

Item No.	Application No. and Parish	Statutory Target Date	Proposal, Location, Applicant
(1)	25/00391/FULMAJ Newbury Town Council	06.03.2025 ¹	<p>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 resident's ancillary facilities; commercial floorspace (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 block and additional floor to multi storey car park.</p> <p>The Mall, The Kennet Centre, Newbury RG14 5EN</p> <p>Lochailort Newbury Ltd</p>
¹ Extension of time agreed with applicant until 11.09.2025			

The application can be viewed on the Council's website at the following link:

<https://publicaccess.westberks.gov.uk/online-applications/simpleSearchResults.do?action=firstPage>

Recommendation Summary: PROVIDED THAT a Section 106 Agreement has been completed within 6 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 this report.

Ward Member(s): Councillor Louise Sturgess
Councillor Martin Colston

Reason for Committee Determination: Referred to Planning Committee by the Development Manager due to Public Interest.

Committee Site Visit: N/A

Contact Officer Details

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

Name: Debra Inston
Job Title: Team Manager (Development Management)
Tel No: 01635 519111
Email: debra.inston@westberks.gov.uk

1. Introduction

- 1.1 The purpose of this report is for the Committee to consider the proposed development against the policies of the development plan and the relevant material considerations, and to make a decision as to whether to approve or refuse the application.

Proposal Summary

- 1.2 This application seeks 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 resident's ancillary facilities; commercial floorspace (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 block and additional floor to multi storey car park.
- 1.3 The scheme has been submitted following the refusal of application 23/02094/FULMAJ, which has recently been dismissed at appeal (see Appendix 1). This proposal seeks to address the primary concerns raised, particularly the height, bulk and massing of the previous 427 unit scheme. This has involved a wholesale review of the site alongside a detailed assessment of what can viably be achieved on site with a reduction in overall height/ quantum of development.
- 1.4 The proposal includes delivery of 317 dwellings with a density of approximately 144 dwellings per hectare. In addition, the proposals incorporate areas of public realm, communal and private amenity space. The residential units are proposed to be a mixture of private sale and Build to Rent (BtR).
- 1.5 In terms of non-residential uses, the application proposes the provision of 5 new flexible Class E commercial units (342.6 sqm) fronting Bartholomew Street and Market Place. This will be in addition to 2 reconfigured units (739.85 sqm inclusive of an uplift in Class E floorspace of 175.35sqm) in the Vue Cinema (which are currently vacant) and 2 existing units which will be in continued use. This amounts to 1,252.2sqm of new and refurbished commercial floorspace which will sit alongside the existing 4,135.6sqm of floorspace on site comprising Nando's, Kung Fu and the Vue cinema. In total, there will be 5,218.3sqm of commercial floorspace on site. Additionally, 169.5 sqm is provided as ancillary residential floorspace in the form of a community hub comprising a concierge, gym/meeting room, and meeting room with kitchen, and parcel storage room.
- 1.6 The overall proposed floor areas by use class are set out in the below table below:

Residential Floorspace	Proposed Floorspace Provided (sqm)
Residential (Class C3)	22,694 sqm
Concierge	169.5 sqm
Ancillary floorspace	2813.65
Commercial Floorspace	Proposed Floorspace Provided (sqm)
5 New Commercial Units + additional floorspace from reconfigured units V1 and V2	517.95 sqm
Total Proposed	26,020.7

- 1.7 The proposed development involves an additional storey on the existing Kennet Multi Storey car park.
- 1.8 The scheme proposes the provision of a total of 557 parking spaces.

Existing site

- 1.9 The site extends to approximately 2.2 hectares in size. The centre comprises the main shopping mall which is accessed from both Bartholomew Street and Market Place/ Cheap Street and consists of a number of retail units within a covered walkway. North of the shopping centre are a number of commercial and office units with associated parking and delivery facilities on the roof, accessed from a ramp via Market Street. This part of the site is to be demolished in its entirety.
- 1.10 The south-eastern part of the shopping centre comprises a later addition to the shopping centre which incorporates the Vue cinema at first and second floor with restaurant uses at ground level. This part of the Kennet Centre is accessed via Market Street and Cheap Street and includes a link to the main shopping mall. This part of the building is to be refurbished in part, and retained in full.
- 1.11 A multi-storey car park (MSCP) is located on the southwest corner of the Site. This is currently operated by WBC and is to be retained.
- 1.12 The Kennet shopping centre was built in the late 1970's/early 1980s and 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.

2. Planning History

- 2.1 The table below outlines the relevant planning history of the application site.

Application	Proposal	Decision / Date
23/02094/FULMAJ	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.	Refused 30.01.2025 Dismissed at Appeal 21.08.2025
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	Refused 04/11/2022

	open space (vi) sustainable energy installations (vii) associated works.	
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. Legal and Procedural Matters

- 3.1 **Environmental Impact Assessments (EIA):** A previous EIA screening was undertaken under 20/02647/SCREEN for a different proposal 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 This new proposal has been considered but given the nature, scale and location of this development it is maintained that the proposed would not be EIA development and an Environmental Statement would not be required.
- 3.3 **Publicity:** Publicity has been undertaken in accordance with Article 15 of the Town and Country Planning (Development Management Procedure) (England) Order 2015, and the Council's Statement of Community Involvement. Site notices were displayed on 11.03.2025 at various locations around the site on Market Place, Market Street and Bartholomew Street, with a deadline for representations of 01.04.2025. A public notice was displayed in the Newbury Weekly News on 13.03.2025; with a deadline for representations of 27.03.2025. Notification letters were sent to 324 neighbouring dwellings.
- 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	Refer to paragraph(s)
Community Infrastructure Levy (CIL)	Yes	No	3.5
New Homes Bonus	Yes	No	3.6
Affordable Housing	No	Yes	
Public Open Space or Play Areas	No	Yes	
Developer Contributions (S106)	Yes	Yes	
Job Creation	Yes	Yes	

- 3.5 Community Infrastructure Levy (CIL):** Community Infrastructure Levy (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 used to fund roads and other transport facilities, schools and other educational facilities, flood defences, medical facilities, open spaces, and sports and recreational areas. Subject to the application of any applicable exemptions, CIL will be charged on residential (Use Classes C3 and C4) and retail (former Use Classes A1 – A5) development at a rate per square metre (based on Gross Internal Area) on new development of more than 100 square metres of gross internal area (including extensions) or when a new dwelling is created (even if it is less than 100 square metres). CIL liability, and the application of any exemptions, will be formally confirmed by the CIL Charging Authority under separate cover following any grant of planning permission. More information is available at <https://www.westberks.gov.uk/community-infrastructure-levy>
- 3.6 New Homes Bonus (NHB):** New Homes Bonus payments recognise the efforts made by authorities to bring residential development forward. NHB money will be material to the planning application when it is reinvested in the local areas in which the developments generating the money are to be located, or when it is used for specific projects or infrastructure items which are likely to affect the operation or impacts of those developments. NHB is not considered to be a relevant material consideration in this instance, but can be noted for information.
- 3.7 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.

- 3.8 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.
- 3.9 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.
- 3.10 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.
- 3.11 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. The final design of this scheme would need to meet the Highways Authority's safety and access audit. CIL contributions are also taken towards healthcare and education & training facilities as part of the development.
- 3.12 **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. No interference with Human Rights has been identified.
- 3.13 **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.
- The Newbury (Bricklayers Arms) Grade II
 - The Parish Church of St Nicolas (Grade I) along with its north and south gateways, each listed at Grade II*
 - Town Hall and Municipal Buildings (Grade II)
 - The Catherine Wheel Inn – Grade II
 - 33 and 34 Cheap Street – Grade II
 - 21-25 Market Place – Grade II
 - 154 Bartholomew Street – Grade II
 - 152 and 153 Bartholomew Street – Grade II

- 150-151 Bartholomew Street – Grade II
- 149 Bartholomew Street Grade II
- 1 Northbrook Street – Grade II
- 2 Bridge Street – Grade II
- 4 Bridge Street – Grade I
- 1 Bridge Street - Grade II
- Bridge over the River Kennet – Grade II*
- 16 Bartholomew Street – Grade II
- 17 Bartholomew Street - Grade II
- 28 Bartholomew Street – Grade II
- 28A Bartholomew Street - Grade II
- 29A and 29 Bartholomew Street- Grade II
- 118 and 119 Bartholomew Street – Grade II
- 114 and 115 Bartholomew Street – Grade II
- The Dolphin Inn – Grade II
- Coopers Arms – Grade II
- 40-45 Bartholomew Street – Grade II
- 104-106 Bartholomew Street – Grade II
- 102-103 Bartholomew Street – Grade II
- Newbury Post Office – Grade II
- 41 Cheap Street – Grade II
- 48 Cheap Street – Grade II
- 49 and 50 Cheap Street - Grade II
- 24 Market Place – Grade II
- 27 Market Place - Grade II
- The Elephant at the Market (Formerly listed as the Queen’s Hotel) – Grade II
- The Corn Exchange - Grade II
- The Hatchet – Grade II
- 102-103 Northbrook Street and the Stables to No. 104 Grade II
- The Museum on Wharf Street - Grade I
- The Corn Stores – Grade II*

- 3.14 **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).

4. Consultation

Statutory and non-statutory consultation

- 4.1 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:	Support / comment: Members support this new application but were disappointed by the lack of affordable housing and wish to see an independent assessment of viability conducted.
------------------------------	--

Highways Authority:	<p>Partial objection/comment:</p> <p>Traffic Generation</p> <ul style="list-style-type: none"> • No concerns raised; traffic expected to be less than historic levels from Kennet Shopping Centre. • A Framework Travel Plan promotes sustainable transport alternatives. Measures proposed can be secured by S106. <p>Access</p> <ul style="list-style-type: none"> • Concerns about gated community limiting pedestrian/cyclist access. • For the Cheap Street out only, this access would require the existing bus stop and shelter to be relocated on Cheap Street. It is proposed that the bus stop is located to the south (between the new egress and the Market Street traffic signal-controlled junction. This would be considered in more detail at detailed design stage. • The proposed two-way access to “Falkland Place” is near the Cheap Street / Market Place / Bear Lane signal junction. Initially, removing the junction was considered, but rejected due to its importance for traffic flow and pedestrian safety. Instead, a new fourth arm with a green signal on demand is proposed. This requires relocating pedestrian crossings, widening the footway near the Catherine Wheel pub, and realigning the junction. A 10-metre section of road must be adopted under Section 38 of the Highways Act for signal infrastructure, with a minimum width of 4.5 metres. Gates cannot be placed within this adoptable section. These changes would be secured via conditions and a Section 278 Agreement. • The Market Street entry point raises concerns about vehicles potentially reversing onto the street if denied access by a barrier. Revised plans allow cars to turn and exit forward, but larger vehicles may still need to reverse. The LHA prefers barriers placed deeper into the site near “Iron Yard” to enable safe turning, but this has not been adopted by the applicant. • As with the previous application, Bartholomew Street must remain open 24/7 and operate two-way, requiring changes to the Bartholomew/Market Street signal junction. Bollards at the pedestrianised area will be moved north. The section from Market Street to Mansion House Street will allow two-way cycling, with necessary surfacing and markings. Resurfacing along Bartholomew Street fronting the site will also be included. All works will be secured via a Section 278 Agreement. • Visibility splays acceptable. • Additional pedestrian access points supported.
----------------------------	--

	<p>Car Parking</p> <ul style="list-style-type: none"> • The scheme provides 557 parking spaces (80 within the residential area and 477 in the Multi Storey Car Park (MSCP)), which will be expanded to five floors. • The development meets the required 407 parking spaces under Policy DM44, with surveys confirming sufficient availability. Highway officers raise no objections. • EV charging provision needs improvement and will be secured by condition. • Cycle parking meets the required 495 spaces, including 197 in the Kennet Centre. • Parking will operate on a first-come, first-served basis and be managed via a Car Parking Management Plan. • New delivery/loading bays on Market Street are proposed to support commercial servicing for the Vue Cinema and nearby retail units. They may also benefit visitors to local shops and takeaways. Usage will be regulated by a traffic regulation order with time restrictions. <p>Access by emergency vehicles</p> <ul style="list-style-type: none"> • Swept path diagrams confirm fire appliances can access residential areas via “Plenty’s Place,” meeting Manual for Streets standards. However, access to “Smith’s Yard” is uncertain due to building constraints, though “Alma Court” may offer an alternative route. The Local Highway Authority has reviewed emergency access within its remit, but final assessment lies with Royal Berkshire Fire & Rescue Service at Building Control stage. Emergency vehicles can access pedestrianised town centre areas if needed. <p>Access by refuse vehicles</p> <ul style="list-style-type: none"> • Swept path diagrams confirm that a 10.8m refuse vehicle can access houses via “Plenty’s Place,” meeting Manual for Streets (MfS) standards. However, bin store distances for flats exceed MfS limits, prompting objections from waste officers, supported by highway officers. Suggested relocation of stores closer to “Plenty’s Place” has not been adopted by the applicant. • Highways support waste officer’s concerns regarding private waste collection • Concern that much of the refuse would be collected from Bartholomew Street, with the proposed extended pedestrianisation from 10:00 to 23:00 hours this could create additional difficulty for traffic flow. Refuse vehicles and delivery vehicle would not be permitted to enter pedestrianised areas during those hours. From this, the LHA would be concerned if refuse is collected for significant
--	---

	<p>numbers of flats with excessive wheel distances on the public highway during for instance the morning peak. It is therefore considered that as much refuse is collected as possible internally within the site.</p> <ul style="list-style-type: none"> • As Council refuse vehicles would potentially pass over “Plenty’s Place”, this route would need to be designed and built to an adoptable highway standard. This can be secured by an appropriate condition. <p>Conclusion</p> <p>While there are still concerns regarding, for instance the access onto Market Street, all highway concerns have been addressed in some way, but highway officers do support waste officers in their objection to this proposal.</p> <p>Recommend conditions, a S106 Agreement to secure the funding of traffic regulation orders, and a Travel Plan, contribution towards Market St MSCP and a S278 to provide necessary highways works.</p>
Active Travel England:	<p>Object/comment:</p> <p>Comment - Permeability acceptable subject to condition – The applicant has identified areas within the scheme that offer ‘anytime permeability’ through the site. These routes will primarily support east-west connections, with limited north-south benefit. It should also be noted that the northern route lies outside the development site boundary, meaning only one route can be directly attributed to this new proposal.</p> <p>Whilst it is felt missed opportunities exist, taking these routes into account as well as existing, it is considered that a satisfactory level of permeability will be provided, offering some wider public benefit in this town centre location. This matter is therefore accepted, and suggested wording for a planning condition will be put forward at an appropriate time.</p> <p>Object - Bartholomew Street / Market Street Junction Improvement Works –</p> <ul style="list-style-type: none"> • The proposals at this junction make no provision for cyclists. • Footway widths at this junction are slightly under 2 metres and are significantly reduced by the presence of traffic signal equipment.
Royal Berkshire Fire and Rescue:	<p>No objections:</p> <p>Any structural fire precautions and all means of escape provision will have to satisfy Building Regulation requirement. These matters are administered by the local authority Building Control or approved inspectors.</p>

WBC Archaeology Officer:	<p>No objections/comments:</p> <p>Disappointed that the previous 2021 archaeological desk-based assessment (DBA) by Oxford Archaeology has not been updated. Issues with DBA include:</p> <ul style="list-style-type: none"> • not customary to use Heritage Gateway links in a DBA • section on Previous Archaeological Investigations has not emphasised the low percentage of the area of The Mall that was subject to any fieldwork • would have liked more analysis of geo-technical data in terms of palaeoenvironmental evidence that might survive • did not use an image of our Upper Palaeolithic/Mesolithic deposit model of archaeological potential, or other evidence which might help target any future groundworks. • DBA does not show the layout of the proposed Old Town development but that of the previous Eagle Quarter, so does not give an assessment of the impact of the current scheme. • Archaeological deposits and potential in a development as complex as this cannot be dealt with under a watching brief condition <p>Recommend a condition requiring a Written Scheme of Investigation (WSI) for a programme of archaeological work.</p>
NHS Buckinghamshire, Oxfordshire and Berkshire West Integrated Care Board:	<p>No response</p>
WBC Ecology Officer:	<p>No objections:</p> <p>Recommend conditions securing ecological avoidance and mitigation measures and the implementation of ecological enhancements are attached.</p>
WBC Economic Development Officer:	<p>No objections/comments:</p> <p>The proposed redevelopment of the Kennet Centre offers an economic rationale and represents a major opportunity to unlock town centre regeneration. In particular it offers the following benefits:</p> <ol style="list-style-type: none"> 1. Strong economic impact during construction and operation. 2. Adds 317 homes and ~950 residents, boosting town centre footfall.

	<p>3. Aligns with strategic regeneration goals.</p> <p>However, Economic Development Officer raised following concerns:</p> <ul style="list-style-type: none"> • Major reduction in retail/commercial space (from ~14,900 sqm to ~5,200 sqm). • Risk to long-term flexibility and town centre vibrancy. • Insufficient active street frontage near Market Place. <p>To maximise the economic benefits and mitigate the risks from reduced commercial space, we recommend:</p> <ul style="list-style-type: none"> • Ensuring that ground floor commercial units are of a flexible use class, with lease terms attractive to independent, local or service-based occupiers. • Monitoring displacement effects, particularly whether existing small businesses currently operating in the Kennet Centre are able to relocate locally. • Considering the request for additional units (see figure 2) should be provided along frontages to support town centre footfall distribution and to ensure Market Place maintains it's clustering of commercial uses. • Maintaining public realm improvements and pedestrian permeability as key delivery priorities to enhance the town's attractiveness and accessibility. This includes are request for the applicant to engage with the Town Centres team to provide way-finding to support pedestrian flow through the new development. <p>Subject to the above appropriate controls on ground floor activation and commercial strategy, the Economic Development team does not oppose the scheme and recognises it as a catalyst for meaningful regeneration and pedestrian improvements to the Town Centre.</p>
Historic England:	<p>Support:</p> <p>This revised scheme allows the shopping centre to be redeveloped on a scale that is much more sympathetic to the surrounding townscape and the tight urban grain that once characterised this part of the town would be restored. Higher buildings are restricted to the southern edge of the site, which can better absorb them. The design of individual buildings has been inspired by local precedents and, if executed well, would reflect the variety and visual interest of the historic town.</p> <p>The proposals would involve the demolition of 17-19 Market Place, which we have raised concerns about in the past. However, this is a relatively modern (later 20th century) structure, and our concerns related primarily to the quality of the design of the replacement building. We are content that the design has been improved sufficiently to allay our concerns.</p>

	<p>Taken as a whole, the proposals would represent an improvement in terms of design and impact on nearby listed buildings and the conservation area than the status quo.</p> <p>It would also preserve the special character of the conservation area and the setting of the listed buildings within it (which your Council has a duty to pay “special attention to” and “special regard to the desirability of” under sections 72(1) and 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990).</p> <p>The proposals would align with a number of policies relating to conservation in the National Planning Policy Framework. In particular policies 208, which promotes avoiding or minimising the conflict between a proposal and the conservation of a heritage asset, 210, which stresses the desirability of new development making a positive contribution to local character and distinctiveness and 219, which requires local planning authorities to look for opportunities for new development within Conservation Areas, and within the setting of heritage assets, to enhance or better reveal their significance.</p> <p>The success of the current proposed scheme would be dependent on the materials and detailing used being of high quality, so what is built is as beguiling as the illustrations provided. Consideration needs to be given as to the conditions to secure this should the authority be minded to grant permission.</p>
Natural England:	<p>No objections:</p> <p>The proposal; will not have significant adverse impacts on statutory designated sites.</p>
Environment Agency:	<p>No objections:</p> <p>Flood risk standing advice applies</p> <ul style="list-style-type: none"> • There is a medium risk of contamination that could be mobilised during construction to pollute controlled waters. This is of concern as controlled waters are particularly sensitive and vulnerable in this location because the proposed development site is: • within source protection zone 3. • located on a Secondary aquifer A, with a Principal Aquifer present beneath at depth. • where groundwater has been observed at shallow depths • within 100m of groundwater dependent watercourse. <p>Table 6.3 SuDS Hierarchy presented in Flood Risk Assessment-4508-RBG-ZZ-XX-PR-CV-00003 states that "Whilst ground is considered to be permeable, the shallow groundwater table will preclude the use of infiltration techniques". We accept this justification for not utilising infiltration SuDS on site. In addition, we believe infiltration SuDS would also be inappropriate on this site for the following reasons:</p>

