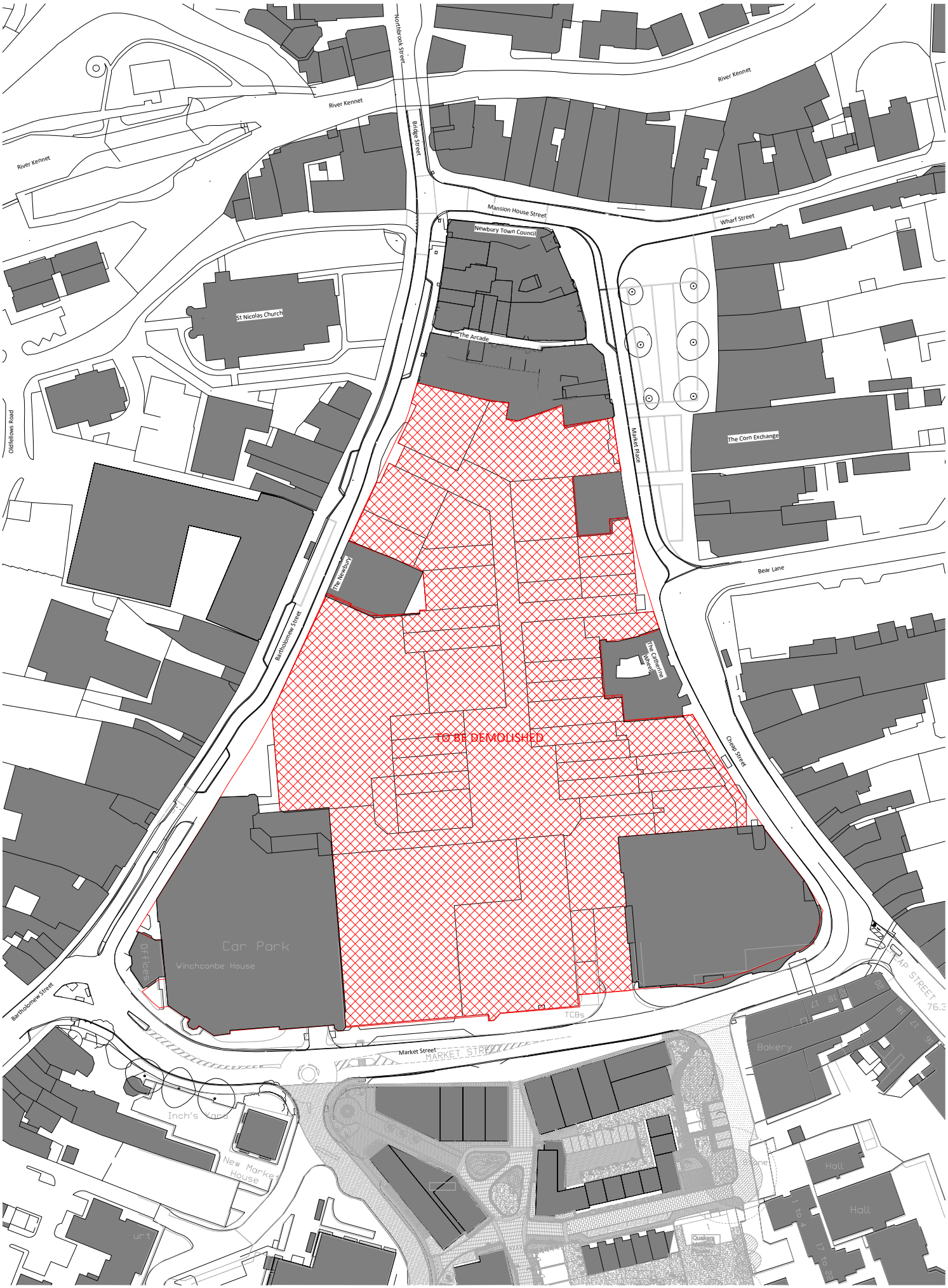
[to be read in conjunction with the main agenda]

Please note:

- *All drawings are copied at A4 and consequently are not scalable*
- *Most relevant plans have been included – however, in some cases, it may be necessary for the case officer to make a selection*
- *All drawings are available to view at www.westberks.gov.uk*

23/02094/FULMAJ
The Mall
The Kennet Centre
Newbury
RG14 5EN


NEWBURY
The Kennet Centre
Multistorey Car Park
Corn Exchange
Telephone Exchange
St Nicolas Church
Town Mills
Kennet and Avon Canal
River Kennet
Old Mill Stream
NORTHCROFT LANE
BRIDGE STREET
WEST MILLS
MANSION HOUSE
MARKET PLACE
WHARF ROAD
BEAR LANE
MARKET STREET
CHEAP STREET
WINCHCOMBE ROAD
KINGS ROAD WEST
CARNEGIE ROAD
HIGHFIELD AVENUE
The Wharf
Bus Station
Museum
Newbury Library
Hotel
Comfort House
Bank
Cinema
Baptist
Club
Hall
Bakery
Car Park
Mulberry Court
The Maltings
Becket House
Fisher House
Cypress House
Oxford Close
Oxford Road
Maidenhead House
Inches Yard
New Market House
Gown Court
Bowdown Court
Phoenix Court
Ware Mills Yard
The Warehouse
The Cottage
The Spires
Hall
Arcade Mews
Wharf House
Newbury House
Kings House
Clock House
Sundial House
Electricity Sub Station
Sorting Office
Shelters
Ramp
Posts
Swan House
Cygnet Court
Northcroft Terrace
Nicholas Wharf
Landing Stage
Mill Race Studio
War Memorial
Mooring Posts
Line of Posts
The Haven
Frederick House
Rising Bollard
Canal Walk
Towing Path
Lock
Weir
Sluice
Footbridge
Slipway
Steps
Ramp
Subway
Pedestrian Crossing
Traffic Lights
Bollard
Tree
Shrubbery
Hedge
Fence
Wall
Building
Car Park
Bank
PH
TCB
El Sub Sta
Pumping Station
Gas Governor
Mast
Flagpole
Sundial
Fountain
Statue
Monument
Cemetery
Church
Chapel
Graveyard
Tennis Court
Sports Ground
Allotments
Golf Course
Playground
Recreation Ground
Woodland
Scrub
Orchard
Vineyard
Nursery
Quarry
Spoil Heap
Refuse Tip
Sewage Works
Water Tower
Reservoir
Pylon
Overhead Line
Underground Line
Railway
Level Crossing
Station
Platform
Tunnel
Bridge
Viaduct
Aqueduct
Ford
Footpath
Bridleway
Byway
Road
Motorway
Trunk Road
Primary Road
Secondary Road
Tertiary Road
Unclassified Road
Track
Path
Steps
Cycle Track
Pedestrian Area
Boundary
Parish Boundary
County Boundary
National Boundary
Grid Line
Spot Height
Contour
Index Contour
Intermediate Contour
Depression Contour
Cliff
Escarpment
Rock
Scree
Boulder
Sand
Shingle
Mud
Saltmarsh
Beach
Dune
Foreshore
Intertidal
Subtidal
Open Water
Canal



NOTES
CONSULTANTS
- Refer to highways consultant's drawings for details
- Refer to landscape consultant's drawings for details

