

# DRAFT

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

## DISTRICT PLANNING COMMITTEE

### MINUTES OF THE MEETING HELD ON WEDNESDAY 8 JANUARY 2025

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

**Also Present:** Paul Goddard (Highways Development Control Team Leader), Bob Dray (Development Manager), Debra Inston (Team Manager), Matthew Shepherd (Planning Officer), Paul Bacchus (Principal Engineer (Drainage and Flood Risk)), Stephen Chard (Democratic Services Manager), Nicola Thomas (Service Lead - Legal and Democratic Services) and Sam Chiverton (Apprentice Democratic Services Officer)

**Apologies:** Councillor Geoff Mayes

#### PART I

##### 1. Minutes

The Minutes of the meeting held on 13 November 2024 were approved as a true and correct record and signed by the Chairman, subject to the following amendment:

**Item 3(1) – The Mall, The Kennet Centre, Newbury – Paragraph 19:**

Councillor Howard Woollaston pointed out that the **commercial** units proposed with this application would be an enhancement compared to those already in place as part of the Market Street development.

**Paragraph 24**

Councillor Adrian Abbs highlighted that not all of the points he raised at this stage of the meeting were captured in the minutes.

Nicola Thomas (Service Lead – Legal and Democratic Services) explained that minutes were not intended to provide a verbatim record of proceedings, rather a summarised record. Councillor Abbs felt that the minutes did not make clear his concerns in enough detail and gave too much emphasis to the one positive point he made on the application. He made clear that at the previous meeting his level of objection far outweighed the single positive aspect that he highlighted. His level of concern contributed to his proposal to refuse planning permission.

**Paragraph 49**

Ms Thomas clarified that the meeting held on 13 November 2024 was technically adjourned rather than closed at 10.30pm. However, since that time, substantial further information had become available which needed to be brought before the Committee and therefore the item was being considered afresh.

##### 2. Declarations of Interest

Nicola Thomas (Service Lead – Legal and Democratic Services) advised that no declarations of interests had been received in advance of today's meeting. However, given this matter had been considered by the District Planning Committee previously on

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13 November 2024 and Members might have been present for that meeting, all Members were reminded that this meeting was considering the application afresh as there was new information before the Committee. Whilst not a declarable interest under the Council's Constitution, Members were reminded to approach consideration of the application with an open mind. Should any Member feel unable to adopt this position, they were advised to provide their apologies for the Committee.

Councillors Adrian Abbs, Phil Barnett, Jeremy Cottam, Denise Gaines, Justin Pemberton, Richard Somner, Tony Vickers and Howard Woollaston declared that they had been lobbied on Agenda Item 4(1) since the last meeting to discuss the planning application held on 13 November 2024.

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

Councillor Tony Vickers declared an interest in Agenda Item 4(1) by virtue of the fact that he was a Member of Newbury Town Council and its Planning and Highways Committee. He explained that he had not participated in Town Council discussions on this particular application. He had however done so when a previous application for the site was considered. He reported that, as his interest was a personal or an other registrable interest, but not a disclosable pecuniary interest, he determined to remain to take part in the debate and vote on the matter.

### **3. Schedule of Planning Applications**

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

1. The Committee considered a report (Agenda Item 4(1)) concerning Planning Application 23/02094/FULMAJ in respect of the full planning permission for the redevelopment of the Kennet Centre comprising the partial demolition of the existing building on site and the development of new residential dwellings (Use Class C3) and residents ancillary facilities; commercial, business and service floorspace including office (Class E (a, b, c, d, e, f and g)); access, parking and cycle parking; landscaping and open space; sustainable energy installations; associated works and alterations to the retained Vue Cinema and multi-storey car park.
2. Mr Matthew Shepherd (Principal Planning Officer) introduced the report to Members. He explained that the application had initially been referred to the Western Area Planning Committee by the Development Manager due to the level of public interest and due to the level of objection.
3. The Western Area Planning Committee deferred the item to this Committee due to its district wide implications.
4. Mr Shepherd highlighted updates to the application since it was previously considered by the District Planning Committee on 13 November 2024:
  - On 12 December 2024, the Government published a new National Planning Policy Framework (NPPF). This resulted in an increased housing requirement for West Berkshire. The planning balance and conclusion of the report had been updated to reflect this.

