

# DRAFT

Note: These Minutes will remain DRAFT until approved at the next meeting of the Committee

## DISTRICT PLANNING COMMITTEE

### MINUTES OF THE MEETING HELD ON WEDNESDAY 13 NOVEMBER 2024

**Councillors Present:** Denise Gaines (Chairman), Richard Somner (Vice-Chairman), Adrian Abbs, Phil Barnett, Jeremy Cottam, Nigel Foot, Alan Macro, Geoff Mayes, Justin Pemberton, Tony Vickers and Howard Woollaston

**Also Present:** Paul Goddard (Highways Development Control Team Leader), Debra Inston (Team Manager - Development Management), Matthew Shepherd (Senior Planning Officer), Paul Bacchus (Principal Engineer (Drainage and Flood Risk)), Bob Dray (Development Manager), Annabel Munro (Trainee Solicitor), Daniel Phelan (Economic Development Research Assistant), Stephen Chard (Democratic Services Manager) and Sam Chiverton (Apprentice Democratic Services Officer)

#### PART I

##### 1. Minutes

The Minutes of the meeting held on 11 September 2024 were approved as a true and correct record and signed by the Chairman.

##### 2. Declarations of Interest

Councillors Adrian Abbs, Phil Barnett, Nigel Foot, Denise Gaines, Alan Macro, Geoff Mayes, Justin Pemberton, Tony Vickers and Howard Woollaston declared that they had been lobbied on Agenda Item 4(1).

Councillor Phil Barnett declared an interest in Agenda Item 4(1) by virtue of the fact he was a Member of Newbury Town Council and its Planning and Highways Committee, but reported that, as his interest was a personal or an other registrable interest, but not a disclosable pecuniary interest, he determined to remain to take part in the debate and vote on the matter.

Councillor Nigel Foot declared an interest in Agenda Item 4(1) by virtue of the fact he was a Member of Newbury Town Council and its Planning and Highways Committee. He was also the Heritage Champion for West Berkshire Council. He reported that, as his interest was a personal or an other registrable interest, but not a disclosable pecuniary interest, he determined to remain to take part in the debate and vote on the matter.

##### 3. Schedule of Planning Applications

###### (1) Application No. & Parish: 23/02094/FULMAJ - The Mall, The Kennet Centre, Newbury

1. The Committee considered a report (Agenda Item 4(1)) concerning Planning Application 23/02094/FULMAJ in respect of the 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

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and open space; sustainable energy installations; associated works and alterations to the retained Vue Cinema and multi-storey car park.

2. Mr Matthew Shepherd (Senior Planning Officer) introduced the report to Members. He explained that the application had initially been referred to the Western Area Planning Committee by the Development Manager due to the level of public interest and due to the level of objection.
3. The Western Area Planning Committee deferred the item to this Committee due to its district wide implications.
4. After taking into account all the relevant policy considerations and other material planning considerations, officers' recommendation was that provided that a Section 106 Agreement had been completed within three 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 the 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).
5. Or, if the Section 106 Agreement was not completed, to delegate to the Development Manager to refuse planning permission for the reasons listed in the report.
6. Mr Paul Goddard (Highways Development Control Team Leader), outlined highways' matters to the Committee:
  - He considered that the potential growth in traffic generation would not exceed the levels experienced when the Kennet Centre was at its peak as a shopping centre. The proposal for dwellings would however result in increased congestion during the morning and evening peak times.
  - Construction traffic would have an impact and construction would take place over a lengthy period. However, the submission of a Construction Management Plan was a condition of approval.
  - Access to the proposal would be achieved via two access points and this would be enabled by two way traffic being permitted on Bartholomew Street.
  - 475 car parking spaces were proposed, meeting the requirement for 471 spaces. However, the need for these parking spaces to be dual use for retail and residential was a complication. Survey results indicated that this would be acceptable from Monday to Friday, but there would be some overflow at weekends. In this situation, motorists would be directed to the railway station multi-storey car park on Market Street, which had a number of vacant spaces at weekends. It was proposed to update existing signage indicating available spaces across Newbury Town Centre. The cost of this (£1m) would be shared equally between the Council and the applicant. The applicant was also proposing improvements to the railway station multi-storey.
  - In conclusion, the Highway Officer recommendation was to approve planning permission, subject to the completion of a Section 278 Agreement and the Section 106 Agreement.
7. In accordance with the Council's Constitution, Councillor Andy Moore, Town Council representative; Mr David Peacock (The Newbury Society), Mr Anthony Pick and Mrs Ruth Hebbes, objectors; Mr Hugo Haig (Lochailort Newbury Ltd) and Professor Robert Adam (Robert Adam Architectural Consultancy Ltd), applicant/agent; and Councillor