AREAS
- Refer to area schedule

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N

Rev	Notes	Date	By	Auth
PA	Issued for Planning Submission	06/09/2023		

KEY
APPLICATION BOUNDARY

0m 10m 20m 30m 40m 50m

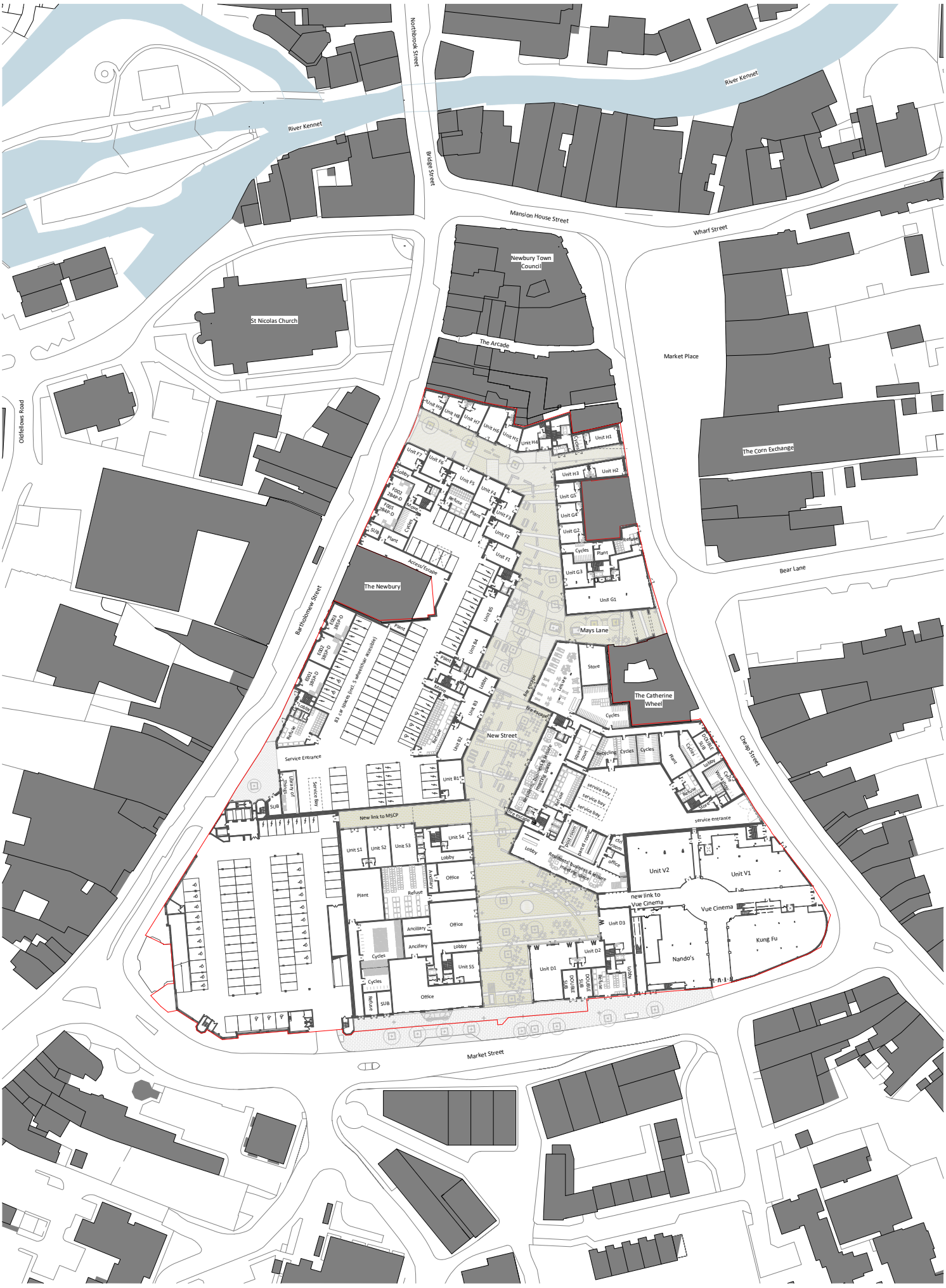
VISUAL SCALE 1:500 @ A1

ColladoCollins Architects
17-19 Foley Street
London W1W 6DW
T 020 7580 3490
F 020 7580 2917
info@colladocollins.com
www.colladocollins.com

Date: 06/09/2023
Drawn By: LK
Checked by: RC
Scale @ A1: 1 : 500
Scale @ A3: 1 : 1000
CAD File No:

LOCHAILORT
Eagle Quarter, Newbury
Demolition Site Plan

PLANNING
20011 P0-030
PA
Revision



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AREAS
- Refer to area schedule

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N

Rev	Notes	Date	By	Auth
P A	PLANNING SUBMISSION	06/09/2023	MM	RC
P B	Post-planning amendments	12/10/2023	MM	RC
P 19	Revised to Fire Engineer comments	01/12/2023	MM	RC

0m 10m 20m 30m 40m 50m

VISUAL SCALE 1:500 @ A1

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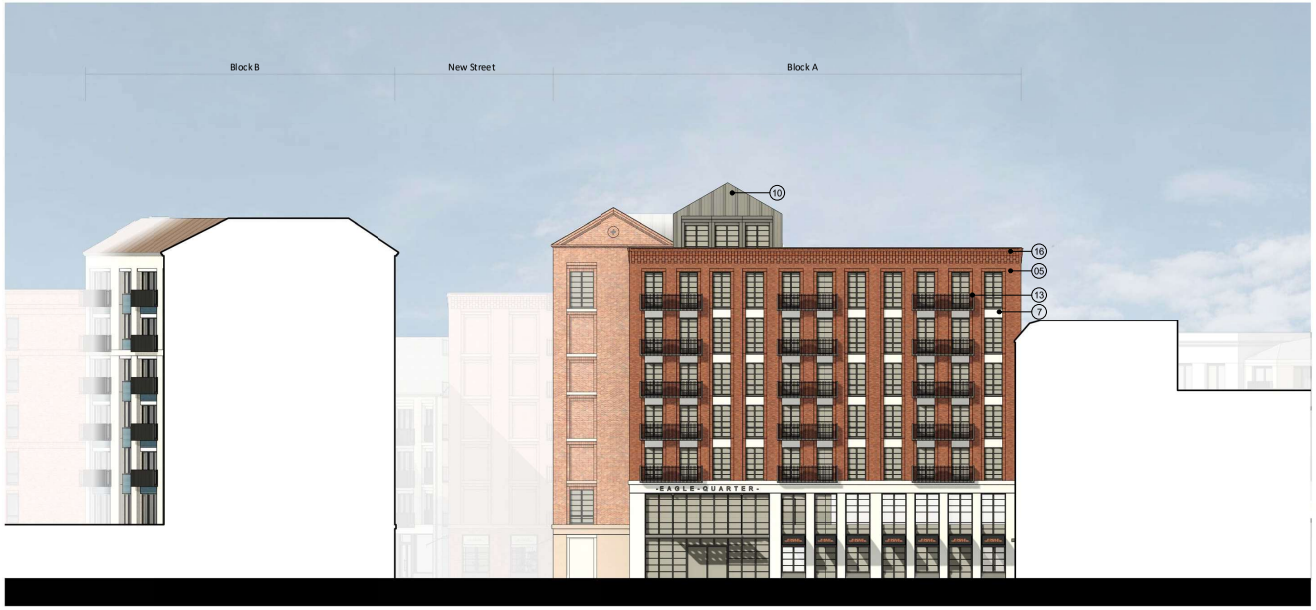
F 020 7580 2917
info@colladocollins.com
www.colladocollins.com

Date: 29/01/2021
Drawn By: LK
Checked by: RC
Scale @ A1: As indicated
Scale @ A3: 1 : 1000
CAD File No:

LOCHAILORT
Eagle Quarter, Newbury
Proposed Site Plan - Ground Floor

PLANNING
20011 P0-100

P19
Revision



1 Block A - South Elevation

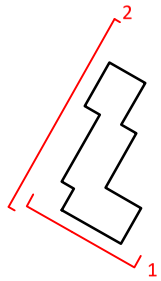
1 : 200

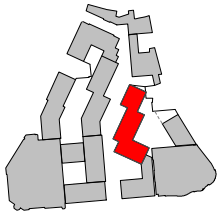
2 Block A - West (New Street) Elevation

1 : 200

MATERIAL NOTES

01 Brick - Beige
02 Brick - Light Grey
03 Brick - Light Red
04 Brick - Red
05 Brick - Dark Red
06 Brick - Blue
07 GRC or Similar - Light Grey
08 GRC or Similar - Dusty Pink
09 Roof Tiles
10 Standing Seam Metal Roof - Dark Grey
11 Window / Door Frame - Dark Grey
12 Window / Door Frame - Bronze Effect
13 Metal Railing / Details - Dark Grey
14 Metal Railing / Details - Bronze Effect
15 Expanded Mesh
16 Brick Detail to Parapet
17 White Render
18 Window/ Door Frame - White
19 White GFRC Detailing
20 Brick - Diamond Pattern
21 Clay Hanging Wall Tiles
22 Window/ Door Frame - Dark Green
23 Standing Seam Metal Roof - Dark Brown
24 Solid Panels to Sky Bridge
25 Light Grey Render
26 Obscure Glass Windows





NOTES
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AREAS
- Refer to area schedule

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PA	PLANNING SUBMISSION	06/09/2023	MM	RC
P19	Revised to Fire Engineer comments	01/12/2023	MM	RC

0m 4m 8m 12m 16m 20m

VISUAL SCALE 1:200 @ A1

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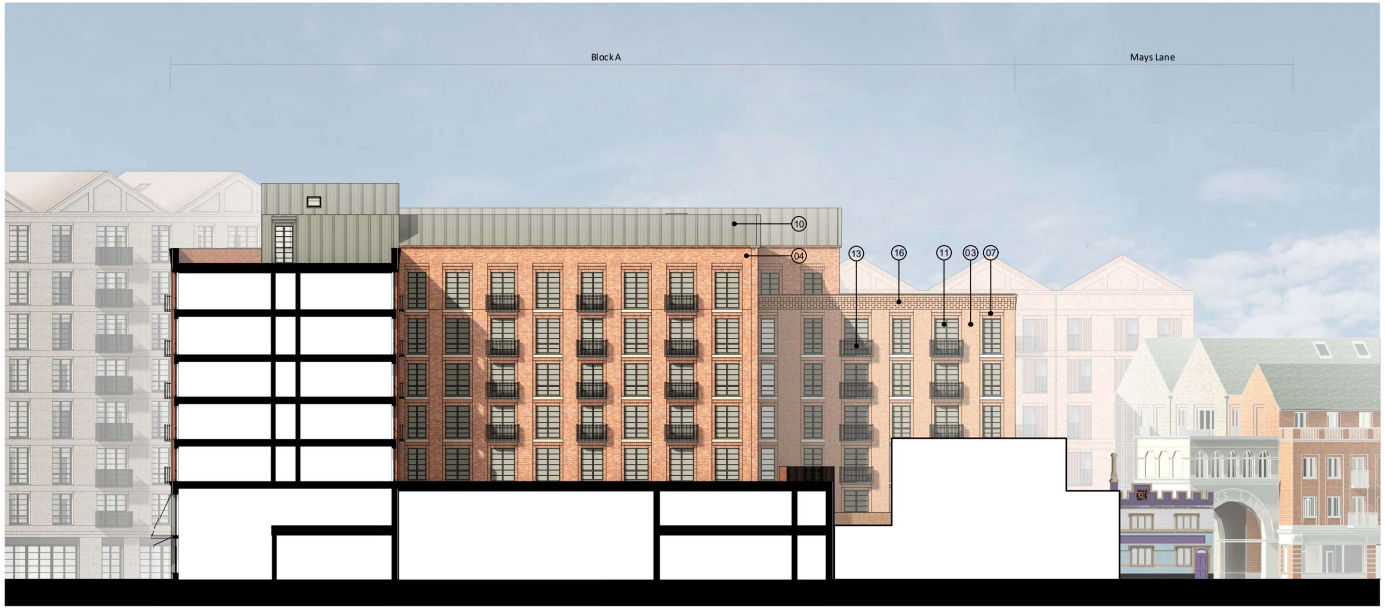
Date: 29/01/2020
Drawn By: LK
Checked by: RC
Scale @ A1: As indicated
Scale @ A3: 1 : 400
CAD File No:

LOCHAILORT

Eagle Quarter, Newbury
Proposed Elevations - Block A
South and West

PLANNING
20011 P3-101

P19
Revision



1 Block A - East Elevation/ Section
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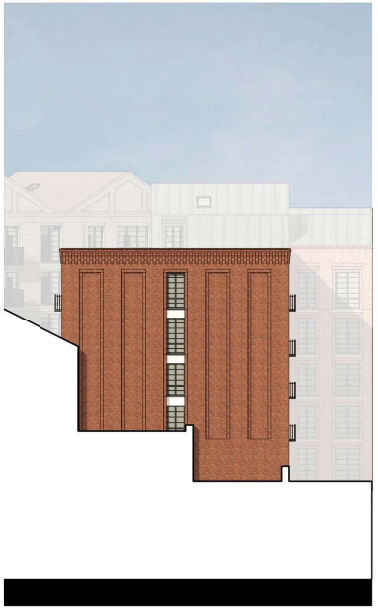

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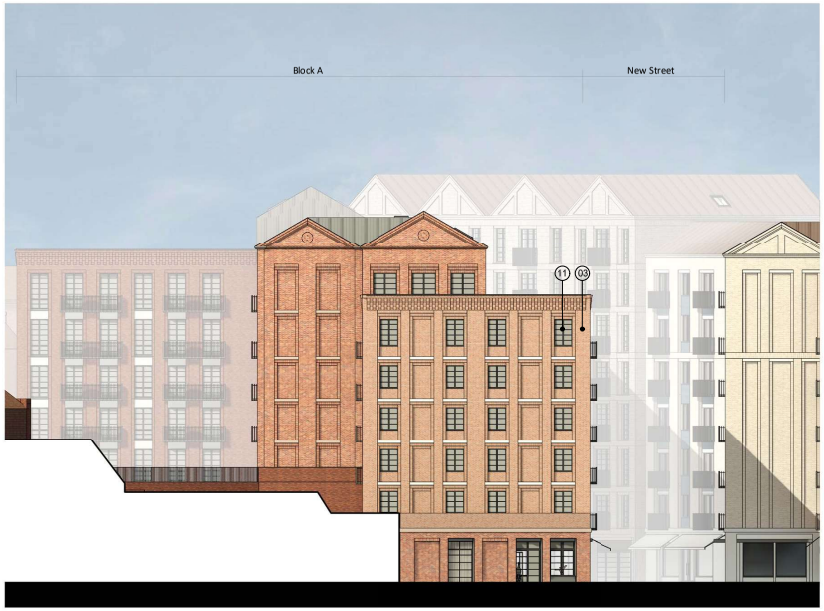
1 : 200

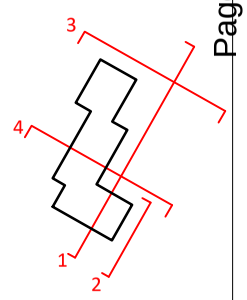


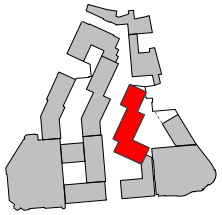
3 Block A - North (Mays Lane) Elevation
1 : 200

4 Block A - North Elevation/ Podium Section
1 : 200

MATERIAL NOTES

01 Brick - Beige
02 Brick - Light Grey
03 Brick - Light Red
04 Brick - Red
05 Brick - Dark Red
06 Brick - Blue
07 GRC or Similar - Light Grey
08 GRC or Similar - Dusty Pink
09 Roof Tiles
10 Standing Seam Metal Roof - Dark Grey
11 Window / Door Frame - Dark Grey
12 Window / Door Frame - Bronze Effect
13 Metal Railing / Details - Dark Grey
14 Metal Railing / Details - Bronze Effect
15 Expanded Mesh
16 Brick Detail to Parapet
17 White Render
18 Window/ Door Frame - White
19 White GFRC Detailing
20 Brick - Diamond Pattern
21 Clay Hanging Wall Tiles
22 Window/ Door Frame - Dark Green
23 Standing Seam Metal Roof - Dark Brown
24 Solid Panels to Sky Bridge
25 Light Grey Render
26 Obscure Glass Windows





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AREAS
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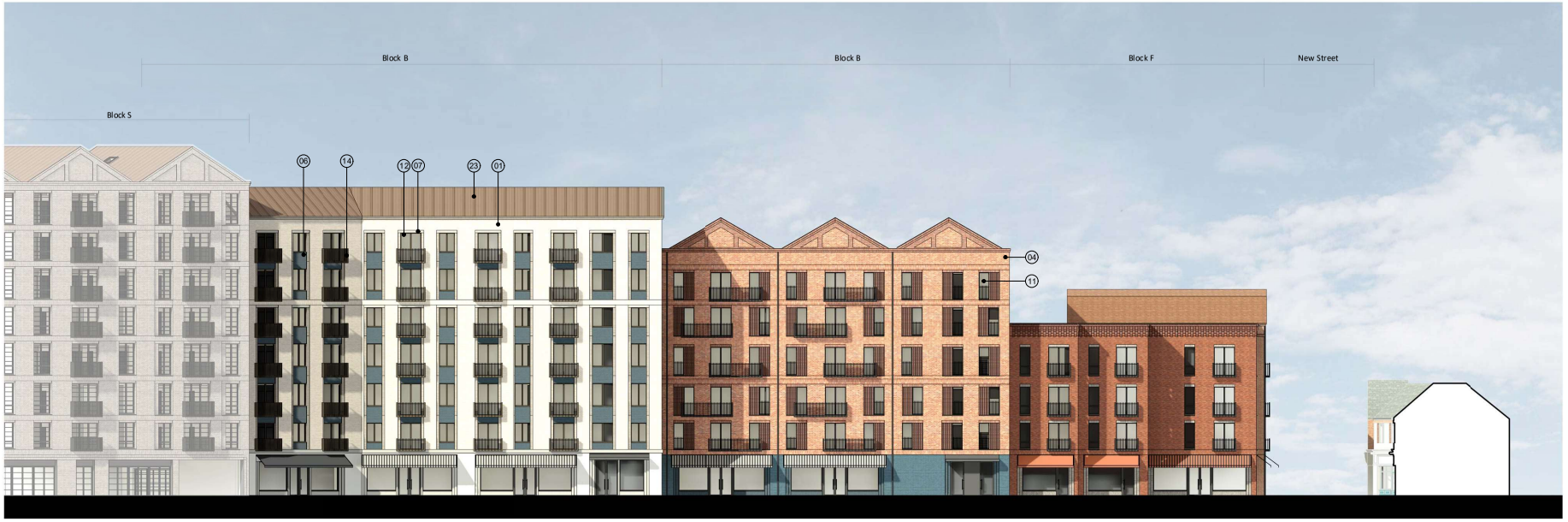
CAD File No:

LOCHAILORT
Eagle Quarter, Newbury
Proposed Elevations - Block A
East and North
PLANNING
20011 P3-102
P19 Revision



1 Block B - East (New Street) Elevation
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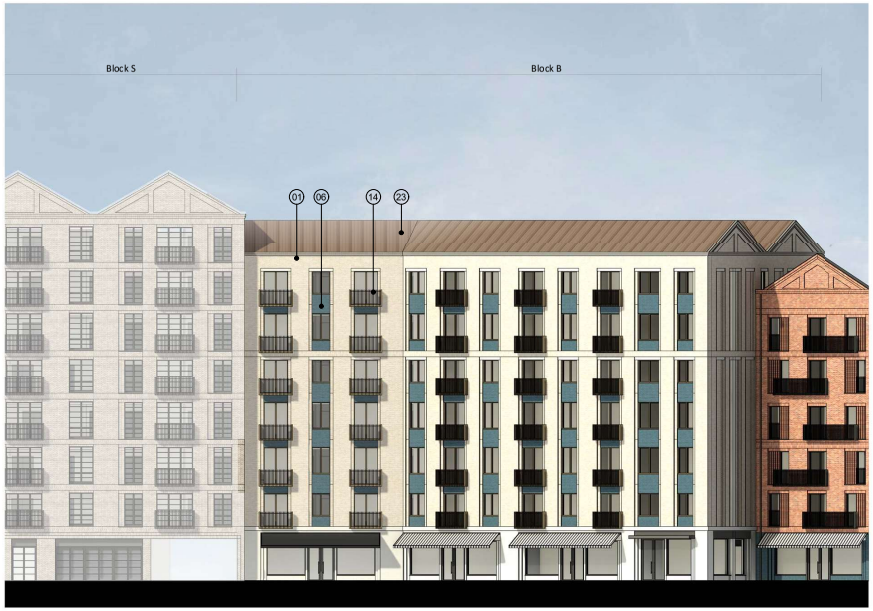