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- An updated consultation response had been received from the Health and Safety Executive (HSE) with regard to the height of the proposed buildings. The HSE raised no objections. They considered that the fire safety statement produced by the applicant to be acceptable at this stage of the planning process. Comments in relation to building regulations would come at a later stage but this fell outside of planning considerations.
  - The Newbury Conservation Area Appraisal and Management Plan (CAAMP) was adopted by the Council on 28 November 2024. Officers had assessed the proposal against the CAAMP and remained of the view that less than substantial harm would be caused by the development.
5. In terms of the planning balance, benefits included that the proposed housing (427 dwellings) would be in a sustainable location, links to and from the railway station would be improved, the attractive design would enhance the street scape as would the street proposed to run through the development. These areas were given significant positive weight.
  6. Significant negative weight was given to the absence of affordable housing. However, this was reduced as the application was not considered viable with affordable housing included. Great weight also needed to be given to the impact on heritage assets, although the Conservation Officer had given their view that this created less than substantial harm. Negative weight was also given to the amenity space of future occupants.
  7. A further consideration in the planning balance was that at the present time, the Council was unable to evidence its five year housing supply. This factor had tilted the balance further in favour of the recommendation to grant planning permission.
  8. Officers felt that the planning benefits of the application outweighed its disbenefits.
  9. After taking into account all the relevant policy considerations and other material planning considerations, officers' recommendation was that provided that a Section 106 Agreement had been completed within three months (or such longer period that may be authorised by the Development Manager, in consultation with the Chairman or Vice-Chairman of the Western Area Planning Committee), to delegate to the Development Manager to grant planning permission subject to the conditions listed in the report (or minor and inconsequential amendments to those conditions authorised by the Development Manager, in consultation with the Chairman or Vice-Chairman of the Western Area Planning Committee).
  10. Or, if the Section 106 Agreement was not completed, to delegate to the Development Manager to refuse planning permission for the reasons listed in the report.
  11. Mr Paul Goddard (Highways Development Control Team Leader) outlined highways' matters to the Committee:
    - Newbury Town Centre could become congestion on occasion as with any busy town centre. However, Mr Goddard held the view that the proposal would not worsen traffic congestion. The increase in residential units would be balanced by the decrease in retail units.
    - Access to the Kennet Centre multi-storey car park would be unchanged. The ramp giving access to the roof of the car park would be removed and this access point closed.
    - Access to the site would be achieved via two access points and this would be enabled by two way traffic being permitted on Bartholomew Street, which would

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require the relocation of the existing bollards. A two-way cycle route was proposed.

- The greatest issue, in highway terms, was car parking. Overall, 475 car parking spaces were proposed, meeting the policy requirement for 471 spaces. This took account of reduced parking in the Kennet Centre multi-storey and parking on Bartholomew Street. The ramp currently gave access to 47 parking spaces for retail staff and service vehicles. While this was proposed to be removed, Mr Goddard pointed out that the usage was already low and the retail offer would be reduced as per the application. Highway officers did not therefore consider this to be of concern.
  - The 475 car parking spaces needed to be dual use, providing for commercial/retail use in the day and for residents at night. Survey results indicated that this would be acceptable from Monday to Friday, but there would be some overflow at weekends. Survey results from other car parks found that the railway station multi-storey car park on Market Street had a number of vacant spaces at weekends. It was therefore proposed to update existing signage indicating available spaces across Newbury Town Centre. The cost of this (£1m) would be shared equally between the Council and the applicant. The applicant was also proposing to fund improvements to the railway station multi-storey.
  - In conclusion, the Highway Officer's recommendation was to approve planning permission.
12. Members voted in favour of suspending standing orders to allow each group of speakers up to ten minutes in which to address the Committee, rather than the standard five minutes.
13. Members voted in favour of suspending standing orders to allow Councillor Andy Moore, the Town Council representative, to address the Committee as he had not registered to speak within the required timeframe.
14. Members also voted in favour of suspending standing orders to allow Ms Jane Read, objector, to address the Committee as she had not registered to speak within the required timeframe.
15. In accordance with the Council's Constitution, Councillor Andy Moore, Town Council representative, Mr David Peacock (The Newbury Society), Mr Anthony Pick and Ms Jane Read, objectors, Mr Hugo Haig (Lochailort Newbury Ltd), applicant/agent, and Councillor Martin Colston and Councillor Louise Sturgess, Ward Members, addressed the Committee on this application.

