

# DRAFT

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

## WESTERN AREA PLANNING COMMITTEE

### MINUTES OF THE MEETING HELD ON THURSDAY 3 OCTOBER 2024

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

**Also Present:** Sam Chiverton, Ben Ryan, Debra Inston, Thea Noli, Matthew Shepherd, Sam Robins, Paul Goddard

#### PART I

##### 1. Declarations of Interest

*Councillors Phil Barnett, Nigel Foot and Tony Vickers declared a personal interest in Agenda Item 3(1) by virtue of the fact that they were Newbury Town Councillors and members of the Town Council's Planning and highways committee. As their interest was personal and not prejudicial or a disclosable pecuniary interest, they determined to remain to take part in the debate and vote on the matter.*

*Councillor Nigel Foot declared a personal interest in Agenda Item 3(1) by virtue of the fact that he was heritage Champion for West Berkshire council and a member of the Newbury Society. As his interest was personal and not prejudicial or a disclosable pecuniary interest, he determined to remain to take part in the debate and vote on the matter.*

*Councillor Adrian Abbs declared a personal interest in Agenda Item 3(1) by virtue of the fact that he had a business based in Newbury 200 metres away. As his interest was personal and not prejudicial or a disclosable pecuniary interest, he determined to remain to take part in the debate and vote on the matter.*

*Councillors Phil Barnett, Antony Amirtharaj, Denise Gaines, Howard Woollaston, Paul Dick, Nigel Foot, Tony Vickers and Clive Hooker declared that they had been lobbied on Agenda Item 3(1).*

##### 2. Schedule of Planning Applications

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

1. The Committee considered a report (Agenda Item 3(1)) concerning Planning Application 23/02094/FULMAJ in respect of 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 and open space; sustainable energy installations; associated works and alterations to the retained Vue Cinema and multi-storey car park.
2. Mr Matthew Shepherd introduced the report to Members, which took account of all the relevant policy considerations and other material planning considerations. In

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conclusion the report detailed that the proposal was acceptable in planning terms and officers recommended that the Development Manager be authorised to grant planning permission, subject to the conditions outlined in the main and update reports, provided that a Section 106 Agreement had 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).

3. 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.
4. The Chairman asked Mr Paul Goddard if he had any observations relating to the application. He noted the following:
  - Traffic generation from the proposal was predicted to be no higher than the Kennet Centre at its peak.
  - The proposal was likely to see higher traffic generation in the morning.
  - The VISSIM Traffic Model predicted no severe traffic impact.
  - A framework Traffic Plan had been submitted to encourage sustainable travel.
  - The existing car park was to be retained.
  - The service ramp was to be removed with the footways re-provided.
  - Two new access points were to be created on Cheap Street and Bartholomew Street.
  - Bartholomew Street South was to be made two way with the bollards moved northward.
  - The traffic lights were to be reconfigured.
  - The Framework Structure and Management Plan had been submitted.
  - They were satisfied with the number of cycle stores provided.
  - Electric Vehicle charging was at an acceptable level.
  - There was to be a net increase of 60 in the number of car parking spaces available which met car parking standards.
  - As the car park was dual use there was concern as to whether it was going to be big enough to cater.
  - It was noted that during the week it was expected that the space available was to be sufficient. However, on weekends there was the potential for overflow of up to 90 cars.
  - The car park signs would need replacing at a cost of £1,000,000, the applicant had offered to contribute £500,000 towards this.
  - The Market Street car park was underused on weekends.
  - There was an agreement to contribute to cycle routes.
  - Car parking had been resolved to a satisfactory level.
5. The Chairman asked Mr Sam Robins if he had any observations relating to the application. He noted the following:
  - The Kennet Centre was at risk of becoming a stranded asset that would pull the rest of the Town Centre down with it.
6. Members resolved to suspend Standing Orders to allow representatives ten minutes to speak to the Committee.
7. In accordance with the Council's Constitution, Councillor Andy Moore, Town Council representative, Mr Anthony Pick, Mr David Peacock and Mrs Ruth Hebbes objectors, and Professor Robert Adam and Mr Hugo Haig, applicant/agent, addressed the Committee on this application.

