

Item No.	Application No. and Parish	Statutory Target Date	Proposal, Location, Applicant
(2)	25/00572/FUL Newbury Town Council	14.05.2025 ¹	Installation of extract fan system to rear elevation 1 Bartholomew Street, Newbury, RG14 5LL Mr M Erturk

¹ Extension of time agreed with applicant until 23.03.2026

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: Conditional approval

Ward Member(s): Councillor Louise Sturgess

Reason for Committee Determination: Call-in if recommended for approval

Committee Site Visit: 12.03.2026

Contact Officer Details

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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.
- 1.2 This application seeks planning permission for the installation of an extract fan system to the rear elevation of 1 Bartholomew Street.
- 1.3 The building itself is an unlisted 18-19th century house with a 20th century shop, on a corner plot within the Newbury Town Centre Conservation Area. The ground floor unit fronts both Bartholomew Street to the east and to the north is a footpath which separates the site and adjacent 20th century row of shops from the grounds of Grade I listed St Nicolas Church. Above the café and neighbouring shops are residential units.
- 1.4 The previous application submitted in relation to 1 Bartholomew Street was app ref: 04/01113/ADV for shop signage. The building was subject to a Class A1 (Shops) use. Since 1 September 2020, Classes A1, A2 and A3 were superseded by Class E. This includes Class E(b) sale of food and drink for consumption which is considered to be the current use and not materially different to the previous Class E(a) use for the display or retail sale of goods. Noise and odour impacts arising from the proposed extract fan system only, to support the existing use, are being considered, and not the use of the unit itself.

2. Planning History

- 2.1 There is no planning history relevant to the present application.

3. Legal and Procedural Matters

- 3.1 **Environmental Impact Assessments (EIA):** Given the nature, scale and location of this development, it is not considered to fall within the description of any development listed in Schedule 2 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017. As such, EIA screening is not required.
- 3.2 **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. A site notice was displayed on 31.03.2025 to a post adjacent the building, with a deadline for representations of 23.04.2025. A public notice was displayed in the Newbury Weekly News on 27.03.2025; with a deadline for representations of 10.04.2025. Notification letters were sent to 2-3 Bartholomew Street and 1, 2, 3 and 4 The Spires RG14 5LL.
- 3.3 **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>

- 3.4 **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.
- 3.5 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.
- 3.6 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.
- 3.7 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.
- 3.8 **Human Rights Act:** The development has been assessed against the provisions of the Human Rights Act, including Article 1 of the First Protocol (Protection of property), Article 6 (Right to a fair trial) and Article 8 (Right to respect for private and family life and home) of the Act itself. The consideration of the application in accordance with the Council procedures will ensure that views of all those interested are taken into account. All comments from interested parties have been considered and reported in summary in this report, with full text available via the Council's website.
- 3.9 Any interference with property rights is in the public interest and in accordance with the Town and Country Planning Act 1990 regime for controlling the development of land. This recommendation is based on the consideration of the proposal against adopted Development Plan policies, the application of which does not prejudice the Human Rights of the applicant or any third party.
- 3.10 **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. The proposal would affect the setting of the Grade I listed St Nicolas Church. A small assessment of the impact on this was subsequently provided by the applicant. The Conservation and Design Officer has reviewed the proposal and offered the comments, as detailed in the below report.

- 3.11 **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. The application site is in the Newbury Town Centre Conservation Area. As above, the impact on this has been assessed and considered in the report below.

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	Objection, subject to Environmental health concerns being addressed and not impacting on residents.
Highways:	No comments.
Environmental Health:	Initial objection addressed by amended plans and additional information.
SuDS:	No objections.
Conservation Officer:	Initial objection addressed by amended plans and additional information.

Public representations

- 4.2 Representations have been received from 4 contributors, all 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:

- The extract would be less than 1m from a residential window and could result in harmful noise pollution and smell impacts on occupants above the café
- The development may reduce air quality and flow for occupants above
- Piping already exists on the building in a better location, further from the residential window

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
<p><u>West Berkshire Local Plan Review 2023-2041</u></p>	<p>Strategic Policies</p> <ul style="list-style-type: none"> • 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 SP18 Town & District Centres • Policy SP19 Transport <p>Development Management Policies</p> <ul style="list-style-type: none"> • Policy DM5 Environmental Nuisance & Pollution Control • Policy DM9 Conservation Areas • Policy DM10 Listed Buildings • Policy DM30 Residential Amenity • Policy DM44 Parking

- 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 Guide
- Quality Design SPD (2006)