	<ul style="list-style-type: none"> • The previous use of the proposed development site as a garage and iron works presents a medium risk of contamination that could be mobilised by surface water infiltration from the proposed sustainable drainage system (SuDS). This could pollute controlled waters. • Controlled waters are particularly sensitive in this location because the proposed development site is: <ul style="list-style-type: none"> ○ within source protection zone 3 ○ located on a Secondary aquifer A, with a Principal Aquifer present beneath at depth. ○ where groundwater has been observed at shallow depths <p>In light of the above, we do not believe that the use of infiltration SuDS is appropriate in this location.</p> <p>We acknowledge that the submitted ground investigation report currently indicates that widespread contamination is not present on site. This report, however, is currently limited in scope due to the building still being in operation at the time of investigation. The application demonstrates that it will be possible to manage the risks posed to controlled waters by this development. However, further detailed information will be required by condition before development is undertaken. We therefore recommend conditions relating to contamination and remediation, infiltrations drainage, piling, and boreholes.</p>
WBC Environment Team:	<p>Initial response:</p> <p>Object: Further information is required with regards to BREEAM and community hub; energy summary tables are missing; no BREEAM pre-assessment has been provided; insufficient information on building types to be able to calculate carbon offsetting contribution; further information required with regards to ground source heat pumps; a net zero offsetting calculator has not been provided.</p> <p>N.B. the applicant has submitted additional information which is currently being reviewed by the Environment Team. Full details will be provided in the update report.</p>
Berkshire Newt Officer:	No response
WBC Housing Officer:	<p>Object:</p> <p>We are disappointed to see that affordable housing still remains unviable as the need for affordable housing in the District remains high and is increasing. The Council's Housing Register grew from 660 Active applicants in August 2021 when this process began to 1084 in March 2024. A recent Housing Needs Assessment indicated that over 40% of the 985 newly forming households per annum cannot afford to rent privately.</p> <p>A prominent scheme such as this in an accessible location should in Housing's view contribute to the affordable housing supply. We</p>

	<p>do appreciate the effect on viability that improving materials, carbon reduction measures and refining the visual impact of the scheme has, however we would hope a balance can be struck to enable a proportion of affordable housing.</p> <p>We note that the viability assessment mentions the costs for the Build-to-Sell (-£16,409m) and Build-to-Rent (-£29,056m) show that the site is not viable to include Affordable Housing. I note that the cost of the cost to include Affordable Housing is not included in this calculation; as such it does not show how much Affordable Housing would impact these numbers.</p> <p>We note that the developers have not offered to provide a monetary Affordable Housing contribution either. Neither have they negotiated a lower spec of properties in certain areas for the Affordable Housing contribution which would lower the build cost.</p> <p>Other sites in the area are already offering what is essentially luxury housing in central Newbury. These sites are struggling to let their properties, as there is a far greater need in the area for low cost housing.</p> <p>Based on the above mentioned points I would ask the Council appointed consultants to test the viability based on Build to Rent at 20% discount from market rent, and advise whether the viability could or should be tested over a longer return on investment period, which it currently is not.</p>
WBC Conservation Officer:	<p>Support:</p> <p>The proposal delivers several townscape and heritage benefits:</p> <ul style="list-style-type: none"> • Lower building heights, especially in the centre (max 3 storeys). • High quality architectural design reflecting historic styles. • Improved street layout with pedestrian-friendly routes. • Enhanced public realm and landscaping. <p>Overall, the proposal will not cause any harm to the setting of nearby listed buildings nor will it harm the significance of the conservation area in the main. The introduction of taller buildings at the south of the site will result in a change to the character of this area. These buildings are of an attractive design, and will introduce a more dynamic streetscape elevation. These buildings will be in an area that is very different from the rest of the conservation area and includes several modern buildings, some of which can be deemed to not contribute positively to the character of the area. Change is not a bad thing, nor should it be discouraged. The design of these buildings will be a positive contribution to the area and the character and significance of the conservation area is preserved overall by the proposal.</p>

	<p>Historic England have stated that they are supportive of this scheme (20 March 2025).</p> <p>It is recommended that this proposal is granted permission. Given the scale of the scheme, it is recommended that conditions be imposed in order to ensure the highest final standard of finishing.</p>
Newbury Society:	<p>Overall support but have concerns with some elements:</p> <p>Support:</p> <ul style="list-style-type: none"> • We support the change in character of these proposals, and the designs of the internal parts of this “Old Town” scheme, which we think will be an asset to Newbury and to the town centre conservation area. Much thought has clearly gone into the preparation, the resulting internal views, and into the building facades. • Welcome the new elevation for the Bartholomew Street street-frontage as a whole <p>Concerns:</p> <ul style="list-style-type: none"> • We consider that the thin six-storey building proposed in Cheap Street (between the former ‘Save the Children’ and the cinema) is too high in relation to its surroundings (NB This has increased in height from the previous “Eagle Quarter” scheme) • Market Street facades, now shown as rising in places to seven storeys, double the height of the facing three- and four-storeys of the Weavers Yard street-frontage opposite. Reducing these even by one storey would make a real difference; alternatively, setting back the top storey(s) would reduce the impact at street level. The inspector wrote that the Eagle Quarter proposals for Market Street would “...result in an institutional appearance on buildings of significant height” [para. 51 p. 8]; adding that the development would “replace inappropriate design with just a different and more modern version of inappropriate design.” [para. 52]. Similar criticisms apply to the present proposals. The larger of the facades proposed for Market Street, in spite of improved detailing, would have more than a passing resemblance to a northern textile mill, and (as street-frontage) is still out of keeping with the character of the town centre. Reducing its height even by one storey would be an improvement. • Lack of affordable housing we would like to see an element of affordable housing, even if it fails to meet West Berkshire Council’s policy target <p>Comment:</p>

	<ul style="list-style-type: none"> • While parking numbers is a very significant improvement on the previous scheme, only 150 spaces are provided for public-access, this is short of our assessment of the minimum required public-access spaces in the multi-storey car park (c.200 spaces); and would still require additional capacity elsewhere, such as in the railway station multi-storey; particularly throughout Saturdays and at other times of high demand from both residents and other town centre users, such as late afternoon/early evening and in the long run-up to Christmas. If this application is to be approved, we would therefore ask for a financial contribution towards the necessary work to the railway station multi-storey and signage, as previously outlined by WBC. • We welcome the integration of trees and shrubs in this scheme, and think it should be possible, at certain key points within the development, for the trees/ landscaping to be established in the ground, rather than for the landscaping to be entirely planter- and pot-based.
Thames Valley Police Designing out Crime Officer (TVP):	<p>Initial response 02.04.2025</p> <p>Object:</p> <ul style="list-style-type: none"> • Ginnels: Too many, poorly designed, create hiding spots and escape routes. • Lighting & Visibility: Inadequate around ginnels and public areas. • Access Control: Unclear gate and building access management. • Defensible Space: Poor separation between public and private areas. • Cycle/Bin Stores: Oversized and insecure. • Blank Walls & Recessed Doors: Encourage loitering and reduce safety. <p>Recommendations:</p> <ul style="list-style-type: none"> • Gating: Needs clearer access control and management plans. • Townscape Review: Remove concealment opportunities and improve visibility. • Lighting: Ensure adequate lighting without disturbing nearby dwellings. • Reduction in Ginnels: Many proposed routes are unnecessary and should be removed or redesigned. • Defensible Space: Clear separation between public and private areas with planting buffers. • Cycle Stores: Reduce size to improve security. • Blank Frontages: Minimise and ensure they are overlooked or protected with planting. • Recessed Doorways: Should not exceed 1000mm unless in public view.

**2nd Response following submission of further information
18.06.2025**

Comments:

Thames Valley Police (TVP) is generally satisfied that the applicant has addressed most concerns raised in the initial response. However, TVP recommends:

- Planning conditions to secure safety measures.
- Clarifications on specific points before determination.

Key Areas of Focus:

1. Ginnels

Disappointment that the number of ginnels hasn't been reduced. Gating and compartmentation are now proposed and supported. Security Plan and Statement should be secured via condition.

Clarifications needed:

Access from Multi-Storey Car Park: Is it public or resident-only?

Second gate into Eagle Yard: May be unnecessary and problematic for emergency access.

2. Defensible Space & Planting

Landscaping conditions should include defensive planting to protect ground floor windows and mitigate hidden corners.

3. Cycle Stores

Concerns remain about the large community cycle store:

Unclear access control.

Potential vulnerability due to lack of surveillance.

Further security details needed.

4. Blank Frontages

Some improvement noted (e.g. added windows).

Defensive planting can help mitigate remaining issues.

Access & Security Strategy

TVP recommends a condition requiring an updated strategy covering:

- Commercial space security.
- Development management (e.g. concierge hours, emergency access).
- Multi-storey car park access control.
- Gate access systems (audio/visual, delivery access, emergency egress).
- Apartment building access (no trade buttons, secure delivery).
- Bin and cycle store security.
- CCTV details (type, monitoring).
- Communal area access (e.g. Victoria Court terrace).

Specific Area Comments

- Iron Yard: Issue resolved via gating.
- Victoria Court: Issue resolved via gating.
- Artist Mews (South): Unclear if public benches near dwellings have been addressed.

	<ul style="list-style-type: none"> Falkland Place: Issue resolved through amendments. <p>Final response following submission of further information 01.08.2025</p> <p>No objections:</p> <p>All matters raised in original comments have been addressed. Whilst the size of 'Old Town community cycle storage' is not in accordance with Secured by Design, the security measures are noted, which will improve physical security of the store. The proposed keypad (code) entry access control proposed for the cycle store and all entry gates within the scheme should be changed to an appropriate key fob access – this can be confirmed by condition. Security strategy should be revised to reference key fob access controls.</p>
WBC Environmental Health Officer:	<p>No objections:</p> <p>With regard the Anderson Acoustic Planning noise assessment I am satisfied to see that good acoustic design process has been implemented demonstrating that with acoustic design measures such as sensitive rooms being located away from entertainment noise sources, enhanced glazing and whole dwelling mechanical ventilation system, appropriate internal noise levels can be achieved. Most private balconies and terraces will comply with the upper limits specified in BS8233 with only slight exceedances occurring in the balconies outlookng Marketplace. A more solid design of these balconies rather than the open railings proposed should lower the levels.</p> <p>Although a representation has been submitted regarding an underestimation of the noise monitored from the courtyard of the Catherine Wheel has been submitted, I am satisfied that the report has made the necessary adjustments and extrapolations to provide an accurate noise level. Given the previous acoustic design measures detailed above I am confident that internal noise levels in nearby properties in this area will be achieved.</p> <p>I believe the proposed acoustic design measures strike a good balance between allowing the nighttime economy to continue while still allowing the proposed residents the necessary internal noise levels to enjoy their property and the surrounding amenities.</p> <p>With regard to Contaminated land – further investigations are required due to the limited areas that could be investigated. Once certain areas have been demolished and cleared this should then allow access to further areas for investigation.</p> <p>Recommend conditions regarding noise, delivery times, cooking odours from commercial kitchen, plant noise, construction hours, CMS (EH), and contamination.</p>

Ramblers Association:	No response
River Thames Society:	No response
WBC Adult Social Care:	No comments to make
West Berkshire Spokes:	No response
WBC Lead Local Flood Authority:	<p>Initial response 08.07.2025</p> <p>Object:</p> <ul style="list-style-type: none"> • insufficient and unclear information • Contravention of policy in terms of discharge rates • Lack of SuDs features • Require additional further information: <ul style="list-style-type: none"> ○ A revised detailed drainage strategy should be submitted with: ○ Updated discharge rates or justifications for the rate selected. ○ A well thought out SuDS strategy incorporating multiple measures within the built environment offering different benefits. ○ Sufficient attenuation storage. ○ Updated maintenance and operation information. <p>Response following submission of further information 29.08.2025</p> <p>Object:</p> <ul style="list-style-type: none"> • Insufficient information • Non-compliance with national and local SuDS standards <p>Key Issues Identified</p> <ol style="list-style-type: none"> 1. Discharge Rates <ul style="list-style-type: none"> • Proposed rates are too high and not compliant with national/local standards. • Justification based on previous applications and site constraints is not accepted. • A reduction to 131.5 l/s is required to meet standards. 2. Design Constraints <ul style="list-style-type: none"> • Site is overdeveloped, limiting space for SuDS. • Applicant has prioritized architectural and landscape design over drainage needs. • Use of RIBA methodology to defer drainage design is not acceptable. 3. Drainage Strategy Quality <ul style="list-style-type: none"> • Strategy appears retrospective and lacks fixed levels and asset positions. • Crate systems are complex and may be difficult to construct and maintain.

	<ul style="list-style-type: none"> • SuDS features (e.g., blue/green roofs, rain gardens) added but still lack detail. <p>4. Calculation and Drawing Errors</p> <ul style="list-style-type: none"> • Numerous minor errors in drawings and calculations. • Exceedance routes are unclear and poorly presented. • Maintenance strategy updated but still lacks clarity in some areas. <p>5. Policy Non-Compliance</p> <p>Fails to meet requirements of: National Standards for SuDS (2025) West Berkshire Council SuDS SPD CIRIA SuDS Manual (C753) DEFRA and LASOO non-statutory standards</p> <p>Acknowledged Improvements:</p> <ul style="list-style-type: none"> • Revised hydraulic modelling using updated rainfall data. • Inclusion of additional SuDS features (e.g., green/blue roofs). • Updated maintenance and exceedance strategies. • Clarified discharge rate tables and added catchment plans. <p>Conditions (If Approved Against Advice)</p> <p>A comprehensive list of pre-development conditions is provided, covering:</p> <ul style="list-style-type: none"> • SuDS design and implementation • Flood risk and exceedance management • Maintenance and adoption plans • Pollution control and water quality • Avoidance of pumping unless fully justified <p>Conclusion</p> <p>While the revised strategy shows some improvement, it remains non-compliant and lacks sufficient detail. The LLFA recommends refusal unless the applicant significantly revises the design to:</p> <ul style="list-style-type: none"> • Reduce discharge rates • Provide fixed levels and detailed layouts • Prioritize drainage in the site design
WBC Transport Policy:	<p>No objections / comments:</p> <ul style="list-style-type: none"> • The site is a highly sustainable location, with many services and facilities within walking and cycling distance, including access to bus and rail services. • A 3-vehicle expansion of the existing West Berkshire Car Club operated by Enterprise is proposed. The applicant will need to work with the Council and Enterprise to develop an effective proposal to introduce the new Car Club vehicles and to provide memberships to residents.

	<ul style="list-style-type: none"> • It would be desirable that new Car Club vehicles would be electric vehicles in line with the Councils Environment Strategy. • The new proposals would no longer provide a direct walking route to the town centre from the Station, which is disappointing. A contribution would need to be sought that allow changes to the existing wayfinding scheme for Newbury town centre to be made. • Improvements to the Market Street / Bartholomew Street junction will need to consider pedestrian and cycle movements through the junction as this forms part of strategic walking routes outlined in the West Berkshire LCWIP. • Further details are required regarding the provision of 14 new EV charging spaces in the MSCP and how these relate to wider requirements under the English Building Regulations. • The submitted Framework Travel Plan is welcomed, although it requires some clarifications and amendments before it can be considered to be acceptable. Further information is sought required relating to the proposed cycle or public transport vouchers for new residents and the proposed targets. • Due to the size of the application, a contribution is sought for the Councils monitoring requirements for the Framework Travel Plan.
WBC Tree Officer:	<p>No objections:</p> <p>The submitted Landscape strategy highlights the importance landscaping will play in the redevelopment of the site, a landscaping condition is therefore recommended.</p>
Thames Water Utilities:	No response
WBC Waste Management Officer:	<p>Object (most recent comments at top):</p> <p>09.07.2025</p> <p>As a consultee on this planning application, our response reflects the core requirements of West Berkshire Council as the Waste Collection and Disposal Authority. While we acknowledge that private waste collections have been approved in certain circumstances elsewhere, this is not our preferred approach, nor something we would simply accept if proposed. One of our key objectives is to ensure the delivery of consistent, equitable, and publicly accessible waste services to all residents across the district.</p> <p>With respect to the previous application, 23/02094/FULMAJ, there was an oversight in our review of the revised Framework Servicing and Management Plan. We regret that the sentence “A private refuse company will be responsible for collecting the waste” was missed. As a result, our comments were made under</p>

	<p>the assumption that bins would be presented by a management service for collection by Council vehicles, which although not ideal, would have allowed us to service the site.</p> <p>We appreciate that Planning will assess this latest application holistically, considering all consultee feedback. We understand that our objections alone may not constitute a determinative matter, but when considered alongside other concerns, waste collection could become a contributing factor. The Waste team is not in the position to be able to determine, or formally comment on, what overall stance should be taken on this planning application.</p> <p>Should Planning determine that refusal is not warranted, we would request that the Waste team is consulted during the drafting of the Section 106 legal agreement regarding private waste collection arrangements. In our comments below, I've noted that several bin stores are located around the perimeter of the site, which subject to review of the collection route plans, appear accessible to our crews without vehicle entry. A decision will therefore be required on whether the Council will service those accessible stores or whether all waste collections for the development will be privately managed.</p> <p>03.07.2025</p> <p>The current proposal does not comply with Building Regulations 2010 Part H6 – Solid Waste Storage, which requires that solid waste storage must be:</p> <ul style="list-style-type: none"> a. designed and sited so as not to be prejudicial to health or local amenity; b. of sufficient area having regard to the requirements of the waste collection authority for the number and size of receptacles under Sections 46 and 47 of the Environmental Protection Act 1990; c. sited so as to be accessible for use by people in the building and of ready access for removal to the collection point specified by the waste collection authority under Sections 46 and 47 of the Environmental Protection Act 1990. <p>Non-Compliance with Issued Guidance</p> <p>West Berkshire Council (WBC) provided the applicant with detailed requirements on 14 March 2025, referencing the relevant sections of the Manual for Streets, which must be adhered to in the design and layout of the development. In addition, on 18 March 2025, WBC issued both the collection vehicle specifications and the Council's waste collection related New Development Advice (Version dated 20 March 2025), which outlines the waste and recycling container requirements per dwelling type, mandates calculations for shared bin capacity and bin store design and sets out operational and accessibility standards to ensure safe and compliant waste collection.</p>
--	--

	<p>Despite these clear directives, the current submission does not demonstrate compliance with any of the above. The design fails to meet the necessary criteria for our collection vehicles access, bin provision and waste handling procedures. This needs to be addressed.</p> <p>Review of Drawing 19401/1011A</p> <p>The updated drawing includes a table quantifying communal refuse and recycling storage (Glass, Paper, Plastic, and Food). Following a detailed review, the following clarifications and concerns are noted:</p> <p>Plot Count Clarifications Required</p> <p>Please confirm the number of properties in each of the following groupings, as the current table appears to contain inconsistencies:</p> <p>Plots 1–5, 15–18: table states 13 properties</p> <p>Plots 87–94, 104–109: table states 13 properties</p> <p>Plots 95–103, 116–120: table states 13 properties</p> <p>Plots 133–142: table states 9 properties</p> <p>Plots 156–178, 299–301: table states 27 properties</p> <p>Plot 215 is duplicated; should this instead read 216–255?</p> <p>Once property numbers are confirmed, I will submit a revised table detailing the required number and size of bins per bin store. This updated table will address the points listed below:</p> <p>Food Waste Allocation: Each property must be assigned 23L of food waste capacity per week. The current figures only provide 11.5L, which is not acceptable.</p> <p>Bin Store Configuration: Use of shelving above bins for 55L boxes is impractical from a manual handling perspective. These boxes are inadequate for recycling needs and should be replaced with standard recycling bins.</p> <p>Bulk Bin Use: Bulk containers should not be used for recycling due to challenges with handling and collection logistics. WBC's New Development Advice clearly outlines permitted bin types for refuse and recycling and must be adhered to.</p> <p>Outstanding Waste Management Plan</p> <p>Our Waste Management consultation response dated 16 April 2025 clearly outlined West Berkshire Council's statutory responsibilities and requested submission of a comprehensive Waste Management Plan. This plan must demonstrate that adequate waste storage space is provided for the 317 proposed dwellings, and include the following:</p>
--	---