### **Town Council Representation**

16. Councillor Moore addressed the Committee. The full representation can be viewed on the meeting recording: <https://youtu.be/spQsfCFjEXQ?t=4293>

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

17. Members asked questions of clarification of the Town Councillor and received the following responses:
- There was a large number of apartments already in the town or in the process of being developed. Councillor Moore believed that a number of units remained vacant.

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- A number of offices were being converted into flats and flats were also in areas surrounding the town. Councillor Moore felt that there was already more than sufficient capacity of this type of property.
- The height of the proposal was concerning and would be very dominant over existing buildings. For example, the building height being proposed next to the Catherine Wheel public house would constitute significant overbearing. The proposal would also impact on different views of the area.

### **Objector Representation**

18. Mr Peacock, Mr Pick and Ms Read addressed the Committee. The full representation can be viewed on the meeting recording: <https://youtu.be/spQsfCFjEXQ?t=5209>

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

19. Members asked questions of clarification of the Objectors and received the following responses:

- The primary concern in relation to car parking was the proposed for dual use parking. The objectors felt there would be a clear conflict between the parking required for shoppers and residents when the number of spaces in the Kennet Centre multi-storey was proposed to reduce. Double counting was of concern.
- West Berkshire Council's Parking Policy should be adhered to with this application.

### **Applicant/Agent Representation**

20. Mr Haig addressed the Committee. The full representation can be viewed on the meeting recording: <https://youtu.be/spQsfCFjEXQ?t=6086>

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

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

- Affordable housing had been assessed as being unviable for the site due to costs. However, 34 additional independent shops were included in the application and would be ready for retailers to move into.
- Further details had been provided to the Council in order to meet the conditions for sustainable drainage. A pre-commencement condition was included as a catch all.
- A car park management plan would be produced, in conjunction with the Council, and would be reviewed annually. Three car sharing units were proposed initially but this could increase over time.
- The 2021 Census found that nearly 60% of all private rented households in England did not own a car. It was envisaged that many residents would not own cars, local amenities could be accessed on site or in close proximity and car club vehicles would be available. Mr Haig felt this was supported by being a build to rent scheme rather than private sales. He considered that the Council's car parking policy was aligned with the latter.
- Rental costs were approximately £1,200-£1,300 per month for a one bedroom/studio flat; £1,500-£1,700 for a two bedroom flat; and up to £2,000 for a three bedroom flat. These costs included service charges.

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- Residents parking in the Kennet Centre multi-storey would be required to pay the going rate (approximately £1,000 for a year's permit). There were no plans for a bespoke tariff for residents.
- Mr Haig considered that car parking provision was sufficient. If the Kennet Centre multi-storey was full then motorists could park at the railway station multi-storey. The car parking proposed was no different to the Market Street development.

### **Ward Member Representation**

22. Councillor Colston and Councillor Sturgess addressed the Committee. The full representation can be viewed on the meeting recording: <https://youtu.be/spQsfCFjEXQ?t=7880>