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Martin Colston and Councillor Louise Sturgess (Ward Members) addressed the Committee on this application.

- Members voted in favour of suspending standing orders to allow each group of speakers up to ten minutes in which to address the Committee, rather than the standard five minutes.

### **Town Council Representation**

- Councillor Moore addressed the Committee. The full representation can be viewed on the meeting recording:

### **Member questions of the Town Council**

- Members asked questions of clarification of the Town Councillor and received the following responses:
  - Councillor Moore acknowledged that the height of the proposal had reduced from the previous scheme but the Town Council remained of the view that it was too large.
  - The Town Council had not had the opportunity to consider the weighting attributed by West Berkshire Council's officers to the different aspects of the proposal.
  - Councillor Moore accepted that the heritage asset would not be physically damaged, but the setting and view of the asset would suffer a negative impact.
  - Councillor Moore also recognised that the existing development of the Kennet Centre had not been consistent and agreed with the suggestion that there were positive and negative elements to this.

### **Objector Representation**

- Mr Peacock, Mr Pick and Mrs Hebbes addressed the Committee. The full representation can be viewed on the meeting recording:

### **Member questions of the Objectors**

- Members asked questions of clarification of the objectors and received the following responses:
  - Mr Peacock stated that the car parking provision should align with Council policy. The proposal for dual use parking spaces meant that the provision was inadequate and residents, shoppers etc would not always be able to park their cars at the site.
  - Mr Peacock did not believe that inadequate parking provision was an encouragement to future residents and visitors to use other means of transport.
  - Mr Pick felt there was a need for increased spaces for electric vehicles.
  - The proposal for improved signage to car parks was noted, but Mr Peacock did not believe this would overcome the parking shortfall. The proposal was for 427 flats, but only 83 new car parking spaces.
  - Mrs Hebbes believed that the Kennet Centre had been deliberately run down.

### **Applicant/Agent Representation**

- Mr Haig and Professor Adam addressed the Committee. The full representation can be viewed on the meeting recording:

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### **Member questions of the Applicant/Agent**

14. Members asked questions of clarification of the Applicant/Agent and received the following responses:

- Mr Haig explained that considerations with regards to viability followed the agreed format of the National Planning Policy Framework (NPPF). In following this format, a loss was shown against the benchmark value of the existing site.
- The properties would be build to rent for management purposes, with none for sale. A number of positive amenities were proposed for residents.
- Affordable business units were proposed with affordable rents.
- The development would be funded by a forward fund agreement. The capital investment would be paid back to the fund in the longer term.
- Professor Adam confirmed that he did contribute to the design, but not the design of the frontages facing Market Street.
- A blended approach was proposed for the development which would take account of the height of surrounding buildings and their elevations. The differing heights would not easily be observed from street level.
- Mr Haig explained that the blue roof would house an attenuation tank for surface water retention.
- 36 agreed views had been provided within the full documentation for the application. 3D modelling had been used by the architects.