	<p>Evidence of sufficient provision for household waste and recycling, and</p> <p>Clear, scaled diagrams showing the route from each bin store to the collection vehicle.</p> <p>To date, this information has not been supplied. I reiterate the request and will provide the required bin quantity/size table once the plot data has been clarified, to enable the submission of this.</p> <p>To clarify our request, all bin stores must be illustrated with scaled drawings, showing the specified bins accurately laid out within the space. These drawings should verify that each store is capable of housing the required number and size of bins, while maintaining sufficient clearance for user movement and safe manual handling.</p> <p>Additionally, collection route plans submitted should detail:</p> <ul style="list-style-type: none"> • The distance (in meters) from each bin store to the rear of the refuse vehicle, • Safe and annotated vehicle stopping points, and • Consideration of physical obstacles, including dropped kerbs where required to manoeuvre bins from pavement to road, and avoidance of gaps between parallel parked vehicles that would impede collection. <p>A number of bin stores are situated around the perimeter of the development site which, subject to review of the collection route plans, appear to be accessible to our collection crews even without the need for vehicle entry. Provision of the requested Waste Management Plan will enable a more detailed assessment of this arrangement, alongside further evaluation of access and distances to the remaining bin stores within the development.</p> <p>Additional Requests and Clarifications</p> <p>Please provide vehicle tracking showing that our collection vehicles can access and stop along Plenty's Place without obstructing traffic flow.</p> <p>If Plenty's Place is not designed for access by our standard waste collection vehicles, please confirm what type and size of vehicle is proposed to be used by the appointed private waste contractor as your proposal indicates that this vehicle may be stationed on Plenty's Place for collections. The specified vehicle would need to be equipped with a bin lift mechanism to mitigate manual handling risks during bin emptying.</p> <p>Confirm if Plenty's Place will be built to adoptable standards.</p> <p>Address allocation concerns by explaining how residents will be directed to use their assigned bin store, especially where a closer store exists. Poor allocation may lead to misuse, overflow, and missed collections due to bins not being accessible. Waste left</p>
--	---

	<p>on the bin store floor is the responsibility of the site's management company—not WBC.</p> <p>Confirm whether bin stores will be lockable, and if so, that number code locks will be used instead of keys or fobs.</p> <p>16.04.2025</p> <p>The Local Authority, West Berkshire Council, has a Statutory Duty to collect the household waste produced by domestic council tax paying dwellings.</p> <p>Private waste collections are unacceptable and cannot be offered as a way of avoiding satisfying the LAs requirements at the Planning stage.</p> <p>Please can a waste management plan be provided that demonstrates that there is enough refuse storage space provided for the 317 planned dwellings.</p> <p>The plan should also demonstrate the path from the bin stores to the collection vehicles and the separate storage of commercial waste from the planned commercial premises and ancillary facilities.</p>
WBC Planning Policy:	<p>Comments:</p> <ul style="list-style-type: none"> • The Primary Shopping Frontage designation runs through the Kennet Centre • The site is within the Town Centre Commercial Area

Public representations

4.2 Representations have been received from 14 contributors, 12 of which support, and 2 of which object to the proposal.

4.3 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:

Support

- The proposal is supported due to its contribution to housing in a housing crisis.
- The proposed development fits the character of the area and does not impact heritage assets of Newbury. The layout of small roads and areas reflects the historic nature of Newbury.
- The proposed lack of affordable housing is justified through the viability assessment.
- Consideration should be given to retention of trees around the site and improvements to retain features such as the car park.
- The mixture of tenures and sizes of dwellings is a positive.
- Consideration should be given to construction traffic and access routes.
- Comparatively less harmful than the previous scheme.

- Support concerns of TVP and safety.

Object:

- A letter of objection has been received from the Catherine Wheel Public House owners who are concerned that the introduction of additional noise sensitive residential uses immediately adjacent to the existing longstanding, lawful noise-generating, late-night leisure venue will increase the potential for complaints by the new residents in respect of this established late-night use. It highlights the need for appropriate conditions to be secured and the onus is on the development to ensure the proposed development does not trigger the 'agent of change' principle and have a negative impact on the existing night time economy.
- Scale and nature of this proposal would cause significant long-term harm to both the community and the historic character of the town.
- Noise and Construction Disruption: Demolition and redevelopment of the Kennet Centre would inevitably result in extended periods of noise, dust, and vibration. This will deeply affect nearby residents and businesses, causing stress, sleep disruption, and overall health concerns.
- Loss of Community Assets: Independent businesses within the Kennet Centre-including The Market Place Café-are essential for local life and social cohesion. Removing them without clear, affordable alternatives would break apart a part of the town's living fabric.
- Visual and Heritage Impact: The proposed design risks clashing with Newbury's historic town centre. Large-scale modern structures adjacent to Grade II listed buildings and Market Place's traditional facades would significantly diminish the visual harmony and historical identity of the area.
- Decline in Quality of Life: The density and scale of the proposed buildings could lead to overcrowding, increased pressure on local resources, and the loss of calm, open public space. The daily lived experience for residents in and around Market Place would be permanently changed for the worse.
- Insufficient Local Engagement: As a nearby resident, I only became aware of this proposal recently. The consultation process appears to have overlooked informing the people most affected. Such a significant development should require broader, deeper public discussion.

5. Planning Policy

- 5.1 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.

Development Plan Document	Relevant Policies
West Berkshire Local Plan Review 2023-2041	Policy SP1 The Spatial Strategy Policy SP3 Settlement Hierarchy Policy SP5 Responding to Climate Change Policy SP6 Flood Risk Policy SP7 Design Quality Policy SP8 Landscape Character Policy SP9 Historic Environment Policy SP10 Green Infrastructure Policy SP11 Biodiversity & Geodiversity Policy SP12 Approach to Housing Delivery Policy SP15 Housing Type & Mix

	<p>Policy SP16 Affordable Housing Policy SP18 Town & District Centres Policy SP19 Transport Policy SP20 Infrastructure Requirements & Delivery</p> <p>Policy DM2 Separation of Settlements Around Newbury & Thatcham Policy DM3 Health & Wellbeing Policy DM4 Building Sustainable Homes & Businesses Policy DM5 Environmental Nuisance & Pollution Control Policy DM6 Water Quality Policy DM7 Water Resources & Waste Water Policy DM8 Air Quality Policy DM9 Conservation Areas Policy DM10 Listed Buildings Policy DM11 Non-Designated Heritage Assets Policy DM14 Assets of Archaeological Importance Policy DM15 Trees, Woodland & Hedgerows Policy DM40 Public Open Space Policy DM41 Digital Infrastructure Policy DM42 Transport Infrastructure Policy DM44 Parking Policy DM45 Travel Planning</p>
Minerals and Waste Local Plan (2022-2037)	Policies 1 and 2

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

- The National Planning Policy Framework (NPPF)
- The Planning Practice Guidance (PPG)
- National Design Guidance (2021)
- Quality Design SPD (2006)
- Planning Obligations SPD (2014)
- Sustainable Drainage Systems SPD (2018)
- Newbury Conservation Area Appraisal and Management Plan (CAAMP) (2024)

6. Appraisal

6.1 The following constraints and designations are relevant to this site:

- Within the settlement boundary of Newbury
- 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

6.2 The main issues for consideration in this application are:

- Principle of development
 - Vitality of town centre
 - Conclusions
- Flooding Sequential Test
- Economic Development
 - Economic benefits
 - Long-term loss of retail and commercial floorspace
 - Conclusion
- Affordable Housing and viability
 - Traditional Build-to-Sell Model Development Appraisal
 - Build-to-Rent Model Development Appraisal
 - Build-to-Rent Model Development Appraisal
- Housing Mix
- Design quality
- Historic Environment (Conservation)
 - Heritage Significance
 - Existing Site
 - Proposed Development
 - Previous Application & New proposal
 - Heritage and Townscape Enhancements
 - Historic England Response
 - Conclusion
- Historic Environment (Archaeology)
- Secured by Design
- Residential Amenity
- Public open space
- Highways
 - Traffic Generation
 - Access
 - Car Parking
 - Access by emergency vehicles
 - Access by refuse vehicles
 - Conclusion
- Waste Collection
- Contamination
- Flood risk and Sustainable Drainage
- Sustainable Construction and Climate Change
- Trees and Landscaping
- Ecology
- Health Impacts
- Digital Infrastructure
- Contamination
- Other Matters
- Planning Balance
 - Benefits
 - Neutral or Limited Weight Considerations
 - Disbenefits and Negative Weight
 - Overall Planning Balance
- Conclusion

7. Principle of development

- 7.1 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.

- 7.2 Planning Policy SP1 (Spatial Strategy) of the West Berkshire Local Plan Review (LPR) states that development will meet the social and economic needs of the District while conserving and enhancing the environmental assets of the District and meet the objective to mitigate and adapt to the effects of climate change and minimise demand for energy and other resources. Development and redevelopment within the settlement boundaries of those settlements, including Newbury, will be supported.
- 7.3 Policy SP1 states that in making optimum use of land and achieving high quality design density on individual sites will vary according to their location and context, size of developable area and site-specific issues such as shape and access. Within Newbury, developments are expected to secure a net density of at least 35 dwellings per hectare with densities of at least 70 dwellings per hectare in town centres. The proposal secures a net density of 144dph which is compliant with policy SP1 and makes good use of a highly sustainable town centre site.
- 7.4 Policy SP1 notes that within town centres, schemes will be of an appropriate scale and character to respond to the role and function of the centre and to support sustainable communities. Policy SP1 seeks to ensure that Newbury retains its traditional market town heritage and continues to fulfil its key role as the administrative centre and major town centre for the District. Opportunities will continue to be taken to regenerate and enhance the townscape of the town centre and its periphery.
- 7.5 Policy SP3 amplifies Policy SP1 and expects urban areas such as Newbury to be the prime focus for housing and economic development, offering development potential through:
- a. Regeneration and change in the existing built-up area including the redevelopment of suitable previously developed sites for both housing and employment purposes;
 - b. Strategic and non-strategic sites allocated for housing and economic development through other policies in the LPR and/or neighbourhood plans;
 - c. The retention of the individual identity of adjacent settlements; and
 - d. The necessary supporting infrastructure.

Vitality of Town Centre

- 7.6 Policy SP18 states that The Council will seek to maintain and enhance the vitality and viability of West Berkshire's town and district centres. The scale, character and role of each centre defines its position within the district's hierarchy of centres with Newbury being identified as a major town centre.
- 7.7 Changes of use within the primary shopping area from Class E to other uses will be permitted where they do not result in a disproportionate concentration of non-Class E units that would be harmful to the vitality of that centre.
- 7.8 To contribute to the diversity and vitality of the district's centres, the Council will seek to retain and enhance existing town centre markets, where appropriate.

- 7.9 The floor space of the Kennet Centre is currently Class E and comprises approx.22,300sqm of lettable commercial space. The Kennet Centre is designated as primary shopping frontage. SP18 seeks for development to not result in a disproportionate concentration of non-class E units that would be harmful to the vitality of the Town Centre. The near total loss of Class E units in Kennet Shopping Centre clearly conflicts with SP18. The development proposes 5 units of Class E measuring approx. 517.35sqm around the site.
- 7.10 Whilst there is a conflict with SP18, there are a number of planning benefits that need to be taken into account. These are set out in section 20 below.

Conclusions

- 7.11 The proposed redevelopment of the Kennet Centre is broadly consistent with the strategic aims of the National Planning Policy Framework and the West Berkshire Local Plan Review, particularly Policies SP1 and SP3, which support sustainable, high-density development within town centres. The scheme makes effective use of previously developed land and contributes to the regeneration of Newbury, reinforcing its role as the District's principal town centre.
- 7.12 While the proposal does result in a significant reduction of Class E floorspace within the primary shopping frontage, raising a conflict with Policy SP18, this policy does allow for flexibility. Specifically, it permits changes of use within primary shopping areas where proposals do not lead to a disproportionate concentration of non-Class E units that would harm the vitality of the town centre
- 7.13 In this case, the development retains a number of retail and commercial units around the site, and the introduction of a substantial residential population within the town centre is expected to generate increased footfall. This, in turn, is likely to boost demand for shops, services, and amenities, supporting the viability of existing businesses and enhancing the vibrancy of the town centre.
- 7.14 On balance, while there is a degree of policy conflict, the wider planning benefits, particularly in terms of regeneration, housing delivery, and town centre vitality, are considered to weigh in favour of the proposal. These benefits are explored further in Section 20 of this report.

8. Flooding Sequential Test

- 8.1 Also, a matter of principle is that the site is located in Flood Zones 1 and 2 and is therefore considered to be part in low and part in medium risk of flooding. The proposed retail, commercial and business uses are less vulnerable to flooding under the NPPF Annex 3: Flood risk vulnerability classification.
- 8.2 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.
- 8.3 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 in accordance with Policy SP6 and the NPPF. The sequential test seeks to direct development away from areas at highest

risk of flooding, and make a development safe without increasing flood risk elsewhere is the basis for the exception test.

- 8.4 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.
- 8.5 The NPPF allows for a reduced area of search for development sites where there is a demonstrable need for the proposal to be located in a specific sub-area. This may be due to the nature or function of the development, its intended catchment area, or wider policy objectives such as affordable housing provision or targeted regeneration.
- 8.6 The Sequential Test submitted by the applicant reviewed 358 major and 293 minor sites across West Berkshire using the HELAA, Five-Year Housing Land Supply, and Local Plan allocations. Sites were filtered based on flood risk, availability, deliverability, and suitability. After applying criteria such as flood risk, development status, planning constraints, and policy alignment, only 59 sites (20 major, 39 minor) remained for detailed analysis.
- 8.7 Of these sites none had capacity for 250+ residential units (which is considered by the Global Commercial Real Estate (CBRE) to be the minimum necessary in order to provide the services and communal facilities which are integral to the Built to Rent schemes).
- 8.8 The scheme currently proposes a mix of private market sale (either managed by a concierge and management system) and Build To Rent. It is therefore noted that the private residential use could be disaggregated across multiple sites for private sale. However, in order not to not prejudice the ability to provide fully build to rent as an option, it has therefore been agreed that disaggregation of the residential units across multiple sites would not be possible.
- 8.9 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).
- 8.10 The recently adopted Newbury Town Centre Masterplan (2022) and the recently adopted Newbury Conservation Area Appraisal and Management Plan (2024) identify the whole Kennet Centre site as being in need of regeneration.
- 8.11 The proposed mixed-use development is essential to revitalising the town centre and unlocking its economic potential. The residential component is critical to the viability of the overall scheme and, while housing could theoretically be delivered elsewhere, its inclusion on this site is necessary to enable the redevelopment and public realm improvements. The search area could therefore be drawn around the application site.
- 8.12 The Sequential Test is therefore considered to be passed as no suitable alternative site is available for the proposed development.
- 8.13 As the proposed development is located in Flood zone 2 and is classified as 'More Vulnerable' (rather than Highly Vulnerable) the exception test is not required.

9. Economic Development

- 9.1 The Economic Development Team has reviewed the planning application and accompanying documents, including the applicant's Economic Benefits Report (Rapleys LLP, November 2024) and the Council's Economic Impact Assessment (Avison Young, April 2025). The Economic Development team is aware that the redevelopment of the Kennet Centre, which is a prominent but declining asset in Newbury town centre, presents a significant opportunity to deliver positive economic outcomes and contribute to Newbury's long-term vitality.

Economic benefits

- 9.2 As outlined by the applicant's economic impact assessment and Avison Youngs report there are a wide range of positive economic impacts. Below are some of the key economic benefits picked out from both consultant's documentation.
- 9.3 The redevelopment is forecast to bring substantial economic value both during construction and in the operational phase. During the build period, estimates suggest between 190–211 direct construction jobs could be supported, rising to approximately 266 total jobs when indirect and induced employment is included. The construction phase is projected to generate up to £18.6 million in regional GVA, which represents a notable investment in the local economy.
- 9.4 Once operational, the scheme is anticipated to support 144–191 net additional full-time equivalent (FTE) jobs, across commercial units, site management roles, and wider town centre spending. These roles will contribute up to £9 million in GVA annually, with around £2 million in wages entering the local economy. This job creation is particularly important in light of recent employment losses in the town centre, especially in the retail and administrative sectors, where Newbury has seen a contraction in jobs over the past five years.
- 9.5 The Economic Development team identify that the proposal is seeking to rebalance the use class of the town centre by transforming the currently retail focused Kennet Centre into a primarily residential scheme with the maintenance of a few current commercial offerings and the addition of a few small retail units at the north of the site.
- 9.6 Instead of retaining a large quantity of retail floorspace, much of which has been persistently vacant or leased at low floor rents, the scheme introduces 317 new homes, projected to accommodate around 950 new residents.
- 9.7 This increase in local population will make a strong case for increased demand for shops, services and amenities within the town centre, helping existing businesses to remain viable and increasing the vibrancy of the town centre via increased footfall. The design and location of the new commercial units, at the north end of the site nearer to Northbrook Street and the market square is also a benefit as this side of the kennet centre has a larger footfall and thus provides amenities to higher traffic areas.
- 9.8 The scheme, in the Economic Development team's view supports several strategic objectives contained in the West Berkshire Economic Development Strategy (2021), the West Berkshire Local Plan Review (2023-2041), and the Newbury Town Centre Masterplan (2022). These documents collectively call for more integrated, resilient and liveable town centres and acknowledge the need for regeneration and diversification in Newbury Town Centre.
- 9.9 By removing a dated, internal mall and opening new pedestrian routes, primarily from Market Street to Cheap Street, the scheme will enhance connectivity and permeability between key parts of the town centre, including the station (via Market Street), bus stops,

and surrounding retail clusters. However, officers do comment that the proposed pedestrian routes no longer provide a direct main street for pedestrian flow from Market Street to Market Place or the north side of Bartholomew Street, which was prevalent in the previous version of the scheme and is suggested within the Newbury Master Plan.

- 9.10 Whilst this is a draw back to the proposal it is important to note that the Inspector for the recent appeal gave the proposed north/south and east west connections through the site limited weight in the planning balance.
- 9.11 The open-air streets that will replace the Kennet Centre will likely provide a greater pedestrian flow and experience than the current Kennet Centre. The Economic Development officer requests that the applicant works with the Town Centres team to produce wayfinding for pedestrians visiting the town centre.
- 9.12 The proposal also makes a substantial contribution to the district's housing need in a sustainable location, while retaining key leisure anchors such as the Vue cinema.

Long-term loss of retail and commercial floorspace

- 9.13 It is important to recognise that the redevelopment entails a significant net reduction in commercial floorspace, from approximately 14,907 sqm GIA to around 5,218 sqm GIA (see table below).

Type of Commercial Floorspace			
Existing Commercial Floorspace		New Commercial Floorspace	
	Sqm GIA		Sqm GIA
The existing ground floor area of shopping centre	15,743.00	Retail 1	69.50
Existing ground floor area without internal street	13,401.80	Retail 2	104.35
Of which, occupied retail floorspace	10,771.80	Retail 3	75.00
Of which vacant retail floorspace	2,630.00	Retail 4	47.00
		Retail 5	47.00
Subtotal (Occupied)	10,771.80	Subtotal	342.85
Subtotal (All Floorspace)	13,401.80		
Additional Floorspace (All Floorspace)			- 13,058.95
Additional Floorspace (Occupied Floorspace)			- 10,428.95
Refurbished & Reconfigured Commercial Floorspace			
	Sqm GIA		Sqm GIA
Existing		Proposed	
Unit V1 (vacant)	335	Unit V1	251.50
Unit V2 (vacant)	269	Unit V2	488.35
Subtotal	604*	Subtotal	739.85
Additional Floorspace (All Floorspace)			135.85
Additional Floorspace (Occupied Floorspace)			739.85
Retained Commercial Floorspace			
	Sqm GIA		Sqm GIA
Existing		Proposed	
V3 & V4 (Nando's and Kung Fu)	783.82	V3 & V4 (Nando's and Kung Fu)	783.82
Vue cinema	3,351.78	Vue cinema	3,351.78
	4,135.60	Subtotal	4,135.60
Additional Floorspace			0
Summary			
Total (Occupied Floorspace)	14,907.40	Total	5,218.30
Total (All Floorspace)	18,141.40		
Loss of Commercial Space (All Floorspace)			-12,923.10
Loss of Commercial Space (Occupied Floorspace)			-9,689.10

Source: Lothailort (2024), 'Old Town Newbury Planning Statement', adapted by Avison Young

Figure 1: Net additional floor space (source Avison Young)

- 9.14 In terms of units, the Kennet Centre comprises a total of 50 units, of which:

- 16 are currently vacant
- 4 are being used as warehouse/ storage for house clearance type businesses
- 10 are occupied under temporary leases and are effectively there due to low costs
- 20 are occupied under standard lease agreements

- 9.15 All units are subject to short-term lease breaks. The applicant has indicated that, in practical terms, 30 units should be considered effectively vacant—this includes the 16 vacant units, 4 used for storage, and 10 on temporary leases.
- 9.16 While the loss of these units is to a degree justified by persistently high vacancy rates, market shifts and evidence of low rental rates, the permanent nature of this reduction means that future flexibility in the town centre may be constrained. This presents a risk if market demand for retail, leisure or office space rebounds over time. In this context, it is essential that the proposed commercial units are flexibly designed and actively marketed to a range of occupiers, including small businesses, service providers, and local independents.
- 9.17 While the scheme does improve the economic balance in favour of residential uses, there is a need to ensure that this does not come at the cost of street-level vibrancy, especially along key frontages such as Market Place and Bartholomew Street. A minimum level of active ground floor frontage should be maintained to preserve town centre character and engagement.
- 9.18 The applicant has attempted to address this by providing street level shopping frontages along Bartholomew Street, between The Globe and The Newbury, and on the other side facing Market Place between Sushi Maki and William Hill. However, the Economic Development team considers they could go further with more commercial offering on Market Place by the Catherine Wheel. This was put to the applicant, but they declined to add further Class E uses due to the impact this would have on the overall viability of the scheme.