### **Town Council Representation**

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8. Councillor Andy Moore addressed the Committee. The full representation can be viewed here:

- [Western Area Planning Committee - Thursday 3rd October 2024](#) (1:21:14)

### **Member Questions to the Town Council**

9. Members asked a question of clarification and were given the following response:

- The anecdotal evidence referenced came from members of the public.

### **Objectors Representation**

10. Mr Anthony Pick, Mr David Peacock and Mrs Ruth Hebbes addressed the Committee. The full representation can be viewed here:

- [Western Area Planning Committee - Thursday 3rd October 2024](#) (1:31:17)

### **Member Questions to the Objectors**

11. Members asked questions of clarification and were given the following responses:

- The Newbury Society was unhappy with both the frontage and the centre of the development. However, more height was acceptable in the centre than the frontage.
- A development of 275 flats was more acceptable than the 475 proposed.
- Previous tenants at the Kennet Centre were unhappy that they were not allowed to sign 10-year leases. This then led to the centre being neglected.
- The impact on the street view was likely to be very significant in certain areas.
- The proposed development was going to lead to a loss of 66 car parking spaces near the site.
- The existing car park originally serviced the shopping centre however, this practice changed along with the centre.
- The development did not need to be so high to be viable. There were alternative developments which could be pursued.
- Any proposed scheme deemed viable should have met the affordable housing threshold.

### **Applicant/Agent Representation**

12. Professor Robert Adam and Mr Hugo Haig addressed the Committee. The full representation can be viewed here:

- [Western Area Planning Committee - Thursday 3rd October 2024](#) (1:53:46)

### **Member Questions to the Applicant/Agent**

13. Members asked questions of clarification and were given the following responses:

- The presentation did not show the ground level tenant facilities that were being included in the development.
- Block S of the development was 30.7m high compared to 29.85m at Sterling Gardens.
- A series of views were shown as part of the original presentation but one directly from Bear Lane was not requested.
- They were prepared to consider a soft play area being included in one of the empty retail units.
- 34 small shopping units were to be developed to a white box finish.
- The development would be visible to a different degree from different points. The viewpoints presented were chosen to provide a synoptic view in order to provide the clearest perception of the site.
- The arch was included to form a visual stop at the end of Bear Lane.
- Stepping back from the view at Bear Lane, an extra floor would be visible.

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- The proposed shopping units were completely fitted out and ready to move into.

### **Ward Member Representation**

14. Councillors Martin Colston and Louise Sturgess addressed the Committee. The full representation can be viewed here:

LINK TO YOUTUBE RECORDING TIMESTAMP (USE MICROSOFT EDGE FORMAT)

- [Western Area Planning Committee - Thursday 3rd October 2024](#) (2:24:00)

### **Member Questions to the Ward Members**

15. Members asked questions of clarification and were given the following responses:

- The view of the residents that they had spoken to was that the application was not suitable.
- The existing businesses would be lost completely.
- The residents they had spoken to were not against the redevelopment of the Kennet Centre, it was the size and scale of this particular scheme they were concerned about.

### **Member Questions to Officers**

16. Standing Orders were reinstated

17. Members asked questions of clarification and were given the following responses:

- Sam Robins advised the information on empty units in Parkway came from Co-star and the information was correct when the report was created as far as he was aware.
- Sam Robins noted that there may have been a unit that was never let out, however the salient point was that the vacancy rate in Parkway was very low.
- Matthew Shepherd informed Members that Rapley's was the representative of the applicant and produced a viability report on their behalf. Dixon Searle was the Council's instructed consultant. The document referred to in the agenda pack was the Executive summary of both reports as the information contained in the full report could not be shared in the public realm.
- Mathew Shepherd highlighted that the Dixon Searle position was shared with the applicant as they requested it which was not unusual.
- Mathew Shepherd noted that the commercially sensitive information was from the applicant who asked for it not to be published.
- Sam Robins advised that from an economic perspective this proposal was as good as was to be expected. It provided a variety of ground floor units, the creation of a new street, residential properties, high quality small-scale office space and retail units. No more could be added that would be of economic benefit to the area.
- Matthew Shepherd informed Members that the Council had not had any information from Thames Water on the drainage of the site but the applicant had approached them. As they were a statutory undertaker they would need to supply the water to the site.
- Paul Goddard advised that there was not awareness of any dedicated parking spaces for the offices, but due to the town centre location there were plenty of public car parking spaces available.
- Sam Robins noted that he had never encountered the fact that a lack of parking would make the offices undesirable.
- Sam Robins disagreed that a lack of car parking spaces was the reason there were a number of empty offices in the town centre. He advised that whilst car-parking was a potential issue he did not feel that this was primary reason for the number of developers converting offices in to other amenities in the town centre. He believed the