2 Block B - East Elevation 2
1 : 200

3 Block B - North Elevation
1 : 200

MATERIAL NOTES

01 Brick - Beige
02 Brick - Light Grey
03 Brick - Light Red
04 Brick - Red
05 Brick - Dark Red
06 Brick - Blue
07 GRC or Similar - Light Grey
08 GRC or Similar - Dusty Pink
09 Roof Tiles
10 Standing Seam Metal Roof - Dark Grey
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18 Window/ Door Frame - White
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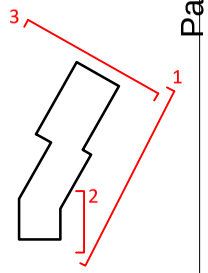
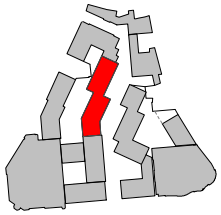
20 Brick - Diamond Pattern
21 Clay Hanging Wall Tiles
22 Window/ Door Frame - Dark Green
23 Standing Seam Metal Roof - Dark Brown
24 Solid Panels to Sky Bridge
25 Light Grey Render
26 Obscure Glass Windows





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P19	Revised to Fire Engineer comments	01/12/2023	MM	RC
P20	Windows revised	12/12/2023	MM	RC

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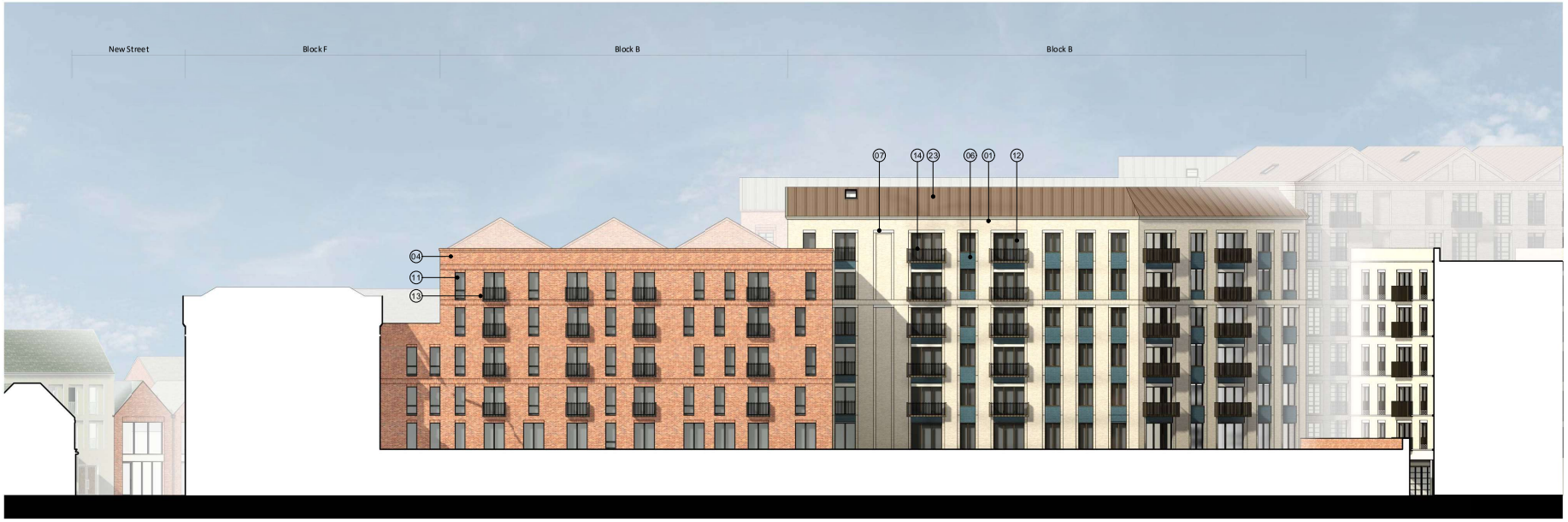
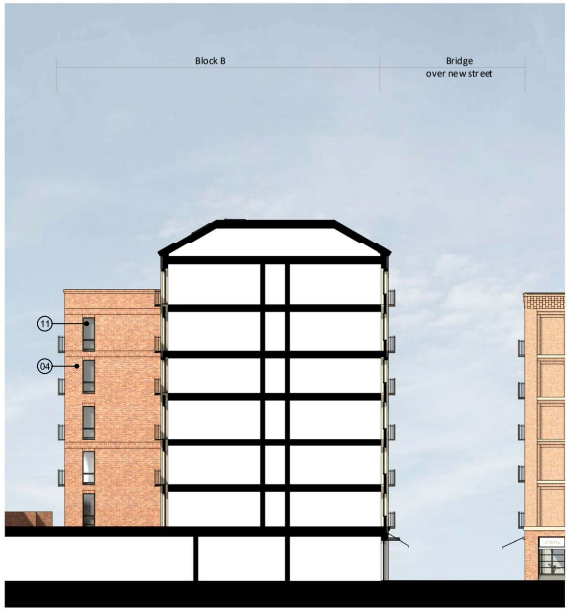
CAD File No:

LOCHAILORT
Eagle Quarter, Newbury
Proposed Elevations - Block B
East and North
PLANNING
20011 P3-103
P20
Revision



1 Block B - Northwest Elevation

1 : 200



2 Block B - Southwest Elevation/ Section

1 : 200

3 Block B - West Elevation

1 : 200

MATERIAL NOTES

01 Brick - Beige
02 Brick - Light Grey
03 Brick - Light Red
04 Brick - Red
05 Brick - Dark Red
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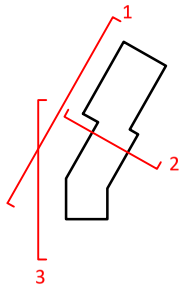
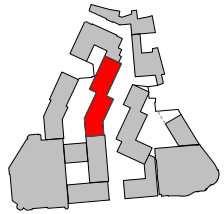
23 Standing Seam Metal Roof - Dark Brown
24 Solid Panels to Sky Bridge
25 Light Grey Render
26 Obscure Glass Windows





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P8	Post-planning amendments	12/10/2023	MM	RC
P19	Revised to Fire Engineer comments	01/12/2023	MM	RC

0m 4m 8m 12m 16m 20m

VISUAL SCALE 1:200 @ A1

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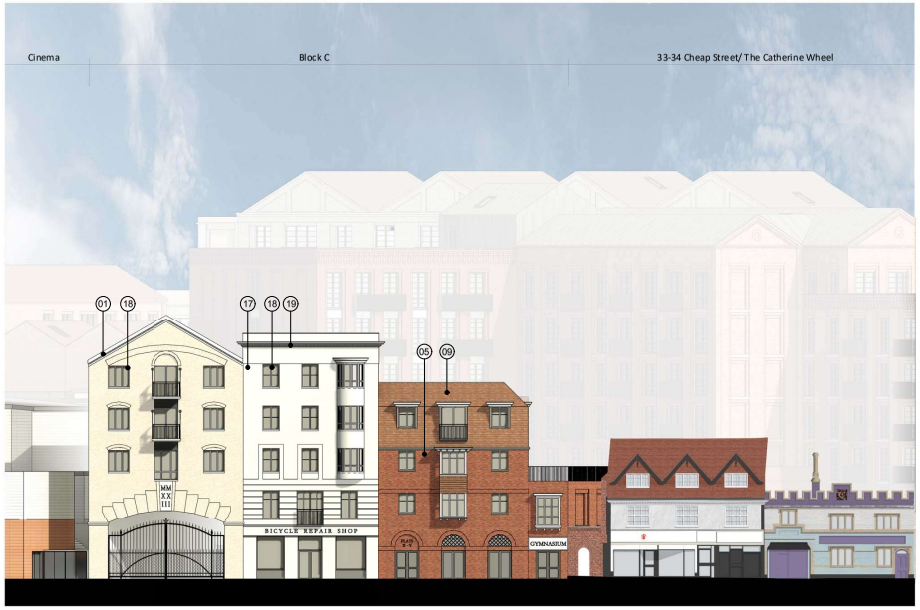
CAD File No:

LOCHAILORT

Eagle Quarter, Newbury
Proposed Elevations - Block B
West and South

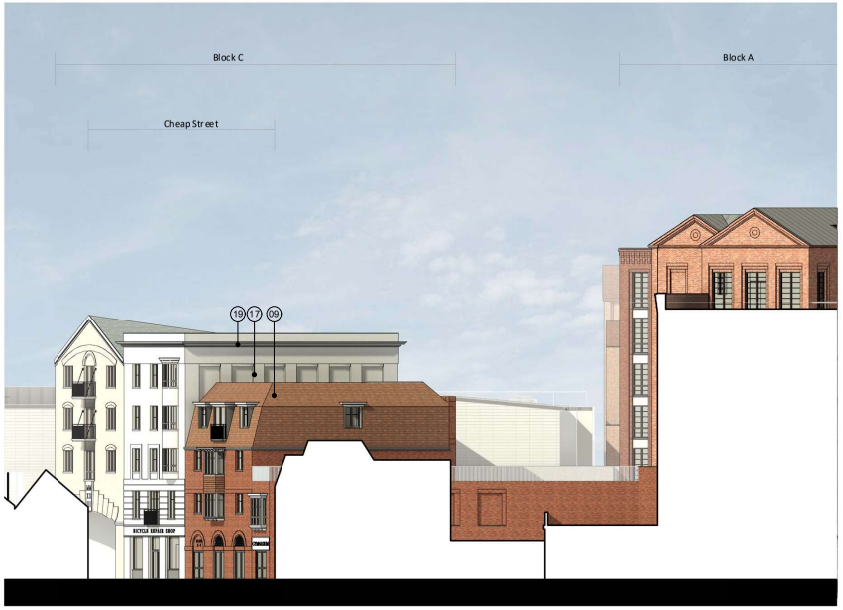
PLANNING
20011 P3-104

P19
Revision



1 Block C - East (Cheap Street) Elevation

1 : 200



2 Block C - North Elevation

1 : 200

3 Block C - West (Rear) Elevation

1 : 200

4 Block C - South Elevation (Cinema Boundary)

1 : 200

MATERIAL NOTES

01 Brick - Beige
02 Brick - Light Grey
03 Brick - Light Red
04 Brick - Red
05 Brick - Dark Red
06 Brick - Blue
07 GRC or Similar - Light Grey
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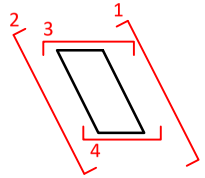
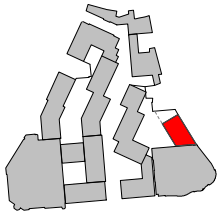
23 Standing Seam Metal Roof - Dark Brown
24 Solid Panels to Sky Bridge
25 Light Grey Render
26 Obscure Glass Windows





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PB	Post-planning amendments	12/10/2023	MM	RC
P5	Block C revised	07/11/2023	MM	RC
P6	Revised to HE comments	29/11/2023	MM	RC
P7	Revised to Fire Engineer comments	02/12/2023	MM	RC
PC	Revised to HE comments	28/02/2024	MM	RC

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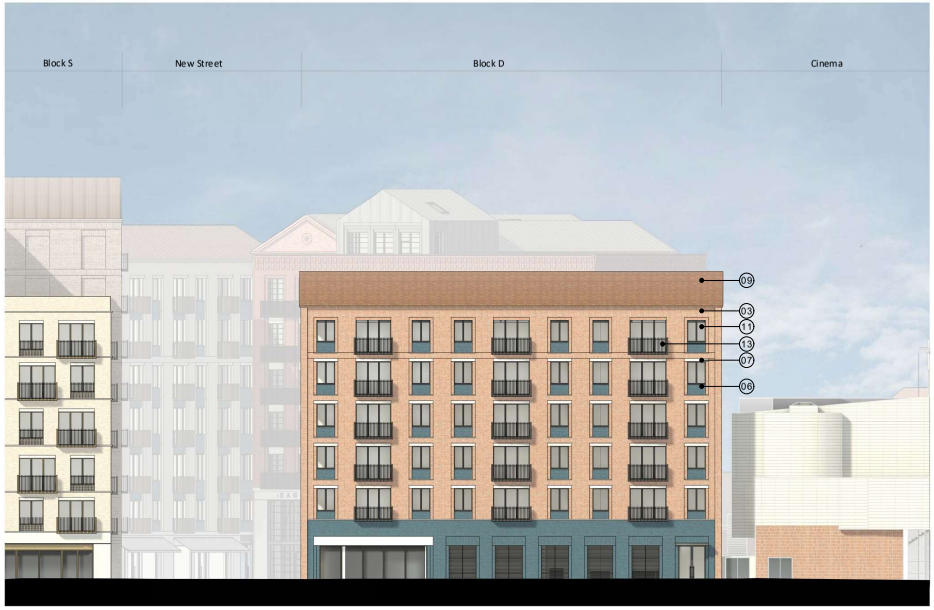
LOCHAILORT

Eagle Quarter, Newbury
Proposed Elevations - Block C

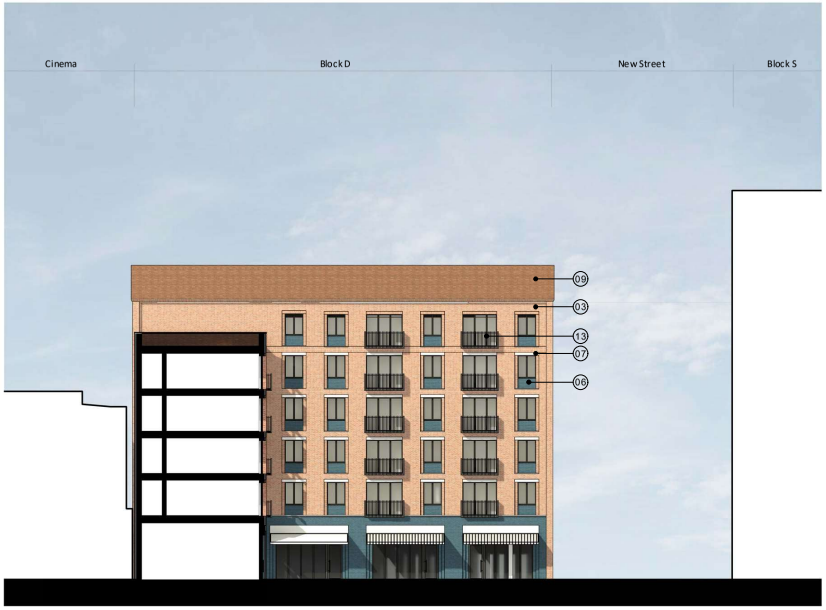
PLANNING
20011 P3-105

PC
Revision



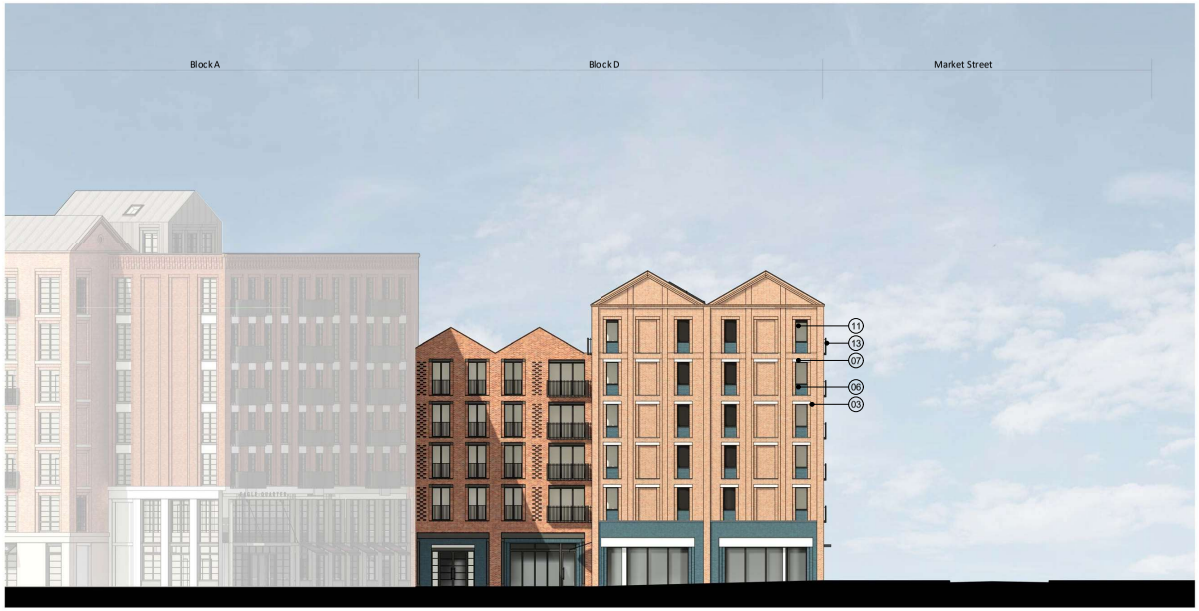
1 Block D - South (Market Street) Elevation