Conclusions

- 9.19 The proposed redevelopment of the Kennet Centre presents a strong economic case and offers a significant opportunity to drive regeneration within the town centre.
- 9.20 Nevertheless, the scheme involves a substantial and irreversible reduction in commercial floorspace. It will be important to manage this transition carefully to avoid compromising the long-term resilience of the town centre. Provided that appropriate measures are in place to ensure active ground floor uses and a robust commercial strategy, the Economic Development team does not object to the proposal. They acknowledge its potential to act as a catalyst for meaningful regeneration and improvements to pedestrian connectivity in the area.
- 9.21 It is important to note that although the Economic Development team has requested additional Class E units to enhance active frontages, the applicant has not included these due to concerns about the impact on the scheme's overall viability. While the team's concerns regarding public realm quality and commercial activation are valid, they also acknowledge the significant benefits of the proposal. On balance, these benefits support the case for approval and are detailed in Section 28 of this report.

10. Affordable Housing and Viability

- 10.1 Policy SP16 states that affordable homes will be sought from residential development. The Councils priority and starting expectation will be for affordable housing to be provided on-site. Policy SP16 sets out that the following levels of affordable housing provision will be required:
- a) On development sites of 10 dwellings or more (or 0.5 hectares or more), 30% provision on previously developed land and 40% on greenfield land; or

- b) In areas designated as rural under Section 157(1) of the Housing Act 1985 (37) on development sites of between five and nine dwellings, 20% provision.
- 10.2 The levels set out above represent the default position and a lower provision of affordable housing should not be sought, other than in exceptional circumstances and where fully justified by the applicant through clear evidence set out in a publicly available viability assessment.
- 10.3 The applicant has set out in the financial viability assessment (FVA) submitted with this application that the residual land value of the site is negative which means the development cannot deliver affordable housing. The scheme was tested in different ways in the viability report to explore whether a 'traditional' build to sell model would generate different viability results compared to 'built to rent'. This also offers a wider assessment of the viability considerations.

Traditional Build-to-Sell Model Development Appraisal

- 10.4 A scheme delivering 100% private tenure on a Build-to-Sell model generates a Gross Development Value (GDV) of £144.570 million. The total costs for delivering the scheme are £128.288 million. THE FAV has assumed a developer return of £28.980 million which equates to 20.00% return on GDV. When delivering a 100% private tenure mix the scheme generates a residual land value of -£12.699 million (neg).

Build-to-Rent Model Development Appraisal

- 10.5 A scheme delivering 100% private tenure on a Build-to-Rent model generates a Gross Development Value (GDV) of £127.411 million. The total costs for delivering the scheme are £126.707 million. The applicant's FVA has assumed a developer return of £26.050 million which equates to 20.00% return on GDV. When delivering a 100% private tenure mix the scheme generates a residual land value of -£25.345 million (neg).

Benchmark Land Value

- 10.6 The applicant's FVA calculates that the Existing Use Valuation (EUV) of the site is £3.373 million. It has applied a premium of 10%. This generates a benchmark land value of £3.711 million.
- 10.7 When the residual land value of the proposed scheme delivering 100% private tenure on a Build-to-Sell model is compared to the Benchmark Land Value (BLV) of £3.711 million, this produces a deficit of -£16.409 million.
- 10.8 Therefore, the applicant's FVA concludes the scheme is unable to provide any affordable housing based on this delivery model. When the residual land value of the proposed scheme delivering 100% private tenure on a Build-to-Rent model is compared to the Benchmark Land Value (BLV) of £3.711 million, this produces a deficit of -£29.056 million.
- 10.9 It is important to note, that it is agreed 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. Whilst the 20% profit is at the high end of the scale provided by the NPPG which sits at 15-20%. A less level of profit would still produce a negative residual land value, only to a smaller figure. It would also present less of an opportunity for the developer/investors to deliver the scheme.

- 10.10 The Council has employed independent viability consultants Dixon Searle to review this scheme and the applicant's FVA. The conclusion of Dixon Searle is that the development is not viable and cannot provide affordable housing.
- 10.11 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 increase due to improvements in the market.
- 10.12 For these reasons, a policy-compliant level of affordable housing provision cannot be provided on site or as a commuted sum.
- 10.13 Whilst the lack of affordable housing is disappointing on such a significant town centre site, the proposal does include an element of 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. BtR schemes 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.
- 10.14 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.
- 10.15 To ensure that the BtR homes remain available to rent 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.
- 10.16 The proposed development therefore does not strictly conflict with policy SP16 as the policy makes allowance for viability arguments to be made to support no provision of affordable housing. However, the lack of affordable housing obviously weighs against the proposed development in the planning balance as it does not deliver an important public benefit of development.

11. Housing Mix

- 11.1 Policy SP15 states that residential development will contribute to the delivery of an appropriate mix of dwelling tenures, types and sizes to meet the existing and future housing needs of all sectors of the community, including those with specialist requirements.
- 11.2 Residential developments should provide a mix of unit sizes. All developments, including conversions, of 10 or more dwellings (gross) will provide a mix of dwelling sizes reflecting the requirements of Table 3 in the supporting text to this policy, or any more recent evidence published by the Council.
- 11.3 The table below outlines the mix that is prescribed by the policy for open market housing.

No. Bedrooms	Policy Requirement %	Proposed Development unit count	Proposed Development Mix %
1 Bedroom	5-10%	139	44%
2 Bedrooms	40-45%	96	30%
3 Bedrooms	35- 40%	69	22%
4 Bedrooms	10-15%	13	4%
Total		317	

- 11.4 The housing mix would be particularly low in terms of three/four bedroom units, and particularly high in one-bedroom apartments.
- 11.5 Whilst the proposed development's housing mix does not comply with the required mix of SP15, the supporting text of Policy SP15 notes that while developments will be expected to reflect this mix, rigid application of these requirements may not be appropriate in all cases.
- 11.6 The policy goes on to state that in determining any variation from this mix, the Council will have regard to:
- The most up to date evidence on local housing needs.
 - The appropriate mix for the sites size and location.
 - For conversions or redevelopment, any physical factors limiting a particular mix; and
 - Site specific viability.
- 11.7 The surrounding area predominantly comprises smaller housing units, suggesting that the proposed mix would be suitable given the site's size and location. Additionally, viability appears to be a key consideration, and smaller units are among the most effective ways to achieve a satisfactory density. This supports the argument that the proposed mix could represent an efficient use of a highly sustainable brownfield site within the town centre. However, the application does not provide sufficient justification for departing from policy — specifically, it lacks up-to-date evidence on local housing needs. As a result, the proposal is considered to conflict with Policy SP15, which carries negative weight in the overall planning balance.

12. Design Quality

- 12.1 Policy SP7 of the West Berkshire Local Plan Review sets a clear expectation for high-quality, locally distinctive design that strengthens a sense of place and supports healthy placemaking. It encourages development that enhances the character, appearance, and function of an area, and requires proposals to demonstrate how they have responded positively to both national and local design guidance. This includes the principles of the National Design Guide (2021), or as superseded, and at a local level, this includes neighbourhood plans, design guides and conservation area appraisals that identify the local character and distinctiveness of an area which is valued by local communities.
- 12.2 The NPPF emphasises that good design is essential for creating sustainable, attractive places, encouraging the use of local design codes shaped by community input, supporting developments that reflect local character and integrate well with surroundings, and requiring planning decisions to favour high-quality proposals while refusing poor design
- 12.3 The proposed scheme draws deeply from the historic urban grain and architectural character of Newbury. The scheme demonstrates exceptional design quality through:

- A fine-grained network of walkable streets, alleys, and courtyards inspired by Newbury's historic burgage plots.
- A layout that enhances legibility, safety, and vibrancy through new pedestrian routes and public spaces.
- Carefully framed views and improved connectivity that enhance the experience of the conservation area and nearby heritage assets.
- Individually detailed buildings using traditional materials such as brickwork, iron gates, and corbels, reinforcing local identity.
- A scale and massing strategy that responds sensitively to the surrounding context, with lower-rise buildings at the northern edge and a gradual increase in height to the south.
- Sustainable design features including ground source heat pumps, roof gardens, tree-lined streets, and green infrastructure that promote wellbeing and climate resilience.
- A strong emphasis on community through active frontages, individual entrances, and shared spaces that foster ownership and social interaction.
- Most buildings have individual front doors within the courtyards which will introduce a sense of community, ownership and ground floor activity on the site.
- Building around the perimeter of the site have been carefully designed to blend in and reflect the historic streetscene and character of surrounding listed buildings.

12.4 The exceptional design quality of the scheme has been recognised by Nicholas Boys Smith founder and chairman of Create Streets, a design practice and research group that advises community groups and councils on planning and developing urban housing.

12.5 Nicholas Boys Smith describes the proposal as “very probably the best example of truly regenerative town centre development taking place anywhere in Britain today.” He commends its alignment with sustainable urbanism, heritage sensitivity, and community revitalisation, calling it a “transformational opportunity” for Newbury. He comments that *“This beautiful ‘re-stitching’ of Newbury’s town centre will not just revitalise town centre shops and businesses. It will also permit your new residents to live more healthily and to tread more lightly upon the planet by supporting lives within readily walkable reach of shops, restaurants, neighbours and friends. This is the most efficient and the most effective path to ‘sustainable development.’*”

12.6 There has been public support for the scheme, with the majority of representations expressing enthusiasm for its design and contribution to the town. The Newbury Society has also praised the design quality of the proposal acknowledging its value to the town centre (albeit with the caveat regarding the height and design of the buildings fronting Market Street which they raise concerns with), while Historic England has offered its support for the heritage-led approach.

12.7 In conclusion, the proposal clearly complies with the aims of Policy SP7, the NPPF, and the National Design Guide (2018). It delivers a high-quality, locally distinctive, and sustainable development that enhances the character and function of Newbury town centre. The scheme exemplifies best practice in placemaking and urban regeneration, and represents a significant opportunity to secure long-term social, environmental, and economic benefits for the town.

13. Historic Environment (Conservation)

13.1 According to Policy SP9, development proposals will be required to conserve and, where appropriate, enhance those aspects of the historic environment which are recognised as being of archaeological, architectural, artistic or historic interest, or of landscape or townscape significance.

- 13.2 The special character of Newbury Conservation Area is clearly set out and appraised in the Newbury Town Centre Conservation Area Appraisal and Management Plan 2024 (CAAMP). The site lies within Character Area 6: Kennet Centre and partly within Area 3: Market Place.
- 13.3 Area 6 is the largest character area within Newbury and has undergone the most significant transformation throughout the 20th century. Located in the central-western and southern parts of the Newbury Town Centre Conservation Area (CA), it features a diverse mix of 20th-century developments, fine-grained historic buildings, and modern architecture. Most development in the town centre is fairly low scale, and typically around 2-3 storeys in height. There are several prominent heritage assets and townscape features that help to form the identity of the town, such as Newbury Bridge, The Parish Church of St Nicolas, The Town Hall, and various other prominent houses, churches and almshouses.
- 13.4 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.

Heritage Significance

- 13.5 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.
- 13.6 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.

- 13.7 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.
- 13.8 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.
- 13.9 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."
- 13.10 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. The Newbury CAAMP notes that important views within the Newbury Town Centre Conservation Area are largely defined by the historic route network, which allows for numerous channelled views to unfold as the viewer moves along the street. It also notes that long views and wider vistas are limited within the conservation area itself.
- 13.11 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.
- 13.12 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.
- 13.13 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.
- 13.14 The conservation area holds above 150 national 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)

13.15 This document is considered to appropriately describe the significance of the impacted heritage assets (in line with the NPPF, para. 207).

Existing Site

13.16 The site, in its existing form, is considered to have a slight 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 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 overly sympathetic to the traditional and vernacular character of the surrounding buildings in façade rhythm, proportions and materiality. Despite this, it does not dominate or compete against the surrounding building of historic and architectural interest, resulting in a fairly limited impact on the surround townscape.

13.17 The proposed redevelopment poses an opportunity to create a proposal 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

13.18 The proposed development is for the demolition of the Kennet Centre (excluding the existing multi-storey car park and VUE cinema complex) and the building of a mixed-use development. The commercial premises will be focused along the perimeter of the site with new buildings along Bartholomew Street, Market Street and Cheap Street, as well as the creation of new streets/axes within this 'island' site. The centre of the site will be divided up into various housing units set around small pedestrian streets, yards, courtyards and squares. These buildings will be between 2-4 storeys in height, while the perimeter buildings will be primarily 2-3 storeys in height, with the exception of Craven House on Cheap Street which will be 5 storeys high and along Market Street where Edward House and Pellow House will be 6 storeys high (with a 5 storey middle section on Edward House). The proposed development will introduce considerably taller buildings within the south of the site, which could 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.

13.19 Section 12 of the Newbury CAAMP contains guidance and recommendations that new development should strive to achieve where applicable and possible. Of particular relevance is guidance note GUI6. The requirements of GUI6, along with an officer assessment against each of the requirement's is set out below.

GUI6: New development schemes are encouraged to follow the below criteria:

a) Height, mass and bulk should avoid an adverse impact on key views and loss of character. Assessment of views (not necessarily limited to the key views set out in this document) through CGIs and verified views may need to be provided as part of any application to the local planning authority in order to allow for the full assessment of impacts.

b) It is advised that building heights for each character area respect the established building heights in the immediate area, as set out for each character area in Chapter 11: Character Areas and Zones in this document. New development should not be excessively tall or dominant but should present a clear and logical continuation of the existing townscape. New development should not interrupt the overall roofline in the key views set out in Chapter 8: Setting and Views of this document. Existing negative contributors in the conservation area, and detracting development in the wider setting of the conservation area (such as the Telephone Exchange) are not usually considered to be appropriate precedents on which to base proposed building heights, scales or massing.

13.20 The height mass and bulk of the scheme has been carefully designed to reflect the scale, height and character of the CA. Views towards the site and through the site will enhance one's experience of the CA.

c) New development schemes are encouraged to enhance buildings identified as negative contributors in the Buildings Audit map in this document. Designated heritage assets and positive contributors should be preserved, and new developments should be carefully designed to respect their scale, height, character, setting and significance.

13.21 The Kennet Centre shopping centre has been identified as negative contributor. The proposed development would enhance the character of the CA and the setting of surrounding listed buildings.

d) Applicants coming forward with new schemes are encouraged to re-establish historic plot sizes, rhythm and scale in their applications, in favour of larger homogenous blocks that do not respect plots. The merging or subdivisions of surviving historic plots is likely to be resisted.

13.22 The proposed development replaces a large homogenous block with a development that re-establishes the historic plot sizes, rhythm and scale of the CA.

e) New developments are encouraged to use materiality, articulation and architectural forms/features that respond to local traditional forms, detailing, character and pattern of development.

13.23 The materiality articulation and architectural forms/features of the proposal have been carefully considered to respond to the traditional forms, detailing, character and pattern of development within the CA.

f) Consideration should be given to green space, street trees and vegetation in new developments, as an integral part of new development in a way that positively impacts the public realm and is appropriate. New trees would be best located where there is a precedent for a tree in that location, however, the introduction of new trees will be encouraged in any location where there would be an overall positive impact on character and no impact on existing heritage assets.

13.24 The existing site comprises a large, internalised block. The proposed development will create a new public realm comprising open streets, with opportunities for trees and landscaping.

g) It is advised that new developments attempt to avoid the creation of dead spaces for bins, parking and clutter, and instead, attempt to prioritise any leftover space as part of the public realm instead. Schemes that provide parking, cycle storage, bins, etc, as an integral part of their design will be likely to be welcomed, provided that they avoid any adverse impact on the character and appearance of the conservation area.

13.25 The provision of parking, cycle storage, bins, etc has been achieved in such a way as to avoid the creation of dead spaces.

h) Exemplary modern design is encouraged, where appropriate in scale and well-detailed using good quality appropriate materials and carefully considered to respond to the historic setting.

13.26 The proposal has been carefully designed and articulated to respond to the existing historic architectural styles, materiality and detailing within the CA.

i) It is advised that new developments avoid enclosing existing townscape voids, gaps and public spaces, where such voids/gaps/spaces make an important contribution to the conservation area in terms of spaciousness and breathing space between existing and new built form.

13.27 The proposal will create new streets and vistas.

Previous Application & New proposal

13.28 This application follows refused application 23/02094/FULMAJ which was recently dismissed at appeal. The proposal was considered to cause less than substantial harm to the significance of the Newbury Town Centre Conservation Area, and to the setting of several nearby listed buildings.

13.29 This proposal differs in a few areas namely:

- The buildings in the centre of the site will be no more than 3 storeys high. This is a considerable reduction in height from the previously proposed 7 storeys.
- The heights of several of the perimeter buildings have been reduced.
 - o Along Market Street, only two buildings will be 6 storeys high, with one of them having a 5 storey middle section. The mass of these buildings has also been reduced and moving eastwards towards the VUE cinema complex the heights incrementally decrease to provide a stepped roofline.
 - o Along Cheap Street at the southern end, there will be one 5 storey building. All others will be 2-3 storeys high. The new Craven House is lower in height than the Town Hall and it is evident that the design and proposed palette for Craven House has taken cues from the Town Hall and its imposing clock tower. As such, these two buildings will “bookend” Cheap Street.
 - o The proposed buildings along Bartholomew Street will be 2-3 storeys high.
- The previous application introduced a new street orientated along a north-south axis and two further pedestrian access routes off Cheap Street and the main one off Bartholomew Street down to Market Street. The new proposal introduces a series of new streets leading to yards, courts and places with the new dwellings centred around these. The result is more entrances for both vehicles and pedestrians along both Bartholomew Street and Cheap Street.

- The design of the perimeter buildings along Market Street have taken their cue from 19th and early 20th century industrial buildings instead of being modern-style blocks. This is evident in their window detailing such as large arched windows, limited architectural detailing, further small arched windows on the top floor and varying roof forms. Metal balconies and crittal-style windows further enhance the industrial feel.
- Some of the perimeter buildings along Cheap Street have been redesigned – the new Eagle House has different windows and Juliette balconies added to the second floor and further fenestration at second floor level. The new buildings either side of the Grade II listed Catherine Wheel Public House have been redesigned – Falkland House to the south is now only 4 bays wide instead of 7 and the next block is now one building providing covered pedestrian access to Falkland Place along with traditional shop fronts at ground floor level. The design of this building is very close to that of its southerly neighbour. To the south of the public house, a gap is maintained and a new 3 storey building is proposed with a further gap for pedestrian and vehicular access. The breaking up of the elevation through maintaining gaps is beneficial to the setting of the listed public house and the lack of any visible buildings behind it is of great benefit to maintaining the significance of the public house and the conservation area.
- Most of the proposed buildings along Bartholomew Street have changed, though those at the north end of the street will be of the same height. The proposal is for the north end buildings to have commercial units at ground level. The biggest change is that previously the south of the street included two large blocks, one of 3 storey height and the other of 4 storeys, with the 4 storey block being of modern design. The current proposal is for five different blocks of 2 and 3 storeys in height and two vehicular access routes through covered passages. This provides a new low level roof line and helps maintain the character of the area by the traditional design of the buildings.