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main barrier was the quality of the space due to the fact many were older buildings converted into office space.

- Sam Robins noted that 34 business units were to be available in the new development with an increase in the net number of employees.
- Sam Robins advised that whilst the report was based on estimates, these were based on the likelihood the units would not be vacant.
- Councillor Phil Barnett allowed the applicant Hugo Haig to provide clarification on the number of units that were currently occupied in the Kennet Centre and the amount that would be lost if this application was to be approved.
- Hugo Haig informed Members that there were 50 units in the Kennet Centre, 14 of which were unoccupied. It was his opinion that they were not going to lose units because of this application.
- Matthew Shepherd advised that the viability review was covered in the Update Report and discussions were ongoing as to the trigger for this which was not unusual for developments. It had been advised that a later trigger was likely beneficial as the provision of affordable housing had the potential to be more viable later in the development.
- Matthew Shepherd informed Members that the new street was not private amenity space and was for everyone to walk through and use and so had to be treated as though it was in the public realm. Access to the amenity space was securable through the management plan meaning that the entire development was accessible from all sides.
- Matthew Shepherd highlighted that the applicants could think about addressing needs of various age groups but advised that Members had to review what was in front of them.
- Matthew Shepherd advised that a figure was provided in the form of an SPG contribution for the provision of public open spaces. The countryside team had been asked to pinpoint a project but they had been unable to.
- Matthew Shepherd highlighted that the figure the NHS had asked for was the result of a calculation for the increase in population based on their consultation response. The nearest GP was based on a fluid situation that could lead to the money going into a pot and used to address the needs of the local area.
- Paul Goddard advised that he had been working with the car park team on the application and it was through them the solution regarding car parking in the town centre was devised.
- Paul Goddard advised that the Kennet Centre car park was never full and had not been for years. He advised that a survey undertaken in November 2022 found that 300 cars were using the site which had a maximum capacity of 415.
- Sam Robins noted that the BID was in support of the application, however as a membership organisation they would need to conduct a consultation in order to act as a consultee. It was advised that they had not been asked if the units were viable but his understanding was that they felt as though they were.
- Matthew Shepherd could not provide more detail on the waste management plan as this fell more into building regulations but there were conditions in the report to ensure this was managed properly.
- Paul Goddard informed Members that the car parking space standards determined that a total of 471 spaces were required for the development. There were no car parking standards for businesses in the town centre due to the availability of public parking. He advised that figures gained from Bartholomew Court demonstrated that a total of 0.7 car park spaces were used by residents with a maximum of 0.57 being used during the day which had the potential to create an overspill. It was for this reason that the recommendation contained conditions for improved signage.

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- Paul Goddard advised that they were not losing 80 car park spaces because of this scheme. He noted that there were 66 spaces available on top of the Kennet Centre accessed via the ramp on Market Street that would be going with the building. He advised that the Kennet Centre car park was being reduced from 415 to 392 spaces, but there was an additional car park access on Bartholomew Street with 83 spaces. Meaning there was a net increase of 60 spaces available.
- Matthew Shepherd advised that the reason for another viability assessment in the future was on the basis that circumstances were subject to change. Due to the nature of build to rent it was necessary to review the viability at a time when the success of the project became clearer as if it was conducted too early it may not be in the Council's interest.
- Paul Goddard highlighted that the Cheap Street access was purely a service access and not a residential one which should not cause detriment to the public highway.
- Paul Goddard informed Members that there was a condition on a framework servicing and management plan to ensure vehicle movements were dispersed throughout the day.
- Paul Goddard noted that it was correct that businesses would be expected to use other car parking facilities in the town centre, as was the case when Parkway was built.
- Paul Goddard advised that during the week the Kennet Centre car park was only half full. The measures in the Update Report were designed to counteract overflow during peak periods.
- Paul Goddard informed Members there would be a full and comprehensive construction management plan to ensure the town centre flowed as seamlessly as possible.
- Matthew Shepherd highlighted that noise levels had been assessed and mitigation had been put in place where possible. In the open space areas behind The Newbury there was expected to be a level of noise that would be audible however this would be unlikely to be used at the same time. If windows were open in amenity spaces noise would be audible but this was viewed as acceptable given the town centre location of the site.