### **Ward Member Representation**

15. Councillor Colston and Councillor Sturgess addressed the Committee. The full representation can be viewed on the meeting recording:

### **Member questions of the Ward Members**

16. Members asked questions of clarification of the Ward Members and received the following responses:

- Councillor Colston considered that the proposed new street and public space would be in shadow for much of the time.
- A significant number of Ward constituents with whom they discussed this matter were opposed to the proposal. The Ward Members had been clear, in their election campaigning, that they would be against this proposal.
- Councillor Colston acknowledged that the massing could not be viewed from all surrounding areas, but it was clearly visible from Bear Lane, the A339 and from Market Street. He had taken account of the new images that had become available post the Western Area Planning Committee.
- Councillor Colston explained that the model he had produced of the site had not been verified and was for indicative purposes only.
- In response to a question on what would make this proposal more acceptable to residents, Councillor Colston felt the height needed to be reduced and Councillor Sturgess felt that any development of the site needed to be in keeping with the character of Newbury.

17. The Committee reinstated standing orders.

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### Member questions of Officers

18. Members asked questions of clarification and received the following responses from officers:
- The Kennet Centre multi-storey car park currently held 415 spaces. On average, the car park was half full throughout the week. Up to 66 spaces could be accessed on the roof of the car park via the ramp access from Market Street but they would be lost as part of this proposal. The 415 spaces would reduce to 392 should this application be approved, but a further 83 spaces were proposed that would be accessible from Bartholomew Street. This put the total number of spaces at 475.
  - Section 106 contributions had been negotiated with the developer. The amounts agreed were £500k to upgrade/replace the town centre Visual Message Signing, £15k to enable two way cycling along Bartholomew Street, and £70k to improve the railway station multi-storey car park and pedestrian links from that car park to Market Street.
  - It was proposed to move the existing rising bollards towards the north, but there would not be an impact on plans for the pedestrianisation of Newbury Town Centre.
  - There was agreement with the point made that approval of the application could result in the Kennet Centre multi-storey overflowing on weekends and a number of mitigation measures had been agreed with the applicant. These included the replacement of the visual messaging to direct motorists to available parking spaces (with many other car parks having spaces at weekends) and making improvements to the railway station multi-storey car park.
  - The Kennet Centre multi-storey was owned by the applicant and leased to West Berkshire Council. That arrangement would continue and would be confirmed as part of the car park management plan (the agreement of which was a condition of approval).
  - The availability of parking for residents would be first come, first served, and the charging would align with the charges for town centre permits. Any scope for discounts for residents could be a point of consideration for the car park management plan.
  - There was the potential for service yards/units to be merged to create a larger combined unit. There was concern that this could result in HGVs needing to access the site. Officers explained that vehicle size could be restricted within a service management plan. This restriction could reduce the likelihood of larger units.
  - The recent residential development on Market Street was approved in 2016 and the Council's current parking standards became live in May 2017. While comparisons between the Market Street development and this proposal were not like for like, a similar parking provision was in place across the two. The Market Street development housed 232 flats with 108 on street parking spaces. However, the management plan enabled residents to pay for permits to park in the railway station multi-storey overnight (using the 150 spaces occupied by the Council's officers during the day). This brought the number of parking spaces up to 258.
  - It was clarified that parking overflow should only occur at the Kennet Centre multi-storey during the day at weekends, at which time there was availability at the railway station car park.

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- Demand for up to 66 spaces proposed to be lost on the roof was not high and was only utilised by retail staff. The point was also made that the current 19,000 sqm of retail space would reduce to approximately 3,000 sqm with this proposal.
- Surveys were undertaken on the usage of the Kennet Centre multi-storey in November 2022. Findings included:

	8pm	10pm
Thursday	75	59
Friday	83	71
Saturday	103	99

- It was acknowledged that the proposed communal amenity space for residents (13 square metres per unit) was below the Policy requirement of 25 square metres, but it was pointed out that many Planning Inspector decisions had permitted development on other sites that were below the threshold for amenity space. It was also noted that there was access to nearby outdoor amenity space within the town centre.
- The proposed number of disabled spaces in the Kennet Centre multi-storey was in line with policy and they were all located on the ground floor. The spaces for electric vehicles would be of a standard size with the necessary room for charging points.
- There had not been an office block previously in this location.
- A small number of additional views were considered at the site visit for this Committee in comparison to those viewed at the Western Area site visit. These were views from Bear Lane and from the Market Place.
- The date that Lochailort Newbury Limited took ownership of the site was not known.
- It was acknowledged that some of the data used to form the vacancy rate comparison across the district was not correct. It did however confirm that the retail vacancy rate was higher at the Kennet Centre in comparison to other shopping centres in the town centre and across the district.
- The lack of parking provision to serve the office space was not felt to be an issue due to the fact that the office units would be relatively small and due to the close proximity to the train station giving employees the ability to commute via train. This view was supported by national trends.
- Office space was considered as primary or secondary. There had been a net increase in demand for primary office space of 33% over the past year and 45% in comparison to the previous quarter. However, the demand for secondary office space, which was in general older stock, had decreased by 39%.
- It was important to secure, via conditions, good noise attenuation measures. However, some of these measures would result in a loss of amenity for some of the flats being unable to open some windows. On balance, this was considered to be acceptable by officers when bearing in mind this was a town centre location that brought with it a level of noise and disruption.

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- There were some vacant residential units in the Market Street development, but the applicant had pointed out that the make up of those units differed to those being proposed with this application.
- The additional households would bring economic benefits to the area with increased expenditure.
- Conditions that remained to be finalised, i.e. relating to demolition and construction traffic, would be in place prior to commencement of any development. This would likely follow relatively soon if approval was granted.

### **Debate**

19. Councillor Howard Woollaston pointed out that the residential units proposed with this application would be an enhancement compared to those already in place as part of the Market Street development.
20. Councillor Phil Barnett felt that new development needed to benefit the town into the future. It should complement the existing housing mix and Newbury's market town appeal needed to be retained. He held some concerns with this proposal. Its visual impact, parking provision, lack of affordable housing, the impact that would be felt from the lengthy demolition and construction phase, concern for those residents living the closest to The Newbury public house, and the lack of on site amenity space. Councillor Barnett felt the decision on this application to be very finely balanced.
21. Councillor Alan Macro felt the application contained many positives, such as improvements to some street scenes. However, there were areas of concern. The size of the proposed development would dominate the many listed buildings in the town. He considered that future residents might not be willing to pay for parking permits and would look to park their vehicles elsewhere, which could impact on parking in other areas. Visitors to Newbury might not be willing to be redirected to other parking due to the inconvenience.
22. He questioned whether the proposal for rental only accommodation was appropriate, particularly when considering the number already on Market Street. A greater level of amenity space was needed for young children living in the proposed development.
23. Councillor Macro was of the understanding that this site was not in the Local Plan due to it being within flood zone 2. This proposal had however come forward and he therefore questioned why the Environment Agency had not lodged an objection.
24. Councillor Adrian Abbs commended the developer for their proposed improvements to the street scene. However, he felt the proposal did not comply with many of the Council's policies and highlighted a number of points to support that view. These included:
  - There would be a negative impact on heritage assets in the town and the proposal would not enhance the character of the area.
  - Housing developments should contribute positively to the local area. The requirement for a diverse range of housing had not been adhered to and there was the lack of affordable housing.
  - The level of overshadowing that would be experienced by the new street would result in it being under used for its intended purpose as an area for people to socialise in.