13.30 The manner in which the centre of the site is laid out is reminiscent of the historic street pattern determined by the medieval burgrave plots. This street pattern is still visible around Market Place. The covered passageways and arches are a direct link with the remaining historic Market Place area, though a crucial difference is that the passages will lead to small courts and places which add a small modern element.

13.31 The biggest change is the reduction in height of the buildings within the centre of the site which means that there is no perceivable change in roofscape across the site. As such, the proposal fits in with the character of this area of town.

13.32 The tallest buildings will be at the south end of the site along Market Street and will primarily be visible from behind the existing multi-storey car park and VUE cinema complex. The building at the south end of Cheap Street will also be taller than its surroundings. While the height of these buildings is acknowledged, their impact is mitigated by their carefully considered design which will add a more dynamic element, especially to Market Street. Contrary to the previous design, the degree of visibility of these taller elements will be much less.

Heritage and Townscape Enhancements

13.33 The proposed development includes the following elements, which are considered to enhance the character and appearance of the conservation area and setting of nearby listed buildings:

- High quality façade and elevational design, especially to the perimeter buildings, which include:
 - o Façade articulation, fenestration patterns and varied roof forms that better reflect Newbury's historic fine urban grain
 - o Introduction of visual interest through the use of varied materials and detailing which take cues from the positive contributors to the existing streetscapes (high quality parapet, cornice and window details submitted).
- Increased permeability and legibility of a key site within the centre of Newbury:
 - o The introduction of new routes through the site which breaks up this large urban block, improving access and walkability. This includes the 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.
- Activation of ground floor through commercial uses which will promote vitality in the streetscape.
- Landscaping and public realm:
 - o Improvement and increased provision of public and open space, with scope to facilitate increased activity and opportunities to appreciate surrounding heritage assets.

Historic England Response

13.34 Historic England is supportive of this application, which they feel represents a much more sympathetic approach to redeveloping this site when compared with previous submissions.

13.35 They feel that the revised scheme allows the shopping centre to be redeveloped on a scale that is much more sympathetic to the surrounding townscape and the tight urban grain that once characterised this part of the town would be restored. Higher buildings are restricted to the southern edge of the site, which can better absorb them. The design of individual buildings has been inspired by local precedents and, if executed well, would reflect the variety and visual interest of the historic town.

13.36 The proposals would involve the demolition of 17-19 Market Place, which they have raised concerns about in the past. However, they note that this is a relatively modern (later 20th century) structure, and their concerns related primarily to the quality of the design of the replacement building. They are content that the design has been improved sufficiently to allay their concerns.

13.37 Taken as a whole, they feel that the proposals would represent an improvement in terms of design and impact on nearby listed buildings and the conservation area than the status quo.

13.38 Historic England is therefore supportive of the scheme. It demonstrates that it is possible to redevelop this site and deliver economic benefits without harm to heritage, thus meeting an important aim of the National Planning Policy Framework. It would also preserve the special character of the conservation area and the setting of the listed buildings within it (which your Council has a duty to pay "special attention to" and "special regard to the desirability of" under sections 72(1) and 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990).

Conclusion

13.39 The proposed redevelopment of the Kennet Centre site presents a significant opportunity to enhance the character and appearance of the Newbury Town Centre Conservation Area. By reintroducing historic plot patterns, improving permeability, and adopting architectural forms and materials that reflect the town's heritage, the scheme demonstrates a sensitive and well-considered response to its historic context. The reduction in building heights, particularly within the site's core, and the thoughtful design of taller elements along Market and Cheap Streets, help to mitigate visual impact and reinforce the town's fine urban grain. Supported by Historic England, the proposal aligns with national and local heritage policy objectives, offering a well-considered heritage-led approach that respects Newbury's historic identity while enabling appropriate regeneration.

14. Historic Environment (Archaeology)

14.1 The Archaeological Officer has expressed disappointment that the previous 2021 archaeological desk-based assessment (DBA) by Oxford Archaeology has not been updated. They have raised various issues with the DBA, which can be summarised as follows:

- Not customary to use Heritage Gateway links in a DBA.
- The section on Previous Archaeological Investigations has not emphasised the low percentage of the area of The Mall that was subject to any fieldwork.
- Would have liked more analysis of geo-technical data in terms of palaeoenvironmental evidence that might survive
- Did not use an image of our Upper Palaeolithic/Mesolithic deposit model of archaeological potential, or other evidence which might help target any future groundworks.
- DBA does not show the layout of the proposed Old Town development but that of the previous Eagle Quarter, so does not give an assessment of the impact of the current scheme.
- Archaeological deposits and potential in a development as complex as this cannot be dealt with under a watching brief condition.

14.2 However, despite the issues that the Archaeological Officer has raised with the submitted DBA they have not raised any objections to the proposal and recommend that a condition requiring a Written Scheme of Investigation (WSI) for a programme of archaeological work is attached to any consent.

14.3 Close liaison will be required with the Council's archaeologist when the specification for this future programme of archaeological work is drawn up, and good collaboration will also be needed between any chosen archaeological contractors and the engineers working on ground investigations and demolition.

15. Secured by Design

15.1 Thames Valley Police (TVP) has been consulted throughout the design process to ensure the proposed development aligns with Secured by Design principles. Their initial response (dated 02.04.2025) raised several concerns, including the number and design of ginnels, inadequate lighting and visibility, unclear access control, poor defensible space, insecure cycle/bin stores, and the presence of blank walls and recessed doorways that could encourage anti-social behaviour.

15.2 Following the submission of revised plans, TVP issued a second response (18.06.2025) acknowledging that many of the initial concerns had been addressed. Improvements

included the introduction of gating and compartmentation, enhanced defensible space through landscaping, and revisions to blank frontages. However, TVP maintained concerns regarding the number of ginnels, the security of the large community cycle store, and the need for further clarification on access arrangements, particularly from the multi-storey car park and into Eagle Yard.

15.3 TVP recommended that a comprehensive Access and Security Strategy be secured by condition. This should cover:

- Security of commercial premises;
- Management of communal areas (e.g. concierge hours, emergency access);
- Access control for the multi-storey car park;
- Gate access systems (preferably key fob rather than keypad);
- Secure entry to apartment buildings (no trade buttons);
- Bin and cycle store security;
- CCTV provision and monitoring;
- Access to communal terraces such as Victoria Court.

15.4 The applicants submitted further additional information and revised plans to address the above.

15.5 In their final response (01.08.2025), TVP confirmed that all previously raised concerns had been satisfactorily addressed. While the size of the Old Town community cycle store remains larger than ideal under Secured by Design guidance, the proposed security measures, particularly the shift from keypad to key fob access, are considered acceptable. TVP supports the scheme subject to conditions securing the final Access and Security Strategy and confirming the use of key fob access controls across the development.

16. Residential Amenity

16.1 Policy DM30 requires all development to deliver and maintain a high standard of amenity for both existing and future users of land and buildings.

16.2 When considering the impact on the living conditions of existing and proposed residential dwellings, development proposals will be supported where there is no unacceptable harm in terms of the following criteria:

- a. Any significant loss of daylight and/or sunlight to land and buildings;
- b. Any significant overlooking of land and buildings that results in a harmful loss of privacy;
- c. Development resulting in an undue sense of enclosure, overbearing impact, or a harmful loss of outlook; and
- d. Noise, dust, fumes and odours.

16.3 The current proposal has been assessed against these criteria and is not considered to result in any unacceptable impacts on the living conditions of existing and proposed residential dwellings. There is no evidence of overshadowing, harmful overlooking, or overbearing effects, nor any concerns regarding noise or environmental nuisance. The Council's Environmental Health Officer has reviewed the application and raised no objections.

16.4 The second part of Policy DM30, reflects the aims of the NPPF by requiring all new residential development to deliver and maintain a high standard of amenity for both existing and future occupants. Specifically, proposals are expected to provide:

- i. Functional amenity space of a quality and size to meet the needs of the occupants;
 - ii. Internal accommodation of an adequate size and layout relative to the intensity of occupation envisaged;
 - iii. Natural light in all habitable rooms of the proposed development;
 - iv. A garden size which is at least a minimum of 10.5 metres in depth, where possible; and
 - v. A minimum distance of 21 metres between directly facing windows, serving habitable rooms.
- 16.5 Issues of potential overlooking between proposed units which are within 21 metres of each other have been considered and mitigated through use of obscure glazing, shutters, orientation of units, location of habitable rooms. This is not unusual in tightly constrained town centre sites.
- 16.6 The Councils Environmental Health Officers have considered this application and the impact of noise and odour from the development on existing and future occupants and have raised no objections.
- 16.7 In terms of private outdoor amenity space, the supporting text to Policy DM30 advises that one- and two-bedroom houses should provide at least 70 sqm, while houses with three or more bedrooms should offer a minimum of 100 sqm. These standards apply to new dwellings, extended or altered houses, and host dwellings in subdivision schemes.
- 16.8 For flatted developments, the approach to outdoor amenity space may vary depending on the site's location and character. As a guideline, 1-2 bedroom flats should provide at least 25 sqm of communal space per unit, and flats with three or more bedrooms should offer 40 sqm per unit. Balconies may contribute to overall provision if they offer high-quality usable space.
- 16.9 The proposed scheme delivers an averaged of approximately 19.5sqm of private amenity per unit, which falls short of the recommended guidelines, below the recommended guideline but representing a 51% improvement over the previously refused scheme, which offered around 12.9 sqm per unit. The appeal Inspector for the earlier scheme concluded that, despite falling short of the guidance, the amenity space was acceptable in terms of location, size, and quality, and did not conflict with Policy DM30.
- 16.10 It is noted that comparable developments with the town centre have been approved with amenity space falling short of the guidelines, due to their town centre location and access to nearby public open space, examples include:
 - Sterling Cables (Kings Road): 7 sqm per unit
 - Weavers Yard (Market Street): 12 sqm per unit
- 16.11 Recent appeal decisions in West Berkshire have acknowledged that amenity provision should be assessed in context, taking into account the location, character of the development, whether it provides family accommodation, and access to nearby public open space. In this case, the site benefits from close proximity to high-quality public spaces such as the Kennet and Avon Canal, Victoria Park, Northcroft Park, and Goldwell Park.
- 16.12 Therefore, while the proposed amenity provision does not meet the suggested standards in Policy DM30 and the Quality Design SPD, it is considered acceptable given the town centre location and access to nearby public open space.

17. Public Open space

- 17.1 Policy DM40 requires that proposals for residential development of 10 dwellings or more will be required to provide high quality public open space.
- 17.2 Wherever possible, on-site provision will be made to a standard of 3 – 4.3ha per thousand population. Where more appropriate to the circumstances of the site or the open space requirements, off-site provision or a financial contribution in lieu of provision will be considered.
- 17.3 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 DM40. 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.
- 17.4 The applicants have confirmed their agreement to providing a financial contribution towards the maintenance and/or improvement to existing public open space within the town centre.
- 17.5 Overall, the case officer finds the outdoor amenity space to be, on balance, acceptable and compliant with Policy DM40.

18. Highways

- 18.1 According to Policy SP19, development that generates a transport impact will be required to (amongst others) mitigate any adverse impact on local transport networks. Vehicular parking requires that following construction sufficient space is available for on-site vehicular parking in accordance with policy DM44 in a way that does not detract from the character and appearance of the area.

Traffic generation

- 18.2 With the previous proposal, especially after software traffic modelling, no concern was raised regarding traffic generation. It was generally considered that the Kennet shopping centre would have generated much higher traffic levels when it was in its heyday, and when town centre shopping trends were higher than what they are now. Therefore, the previous scheme was considered not to have increased traffic from what the Kennet shopping centre would have generated in years gone by. With this proposal, the traffic generation is even less, and therefore once again no concerns are raised regarding traffic generation. In support of the planning application a Framework Travel Plan report has been prepared. The report sets out the measures that would be put in place to promote sustainable alternatives to private car use. This will be secured by appropriate legal agreements.

Access

- 18.3 There is concern regarding the proposed private gated community in what is a prime town centre location. Highway officers would have liked the site to have been more accessible with for instance more through routes from pedestrians and cyclists, but on balance the highway officer acknowledges that a through route for vehicles would be a potential rat run, and that there are existing and improved routes for pedestrians and cyclists around the site that would make it difficult to sustain any objection on this issue.

18.4 There are five vehicular accesses proposed as follows:

- Bartholomew Street for in only
- Bartholomew Street for out only
- Market Street for in only
- Cheap Street for out only
- Cheap Street for two-way

18.5 For the Cheap Street out only, this access would require the existing bus stop and shelter to be relocated on Cheap Street. It is proposed that the bus stop is located to the south (between the new egress and the Market Street traffic signal-controlled junction. This would be considered in more detail at detailed design stage.

18.6 For the Cheap Street two way access serving “Falkland Place”, it is proposed to be located almost onto the Cheap Street / Market place / Bear Lane traffic signal controlled junction. It was originally proposed to remove the traffic signal junction completely, but this was considered by the LHA to adversely affect traffic flow around the town centre during peak travel periods, and this is also major crossing point for pedestrians. After much consideration, the LHA has suggested a replacement traffic signal junction to provide a fourth arm that would form the new access where there would be a green signal on demand. The pedestrian crossing facilities would need to be relocated either side of the proposed access along to support this, footway widening fronting the Catherine Wheel Public House, resulting is the junction needing to be realigned in the Bear Lane direction to ensure that larger vehicles can turn. To provide any traffic signals on the new access described as “Falkland Place”, a section of road some 10 metres would need to be adopted as public highway under Section 38 of the Highways Act 1980 to allow vehicle detector loops and signal heads to be provided and maintained by the LHA. The access would need to have clear width of 4.5 metres for the adopted section. The provision of any gates into the access would not be possible within any adoptable section. This would all need to be secured by appropriate conditions with works provided by a section 278 Agreement of the Highways Act 1980.

18.7 The Market Street in only access is also a point of concern, as there is the potential of vehicles being forced into reversing onto Market Street. Entry into the site here would be controlled by a barrier (type yet to be considered) and therefore should a vehicle attempt to enter the site and be denied entry by the adjacent concierge, it would need to reverse onto Market Street. However, with amended plans, it is at least possible for a car to turn in front of the barriers and leave in forward gear onto Market Street. However, any larger vehicles, such as delivery would not be able to turn fronting the barrier, and they would need to reverse onto Market Street, but on balance it is considered that any delivery vehicles would be expected there and would then be allowed to proceed into the site. The LHA would have preferred to have had barriers installed much further into the site where is already a turning area (“Iron Yard”) provided within the design that would then have provided an on-site turning area for all vehicles entering the site if required. However, this suggestion has not been provided by the applicants at this time.

18.8 As with the previous proposal, the Bartholomew Street accesses will require a section of Bartholomew Street to be open 24 hours and to be two ways for traffic. Again, this will result in the need for alterations at the Bartholomew Street / Market Street traffic signal junction to enable traffic to approach the junction from the north. The existing bollards at the start of the pedestrianised area will also need to be relocated northwards as per the previous proposal. This is alongside the section of Bartholomew Street from Market Street to Mansion House Street being made available for two way cycling via an appropriate traffic regulation order, surfacing and markings. Resurfacing of the section of Bartholomew Street fronting the site will also continue to be provided with the proposal. These works will be provided via a Section 278 Agreement.

18.9 Visibility splays for the accesses are acceptable considering the vehicle speeds expected around the site.

18.10 Additional pedestrian access points would be provided into the site from Bartholomew Street, Market Street and Market Place, which is supported.

Car Parking

18.11 557 car parking spaces have been provided throughout the scheme. This includes 80 in amongst the residential development with the remaining 447 to be provided within the Multi Storey Car Park as shown below:

18.12 As with the previous proposals, the external area on the second floor of the MSCP will be removed by the proposal, but the proposal includes an additional floor to provide a total of five floors within the car park.

18.13 Regarding the 80 car parking spaces have been provided within the site, no objection is raised by highway officers with car parking spaces being allocated amongst the residential units through any Car Park Management Plan.

	Existing	Proposed
MSCP		
Ground Floor	62	73
First Floor	85	101
Second Floor	164	101
Third Floor	104	101
Fourth Floor	N/A	101
Total in MSCP	415	477
Rest of site		80
TOTAL	415	557

18.14 The development requires 407 car parking standards according to the parking standards set out in Policy DM44 of the Local Plan Review 2023-2041 version for adoption June 2025. This includes 42 for visitors, for the flats. With 80 provided within the site, this requirement is reduced to 327 for what will need to be provided within the MSCP. As with the previous planning application, calculations have been made on how many car parking spaces will be potentially available within the MSCP. This is based on car park occupancy surveys undertaken by the applicants for the previous planning applications during November 2022. From these results at worst there will be 251 parking spaces available for residential use during early afternoon on a typical Saturday. This would be a time when many residents would likely to be working or out during the day. Highway officers therefore raise no objection is to be raised with regards to car parking provision within the site.

18.15 The layout including the dimensions of the car parking within the site would appear to be acceptable.

18.16 Throughout the while site including the MSCP, much more consideration needs to be given to the provision of EVCP's, but this can be secured by an appropriate condition.

- 18.17 The proposal seems to comply with the Council's residential cycle parking requirements that require 495 cycle parking spaces, which have been provided, of which 197 spaces would be provided within the Kennet Centre car park.
- 18.18 As with the previous proposal, any parking for residents and shoppers within the car park would be available on a first come first served basis. Again, as with the previous proposals, the management of the car park would be set out in a Car Parking Management Plan. As previously, this would be secured by an appropriate condition.
- 18.19 The provision of new delivery / loading bays on Market Street are proposed for commercial deliveries and servicing of the Vue Cinema and retail units in the southeast corner of the site. The LHA also consider that they may be useful for clientele wishing to visit nearby retail and hot food takeaway facilities. It is intended that the use of the laybys would be controlled by an appropriate traffic regulation order with times restricted as appropriate.

Access by emergency vehicles

- 18.20 The Royal Berkshire Fire and Rescue Service have provided a response that basically includes their standard response that they will provide further detailed comments at Building Control stage.
- 18.21 From the swept path diagrams now submitted, highway officers are now satisfied that a fire appliance can traverse along from market street to cheap street along "Plenty's Place". From the government's Manual for Streets, including a reverse distance of 20 metres and a reach from a fire appliance of 45 metres, the highway officer has checked that an appliance can reach residential dwellings within the site with those distances. Fire appliances used by the Royal Berkshire Fire and Rescue Service are up to 10.8 metres in length and 3.9 metres in height. From the swept path diagrams now submitted, highway officers are now satisfied that a fire appliance can traverse along "Plenty's Place", but there is concern regarding the building over the entrance to the "Smith's Yard" for access by fire appliances and ambulances. Although access via "Alma Court" through the pedestrian routes could be an option for access to "Smith's Yard".
- 18.22 Much of the recently submitted Fire Strategy Plan identifies the locations of dry risers and hydrants. Further assessment of these provisions will be undertaken by Royal Berkshire Fire and Rescue Service at the Building Control stage.

Access by refuse vehicles

- 18.23 With regards to refuse collection, highway officers have been liaising with waste officers. West Berkshire Council is the statutory body for waste collection, and therefore on behalf of waste officers, highway officers have checked to ensure that the refuse vehicles used by the waste authority can access the site and collect refuse within parameters set within the government's Manual for Streets, where distances for waste bins to be carried and wheeled is set out.
- 18.24 From the swept path diagrams, highway officers are satisfied that a full 10.8 metre long refuse vehicle can pass through the site from Market Street to Cheap Street via "Plenty's Place." From this and the carry / wheel distances set out within MfS, it is considered that at least for any of the houses, the refuse can be collected, but locations for wheeled bins from houses to be left on collection day would need to be considered. However unfortunately, regarding some of the areas for flats, the MfS dimensions have not been complied with to date. In many cases, the stores will contain the large four wheeled containers, with the distance to where a refuse vehicle can reach exceeding the 10 metre distance specified within the MfS. Highway officers have asked for such stores be

located closer to “Plenty’s Place” but so far this suggestion has not been taken by the applicants. On this basis, there would be continued objection from waste officers to the proposal, with this objection is supported by highway officers.

18.25 A further issue that the LHA does have is regarding waste collection is that much of the refuse would be collected from, for instance from Bartholomew Street, with this, along the proposed extended pedestrianisation from 10:00 to 23:00 hours could create additional difficulty for traffic flow. Refuse vehicles and delivery vehicle would not be permitted to enter pedestrianised areas during those hours. From this, the LHA would be concerned if refuse is collected for significant numbers of flats with excessive wheel distances on the public highway during for instance the morning peak. It is therefore considered that as much refuse is collected as possible internally within the site.