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

23. No questions were asked of the Ward Members.

24. Standing orders were reinstated.

### **Member questions of Officers**

25. Members asked questions of clarification and received the following responses from officers:

- It was reiterated that the latest version of the NPPF resulted in an increased housing requirement for West Berkshire. This had an impact when considering the tilted balance for this application. The tilted balance had been engaged as the Council could not demonstrate a five year housing supply with the new housing requirement taken into account. This had pushed the Council's housing numbers from 495 to 1070 homes each year.
- The new NPPF contained a presumption in favour of sustainable development and stated that planning permission should be granted unless the following criteria was met:
  - i. the application of policies in this Framework that protect areas or assets of particular importance provides a strong reason for refusing the development proposed; or
  - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well designed places and providing affordable homes, individually or in combination.
- It was clarified that as the tilted balance was engaged, it would be necessary to significantly and demonstrably show that the harm from the development would outweigh its benefits if Members were minded to refuse planning permission.
- The officer recommendation for approval was strengthened by these points. The proposal would make a significant contribution to the Council's housing supply.
- The current intention of the applicant was to commence development in approximately one year's time. The full time period for the build was estimated to be between 4.5 and 5.5 years.
- The National Model Design Code was a guidance document for local authorities and not part of Council policy.

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- This site was not allocated in the provisional Local Plan, but its development was in accordance with the Plan. The dwellings proposed would make a meaningful contribution to working towards the five year housing supply.
- The ground floor of the Kennet Centre multi-storey was being reconfigured to increase the number of spaces from 62 to 86. The dimensions of the parking spaces were in line with national guidance.
- It was acknowledged that at peak times, the car park would be at capacity. However, improved signage would direct motorists to the railway station multi-storey and this car park would be improved.
- Thames Water had not responded to the consultation on the planning application. They had however confirmed, as part of the pre-application process, that capacity was in place for the discharge of foul water. Factors remained to be confirmed in relation to surface water drainage but measures were proposed by the applicant to achieve this and officers were content on this basis. It remained for Thames Water to either confirm these measures were acceptable or make improvements if necessary.
- There had not been double counting when identifying the number of car parking spaces. Survey data supported the view that dual use parking could be achieved. During the day, residential use of the car park would be low allowing for retail/visitor use. Whereas overnight, residential use would be high but retail/visitor use would be very low. A car park management plan would be in place and it was proposed that the car park would be manned 24 hours a day.
- A condition was proposed for the inclusion of electric vehicle (EV) charging points. Further detail and the number of points would be confirmed as part of the car park management plan. There was the option to strengthen this condition if Members wished to, such as to allow for an increase in the number of charging points.
- For build to rent schemes, 20% was considered as a suitable benchmark for affordable housing. However, the local authority could consider a deviation from that subject on receipt of suitable evidence. However, as already explained, the inclusion of affordable housing was considered unviable and there was provision within CS6 to permit this with evidence. The Section 106 legal agreement allowed for a level of clawback for an affordable housing contribution should market conditions and viability change.
- The reduction of car parking spaces in some areas of the town centre had been taken into account and while this did reduce capacity, there was significant capacity at the railway station multi-storey. This took account of it being used by residents living at the Market Street development.
- The Council's parking standards had been found to be sound. Real time surveys had been undertaken by the Council and the applicant to assess whether the car parking requirement created by the application could be met alongside existing use and capacity.
- The decision on the application had to be made based on the current situation with the Local Plan Review. The Local Plan Review would, provisionally, only achieve a marginal five year housing supply and therefore the number of homes achieved by this application remained important for future housing numbers.

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- A balanced consideration was given to the level of open space proposed with this application. The NPPF did support the requirement for open space, as it also did the redevelopment of brownfield sites. This was a brownfield site and therefore constrained, but it was proposed to provide some high quality shared amenity space which was a positive. There was also access to amenity space in the local area.
- Chartered surveyors had been instructed by the Council to review the viability of the application and they concurred with the applicant that the development would not be viable with the inclusion of affordable housing.
- It was confirmed that balcony space was included as part of the outdoor amenity space.