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25. Councillor Abbs explained that he had carefully considered these and other points in this on balance decision, and in his view the proposal went contrary to a number of the Council's policies. He therefore proposed to reject the Officer recommendation and that planning permission should be refused.
26. Councillor Tony Vickers referred to the points made by the Ward Members that very few residents were in favour of this proposal, but it was also the case that many residents felt that the Kennet Centre needed redevelopment. While it was important to cherish the past, it was also important to plan for the future. He felt there was a move towards a more rental society. The setting up of car clubs could be a consideration to help mitigate car parking concerns. The fact that the Council had declared a climate and ecological emergency was a factor in these considerations.
27. Councillor Vickers felt that the consideration in terms of visual impact should be from street level views. This scheme did propose improvements to the street scene and would be an enhancement upon that in place for the Market Street development. He added that heritage assets would all be retained.
28. He too had considered the planning balance on the application and was minded to support the officer recommendation for approval. If not, he was concerned that the Kennet Centre would remain undeveloped.
29. Councillor Jeremy Cottam agreed that the Kennet Centre had declined and needed to be redeveloped. There were some benefits with the proposal but he felt these were outweighed by areas of concern. The scale of the proposal was of great concern in comparison to existing buildings and was out of keeping with the character of the area. He questioned if there was a demand for office space in the town centre.
30. Newbury could cease to be considered as a market town and this could impact on visitors who came to Newbury for that reason.
31. Councillor Cottam concluded by stating that the absence of affordable housing was the greatest area of concern with this proposal and should not be overlooked.
32. **Continuation of meeting** - in accordance with the Council's Constitution, Part 3, point 10.8, the Committee supported the motion that the remaining business could be concluded by 10.30pm, and therefore proceeded with the agenda item.
33. Councillor Richard Somner agreed that while it was right to appreciate the past, it was important to look forward. He felt that the Kennet Centre had become run down over a number of years. It was no longer a vibrant centre. The proposal was sizeable but Councillor Somner felt it was a good quality design and approval of the application would provide a level of consistency.
34. Concerns relating to resident parking permits were noted, but Councillor Somner pointed out that improved signage would assist visitors to the town and public transport continued to develop.
35. The renting of accommodation was preferable for many, it was a more affordable option and provided people with greater mobility.
36. Councillor Somner felt that some of the policy concerns highlighted were subjective. He would be willing to propose acceptance of officers' recommendation to grant planning permission.
37. Councillor Nigel Foot was concerned at the potential time it could take for the units to be occupied. He also shared concerns at the parking proposals and felt that houses rather than additional flats were needed in Newbury.



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38. The proposed scale was particularly concerning. The views of the town from a distance would be negatively impacted if this application was approved. It would also impact on existing residents. Councillor Foot also felt that approval could set a concerning precedent for the town centre conservation area. He was willing to second the proposal to refuse planning permission.
39. Councillor Woollaston commented that buy to rent was becoming well used in property development. He felt that the proposal would remove an eyesore from the town centre. He considered that it was only views from Bear Lane that would be negatively impacted as a result of this proposal. There were many areas of good quality with this proposal and the potential for the development to house smaller independent businesses would be beneficial.
40. Negative aspects were parking concern and the lack of affordable housing. However, on balance, he was willing to second the proposal to grant planning permission.
41. Councillor Justin Pemberton did not view the proposal in its entirety as overbearing. However, there was the potential for overbearing from the interior of the site. Councillor Pemberton shared the concerns that there was no affordable housing when considering the high number of units that were being proposed. He questioned the need for flats when noting there were vacancies at the Market Street development.
42. The Kennet Centre needed redevelopment. Concern in relation to heritage assets was noted but these were impacted when the Kennet Centre was first built. Councillor Pemberton felt that the proposal was finely balanced but he was minded towards support for the officer recommendation.
43. The Committee returned to Councillor Abbs' proposal to reject the officer recommendation and refuse planning permission. Refusal reasons were noted as follows:
  - Lack of affordable housing.
  - Lack of infrastructure mitigation from the Section 106 legal agreement.
  - Insufficient parking provision not compliant with parking policy.
  - The scale and height of the proposal being overbearing of and causing harm to heritage assets and to the character of the area.
  - Harm to the local economy.
  - Lack of green infrastructure.
  - Lack of amenity space.
44. The finalising of these reasons for refusal would be delegated to officers after they had taken full account of relevant policies.
45. Councillor Foot seconded the proposal.
46. The proposal to refuse planning permission was lost on the Chairman's casting vote.
47. Councillor Somner then proposed acceptance of the officer recommendation to grant planning permission. This was seconded by Councillor Woollaston.
48. The proposal to grant planning permission was lost.
49. There was not time to put a further proposal to the vote prior to the meeting end time of 10.30pm.

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*(The meeting commenced at 6.00pm and closed at 10.30pm)*

**CHAIRMAN** .....

**Date of Signature** .....