Conclusion

18.26 In conclusion, although concerns remain, particularly regarding the proposed access onto Market Street, all highway matters have been addressed to some extent. However, highway officers continue to support the Waste Management Team’s objection in relation to the reliance on private household waste collection.

19. Waste Collection

19.1 The Council’s Waste Management Team has raised a number of objections regarding the proposed development’s waste collection and storage arrangements. Specifically, concerns have been expressed about:

- Insufficient waste storage container capacity across many of the proposed bin stores.
- Concerns that glass recycling boxes are on a shelf which would be difficult to access.
- Failure to account for all recyclable materials required under the forthcoming Simpler Recycling regulations, which will require the separate collection of food and garden waste, paper and card, dry recyclables (glass, metal, plastic), and residual waste by March 2026, with plastic film and bags added by March 2027. This will necessitate additional receptacles in the future.
- Insufficient evidence that the proposed bin store layouts can accommodate the required receptacle capacity and allow for unimpeded movement by users and waste collectors. It is likely that some stores will need to be enlarged or relocated to ensure adequate provision.
- The Council’s inability to fulfil their statutory duty under Section 45(a)(i) of the Environmental Protection Act 1990 (EPA) as they would be unable to collect waste from the site due to excessive carry distances, which exceed the operational limits of Council refuse crews.
- Lack of scaled bin store layouts and collection route plans.
- Absence of a comprehensive Waste Management Plan.

19.2 Section 45(a)(i) of the Environmental Protection Act 1990 (EPA) places a statutory duty on the Council to collect household waste unless:

- The location is deemed so isolated or inaccessible that the cost of collection would be unreasonably high; or
- The Council is satisfied that adequate arrangements for waste disposal have been or can reasonably be expected to be made by the person who controls the waste.

19.3 These statutory exemptions permit the use of private waste collection services, provided that:

- Formal documentation (e.g. a Waste Management Strategy secured by S106) is in place.
- The arrangements are subject to ongoing monitoring to ensure compliance and continuity of service.

19.4 This approach has been endorsed by Planning Inspectors in several recent appeal decisions, where private waste collection was deemed acceptable subject to appropriate safeguards. Notable examples include:

- In the York Road, St Leonards-on-Sea appeal (APP/B1415/W/21/3272859), the Inspector concluded that private waste collection was feasible and acceptable, subject to the approval of a waste management strategy specifying how and by whom refuse would be collected (Appendix 2).
- In the New Street, Blaby appeal (APP/T2405/W/23/3318532), the Inspector accepted that a Unilateral Undertaking (UU) requiring private waste collection in perpetuity was sufficient to ensure suitable provision for household waste collection, even where the Council was unable to collect waste due to access constraints. The Inspector gave particular weight to the provisions of Section 45(a)(ii) of the Environmental Protection Act, stating: *“Even if I was to conclude that the WCA may refuse to collect waste under S.45(a)(i) of the EPA, then S.45(a)(ii) refers to adequate arrangements for waste disposal being made. In this respect the appellant has provided a UU as part of the appeal process which requires the signatory to have a private waste collection service. The use of a private waste collection service for a suburban development of this nature is unusual, but it is not inherently unfeasible or unacceptable in planning terms.”* (Appendix 3).

This reinforces the principle that private waste collection can be a valid and lawful alternative where Council collection is impractical.

- In the Bedford Road, Kempston appeal (APP/K0235/W/20/3257894), the Inspector found that private waste collection could be secured by condition and was acceptable in planning terms, even where Council collection was not feasible due to access limitations (Appendix 4).
- In the High Road, North Finchley appeal (APP/N5090/W/20/3260021), the Inspector concluded that a private waste collection strategy secured via a Unilateral Undertaking was robust and met planning policy requirements (Appendix 5).

19.5 The applicant has confirmed that all properties within the development will be required, whether leasehold or freehold, to become members of the Old Town Management Company, which will oversee communal services including waste collection.

19.6 Planning Officers consider that, given the presence of a Management Company, the implementation and enforcement of private waste collection arrangements will be straightforward to monitor and maintain.

- 19.7 The applicant has provided examples of successful private waste collection at other sites under their management, including Thames Quarter in Reading, where such arrangements were secured via planning condition.
- 19.8 Furthermore, it is noted that private waste collection is already in use within the district, including at Beansheaf Farm (planning ref: 16/02330/FULEXT), where five buildings were converted from offices to 27 residential units. In that case, adequate waste arrangements were secured and referenced in the Section 106 agreement.
- 19.9 It is acknowledged that the use of private waste collections for householder waste has implications for the Council in terms of:
- Fragment waste service delivery across the district.
 - Undermine economies of scale and operational efficiency for Council collections.
 - Increase administrative burden in assessing and monitoring private arrangements.
- 19.10 There are also implications for future residents of the development as they will be required to pay for private waste collection through service charges levied by the Management Company. These charges are not regulated by the Council and may increase over time depending on contractor pricing, inflation, or changes in service scope. They are also additional to Council Tax.
- 19.11 However, Planning Officers are of the view that on balance, and in light of the considerable planning benefits offered by the proposal (as summarised in the final section of this report), the recommendation is to approve the application subject to the completion of a Section 106 agreement, which will:
- Secure a Waste Management Strategy to be approved by the Local Planning Authority in consultation with the Waste Management Team prior to commencement of development.
 - Ensure that private waste collection arrangements are implemented and maintained in perpetuity, with clear responsibilities assigned to the site's management company.
 - Require that, where storage capacity for recycling containers is limited, the frequency of waste collections be increased to ensure that the available capacity is sufficient to meet the needs of residents and comply with Simpler Recycling regulations.
 - Confirmation that all properties will be members of the Old Town Management Company, which will oversee waste services.
 - Ensure that appropriate monitoring arrangements are in place
- 19.12 This approach is considered to provide a robust and enforceable mechanism to address the concerns raised, while aligning with established planning practice and appeal outcomes.
- 19.13 In terms of the Waste Officers concerns about glass recycling storage, the applicant has reviewed the submitted information and note an error in the Refuse Capacity Spreadsheet. This has now been corrected. The table now confirms that there is adequate capacity on site for glass recycling storage within each of the proposed stores except for the store accessed from Artists Mews North which needs to increase in depth by 0.5m. An amended plan has been submitted showing this minor change.

19.14 The Waste Officer also raised concerns regarding how the glass storage will function. The applicant has responded conforming that the glass recycling requirement requires additional capacity in 6 of the 21 bin stores. It is proposed to meet this additional capacity through the provision of a 55l box to be provided on a shelf. This will result in an over-provision of between 30l and 47l in 5 of the 6 stores. It is proposed that the shelf will be provided at a sensible height whereby glass can be easily inserted into the box however it should be noted that this box is an overflow and the capacity in the stores will be frequently managed so as to ensure adequate capacity via regular collections, and if necessary, redistribution amongst other stores. It is also noted that the boxes could be located on the floor, but a shelf is preferable as this makes cleaning the floor of the bin store easier.

20. Flood Risk and Sustainable Drainage

20.1 According to Policy SP6, in order to restrict or reduce runoff, surface water will be managed in a sustainable manner through the implementation of Sustainable Drainage Methods (SuDS) in accordance with the SuDS Supplementary Planning Document, best practice, and the Non-statutory Technical Standards for Sustainable Drainage. The surface water strategy has been reviewed and considered by the LLFA. This policy is amplified by Policy DM7 which seeks to ensure a comprehensive and integrated approach to the conservation and management of water resources, and ensure that development do not overload available facilities and create or exacerbate problems of flooding or pollution.

20.2 Following an initial objection from the LLFA due to insufficient and invalid technical information, the applicant met with the SuDS officer to discuss the concerns raised. In response to this meeting, the applicant submitted a revised drainage strategy. This updated strategy included several amendments aimed at addressing the LLFA's feedback, including:

- Revised hydraulic modelling using updated FEH rainfall data.
- Reduction in proposed discharge rates, achieving a 79.1% reduction in the 1 in 100 year storm event compared to existing brownfield runoff.
- Incorporation of additional SuDS features, such as blue roofs, green roofs, rain gardens, and rainwater harvesting tanks.
- Clarified catchment analysis and exceedance flow routes.
- Updated maintenance schedules for all SuDS components.

20.3 The SuDS officer acknowledges that the applicant has made genuine efforts to improve the drainage design and that the proposal offers a net improvement compared to the existing situation, specifically in terms of:

- Reduced surface water discharge
- Increased surface water storage
- Enhanced SuDS provision, including amenity and biodiversity benefits
- Improved water quality
- Reduced pressure on existing Thames Water surface water sewers

20.4 However, despite these improvements, the SuDS officer maintains their objection. The revised strategy still fails to meet the required standards. Specifically:

- The proposed discharge rates remain above the thresholds set out in the National Standards for SuDS (2025), which require brownfield sites to aim for no more than five times the greenfield runoff rate unless robust justification is provided.

- The design remains high-level and lacks fixed site levels, confirmed asset layouts, and sufficient detail to validate the long-term viability of the drainage approach.
 - The applicant's justification—citing architectural and landscape constraints—was not accepted by the LLFA, who emphasised that drainage must be integrated into the design from the outset.
- 20.5 Planning officers note that the proposal is heritage-led, with its layout and design guided by the historic environment. They also recognise that the proposed drainage strategy, while not achieving the recommended surface water discharge rates, would result in a reduction in flood risk compared to the existing situation, which currently discharges surface water at an unrestricted rate into the public sewer. If fully implemented, the strategy would provide a betterment over the current baseline.
- 20.6 Planning officers also express serious concerns that any major changes to the development, such as reducing the footprint to allow for additional SuDS features, could have significant implications for the overall design and viability of the scheme. In particular, reducing the number of residential units may necessitate an increase in building height to maintain viability. This would likely result in an unacceptable impact on the character and appearance of the conservation area and the setting of nearby listed buildings.
- 20.7 The preservation of the historic environment was considered of paramount importance by the Inspector in the recent appeal decision for the Kennet Centre site. Any design changes that would result in harm to significance of any heritage assets would be contrary to the Inspector's findings and the overarching objectives of the heritage-led approach.
- 20.8 It is noted that despite their concerns, the LLFA has provided a comprehensive condition to secure the delivery of a robust and sustainable drainage strategy.
- 20.9 In light of the considerable planning benefits offered by the proposal (as summarised in the final section of this report), and the fact that the scheme provides a significant improvement over the existing drainage situation, planning officers consider that, subject to a condition to secure the delivery of a robust and sustainable drainage strategy, the scheme is, on balance, acceptable.
- 20.10 It is noted that no objections have been raised by the Environment Agency or the LLFA with regards to the applicant's Flood Risk Assessment.

21. Sustainable Construction & Climate Change

- 21.1 Policy SP5 requires that principles of climate change mitigation and adaptation will be required to be embedded into new development, improving the resilience of land, buildings and existing and future communities to the opportunities and impacts arising from climate change. All development should contribute to West Berkshire becoming and staying carbon neutral by 2030. Policy SP5 requires that proposals are accompanied by a Sustainability Statement which demonstrates how these principles have been embedded into the development. The application was accompanied by such a statement.
- 21.2 Policy DM4 of the Local Plan Review requires new dwellings to achieve net zero operational carbon emissions (regulated and unregulated energy) by implementing the energy hierarchy. This should be demonstrated within an Energy Statement. There is a further requirement to achieve a 63% reduction in carbon emissions during construction as compared to the baseline emission rate set by Building Regulations Part L and to demonstrate a Fabric Energy Efficiency metric of 51.0 kWh/m²/year FEE. These

requirements have been introduced as a requirement of the West Berkshire Local Plan Review 2023 - 2025.

- 21.3 Policy DM4 requires that where a development proposal of one or more new dwellings (C3 or C4 use class) and/or 100sqm or more of new non-residential floorspace, including hotels (C1 use class), residential institutions (C2 use class) and or secure residential institutions (C2A use class) cannot demonstrate that it is net zero carbon in relation to operational energy (regulated and unregulated), it will be required to address any residual carbon emissions by a cash in lieu contribution.
- 21.4 The Energy Statement submitted for the application has been reviewed by the Council's Environments Team and found to be lacking in several key areas. Notably, there is no information provided regarding the proposed community hub, which is intended to include amenities such as a concierge, gym, meeting room, kitchen, and postal room. The application also omits essential energy summary tables for both domestic and non-domestic elements, failing to demonstrate cumulative carbon savings across the energy hierarchy as required by DM4. This omission makes it unclear whether the residential development achieves the necessary 63% carbon reduction prior to incorporating on-site renewables. Furthermore, SAP calculation printouts are incomplete and do not cover all building orientations, making it difficult to verify compliance with Fabric Energy Efficiency (FEE) targets. The application also lacks a BREEAM pre-assessment for the community hub, and while one is provided for retail units, it is insufficient to confirm achievement of BREEAM Excellent. Additional missing elements include the total number and floor area of non-residential units, a cross-check table for on-site renewables, feasibility studies for heating systems, and a Net Zero Carbon Offsetting calculator.
- 21.5 These gaps collectively hinder a full assessment of the development's energy performance and sustainability credentials. The Environments Team therefore requested further information. In response the applicant submitted the following additional information on the 23rd August:
- Updated Energy Report
 - BREEAM pre-assessment for the Concierge and Shared Residents Area
 - Carbon offsetting calculator Residential – Contribution calculated to be £124,539.27
 - Carbon offsetting calculator Non-residential - Contribution calculated to be £12,687.90
- 21.6 At the time of writing this report the Environments Team are in the process of reviewing the additional submissions. Their full response will be reported in the Update Report.

22. Trees and Landscaping

- 22.1 According to Policy DM15, development which conserves and enhances trees, woodland and hedgerows will be supported. Development proposals should be accompanied by an appropriate Arboricultural Survey, Arboricultural Impact Assessment and/or an Arboricultural Method Statement. Proposals will be expected to clearly demonstrate that wherever possible existing trees, woodland and hedgerows have been incorporated into the design and layout of a scheme from the outset.
- 22.2 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.

23. Ecology

- 23.1 According to Policy SP11, development proposals will be required to demonstrate how they conserve and enhance biodiversity and/or geodiversity including their long-term future management and, where required, deliver Biodiversity Net Gains.
- 23.2 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 considers the previous ecology officers view on the previous application. Conditions included CEMP, LEMP, compliance with the existing method statements submitted, ecological enhancements and a sensitive lighting scheme.

24. Health Impacts

- 24.1 Development proposals in accordance with DM3 will be required to promote, support and enhance positive mental and physical health and wellbeing and thus contribute to reducing health inequalities. Where any potential adverse impacts are identified, they will need to be addressed and mitigated in an appropriate manner.
- 24.2 The proposed development would constitute a high-quality design, creating an attractive place to live. The quality of the development and how it integrates with and responds to the character of Newbury contributes to a pleasant environment that supports positive health outcomes. The dwellings are well-designed, benefiting from space and natural light, and will meet modern building regulations, ensuring efficient heating.
- 24.3 The location of the proposed development is central to Newbury, with facilities that support a healthy lifestyle within walking distance. Newbury offers easy access to wider sustainable modes of travel, opening up opportunities for employment and travel to other cities and regions. It is well-positioned near the A34 and M4, providing convenient access to work opportunities outside the district.
- 24.4 Newbury also benefits from open spaces such as the canal and Victoria Park and is well-served in terms of leisure amenities that encourage physical activity. Healthcare provision will be enhanced through a planning obligation contribution, and Newbury is already well-provided for in terms of pharmacies and accessible healthcare services.
- 24.5 It is therefore concluded that the Health Impacts of this development have been adequately considered and the high-quality design and sustainable located contribute to positive health outcomes.

25. Digital Infrastructure

- 25.1 According to DM41, the Council will expect all new residential and employment generating premises commercial premises to be served by high-speed reliable gigabit-capable broadband, wherever possible in the form of fibre to the premises (FTTP), or any new or alternative technologies that may come forward during the lifetime of the Local Plan. Where it is not currently viable to deliver FTTP broadband, the fastest viable alternative connection should be provided, together with adequate ducting to allow FTTP connections to be made easily at a later date, without the additional costs of retrofitting. This can be secured by planning condition.

26. Contamination

- 26.1 Policy DM5 of the West Berkshire Local Plan Review requires that development proposals demonstrate that they will not result in unacceptable risks to human health, the environment, or property due to contamination. The policy seeks to ensure that land affected by contamination is appropriately remediated prior to development, and that risks are managed throughout the construction and operational phases.
- 26.2 The application site has a history of industrial use, including a garage and iron works, which presents a medium risk of contamination. The Environment Agency (EA) has reviewed the submitted ground investigation report and acknowledges that it currently indicates no widespread contamination. However, the EA notes that the scope of the investigation was limited due to the building still being in operation at the time of assessment. As such, further investigation will be required once demolition and site clearance have been completed.
- 26.3 The site is located within Source Protection Zone 3, on a Secondary Aquifer A, with a Principal Aquifer present beneath at depth. Groundwater has been observed at shallow depths, and the site lies within 100 metres of a groundwater-dependent watercourse, making the location particularly sensitive to pollution. In light of this, the EA has advised that infiltration SuDS are not appropriate due to the risk of mobilising contaminants into controlled waters.
- 26.4 The Council's Environmental Health Officer has also reviewed the application and concurs that further site characterisation is required post-demolition. Conditions are recommended to secure:
- A remediation strategy based on expanded site investigation.
 - A verification plan to confirm the effectiveness of remediation.
 - Measures to address unexpected contamination.
 - Restrictions on piling and borehole installation to prevent pollution pathways.
 - Prohibition of infiltration drainage systems unless specifically approved.
- 26.5 These conditions are considered necessary to ensure that the development does not contribute to, or is adversely affected by, unacceptable levels of contamination. Subject to the implementation of these conditions, the proposal is considered to comply with Policy DM5 and the relevant provisions of the National Planning Policy Framework.

27. Other Matters

- 27.1 A letter of objection has been received from the Catherine Wheel Public House expressing concern that the introduction of additional noise sensitive residential uses immediately adjacent to the existing leisure venue will increase the potential for complaints by the new residents in respect of this established late-night use. The Council's Environmental Health officer has assessed the scheme and considered existing uses surrounding the site and their impact on any future residential properties and have not raised any objections in terms of any harm arising from the noise generated by existing late night businesses.

28. Planning Balance

- 28.1 Planning law requires that applications for planning permission be determined in accordance with the development plan unless material considerations indicate otherwise. This section sets out the overall planning balance, weighing the benefits and disbenefits of the proposal in the context of relevant policies and material considerations.

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

- Great
- Significant
- Moderate
- Limited
- Neutral

Benefits

28.3 The proposed redevelopment of the Kennet Centre offers a wide range of public benefits, many of which attract great or significant positive weight:

28.4 **Townscape and Heritage Enhancements:** The scheme delivers a transformational improvement to the character and appearance of the Newbury Town Centre Conservation Area. It reinstates historic street patterns, improves permeability, and introduces high-quality architecture that reflects local vernacular. These enhancements are supported by Historic England and the Council's Conservation Officer and attract **great positive weight**.

28.5 **Housing Delivery:** The proposal provides 317 new dwellings in a highly sustainable town centre location, contributing meaningfully to the district's housing supply. In addition, a mixed-scheme development with both build-to-rent (BtR) and private sale properties offers significant benefits to residents, and the wider community as it creates cohesive, mixed-income communities, by catering to different housing needs and income levels. BtR properties also provide options for long-term, professionally managed rentals, which is attractive to many who are priced out of the homeownership market. Given the district's increasing housing requirement and the national housing crisis, this benefit attracts **great positive weight**.

28.6 **Economic Regeneration:** The scheme supports town centre regeneration, job creation, and increased footfall. These benefits attract **significant positive weight**.

28.7 **Design Quality:** The proposal exemplifies best practice in urban design and placemaking, with strong support from design experts and the public. It enhances the built environment and supports healthy living, attracting **significant positive weight**.

28.8 **Public Realm Improvements:** The scheme introduces new pedestrian routes, open spaces, and landscaping, improving connectivity and the quality of the public realm. This attracts moderate to **significant positive weight**.

28.9 **Environmental Enhancements:** The proposal includes ecological mitigation and biodiversity net gain measures, attracting **moderate positive weight**.

Neutral or Limited Weight Considerations

28.10 Some aspects of the proposal are considered to carry neutral or limited weight in the planning balance:

28.11 **Developer Contributions and CIL:** While necessary to mitigate impacts, these are policy requirements and do not constitute additional benefits. They attract **neutral weight**.