### **Debate**

18. Councillor Adrian Abbs opened the debate by highlighting that this application had district wide strategic implications, he also expressed his opinion that some questions had not been adequately answered by officers and they should be afforded more time to ensure they could do so appropriately.
19. Councillor Abbs proposed to refer the application up to the District Planning Committee due to the district wide strategic implications of the proposal. This was seconded by Councillor Howard Woollaston
20. Councillor Clive Hooker sought advice from planning or legal on that. He noted that this was an on-balance planning decision and as such there was no reason for it to be referred up.
21. Debra Inston advised that the item could be referred up if the Committee felt as though there were district wide strategic implications of the development.
22. Councillor Antony Amirtharaj highlighted that not all Members of the Western Area Planning Committee were Members of the District Planning Committee. He believed that it was not right that Members of this Committee should be excluded from the debate or voting on an item situated in the western area. He felt it was unfair to ask members of the public to come back for another meeting without any debate or a

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vote, he felt that a decision should be reached, and a subsequent motion passed to refer the item up if appropriate.

23. Councillor Hooker highlighted Councillor Abbs previous point that not all questions asked by Members were answered by officers, he disputed this noting that the majority of questions had been answered.
24. Councillor Abbs noted Councillor Amirtharaj's view that the motion should not have been proposed at this stage, however officers' advice was that they had to get to the debate in order to make the proposal.
25. Councillor Paul Dick agreed that all relevant questions were answered well and he could not see how more time could be of benefit to them. He noted the strategic implication for the application but advised that the application was about Newbury Town Centre.
26. Councillor Tony Vickers asked for the motion to be put to allow time for debate should it not pass.
27. Councillor Denise Gaines felt it was prudent to have a vote at this point as the Members present from the District Planning Committee would be predisposing their thoughts prior to that meeting.
28. The Chairman invited Members of the Committee to vote on the proposal by Councillor Abbs, seconded by Councillor Woollaston, to refer the item up to the District Planning Committee. At the vote the motion was carried.
29. Councillor Clive Hooker expressed that he was disappointed with the outcome of the Committee. He highlighted that its purpose was to discuss difficult planning applications and that this was an admonishment of the Committee's responsibilities. It was suggested that this was a total waste of time as it was an on balance planning application.
30. Councillor Amirtharaj supported the view raised by Councillor Hooker and was disappointed that he was unable to take part in the debate and vote on the application as a representative of Newbury. He also advised that the failure to come to a decision was unfair on the public who attended the meeting. He suggested that they were not required to give their representation again. He felt as though it should have been brought up earlier in the meeting and not at 22:00.
31. Councillor Phil Barnett advised there was a set laid out agenda that had to be followed.
32. Councillor Denise Gaines sought assurance that Councillor Abbs point on officers failure to answer questions not be included, rather the recommendation should only have included detail pertaining to the strategic implication for the whole district.
33. Councillor Dick agreed with views expressed earlier by Councillors Hooker and Amirtharaj and labelled the decision a disgrace.
34. Councillor Vickers advised that there had been precedent for this as the application to move the Vodafone offices was referred up due to the district-wide strategic implications.
35. Councillor Hooker advised that he had listened to the debate but reiterated that there was a process to be had and that it was in the Development Manager's gift to refer it up if they so wished.

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**RESOLVED that** planning application 23/02094/FULMAJ be brought before the District Planning Committee on the 13<sup>th</sup> November 2024 due to the district wide strategic implications of the proposal.

*(The meeting commenced at 6.00 pm and closed at 9.55 pm)*

**CHAIRMAN** .....

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