### **Debate**

26. Councillor Tony Vickers advised that he had been considering the application with an open mind. However, nothing in the planning officer's report nor any points he had heard at this meeting had changed his on balance view that this application was acceptable (although he did hold some concerns). He had taken account of the points on the tilted balance in relation to the five year housing supply and this had the potential to be a sustainable location with a proposal for a high number of dwellings.
27. Councillor Vickers felt there was a risk, if the Committee refused the application, of the decision being overturned at appeal. If this development did not proceed then an alternative to achieving this type of housing number could be significant use of greenfield land.
28. He was reassured by the information provided by officers on viability in that the S106 legal agreement allowed for a level of clawback should market conditions change. He felt that conditions relating to EVs and charging could be strengthened that required the applicant to retrofit more EV spaces in the future.
29. Councillor Vickers was not concerned in relation to car parking. This matter was supported by having access to car club vehicles. Census data for the area also showed that only 40% of adults had access to a private car.
30. Councillor Vickers felt there were significant benefits from the build to rent model, and considered that there was the market for this model.
31. Councillor Howard Woollaston pointed out that the proposed residential units would be fully fitted with affordable rents. This was an improvement on the Market Street development.
32. Councillor Richard Somner felt that this proposal offered local people the opportunity to afford to stay in the area without needing to find a large deposit.
33. An increase in signage to available car parking would be of benefit. Councillor Somner noted the significant parking availability at the railway station multi-storey across the week.
34. Councillor Somner pointed out that approval of this application would be subject to 52 conditions. He highlighted the importance of retaining these and enforcing them.
35. Councillor Jeremy Cottam had noted the lowest rental cost as £1,200 per month which was higher than similar rental properties in the local area. This rental cost was less affordable. He commented that he would rather see affordable homes than affordable shops. Councillor Cottam felt that the Council should defend its policy on affordable housing and considered the absence of affordable housing as a strong reason to refuse this application.



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36. Heritage assets, as defined in the NPPF, would be impacted. Views of the area would be negatively impacted by the mass of the proposed buildings. The Market Square would be overshadowed. These points went contrary to the NPPF and were further strong reasons on which to refuse the application.
37. Councillor Cottam felt that the area needed redevelopment but this application proposed buildings far in excess of the size of existing buildings, constituting overdevelopment.
38. Councillor Alan Macro added his significant concerns on the heritage impact, particularly highlighting that two public houses, The Newbury and The Catherine Wheel, would be significantly dominated by this development.
39. He was concerned that visitors to Newbury could go elsewhere if there was not adequate parking provision. This could be exacerbated during the construction phase and Councillor Macro considered this to be a risk.
40. Councillor Macro felt the amenity space was lacking. He noted the points about access to amenity space in the local area, i.e. Victoria Park, but this was not necessarily suitable for families with very young children.
41. He considered that the proposal for build to rent should not be given weight. He felt it was a neutral point when considering the number of rental properties already in the area.
42. There would be overshadowing of Bartholomew Street, including during the middle of the day.
43. Councillor Adrian Abbs felt there were a number of factors which had led to the Kennet Centre's decline, making it unviable as a shopping centre. He was concerned that the Kennet Centre had been allowed to fall into decline.
44. The proposal was contrary to a number of Council policies and aspects of the NPPF, including affordable housing, car parking and provision of open space. This was not a suitable development for the town and would cause harm.
45. Councillor Abbs explained that he had spoken to local estate agents and had been given the view that blocks of flats were not needed. He was therefore concerned that the flats would not be rented out and not accessed by local people.
46. Councillor Phil Barnett stated that an adequate level of car parking provision was needed for both residents and visitors. He was concerned that visitors to the town would not necessarily be willing to park at the railway station multi-storey due to the distance to the main shops in town. Visitors would expect to be able to park in the centre of the town.
47. The level of weight needed to be considered for a number of negative factors. These included the considerable impact on heritage assets, views of the town particularly from Bear Lane and open space provision.
48. Councillor Barnett was also concerned that apartments to the rear of the development would be negatively affected by noise and lighting levels from The Newbury public house. Stringent conditions would be needed to protect future residents if the application was approved.
49. The length of the construction phase would have a long term severe impact on the town and its retailers. This was another area that would need very careful management if the application was approved.