28.12 **Renewable Energy and Carbon Offsetting:** The scheme does not achieve net zero carbon but includes offsetting contributions. This attracts **neutral weight**, acknowledging both the limitations and mitigation.

28.13 **Parking Provision:** The scheme meets parking standards and includes mitigation for displaced parking. This attracts neutral weight, as it addresses policy requirements without delivering additional benefits.

Disbenefits and Negative Weight

28.14 The proposal also gives rise to several disbenefits, which attract negative weight:

28.15 **Lack of Affordable Housing:** No affordable housing is provided due to viability constraints. While this is justified by independent assessment, it remains a significant missed opportunity. This attracts significant negative weight.

28.16 **Private Amenity Provision:** The scheme falls short of recommended private amenity space standards. However, this is mitigated by the town centre location and access to public open space. This attracts moderate negative weight.

28.17 **Private Waste Collection:** The reliance on private waste collection introduces long-term management and equity concerns. This attracts moderate negative weight, though it is mitigated by enforceable planning obligations.

28.18 **Drainage Strategy:** The scheme does not fully comply with SuDS standards, though it offers a betterment over the existing situation. Subject to conditions, this attracts limited negative weight.

Overall Planning Balance

28.19 When considered in the round, the public benefits of the proposal clearly outweigh the identified harms. The scheme represents a rare opportunity to deliver comprehensive town centre regeneration, with substantial enhancements to heritage, housing, design, and economic vitality. The disbenefits, while material, are either mitigated or justified by viability, site constraints, or planning obligations.

28.20 The proposal is broadly consistent with the development plan, and where conflict arises (e.g. Policy SP18 and SP15), material considerations justify a departure. The application therefore meets the requirements of paragraph 11 of the NPPF and should be approved.

29. Conclusion

29.1 The proposed redevelopment of the Kennet Centre represents a rare and significant opportunity to deliver transformational change in the heart of Newbury. The scheme has evolved considerably from previous iterations, responding positively to the concerns raised by the Council and the Planning Inspectorate. It now presents a high-quality, heritage-led regeneration proposal that aligns with the strategic objectives of the West Berkshire Local Plan and the Newbury Town Centre Masterplan.

29.2 The development will deliver substantial public benefits, including the creation of 317 new homes, the revitalisation of a declining shopping centre, enhancements to the townscape and conservation area, and a meaningful contribution to the economic vitality of the town centre. These benefits are supported by a strong design rationale, widespread stakeholder engagement, and the backing of key consultees such as Historic England.

29.3 While the scheme does not deliver affordable housing and relies on private waste collection, these disbenefits are justified by robust viability evidence and mitigated through enforceable planning obligations. The proposal also falls short of some technical

standards, such as amenity space and drainage, but these are considered acceptable in the context of the site's constraints and the wider planning benefits.

- 29.4 On balance, the proposal is considered to comply with the development plan when read as a whole, and the material considerations clearly indicate that planning permission should be granted. The application is therefore recommended for approval, subject to conditions and the completion of a Section 106 legal agreement.

30. Full Recommendation

- 30.1 PROVIDED THAT a Section 106 Agreement has been completed within 6 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).
- 30.2 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 this report.

Conditions

1.	<p>Commencement of development</p> <p>The development hereby permitted shall be begun before the expiration of three years from the date of this permission.</p> <p>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).</p>
2.	<p>Approved plans</p> <p>The development hereby permitted shall be carried out in accordance with the approved plans and documents listed below:</p> <p>Drawings and plans listed on Drawing List received on the 01.09.2025</p> <p>Reason: For the avoidance of doubt and in the interest of proper planning.</p>
3.	<p>Schedule of materials (prior approval)</p> <p>No above ground construction works 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. The development shall be carried out in accordance with the approved details/ samples.</p> <p>Reason: To ensure that the materials are appropriate to the character of the Conservation Area and adjacent listed buildings. This condition is imposed in accordance with the National Planning Policy Framework and Policies SP7, SP9, DM9 and DM10 of the West Berkshire Local Plan Review 2023-2041.</p>
4.	<p>Sample Brickwork/Stonework/Roofing and Surfacing Materials Schedule</p> <p>No above ground construction shall take place until a sample panel of the materials to be used in the construction of the external surfaces/roofing/brickwork/stonework shall have been prepared on site for inspection and approved in writing by the local planning authority. All sample panels shall be at least 1 metre x 1 metre and show</p>

	<p>the proposed material, bond, pointing technique and palette of materials (including roofing, cladding and render) to be used in the development. The development shall be constructed in accordance with the approved sample, which shall not be removed from the site until completion of the development.</p> <p>Reason: To ensure that the materials are appropriate to the character of the Conservation Area and adjacent listed buildings. This condition is imposed in accordance with the National Planning Policy Framework and Policies SP7, SP9, DM9 and DM10 of the West Berkshire Local Plan Review 2023-2041.</p>
5.	<p>Window/door details</p> <p>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.</p> <p>Reason: To ensure that the materials are appropriate to the character of the Conservation Area and adjacent listed buildings. This condition is imposed in accordance with the National Planning Policy Framework and Policies SP7, SP9, DM9 and DM10 of the West Berkshire Local Plan Review 2023-2041.</p>
6.	<p>Architectural details</p> <p>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:</p> <ul style="list-style-type: none"> - window/door arches, lintels, reveals and surrounds - eaves and fascia - parapets, cornices and pediments - brick detailing and decorative features - metalwork (railings and/or balconies) - external services (drainage pipework (including soil vent pipe terminations) and accessories, rainwater goods, boiler flues, extract vent grilles, meter cupboards, external lighting. <p>Thereafter the development shall incorporate and be undertaken in accordance with the approved details.</p> <p>Reason: To ensure that the materials are appropriate to the character of the Conservation Area and adjacent listed buildings. This condition is imposed in accordance with the National Planning Policy Framework and Policies SP7, SP9, DM9 and DM10 of the West Berkshire Local Plan Review 2023-2041.</p>
7.	<p>Method Statement and Schedule of Works</p> <p>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 details of adequate protection and support to the adjacent listed buildings during demolition and construction as required including scaffolding to ensure no damage is incurred to the historic fabric. Thereafter the development shall incorporate and be undertaken in accordance with the approved details.</p> <p>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 SP7, SP9, DM9 and DM10 of the West Berkshire Local Plan Review 2023-2041</p>

	<p>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.</p>
8.	<p>Archaeology</p> <p>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.</p> <p>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:</p> <ul style="list-style-type: none"> 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. <p>Reason: To ensure that any significant archaeological remains that are found are adequately recorded. Such an approach follows the guidance set out in paragraph 212 of the 2024 National Planning Policy Framework and is accordant with the requirements of Policy DM14 of the West Berkshire Local Plan Review 2023-2041.</p> <p>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.</p>
9.	<p>Landscape (Soft and Hard) – (Major applications)</p> <p>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:</p> <ul style="list-style-type: none"> 1) a scaled plan showing all and trees and plants to be planted; 2) location, type and materials to be used for hard landscaping including specifications, where applicable for: <ul style="list-style-type: none"> a. permeable paving b. tree pit design c. underground modular systems d. Sustainable urban drainage integration e. use within tree Root Protection Areas (RPAs);

	<p>3) a schedule detailing sizes and numbers/densities of all proposed trees/plants;</p> <p>4) specifications for operations associated with plant establishment and maintenance that are compliant with best practise; and</p> <p>5) types and dimensions of all boundary treatments</p> <p>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.</p> <p>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 SP7, SP9, DM9 and DM15 of the West Berkshire Local Plan Review 2023-2041</p>
10.	<p>Compliance with existing detailed biodiversity method statements, strategies, plans and schemes</p> <p>All ecological measures and/or works shall be carried out in accordance with the details contained in Ecological impact assessment (November 2024, EPR) and Landscape strategy (November 2024, Lochailort) as already submitted with the planning application and agreed in principle with the Local Planning Authority prior to determination.</p> <p>Reason: To ensure the adequate safeguarding of protected species in accordance with the National Planning Policy Framework, and Policy SP11 of the West Berkshire Local Plan Review 2023-2041.</p>
11.	<p>Construction Environmental Management Plan</p> <p>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:</p> <ul style="list-style-type: none"> • Risk assessment of potentially damaging construction activities. • Identification of “biodiversity protection zones”. • 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). • The location and timing of sensitive works to avoid harm to biodiversity features. • The times during construction when specialist ecologists need to be present on site to oversee works. • Responsible persons and lines of communication. • The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person. • Use of protective fences, exclusion barriers and warning signs.

	<p>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.</p> <p>Reason: To ensure the adequate safeguarding of protected species. This condition is imposed in accordance with the National Planning Policy Framework and Policy SP11 of the West Berkshire Local Plan Review 2023-2041</p> <p>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.</p>
12.	<p>Landscape and Ecological Management Plan (LEMP)</p> <p>No above ground construction 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:</p> <ul style="list-style-type: none"> 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. <p>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.</p> <p>(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.</p> <p>Reason: To ensure the adequate safeguarding of protected species in accordance with the National Planning Policy Framework, and Policy SP11 of the West Berkshire Local Plan Review 2023-2041.</p>
13.	<p>Submission of a copy of the EPS licence</p> <p>The following works 'demolition of the existing building on site' shall not in any circumstances commence unless the Local Planning Authority has been provided with either:</p> <p>(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;</p> <p>or</p>

	<p>(b) A statement in writing from a suitably qualified ecologist to the effect that they do not consider that the specified activity/development will require a licence.</p> <p>Reason: To ensure the adequate safeguarding of protected species in accordance with the National Planning Policy Framework, and Policy SP11 of the West Berkshire Local Plan Review 2023-2041. 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.</p>
14.	<p>Lighting design strategy for light sensitive biodiversity</p> <p>Prior to occupation, a “lighting design strategy for biodiversity” for the new dwellings and associated works shall be submitted to and approved in writing by the local planning authority. The strategy shall:</p> <ul style="list-style-type: none"> 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 Isolux 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. <p>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.</p> <p>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 SP11 of the West Berkshire Local Plan Review 2023-2041</p>
15.	<p>Biodiversity measures</p> <p>The development hereby permitted shall not be occupied until integrated bird and bat boxes have been installed in accordance with a minimum ratio of 1-4 dwellings and details shown on a submitted plan.</p> <p>Reason: To ensure the adequate safeguarding of protected species in accordance with the National Planning Policy Framework, and Policy SP11 of the West Berkshire Local Plan Review 2023-2041.</p>
16.	<p>Infiltration Drainage</p> <p>No drainage systems for the infiltration of surface water to the ground are permitted other than with the written consent of the local planning authority. Any proposals for such systems must be supported by an assessment of the risks to controlled waters. The development shall be carried out in accordance with the approved details.</p> <p>Reason: To ensure that the development does not contribute to and is not put at unacceptable risk from or adversely affected by unacceptable levels of water pollution caused by mobilised contaminants. This is in line with paragraph 187 of the</p>

	National Planning Policy Framework and Policy DM6 and DM7 of the West Berkshire Local Plan Review 2023-2041.
17.	<p>Piling</p> <p>Piling or other intrusive foundations using penetrative methods shall not be carried out other than with the written consent of the local planning authority. The development shall be carried out in accordance with the approved details.</p> <p>Reason: To ensure that the proposed development does not harm groundwater resources in line with paragraph 187 of the National Planning Policy Framework.</p> <p>Piling or other intrusive foundations using penetrative methods can result in risks to potable supplies from, for example, pollution/turbidity, risk of mobilising contamination, drilling through different aquifers and creating preferential pathways. Groundwater is particularly sensitive in this location because the proposed development site:</p> <ul style="list-style-type: none"> • within source protection zone 3 • located on a Secondary aquifer A, with a Principal Aquifer present beneath at depth. • where groundwater has been observed at shallow depths <p>A piling plan and risk assessment to be submitted and agreed to, prior to the commencement of works is therefore necessary.</p>
18.	<p>Boreholes</p> <p>A scheme for managing any borehole installed for the investigation of soils, groundwater or geotechnical purposes shall be submitted to and approved in writing by the local planning authority. The scheme shall provide details of how redundant boreholes are to be decommissioned and how any boreholes that need to be retained, post-development, for monitoring purposes will be secured, protected and inspected. The scheme as approved shall be implemented prior to the occupation of any part of the permitted development.</p> <p>Reason: To ensure that redundant boreholes are safe and secure, and do not cause groundwater pollution or loss of water supplies in line with paragraph 187 of the National Planning Policy Framework. The submitted planning application indicates that boreholes are currently on the development site to investigate groundwater resources and or carry out soakage tests. If these boreholes are not decommissioned correctly, they can provide preferential pathways for contaminant movement which poses a risk to groundwater quality.</p>
19.	<p>Noise protection for future occupiers</p> <p>A scheme for protecting the proposed dwellings of the approved development from road and entertainment noise from the town centre night-time economy shall be submitted, for written approval, to the Local Planning Authority.</p> <p>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.</p> <p>Reason: To protect future residents from noise from road noise and commercial noise from the town centre. To safeguard the amenities of adjoining land uses and occupiers. This condition is applied in accordance with the National Planning Policy Framework, and Policies DM5 and DM30 of the West Berkshire Local Plan Review 2023-2041.</p>
20.	Noise Management Plan for Use Class E Premises

	<p>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:</p> <ul style="list-style-type: none"> A. An assessment of how the business use could impact neighbouring noise sensitive receptors, including structural and airborne transfer of noise B. 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 C. Contact details of the person responsible for noise management <p>The noise management plan shall be reviewed periodically and whenever there are changes which could result in a change to the impact on surrounding neighbours.</p> <p>Reason: To safeguard the amenities of adjoining land uses and occupiers. This condition is applied in accordance with the National Planning Policy Framework, and Policies DM5 and DM30 of the West Berkshire Local Plan Review 2023-2041.</p>
21.	<p>Condition – Deliveries</p> <p>No deliveries including collection of waste shall be dispatched or accepted outside the following times.</p> <ul style="list-style-type: none"> - Monday to Saturday – 7:00 am and 10:00 pm - Sundays and Public Holidays – 9:00 am and 6:00 pm <p>Vehicle engines and refrigeration units shall be switched off during deliveries and no engine idling shall be permitted.</p> <p>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, and Policies SP19, DM5 and DM30 of the West Berkshire Local Plan Review 2023-2041. A pre-commencement condition is required because the CMS must be adhered to during all demolition and construction operations.</p>
22.	<p>Cooking Odours from Commercial Kitchens</p> <p>The applicant shall submit to the Local Planning Authority, for written approval, a scheme of works to minimise the emission of cooking odours.</p> <p>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.</p> <p>Reason: To safeguard the amenities of adjoining land uses and occupiers. This condition is applied in accordance with the National Planning Policy Framework, and Policies DM5 and DM30 of the West Berkshire Local Plan Review 2023-2041.</p>
23.	<p>Plant noise</p> <p>Prior to any works above foundation level development apart from demolition work the following shall be submitted to the Local Planning Authority</p> <ul style="list-style-type: none"> a) written details concerning any proposed air handling plant associated with the development including: <ul style="list-style-type: none"> - 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.

	<p>b) calculations showing the likely impact of noise from the development;</p> <p>c) a scheme of works or such other steps as may be necessary to minimize the effects of noise from the development;</p> <p>no construction above foundation level apart from demolition work shall 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.</p> <p>Reason: To safeguard the amenities of adjoining land uses and occupiers. This condition is applied in accordance with the National Planning Policy Framework, and Policies DM5 and DM30 of the West Berkshire Local Plan Review 2023-2041.</p> <p>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.</p>
24.	<p>Hours of Construction Works</p> <p>No construction works shall take place outside the following hours:</p> <p>0730 hours to 1800 hours Mondays to Fridays. 0830 hours to 1300 hours Saturdays; and</p> <p>No work shall be carried out at any time on Sundays or Bank Holidays</p> <p>Reason: To safeguard the amenities of adjoining land uses and occupiers. This condition is applied in accordance with the National Planning Policy Framework, and Policies DM5 and DM30 of the West Berkshire Local Plan Review 2023-2041.</p>
25.	<p>Construction Management Statement (Environmental Health)</p> <p>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:-</p> <ul style="list-style-type: none"> (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. <p>The development shall be carried out in accordance with the approved scheme.</p> <p>Reason: To safeguard the amenities of adjoining land uses and occupiers. This condition is applied in accordance with the National Planning Policy Framework, and Policies DM5 and DM30 of the West Berkshire Local Plan Review 2023-2041.</p>
26.	<p>Contaminated land (investigation and remediation)</p> <p>No development* shall take place until a scheme to deal with contamination at the site has been submitted to and approved in writing by the LPA. The above scheme shall:</p>

	<p>(a) Include an investigation and risk assessment. A report of the findings shall: identify the nature and extent of any contamination on the site (irrespective of its origin); include an assessment of the potential risks to human health, property, and the environment; and include an appraisal of remedial options, and proposal of preferred option(s).</p> <p>(b) Include a remediation scheme* which ensures that, after remediation, as a minimum, the land shall not be capable of being determined as contaminated land under Part IIA of the Environmental Protection Act 1990. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures.</p> <p>(c) Include a monitoring and maintenance scheme* to ensure the long-term effectiveness of the proposed remediation, and the provision of reports on the same that shall be submitted to and approved in writing by the LPA.</p> <p>(d) Be prepared by a competent person (a person with a recognised relevant qualification, sufficient experience in dealing with the type(s) of pollution or land instability, and membership of a relevant professional organisation), and conducted in accordance with current best practice.</p> <p>Thereafter, any approved remediation scheme and/or monitoring and maintenance measures shall be carried out in accordance with the approved details. Two weeks written notice shall be given to the LPA prior to the commencement of any remediation scheme.</p> <p>If any previously unidentified land contamination is found during the carrying out of the development, it shall be reported immediately in writing to the LPA. Appropriate investigation and risk assessment shall be undertaken, and any necessary remediation measures shall be submitted and approved in writing by the LPA. Thereafter, any remediation measures shall be carried out in accordance with the approved details.</p> <p>The development shall not be occupied* until all approved remediation measures have been completed and a verification report to demonstrate the effectiveness of the remediation has been submitted to and approved in writing by the LPA.</p> <p>(* Unless otherwise agreed in writing by the LPA)</p> <p>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. This condition is applied in accordance with paragraphs 170, 178, 179 and 180 the National Planning Policy Framework, and Policy OVS.5 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007). A pre-commencement condition is required to ensure that adequate investigation and a suitable remediation and/or monitoring is agreed before it may be implemented throughout the demolition and/or construction phase.</p>
27.	<p>Unexpected contamination</p> <p>If any previously unidentified contaminated land is found during demolition and/or construction activities, it shall be reported immediately in writing to the Local Planning Authority (LPA). Appropriate investigation and risk assessment shall be undertaken, and any necessary remediation measures shall be submitted and approved in writing by the LPA. These submissions shall be prepared by a competent person (a person with a recognised relevant qualification, sufficient experience in dealing with the type(s) of pollution or land instability, and membership of a relevant professional organisation) and conducted in accordance</p>

	<p>with current best practice. The remediation scheme shall ensure that, after remediation, as a minimum, the land shall not be capable of being determined as contaminated land under Part IIA of the Environmental Protection Act 1990. Thereafter, any remediation measures shall be carried out in accordance with the approved details. Unless otherwise agreed in writing by the LPA, the development shall not be occupied until any approved remediation measures have been completed and a verification report to demonstrate the effectiveness of the remediation has been submitted to and approved in writing by the LPA.</p> <p>Reason: To ensure that any unexpected contamination encountered during the development is suitably assessed and dealt with, such that it does not pose an unacceptable risk to human health or the environment. This condition is applied in accordance with paragraphs 170, 178, 179 and 180 the National Planning Policy Framework, and Policy OVS.5 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).</p>
28.	<p>Electric Charging Point (details to be submitted)</p> <p>No development shall take place until details of electric vehicle charging points have been submitted to and approved in writing by the Local Planning Authority. No dwelling shall be occupied until the electric vehicle charging points have been provided in accordance with the approved drawings. The charging points shall thereafter be retained and kept available for the potential use electric cars.</p> <p>Reason: To promote the use of electric vehicles. This condition is imposed in accordance with the National Planning Policy Framework 2024 and Policies SP5, SP19, DM42 and DM44 of the West Berkshire Local Plan Review 2023 – 2041.</p>
29.	<p>Construction method statement (Highways)</p> <p>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:</p> <ul style="list-style-type: none"> 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. I. The control of noise during construction and demolition J. The control of dust, smell, and other effluvia, K. The control of rats and other vermin L. The control of surface water run-off M. The proposed method of piling for foundations (if any) N. Show where any spoil arising from the development to remain on the site will be deposited. O. Show the resultant ground levels for spoil deposited on the site (compared to existing ground levels). P. Include measures to remove all spoil from the site (that is not to be deposited). Q. Include timescales for the depositing/removal of spoil. <p>All spoil arising from the development shall be used and/or disposed of in accordance with the approved details.</p>