6. Appraisal

Principle of development

- 6.1 Policy SP1 sets out the Spatial Strategy for the district which includes the optimisation of previously developed land and support of development and redevelopment within settlement boundaries as defined in Policy SP3. Policy SP3 states that the focus of development will follow the settlement hierarchy set out within the policy. It defines Newbury as an Urban Area which will be the prime focus for housing and economic development, offering development potential.
- 6.2 According to Policy SP18, proposals within a town centre will be supported where they:
- a. Are of an appropriate scale and character that reflect and respond to the role and function of that centre;

- b. Create a high quality, well designed environment and public realm that promotes the individuality of the centre and responds to its historic built heritage;
 - c. Contribute to the vitality or viability of that centre;
 - d. Do not have an adverse impact on the safety and capacity of the local highway network; and
 - e. Do not have an adverse impact on local amenity.
- 6.3 The proposal would enable the continued use of a café that contributes to the vitality and viability of the town centre and would have no adverse impact on the highway network, nor on local amenity subject to mitigation measures as assessed under the relevant headings below. In addition, it has been considered that the extract fan system is, on balance, of an appropriate scale and character for the function of the site and surroundings.

Impact on character and appearance, including the historic environment

- 6.3 Policies SP7, SP8, and SP9 relate to design and impacts on the character and appearance of the area. Policy SP7 requires new development to strengthen a sense of place through high quality locally distinctive design and place shaping. Policy SP8 seeks development that conserves and enhances the diversity and local distinctiveness of the landscape character of the District. Policy SP9 seeks the conservation and enjoyment of the historic environment, such as historic character and sense of place and heritage assets.
- 6.4 In relation to Conservation Areas, Policy DM9 expects proposals to respect the settlement pattern, form, layout, locally distinctive design, and historic function in terms of the scale, height, form, massing, alignment and materials of the development. Regarding listed buildings, Policy DM10 requires information to be submitted that demonstrates how the significance of the setting of listed buildings will be preserved and states that harm to such settings will not be permitted unless justified otherwise.
- 6.5 Whilst bulky and rising 1m above the eaves of the building, the external part of the system would be galvanised steel with a black finish. This would ensure it would have a muted tone and not appear bright or shiny, negating concerns of an overly conspicuous and modern feature in the historic setting. It would also be generally in-keeping with the existing modern features on the rear elevation such as downpipes and units. Accordingly, the Conservation Officer has raised no objection, commenting that the proposal would result in a small change in the setting of nearby heritage assets but not one that will harm their significance.
- 6.6 It also acknowledged that the fan system would improve the functionality of the café and the staff and customer experience by reducing internal steam and smoke from cooking. This would in turn enable the café use, which supports the vitality and viability of the town centre, to continue.

Impact on residential amenity

- 6.7 In relation to the living conditions of existing and proposed residential dwellings, Policy DM30 supports proposals with no unacceptable harm resulting from loss of daylight/sunlight, overlooking, a sense of overbearing, enclosure or loss of outlook, and noise, dust and fumes. DM5 further requires proposals to not lead to adverse effects on pollution of the environment, including from noise, vibration and/or odour. It expects mitigation measures to be put in place where necessary.

- 6.8 Relevant to the consideration of this application is the impact of noise, vibration and odour on the residents above the café, particularly as the extraction outlet would be approximately 1m from a first-floor window.
- 6.9 A Noise Impact Assessment was submitted and concludes that, in order to achieve acceptable noise levels, an attenuator is required to be fitted on the discharge side of the fan as well as regular cleaning of the system.
- 6.10 Section 6.0 of the report recommends sound insulation measures to protect residents of the flats from noise arising from restaurant activity. This however lies outside the scope of the application which is for the extract fan system only and not to change the use.
- 6.11 In terms of vibration, it states that anti-vibration isolators via vibration mounts are required between the duct and structure of the building.
- 6.12 An Odour Risk Assessment was also submitted which presented two options for required odour control. A subsequent amended assessment specified that the proposed control measure is an ESP (Electrostatic Precipitator) followed by a counteractant/neutralising system.
- 6.13 The Environmental Health Officer has commented that the reports are satisfactory, and the noise and odour impacts from the extract fan would be acceptable providing the recommended mitigation measures are in place, retained, and regularly maintained. Compliance with the mitigation and maintenance measures can be secured via condition, and it is also advised that a post-installation survey also be conditioned.

7. Planning Balance and Conclusion

- 7.1 The proposed extract fan system would enable the continued use of a café that supports the vitality and viability of the town centre, improving its function for both staff and customers, and without resulting in a material increase in noise and odour impacts subject to mitigation measures.
- 7.2 No harm to the interest and significance of the setting of the Grade I listed St Nicolas Church and Newbury Town Centre Conservation Area has been identified.
- 7.3 For the reasons given in this report it is considered that the proposal is in accordance with current development plan policies and material considerations do not indicate that planning permission should otherwise be refused.