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50. Councillor Nigel Foot pointed out that the new NPPF contained much around protecting heritage assets and the CAAMP had recently been adopted for Newbury Town Centre. The views from Goldwell Park and Donnington Castle would be irreparably changed.
51. Councillor Foot felt there was a choice for Newbury to remain as a market town or not. He was concerned that if this application was approved, then a dangerous precedent would be set.
52. Councillor Foot also questioned the assertion that this was in a sustainable location as the drainage situation in Newbury was poor and struggled to cope with heavy rain. Sustainable drainage improvements were proposed as part of the application but the size of this development would put additional pressure on drainage.
53. Councillor Justin Pemberton explained that he continued to hold a finely balanced view of the application. While noting the impact the development would have on the skyline, he was not overly concerned about the scale and bulk of the proposal. He was however concerned at the absence of affordable housing for an application which proposed 427 dwellings. This went contrary to Council policy and the NPPF. For many residents, it was too expensive to rent privately. Councillor Pemberton was not comfortable with the findings on viability.
54. Councillor Pemberton added that he was not convinced there was the demand for this type of property and should the application be approved and the skyline changed, it was important to ensure a 'white elephant' development was not erected.
55. Councillor Woollaston highlighted that the condition of the Kennet Centre meant it would have to be demolished at some point. Shopping patterns and habits had changed, but Councillor Woollaston felt that the type of shops being proposed would improve the shopping offer in Newbury.
56. He was content with the proposals for car parking. The fact that service charges were absorbed in the rental cost was a benefit.
57. The dwellings proposed were not ideal for families with young children who would ideally have private garden space and live away from the centre of the town, but would suit younger professionals without children and with a reduced need for cars.
58. Councillor Woollaston commended the work undertaken by the architect to mitigate the impact of the development, he considered that only views from Bear Lane would have a negative impact.
59. Councillor Woollaston proposed to accept the officer recommendation to grant planning permission subject to conditions. This was seconded by Councillor Vickers who added that the greatest consideration when it came to views was at street level and he did not feel this to be a significant issue.
60. Councillor Vickers then proposed to insert or strengthen a condition that would enable the Kennet Centre multi-storey to be adapted in future to allow for more EV charging points. Bob Dray, Development Manager, suggested the condition be strengthened to allow for the potential for EV charging points to be maximised, subject to the level of capacity on the electricity grid.
61. Councillor Vickers also queried if the S106 legal agreement could be amended to increase the length of time that build to rent would be retained from 10 to 15 years. Debra Inston, Team Manager – Development Management, stated that this would be possible.

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62. Both Councillor Woollaston as proposer and Councillor Vickers as seconder agreed to this addition to the conditions and the addition to the S106 legal agreement.
63. Councillor Woollaston queried if anything further could be done to enforce the conditions. Mr Dray explained that current legislation allowed for variations to be put forward, but added that the NPPF made clear that local planning authorities should seek to enforce conditions through to completion of the development. He further added that should a Section 73A application be submitted that sought to vary conditions, then this would likely come before Members to determine.
64. Councillor Abbs requested a named vote be recorded, but this did not find support.
65. Prior to the vote, Mr Dray confirmed that the proposal was to accept the officer recommendation to grant planning permission subject to conditions. This included the strengthening of a condition to allow for the potential for EV charging points to be maximised, subject to the level of capacity on the electricity grid; and to amend the S106 legal agreement to increase the length of time that build to rent would be retained from 10 to 15 years.
66. The proposal to grant planning permission was lost.
67. Councillor Cottam proposed refusal of the planning application, seconded by Councillor Macro, for the following reasons:
- Lack of affordable housing.
  - Failure to conserve or enhance the historic environment as a result of the harmful impact caused to heritage assets by the proposed height and scale of the development.
  - Insufficient car parking.
  - Sub-standard private amenity space for future residents, including the impact from the close proximity to The Newbury public house.
68. The tilted balance outlined in the NPPF would not be engaged as the benefits of the proposal did not outweigh the harm it would cause.