	<p>No demolition or construction works or delivery of materials shall take place outside the following hours:</p> <p>0730 hours to 1800 hours Mondays to Fridays.</p> <p>0830 hours to 1300 hours Saturdays; and</p> <p>No work shall be carried out at any time on Sundays or Bank Holidays</p> <p>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 SP7, SP9, SP19, DM5, of the West Berkshire Local Plan Review 2023-2041</p> <p>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.</p>
30.	<p>Framework Servicing & Management Plan – details to be submitted</p> <p>No development shall take place until a Framework Servicing & Management Plan has been submitted to and approved in writing by the Local Planning Authority.</p> <p>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 2024 and Policies SP19 and DM42 of the West Berkshire Local Plan Review 2023 – 2041.</p>
31.	<p>Road construction</p> <p>No development shall take place until details of road construction have been submitted to and approved in writing by the Local Planning Authority. The development shall not be brought into use until associated road construction has been constructed in accordance with the approved drawings. The road construction shall comply to the Local Highway Authority standards and shall thereafter be maintained by appropriate legal agreements when required.</p> <p>Reason: In the interest of road safety and flow of traffic and to ensure waste collection. This condition is imposed in accordance with the National Planning Policy Framework 2024 and Policies SP19 and DM42 of the West Berkshire Local Plan Review 2023 – 2041.</p>
32.	<p>Parking and turning</p> <p>No dwelling shall be occupied until the associated vehicle parking and/or turning space have been surfaced, marked out and provided in accordance with the approved plan(s). The parking and/or turning space shall thereafter be kept available for parking (of private motor cars and/or light goods vehicles) at all times.</p> <p>Reason: To ensure the development is provided with adequate parking facilities, 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 2024 and Policy DM44 of the West Berkshire Local Plan Review 2023 – 2041.</p>
33.	<p>Car Parking Management Plan</p> <p>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</p>

	<p>the Local Planning Authority. Thereafter the development shall incorporate and be undertaken in accordance with the approved plan.</p> <p>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 2024 and Policies SP19 and DM42 of the West Berkshire Local Plan Review 2023 – 2041.</p>
34.	<p>Cycle and motorcycle parking</p> <p>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.</p> <p>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 2024 and Policies SP19 and DM42 of the West Berkshire Local Plan Review 2023 – 2041.</p>
35.	<p>Lighting</p> <p>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. Thereafter the scheme of lighting shall be implemented prior to the development being brought into use and maintained in accordance with the approved scheme.</p> <p>Reason: In the interest of security and safety. This condition is imposed in accordance with the National Planning Policy Framework 2024 and Policies SP19 and DM42 of the West Berkshire Local Plan Review 2023 – 2041.</p>
36.	<p>Set back of gates</p> <p>Any gates to be provided at access(es) where vehicles will enter or leave the site, shall open away from the adjoining highway and be set back at the distances shown from the edge of the highway.</p> <p>Reason: In the interest of road safety and to ensure that vehicles can be driven off the highway before the gates are opened. This condition is imposed in accordance with the National Planning Policy Framework 2024 and Policies SP19 and DM42 of the West Berkshire Local Plan Review 2023 – 2041.</p>
37.	<p>Access construction prior to occupation/use (plans required)</p> <p>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.</p> <p>Reason: In the interest of road safety. This condition is imposed in accordance with the National Planning Policy Framework 2024 and Policies SP19 and DM42 of the West Berkshire Local Plan Review 2023 – 2041.</p>
38.	<p>Proposed access onto Bear Lane / Cheap Street / Market Square traffic signal junction (details required)</p> <p>No development shall take place until details of the proposed access into the site have been submitted to and approved in writing by the Local Planning Authority. In</p>

	<p>addition to the details submitted on drawing 18916100-WAT-HGN-ZZ-DR-C-950122 submitted on August 20th 2025, the following details are also required:</p> <ul style="list-style-type: none"> • From the existing building frontage, the provision of a clear width of 4.5 metres for a distance into the site of 10.0 metres. • Adequate stop line detection to be agreed within the above 10.0 metre distance with the same section of road being provided to adoptable standard and adopted using Section 38 of the Highways Act 1980. • Move stop line back at least to 3.0 metres from existing building frontage and install signal head at rear of footway. • Remove controlled pedestrian crossing on the proposed fourth arm and replace with uncontrolled crossing. • Shared space to be at the same level as the footway and raised table on Cheap Street. <p>The access shall then be constructed in accordance with the approved drawing(s).</p> <p>Reason: To ensure that the access(es) into the site are constructed before the approved buildings in the interest of highway safety. This condition is imposed in accordance with the National Planning Policy Framework 2024 and Policies SP19 and DM42 of the West Berkshire Local Plan Review 2023 – 2041.</p>
39.	<p>Submission of a further Access and Security Strategy</p> <p>No works above foundation level shall commence on site until an Access and Security Strategy shall be submitted to and approved in writing by the Local Planning Authority. The Strategy shall be informed by the principles and guidance set out in <i>Secured by Design</i>, and shall include details of:</p> <ul style="list-style-type: none"> • Site access controls including to external gates, buildings, bin and cycle stores • Measures to design out crime and anti-social behaviour such as defensive planting and planting on blank facades. • Lighting and surveillance (including CCTV where relevant) • Other relevant considerations of secured by design. <p>The approved Access and Security Strategy shall be implemented in full prior to first occupation of the development and shall be retained and maintained thereafter for the lifetime of the development.</p> <p>Reason: To ensure a safe and secure environment for future occupiers and visitors to the site, and to reduce opportunities for crime. This condition is imposed in accordance with the National Planning Policy Framework and Policies SP7 of the West Berkshire Local Plan Review 2023-2041.</p>
40.	<p>Sustainable Drainage</p> <p>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.</p> <p>These details shall:</p> <ol style="list-style-type: none"> a) Incorporate the implementation of Sustainable Drainage methods (SuDS) in accordance with the submitted drainage strategy 4508-RBG-ZZ-XX-RP-CV-00004, paragraph 182 of the NPPF and associated planning practice guidance, the National Standards for SuDS (2025), the SuDS Manual C753 (2015) and the WBC SuDS Supplementary Planning Document (2018). No reduction in the volume of surface water storage, and no increase to the permissible discharge

	<p>rate will be permitted. No reduction in the quantity of SuDS provided will be permitted.</p> <p>b) Include a Flood Response Plan identifying safe access and egress routes to the site and, where appropriate, areas of safe refuge for the occupants.</p> <p>Residents must be able to safely access and egress the site during design storm events and evacuate before an extreme flood event. The vulnerability of site users must be taken into consideration. Evidence must be provided demonstrating that the development does not increase the scale of rescue required by emergency services should the site become inundated.</p> <p>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.</p> <p>c) Include flood water exceedance routes (low flow, overflow and exceedance routes), both on and off site. Exceedance routes must be provided irrespective of the standard of design of surface water drainage on site and must consider the impact of drainage infrastructure failing, and events in excess of the 1%AEP event.</p> <p>The routes should follow the natural drainage routes through the site where possible and evidence should demonstrate that exceedance routes have no adverse effects the development or elsewhere.</p> <p>Exceedance routes should be provided on plans with level information showing the path of water noting any potential issues and mitigation measures used to control overland flow.</p> <p>d) Include full information of catchments and flows discharging into the site from neighbouring land and across the site. Evidence must be provided showing how these flows will be managed and routed through the development. Where the flows exit the site, both pre-development and post-development information must be provided.</p> <p>e) Demonstrate that proposed finished floor levels are set in accordance with Environment Agency Standing Advice on flooding. Current advice recommends floor levels are set 600mm above the estimated flood levels and flood resistant materials are used up this depth.</p> <p>Relaxation of this recommendation will only be permitted with additional certainty regarding flood levels.</p> <p>Evidence will need to be provided that you have considered estimated flood depths of river, surface water and groundwater flooding as applicable to the site.</p> <p>f) Include a detailed sustainable drainage strategy for surface water run-off within the site in accordance with submitted information. The drainage strategy must include a report and associated plans detailing all relevant flood risk and drainage matters as outlined in the planning practice guidance, national standards for SuDS and WBC SuDS SPD.</p> <p>g) Demonstrate that the discharge hierarchy has been followed. Any deviation from the submitted information must be accompanied by sufficient evidence justifying the approach taken. Discharge into highway drainage systems, or foul sewers is not permitted.</p>
--	--

	<p>h) Include attenuation measures to retain rainfall run-off within the site and allow discharge from the site to an existing watercourse or piped surface water system at no greater than 1 in 1 year greenfield run-off rates. Relaxation of this requirement will only be permitted in agreement with the LLFA for previously developed sites.</p> <p>Include supporting calculations and modelling information for any elements of flood risk and surface water drainage design in accordance with best practice. Surface water drainage design must utilise appropriate data for the site and be based on current rainfall data models, greenfield/agreed discharge rates, and, if applicable infiltration rates and groundwater levels. Contributing footprint of impermeable and pervious surfaces should both be considered in calculations. Appropriate safety factors must be selected as part of the calculations as applicable.</p> <p>Calculations must demonstrate that flooding does not occur on any part of the development for rainfall events up to the 3.3% AEP event. The surface water drainage system shall be designed so that flooding does not occur during rainfall events up to a 1% AEP event in any areas critical infrastructure or prevent safe access/egress from the site.</p> <p>i) Exclude pumping stations unless agreed due to the associated carbon, energy and maintenance implications, and the risks associated with failure and exceedance. Attempts to implement pumping stations to account for a lack of fixed design and levels design at this stage will not be considered a valid justification.</p> <p>Where proposed pumping stations shall be design to industry recognised guidance and evidence must be provided demonstrating why a gravity-based solution is not viable.</p> <p>Evidence must consider the consequences of failure and demonstrate how this will be managed from and operational and flood risk perspective.</p> <p>j) Include with any design calculations an allowance for an additional 10% increase of paved areas (Urban Creep) over the lifetime of the development.</p> <p>k) Include evidence that the first 5mm of rainfall is to be managed on site via SuDS interceptional and will not enter surface waters, or piped system.</p> <p>l) Demonstrate that SuDS used on site have been considered as part of the landscape design and offer multifunctional uses. Provide evidence that the design has considered visual amenity, matters relating to trees, plants and vegetation, health and wellbeing, and education and safety where relevant.</p> <p>m) Demonstrate that SuDS provide biodiversity value throughout the development lifecycle. Evidence should show value has been created by creating diverse, self-sustaining, resilient local ecosystems which contribute to net gains in biodiversity supporting and promoting natural local habitat and species, for example, through local nature recovery strategies (LNRS), contributing to the delivery of local biodiversity strategies, and/or contributing to habitat connectivity.</p> <p>n) Include construction drawings, cross-sections and specifications of all proposed SuDS and flood alleviation measures within the site</p> <p>o) Provide evidence that an analysis of pollution risk has been considered in the surface drainage design with specific reference to sources of pollution and their</p>
--	---

	<p>impacts on water quality. This includes on site risks and risks to surface water bodies, sewers and groundwater. The process used to analyse pollution risk should be appropriate to the pollution hazard and sensitivity of the site, or receiving waters – taking into account any special environmental or ecological designations. On standard residential sites the simple index approach should be used. On sites where there are significant risks of contamination (such as oil storage, refuelling, etc.) a detailed assessment of potential contaminants and mitigation measures should be provided.</p> <p>p) Include pre-treatment methods to prevent any pollution or silt entering SuDS features or causing any contamination to the soil, groundwater, watercourse or drain. Ensure that adequate SuDS measures have been applied to address water quality risks from the development where possible.</p> <p>q) 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 via enquiry.</p> <p>r) Include a management and maintenance plan showing how the SuDS measures will be maintained and managed after completion for the lifetime of the development in accordance with Standard 7 of the National Standards for SuDS.</p> <p>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.</p> <p>These details shall be provided as part of a handover pack for subsequent purchasers and owners of the property/premises. If any element of the SuDS design is to be adopted by the local authority whole life costing information relevant to all SuDS must be provided.</p> <p>s) For phased developments the designer shall provide a phased management plan to demonstrate how the surface water drainage design will operate during each phase of construction.</p> <p>t) Include details of how surface water will be managed and contained within the site during construction works to prevent silt migration and pollution of watercourses, highway drainage and land either on or adjacent to the site.</p> <p>The designer shall provide information on how drainage features should be managed, protected and commissioned during construction to ensure the functionality of the completed surface water drainage system is not compromised.</p> <p>This information will help inform the contractor's SuDS construction method statement (CMS). Guidance on the production of a SuDS CMS is provided in industry recognised guidance</p> <p>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</p>
--	---

	<p>thereafter/The sustainable drainage measures shall be maintained and managed in accordance with the approved details thereafter.</p> <p>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 and associated Planning Practice Guidance, National Standards for SuDS, Policy SP6 of the Adopted Local Plan (2023-2041)</p>
41.	<p>Skills and Employment Plan</p> <p>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:</p> <ul style="list-style-type: none"> 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. <p>The Employment and Skills Plan should also:</p> <ul style="list-style-type: none"> 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. <p>Thereafter approved ESP shall be implemented in full concurrent with the development of the site.</p> <p>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.</p> <p>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.</p>
42.	<p>BREEAM Excellent</p> <p>All the non-residential areas of the development shall achieve an Excellent rating under BREEAM (or any such equivalent national measure of sustainable building</p>

	<p>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.</p> <p>Reason: To ensure the development contributes to sustainable construction. This condition is applied in accordance with the National Planning Policy Framework, Policies SP5 and DM4 of the West Berkshire Local Plan Review 2023-2041.</p>
43.	<p>Water Network</p> <p>No dwelling shall be first occupied until confirmation has been submitted to and approved in writing by the Local Planning Authority that either:</p> <p style="padding-left: 40px;">A. all water network upgrades required to accommodate the additional demand to serve the development have been completed;</p> <p style="padding-left: 40px;">or</p> <p style="padding-left: 40px;">B. a development and infrastructure phasing plan has been agreed with Thames Water to allow development to be occupied.</p> <p>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.</p> <p>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.</p> <p>Reason: To ensure the development provides a carbon reduction. This condition is applied in accordance with the National Planning Policy Framework, and Policies DM6 and DM7 of the West Berkshire Local Plan Review 2023-2041.</p>
44.	<p>Details of shopfronts</p> <p>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, have been submitted to and approved in writing by the Local Planning Authority.</p> <p>Thereafter the development shall be carried out in accordance with the approved details.</p> <p>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), SP7, SP9, DM9 and DM10 of the West Berkshire Local Plan Review 2023-2041 and Supplementary Planning Guidance 'Shopfronts'.</p>
45.	<p>Rainwater Goods</p> <p>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</p>

	<p>modified without the prior written approval of the Local Planning Authority on an application made for that purpose.</p> <p>Reason: To ensure that the materials are appropriate to the character of the Conservation Area and adjacent listed buildings. This condition is imposed in accordance with the National Planning Policy Framework and Policies SP7, SP9, DM9 and DM10 of the West Berkshire Local Plan Review 2023-2041.</p>
46.	<p>Visible Services</p> <p>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.</p> <p>Reason: To ensure that the materials are appropriate to the character of the Conservation Area and adjacent listed buildings. This condition is imposed in accordance with the National Planning Policy Framework and Policies SP7, SP9, DM9 and DM10 of the West Berkshire Local Plan Review 2023-2041.</p>
47.	<p>Spoil</p> <p>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:</p> <ul style="list-style-type: none"> • 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. <p>All spoil arising from the development shall be used and/or disposed of in accordance with the approved details.</p> <p>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 SP7, SP9, DM9 and DM10 West Berkshire Local Plan Review 2023-2041 and Quality Design SPD (June 2006).</p> <p>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.</p>
48.	<p>Ground levels and finished floor levels</p> <p>No above ground construction development 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.</p> <p>Reason: To ensure a satisfactory relationship between the proposed development and the adjacent land. This condition is imposed in accordance with the National</p>

	Planning Policy Framework and Policies SP7, SP9, DM9 and DM10 of the West Berkshire Local Plan Review 2023-2041.
--	--

Heads of Terms for Section 106 Agreement

1	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.
2	Private waste management strategy
3	Carbon offsetting financial contribution Residential – Contribution calculated to be £124,539.27 (tbc) Non-residential - Contribution calculated to be £12,687.90 (tbc) Total: £137,227.17 (tbc)
4	Contribution towards BID To be determined
5	Highways <ul style="list-style-type: none"> • The funding of traffic regulation orders to allow two way cycling north and south along Bartholomew Street from Market Street to Mansion House Street, and vehicles along Bartholomew Street from Market Street to the proposed vehicular accesses; • The provision of a traffic regulation order to cover the proposed layby along Market Street • A financial contribution of £70,000 towards improvements to the Market Street / Station MSCP and pedestrian links from the car park to Market Street as follows: <ul style="list-style-type: none"> Improvements to doors to enable easier use and opening <ul style="list-style-type: none"> ○ 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 ○ Associated works.
6	Sustainable Travel Wayfinding Updates £15,000
7	Travel Plan Comprising Travel Pack (£10,000) plus £50 x 317 = £15,850 and a cycle/ public transport voucher (£600 x 317 = £190,200)

	Total: £216,050
8	Car Club Contribution £150,000
9	Affordable housing viability review
10	Build to Rent 10 yrs 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.

Section 278 Agreement under the Town Country & Country Planning Act 1980 - Works to the public highway

i.	Closure and reinstatement of existing Market Street vehicle access
ii.	Provision of new vehicular accesses onto Market Street, Bartholomew Street and Cheap Street
iii.	Relocation of bus stop in Cheap Street
iv.	Footway resurfacing along the site frontages of Market Street and Cheap Street
v.	Resurfacing of Bartholomew Street from Market Street fronting the site 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 surfaced and marked cycle route from Mansion House Street to Market Street
vi.	Relocation of rising bollards within Bartholomew Street
vii.	Reconfiguration and replacement of the Bartholomew Street / Market Street traffic signal junction
viii.	Reconfiguration and replacement of the Bear Lane / Cheap Street / Market Square traffic signal junction including the relocation of pedestrian crossings and the realignment of Cheap Street to ensure the required widening of the footway fronting the Catherine Wheel public house

Informatives

1.	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. The local planning authority has worked proactively with the applicant to secure a development that improves the economic, social and environmental conditions of the area.
2.	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.	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: 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).

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

	<p>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.</p> <p>Those circumstances are that the conditions subject to which the section 73 permission is granted:</p> <ul style="list-style-type: none"> 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. <p>PHASED DEVELOPMENT</p> <p>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.</p> <p>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).</p>
	<p>Trees:</p> <p>The following British Standards should be referred to:</p> <ul style="list-style-type: none"> a. BS: 3882:2015 Specification for topsoil b. BS: 3936-1:1992 Nursery Stock - Part 1: Specification for trees and shrubs c. BS: 3998:2010 Tree work – Recommendations d. BS: 4428:1989 Code of practice for general landscaping operations (excluding hard surfaces) e. BS: 4043:1989 Recommendations for Transplanting root-balled trees f. BS: 5837 (2012) Trees in relation to demolition, design and construction - Recommendations g. BS: 7370-4:1993 Grounds maintenance part 4. Recommendations for maintenance of soft landscape (other than amenity turf). h. BS: 8545:2014 Trees: from nursery to independence in the landscape – Recommendations i. BS: 8601:2013 Specification for subsoil and requirements for use
4.	<p>Official Postal Address</p> <p>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.</p>

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

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 SP16 of the West Berkshire Local Plan 2023 – 2041, the Planning Obligations Supplementary Planning Document, and the National Planning Policy Framework.

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 carbon offsetting payment. In the absence of an appropriate planning obligation, the proposal is contrary to Policies SP16, SP19, SP20, DM4, and DM40 of the West Berkshire Local Plan 2023 – 2041, the Planning Obligations Supplementary Planning Document, and the National Planning Policy Framework.