8. Full Recommendation

- 8.1 To delegate to the Development Manager to GRANT PLANNING PERMISSION subject to the conditions listed below.

Conditions

1	<p>Commencement of development 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>
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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> <ul style="list-style-type: none"> - Design and Access Statement by Michael Pagliaroli Architects Ltd received 26.01.2026 - Noise Impact Assessment Issue 01 by DAA Group Ltd received 05.11.2025 - Odour Risk Assessment Report Ref: odour/1-1 Bartholomew St./2025 Version 2.0 by MMM Group Ltd received 27.02.2026 - Drawing 1500-PL01 Revision C Proposed Plan and Elevations, Block Plan received 06.03.2026 <p>Reason: For the avoidance of doubt and in the interest of proper planning.</p>
3	<p>Materials as specified</p> <p>The materials to be used in the development hereby permitted shall be as specified on the plans and/or the application forms. Where stated that materials shall match the existing, those materials shall match those on the existing development in colour, size and texture.</p> <p>Reason: To ensure the appropriate use of external materials. This condition is applied in accordance with the National Planning Policy Framework, Policies SP7, SP8, SP9, DM9 and DM10 of the West Berkshire Local Plan Review 2023-2041, and Supplementary Planning Document Quality Design (June 2006).</p>
4	<p>Noise mitigation (compliance)</p> <p>The noise mitigation measures recommended within Section 5 of the Noise Impact Assessment Issue 01 (by DAA Group, received 05.11.2025) shall be implemented in full. The noise mitigation measures shall be retained thereafter and maintained in accordance with the recommendations of the Noise Impact Assessment.</p> <p>Reason: To protect the occupants of adjoining residential properties from harmful levels of noise and vibration. This condition is applied in accordance with the National Planning Policy Framework, and Policies SP7, DM5 and DM30 of the West Berkshire Local Plan Review 2023-2041.</p>
5	<p>Odour mitigation (compliance)</p> <p>The odour mitigation measures recommended within the Odour Risk Assessment Report Ref: odour/1-1 Bartholomew St./2025 Version 2.0 (by MMM Group Ltd, received 27.02.2026) shall be implemented in full. The odour mitigation measures shall be retained thereafter and maintained in accordance with the recommendations of the Odour Risk Assessment.</p> <p>Reason: To protect the occupants of adjoining residential properties from a harmful odour impact. This condition is applied in accordance with the National Planning Policy Framework, and Policies SP7, DM5 and DM30 of the West Berkshire Local Plan Review 2023-2041.</p>
6	<p>Post-installation survey</p> <p>Within 2 months of the practical completion of the extract fan system hereby approved, a survey report shall be submitted to the Local Planning Authority for approval. The purpose of this report is to demonstrate the odour and noise mitigation measures have been installed in full accordance with the approved plans.</p> <p>Reason: To protect the occupants of adjoining residential properties from a harmful odour and noise impacts. This condition is applied in accordance with the National</p>

Informatives

1	<p>Need for Revision / Representations Received</p> <p>This decision has been made in a positive way to foster the delivery of sustainable development having regard to Development Plan policies and available guidance to secure high quality appropriate development. In this application whilst there has been a need to balance conflicting considerations, the local planning authority has worked proactively with the applicant to secure and accept what is considered to be a development which improves the economic, social and environmental conditions of the area.</p>
2	<p>Biodiversity Net Gain De Minimis Exemption</p> <p>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:</p> <ul style="list-style-type: none">(a) a Biodiversity Gain Plan has been submitted to the planning authority, and(b) the planning authority has approved the plan. <p>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.</p> <p>There are statutory exemptions and transitional arrangements which mean that the biodiversity gain condition does not always apply. These are listed below.</p> <p>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.</p> <p>EXEMPTIONS AND TRANSITIONAL ARRANGEMENTS</p> <p>The following are the statutory exemptions and transitional arrangements in respect of the biodiversity gain condition.</p> <ol style="list-style-type: none">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<ul style="list-style-type: none">(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

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

Those circumstances are that the conditions subject to which the section 73 permission is granted:

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

PHASED DEVELOPMENT

If the permission which has been granted has the effect of requiring or permitting the development to proceed in phases, the modifications in respect of the biodiversity gain condition which are set out in Part 2 of the Biodiversity Gain (Town and Country Planning) (Modifications and Amendments) (England) Regulations 2024 would apply if the permission were subject to the biodiversity gain condition.

In summary: Biodiversity gain plans would be required to be submitted to, and approved by, the planning authority before development may be begun (the overall plan), and before each phase of development may be begun (phase plans).