1 : 200



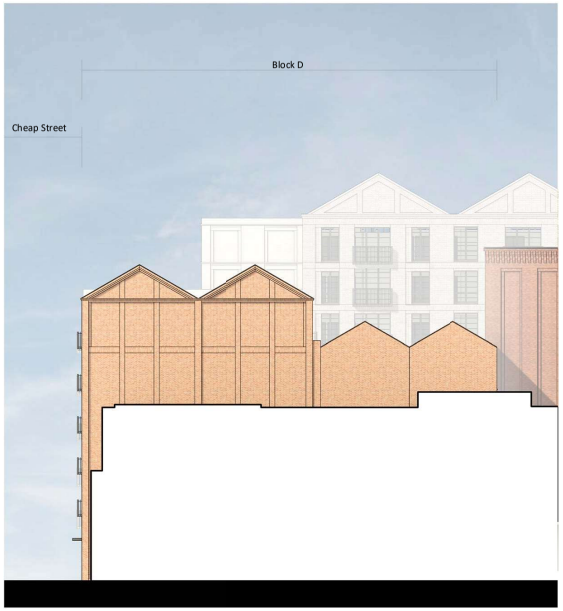
2 Block D - North Elevation

1 : 200



3 Block D - West (New Street) Elevation

1 : 200



4 Block D - East Elevation

1 : 200

MATERIAL NOTES

01 Brick - Beige
02 Brick - Light Grey
03 Brick - Light Red
04 Brick - Red
05 Brick - Dark Red
06 Brick - Blue
07 GRC or Similar - Light Grey
08 GRC or Similar - Dusty Pink
09 Roof Tiles
10 Standing Seam Metal Roof - Dark Grey
11 Window / Door Frame - Dark Grey
12 Window / Door Frame - Bronze Effect
13 Metal Railing / Details - Dark Grey
14 Metal Railing / Details - Bronze Effect
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19 White GFRC Detailing
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22 Window/ Door Frame - Dark Green
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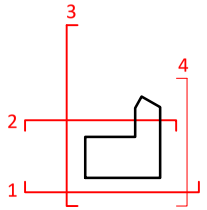
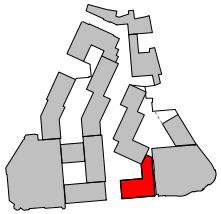
25 Light Grey Render
26 Obscure Glass Windows





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P20	West elevation revised	12/12/2023	MM	RC

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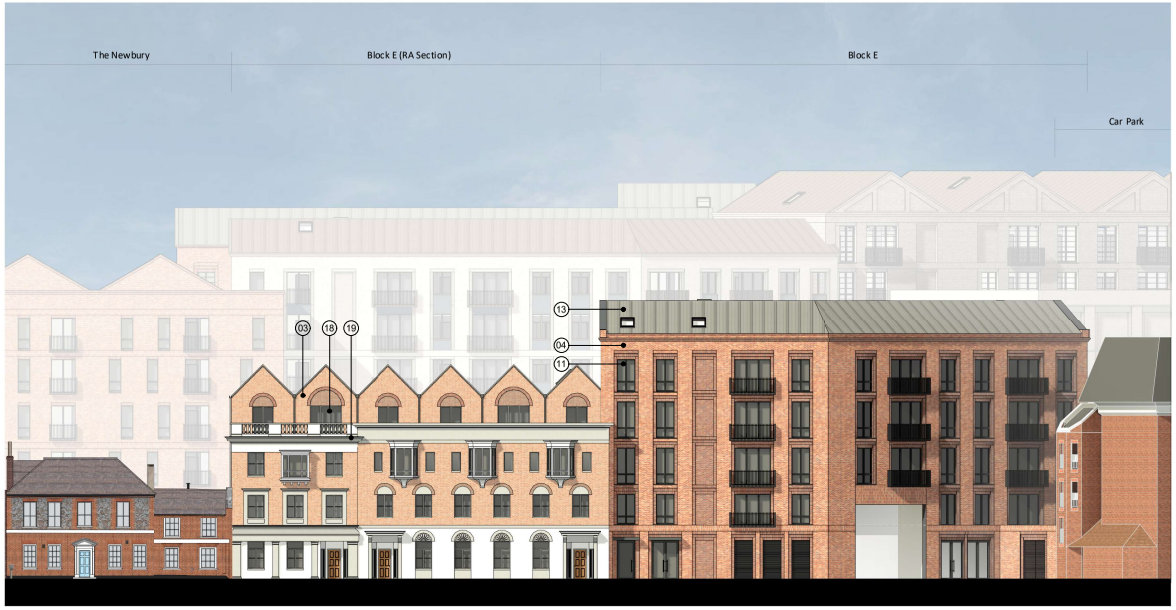
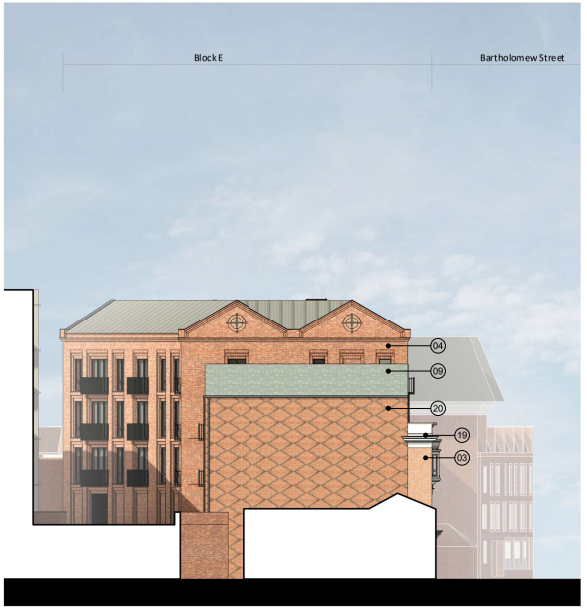
Eagle Quarter, Newbury
Proposed Elevations - Block D

PLANNING
20011 P3-106 P20



1 Block E - West (Bartholomew Street) Elevation

1 : 200

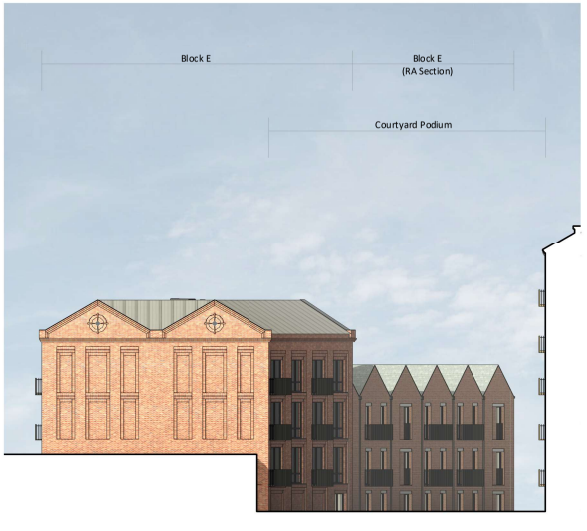


2 Block E - North Elevation

1 : 200

3 Block E - East (Courtyard Podium) Elevation

1 : 200



4 Block E - South Elevation

1 : 200

MATERIAL NOTES

01 Brick - Beige
02 Brick - Light Grey
03 Brick - Light Red
04 Brick - Red
05 Brick - Dark Red
06 Brick - Blue
07 GRC or Similar - Light Grey
08 GRC or Similar - Dusty Pink
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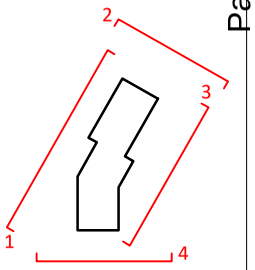
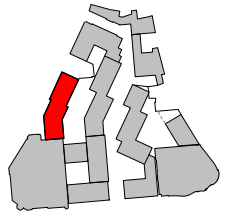
26 Obscure Glass Windows





NOTES
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AREAS
- Refer to area schedule

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Rev	Notes	Date	By	Auth
P1	Issued for Planning Submission	12/02/2021		
P2	Massing reduced (HE's comments)	03/08/2021		
P3	Elevations Issue for Comment	07/07/2023	MM	RC
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P5	Balconies removed on B, E and S	01/09/2023	MM	RC
PA	PLANNING SUBMISSION	06/09/2023	MM	RC
PB	Post-planning amendments	12/10/2023	MM	RC
P6	Revised to HE comments	29/11/2023	MM	RC
P7	Revised to Fire Engineer comments	01/12/2023	MM	RC
PC	Revised to HE comments	28/02/2024	MM	RC

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VISUAL SCALE 1:200 @ A1

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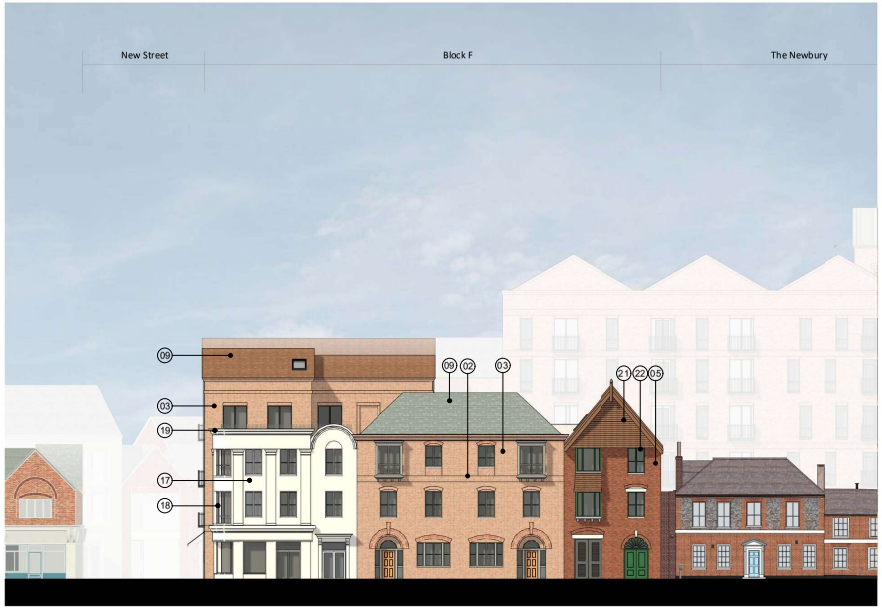
Scale @ A3: 1 : 400
CAD File No:

LOCHAILORT
Eagle Quarter, Newbury
Proposed Elevations - Block E

PLANNING
20011 P3-108

PC
Revision



1 Block F - West (Bartholomew Street) Elevation

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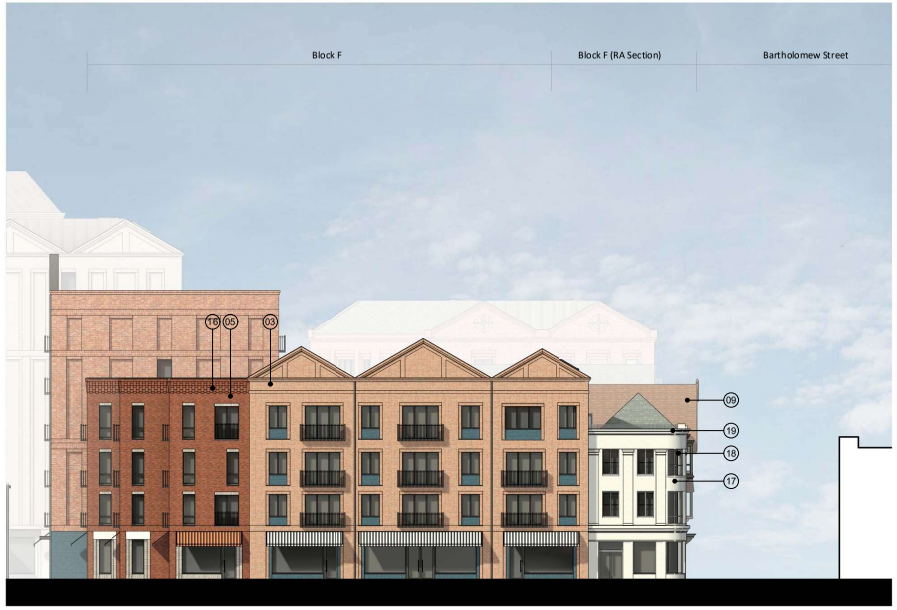
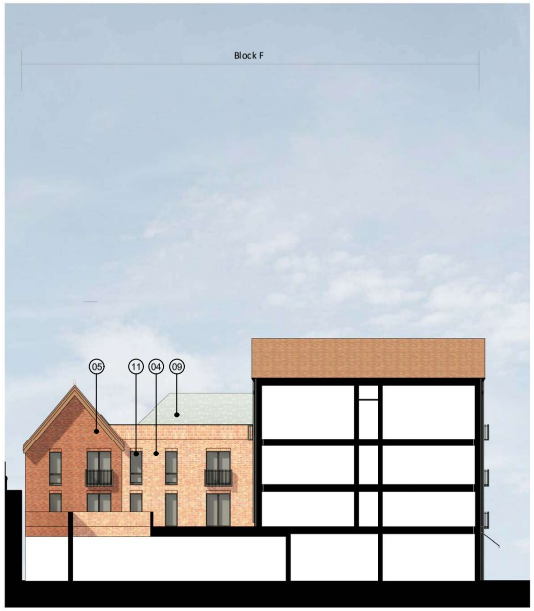


2 Block F - North (New Street) Elevation

1 : 200

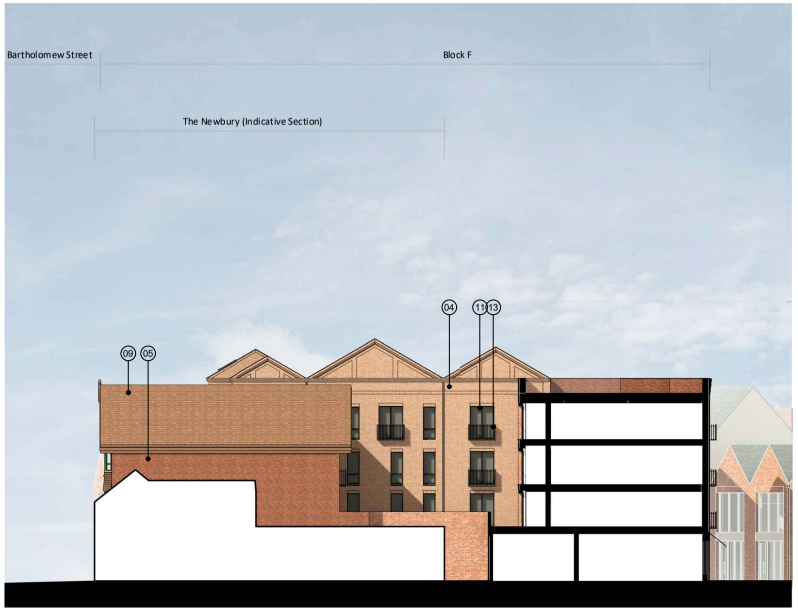


3 Block F - East Elevation/ Section

1 : 200

4 Block F - East Elevation

1 : 200

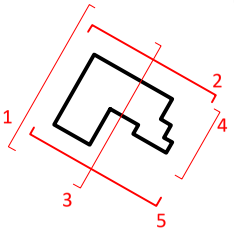


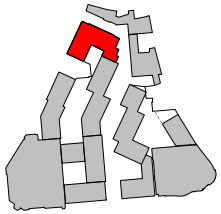
5 Block F - South Elevation/ Section

1 : 200

MATERIAL NOTES

(01) Brick - Beige
(02) Brick - Light Grey
(03) Brick - Light Red
(04) Brick - Red
(05) Brick - Dark Red
(06) Brick - Blue
(07) GRC or Similar - Light Grey
(08) GRC or Similar - Dusty Pink
(09) Roof Tiles
(10) Standing Seam Metal Roof - Dark Grey
(11) Window / Door Frame - Dark Grey
(12) Window / Door Frame - Bronze Effect
(13) Metal Railing / Details - Dark Grey
(14) Metal Railing / Details - Bronze Effect
(15) Expanded Mesh
(16) Brick Detail to Parapet
(17) White Render
(18) Window/ Door Frame - White
(19) White GFRC Detailing
(20) Brick - Diamond Pattern
(21) Clay Hanging Wall Tiles
(22) Window/ Door Frame - Dark Green
(23) Standing Seam Metal Roof - Dark Brown
(24) Solid Panels to Sky Bridge
(25) Light Grey Render
(26) Obscure Glass Windows





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AREAS
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PB	Post-planning amendments	12/10/2023	MM	RC
P5	Revised to HE comments	29/11/2023	MM	RC
P6	Revised to Fire Engineer comments	01/12/2023	MM	RC
PC	Revised to HE comments	24/01/2024	MM	RC

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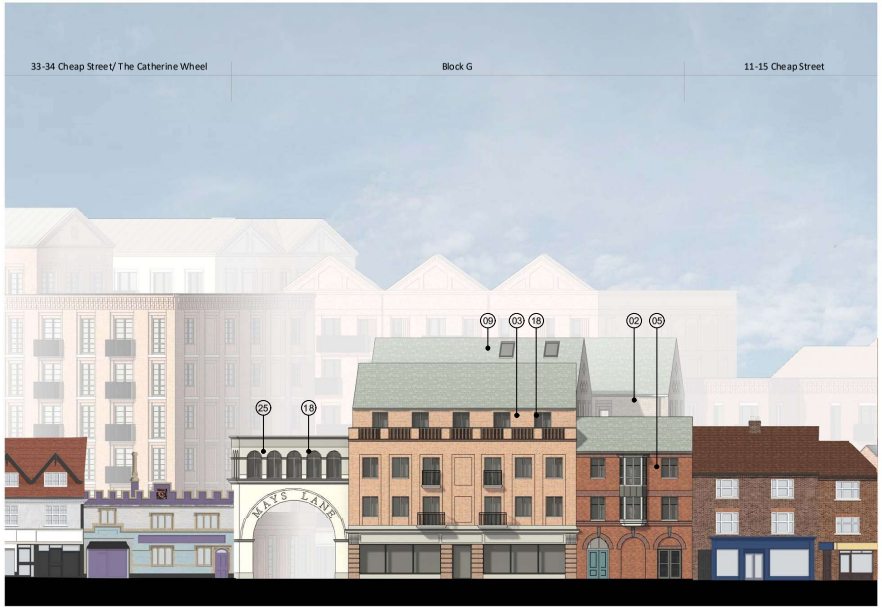
Scale @ A3: 1 : 400
CAD File No:

LOCHAILORT
Eagle Quarter, Newbury
Proposed Elevations - Block F

PLANNING
20011 P3-109

PC
Revision



1 Block G - East (Cheap Street) Elevation

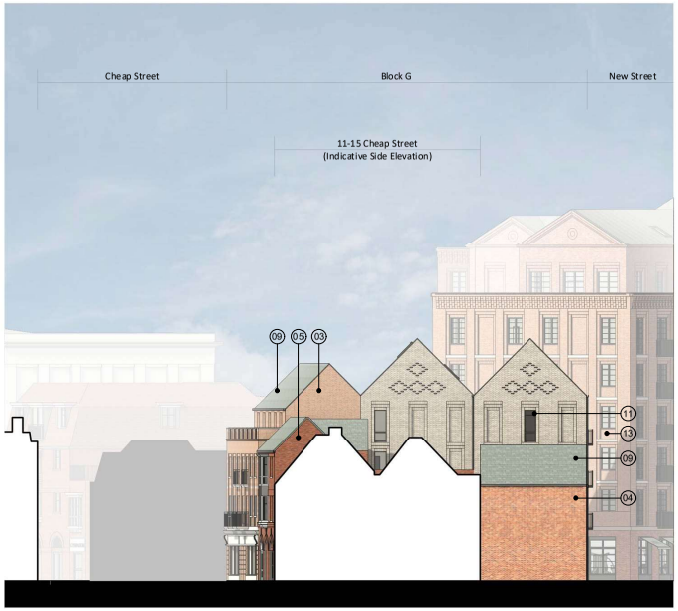
1 : 200

2 Block G - West (New Street) Elevation

1 : 200

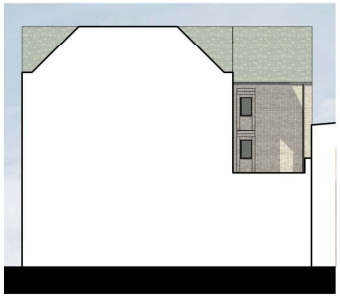
3 Block G - South (Mays Lane) Elevation

1 : 200



4 Block G - North Elevation

1 : 200



5 Block G - Part Elevation 1

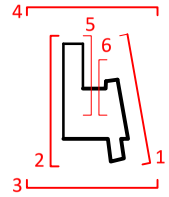
1 : 200

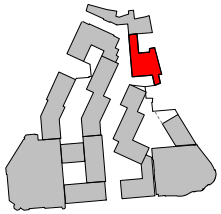
6 Block G - Part Elevation 2

1 : 200

MATERIAL NOTES

01 Brick - Beige
02 Brick - Light Grey
03 Brick - Light Red
04 Brick - Red
05 Brick - Dark Red
06 Brick - Blue
07 GRC or Similar - Light Grey
08 GRC or Similar - Dusty Pink
09 Roof Tiles
10 Standing Seam Metal Roof - Dark Grey
11 Window / Door Frame - Dark Grey
12 Window / Door Frame - Bronze Effect
13 Metal Railing / Details - Dark Grey
14 Metal Railing / Details - Bronze Effect
15 Expanded Mesh
16 Brick Detail to Parapet
17 White Render
18 Window/ Door Frame - White
19 White GFRC Detailing
20 Brick - Diamond Pattern
21 Clay Hanging Wall Tiles
22 Window/ Door Frame - Dark Green
23 Standing Seam Metal Roof - Dark Brown
24 Solid Panels to Sky Bridge
25 Light Grey Render
26 Obscure Glass Windows





NOTES
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AREAS
- Refer to area schedule

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P16	Post-planning amendments	12/10/2023	MM	RC
P18	Revised to HE comments	29/11/2023	MM	RC
P19	Revised to Fire Engineer comments	01/12/2023	MM	RC

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Checked by: RC
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Scale @ A3: 1 : 400
CAD File No:

LOCHAILORT
Eagle Quarter, Newbury
Proposed Elevations - Block G

PLANNING
20011 P3-111

P19
Revision

1 Block H - East (Market Place) Elevation

1 : 200

2 Block H - New Street Elevation

1 : 200

3 Block H - Internal Elevation

1 : 200

4 Block H - Bartholomew Street

1 : 200

5 Block H - South (New Street) Elevation/ Internal Elevation

1 : 200

6 Block H - Southwest (New Street) Elevation

1 : 200

MATERIAL NOTES

(01) Brick - Beige
(02) Brick - Light Grey
(03) Brick - Light Red
(04) Brick - Red
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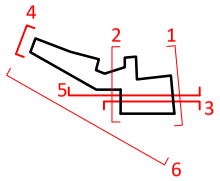
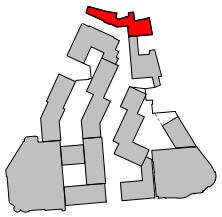
(26) Obscure Glass Windows





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P8	Post planning amendments	12/10/2023	MM	RC
P18	Revised to HE comments	29/11/2023	MM	RC
P19	Revised to Fire Engineer comments	01/12/2023	MM	RC

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CAD File No:

LOCHAILORT

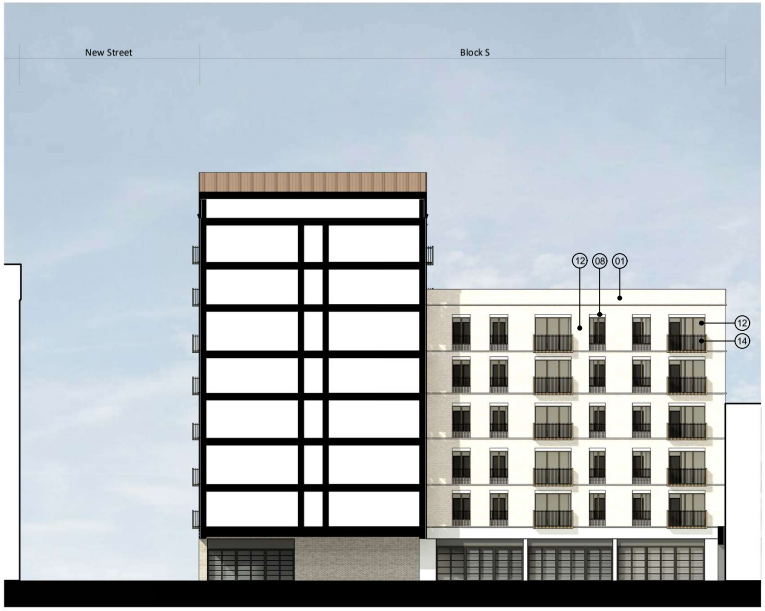
Eagle Quarter, Newbury
Proposed Elevations - Block H

PLANNING
20011 P3-112

P19
Revision

1 Block S - South (Market Street) Elevation
1 : 200

2 Block S - East (New Street) Elevation
1 : 200



3 Block S - North Elevation/ Section
1 : 200

4 Block S - West Elevation/ Section
1 : 200

MATERIAL NOTES

01 Brick - Beige
02 Brick - Light Grey
03 Brick - Light Red
04 Brick - Red
05 Brick - Dark Red
06 Brick - Blue
07 GRC or Similar - Light Grey
08 GRC or Similar - Dusty Pink
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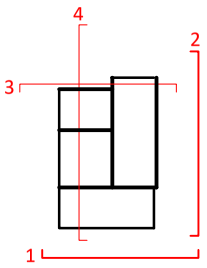
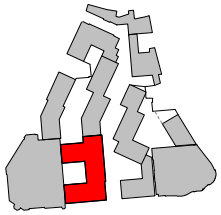
26 Obscure Glass Windows





NOTES
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P14	Pre-Planning Issue	16/08/2023	MM	RC
P15	Balconies removed on B, E and S	01/09/2023	MM	RC
PA	PLANNING SUBMISSION	06/09/2023	MM	RC
P8	Post-planning amendments	12/10/2023	MM	RC
P19	Revised to Fire Engineer comments	01/12/2023	MM	RC

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LOCHAILORT
Eagle Quarter, Newbury
Proposed Elevations - Block S

PLANNING
20011 P3-113

P19
Revision

NOTES
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- Refer to landscape consultant's drawings for details
- Landscaping layout is indicative only

AREAS
- Refer to area schedule

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Rev	Notes	Date	By	Aut
P.12	Elevations Issue for Comment	07/07/2023	MM	RC
P.13	Appeal Scheme outline shown in red	20/07/2023	MM	RC
P.14	Pre-Planning Issue	16/08/2023	MM	RC
P.A	PLANNING SUBMISSION	06/09/2023	MM	RC
P.C	Post-planing amendments	01/11/2023	MM	RC
P.19	Revised to Fire Engineer comments	01/12/2023	MM	RC

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LOCHAILORT
Eagle Quarter. Newbury
Bartholomew Street Elevation

PLANNING
20011 P3-200 P19

NOTES

GENERAL
- Refer to highways consultant's drawings for details
- Refer to landscape consultant's drawings for details
- Levels/paving layout is indicative only

AREAS
- Refer to area schedule

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Rev	Notes	Date	By	Aut
P.12	Elevations Issue for Comment	07/07/2023	MM	RC
P.13	Appeal Scheme outline shown in red	20/07/2023	MM	RC
P.14	Pre-Planning Issue	16/08/2023	MM	RC
P.A	PLANNING SUBMISSION	06/09/2023	MM	RC
P.B	Post-planning amendments	12/10/2023	MM	RC
P.C	Post-planning amendments	01/11/2023	MM	RC
P.19	Revised to Fire Engineer comments	01/12/2023	MM	RC

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LOCHAILORT

Eagle Quarter, Newbury
Cheap Street/ Market Place
Elevation

PLANNING

20011 P3-201 P19

NOTES
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- Refer to landscape consultant's drawings for details
- Landscaping layout is indicative only

AREAS
- Refer to area schedule

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Rev	Notes	Date	By	Aut
P.7	Issue for Comment	10/01/2023	MM	RC
P.1A	Pre-Planning Issue	16/08/2023	MM	RC
P.A	PLANNING SUBMISSION	06/09/2023	MM	RC
P.B	Post-planning amendments	12/10/2023	MM	RC
P.C	Post-planing amendments	01/11/2023	MM	RC
P.1D	Revised to Fire Engineer comments	01/12/2023	MM	RC

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LOCHAILORT
Eagle Quarter. Newbury
Proposed Market Street Elevation

PLANNING
20011 P3-202 P19

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