**RESOLVED that** the Development Manager be authorised to refuse planning permission for the following reasons:

1. The proposal would introduce an overpowering and dominant feature within the town centre. Although it is recognised that an industrial use previously occupied this site, the Eagle Works buildings were generally low-rise, with a height of no more than three storeys. The scale, height, and massing of the proposed development would significantly alter the character of Newbury's historic core. It would appear excessively tall and imposing in key views within the town centre, creating an oppressive backdrop to several listed buildings. The development would fail to provide a coherent continuation of the existing townscape and would not reflect the small-scale market town character of Newbury. As a result, the proposal would harm the significance of the conservation area and the setting of nearby listed buildings. Although the harm would be less than substantial under paragraph 215, it remains tangible, serious, and must be given considerable weight.

Paragraph 215 of the National Planning Policy Framework (NPPF) states that where harm to a designated heritage asset is considered less than substantial, that harm should be weighed against the public benefits of the proposal. While the proposal offers some public benefits, they are not enough, either individually or together, to outweigh the harm identified to the significance of the conservation area and the setting of nearby listed buildings.

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At the time of this decision, the Council cannot demonstrate a five-year housing land supply, meaning paragraph 11d of the NPPF applies. This states that planning permission should be granted unless policies in the NPPF that protect areas or assets of particular importance provide a strong reason to refuse the development. Policies concerning designated heritage assets are such policies (footnote 7). In this case, since the public benefits of the proposal do not outweigh the less than substantial harm caused, there is a clear reason for refusal. Consequently, the 'tilted balance' outlined in paragraph 11d) ii is not engaged, and the development would not benefit from the presumption in favour of sustainable development as per paragraph 11 of the NPPF.

The proposal conflicts with the statutory requirements of the Planning (Listed Buildings and Conservation Areas) Act 1990; the conservation objectives of Section 16 of the National Planning Policy Framework, Policies CS14 and CS19 of the West Berkshire Core Strategy 2006-2026, the Newbury Conservation Area Appraisal and Management Plan adopted December 2024, and the Newbury Town Design Statement 2018. These policies amongst other things seek to enhance local distinctiveness and conserve and enhance the historic environment.

2. The layout does not comply to the council's car parking standards and does not provide adequate car parking to enable use by both residents and visitors to the town centre, with the applicant failing to provide adequate mitigation to allow for when the proposed car park is full. This could result in on street parking and additional traffic movements on the highway network, adversely affecting road safety and the flow of traffic. This would be contrary to Policy CS13 of the West Berkshire District Core Strategy 2006 to 2026, Policy P1 of the Housing Site Allocations DPD 2017 and Policy ECON5 The West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).

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

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

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

- 1 and 2 bedroom flats; from 25 sq.m communal open space per unit
- 3 or more bedroom flats; from 40 sq.m communal open space per unit

The proposed average outdoor amenity space per unit across the proposed development is 12.9 sqm. This is below the required level of the SPD.

As such the proposed development does not constitute quality design due to the lack of private amenity space and would not contribute to the quality of life of future occupants by providing them with adequate space outdoors. The development is therefore contrary

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to Policy CS14 of the West Berkshire Core Strategy 2006-2026, the SPD Quality Design Part 2, and the National Planning Policy Framework.

6. The proposed development is situated in close proximity to The Newbury Public House, which has a rear terrace that would be overlooked by residential properties. This terrace generates noise from music and patrons attending the public house. It is anticipated that live music and the use of the terrace would result in significant noise levels within the proposed development, which could make the residential units undesirable for future occupants.

The noise is likely to impact around 100 flats in blocks B, E, and F, either because they are in close proximity to the public house or because their facades face it directly. Noise mitigation measures necessary to ensure acceptable internal living conditions would likely prevent future occupants from opening windows during periods of high noise. The outdoor amenity space near the Newbury Public House would also be subjected to high levels of noise during events and when the terrace is in use, which would detract from the quality of this space.

Therefore, the proposed development fails to meet the standards for quality design, given the adverse impacts on both internal and external amenity that the existing nighttime economy in the area would have on future residents. The development is thus contrary to Policy CS14 of the West Berkshire Core Strategy 2006-2026 and the objectives of the National Planning Policy Framework.

*(The meeting commenced at 4.00 pm and closed at 8.20 pm)*

**CHAIRMAN** .....

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