

From: Matthew Shepherd <Matthew.Shepherd@westberks.gov.uk>

Sent: 06 Sep 2024 12:10:48

To: dmsimport@westberks.gov.uk

Cc:

Subject: FW: 23/02094/FULMAJ | Full planning permission for the redevelopment of the Kennet Centre

Attachments:

From: Emily Ashton-Jelley <Emily.Ashton-Jelley1@westberks.gov.uk>

Sent: Thursday, April 11, 2024 10:46 AM

To: Matthew Shepherd <Matthew.Shepherd@westberks.gov.uk>

Cc: Adrian Slaughter <Adrian.Slaughter@westberks.gov.uk>; Jenny Graham <Jenny.Graham@westberks.gov.uk>; Debra Inston <Debra.Inston@westberks.gov.uk>

Subject: RE: 23/02094/FULMAJ | Full planning permission for the redevelopment of the Kennet Centre

Hi Matt,

Please find our formal response below. If you want me to write a formal objection, stating how the development doesn't meet Zero Carbon, please let me know.

Thank you for the additional clarification provided by Tim James in the letter dated the 31.01.2024, reference Eagle Quarter II, Newbury (Application Ref: 23/02094/FULMAJ). Additional West Berkshire Council – Environment Delivery Team comments are made below in relation to the Sustainability and Energy Assessment section on page 2 of the submitted letter of clarification. The BREEAM section has been addressed separately.

- The Sustainability and Energy Assessment Written Ministerial Statement (March 2015), set a limit on local plans' requirements for carbon reductions (-19% on the Part L 2013 Target Emission Rate). That limit has now been exceeded by Part L 2021. A 2018 NPPF consultation confirmed there is no such restriction. Further clarification on this matter is provided in the 2022 Inspector's decision for an appeal on 20/01238/OUTMAJ major residential application in West Berkshire. The inspector stated:

"... since the application was determined, the Government have clarified that they are not going to commence the change to the Planning and Energy Act 2008 and that Local Planning Authorities can continue to set additional local energy efficiency standards..."

As part of the appeal process for 20/01238/OUTMAJ, the Inspector questioned if WBC, as a LPA, consistently applied policy CS15, however the inspector supports the application of CS15 by stating;

"... the appeal proposal represents one of the largest schemes within the District, and therefore the consequences of failing to impose a low or zero carbon condition would undermine the Council's efforts in relation to climate change as well as the plan-led system."

On this basis, the response submitted in relation to the Sustainability and Energy Assessment Written Ministerial Statement (March 2015) within the letter dated the 31.01.2024 (page 3) holds no weight to the argument made. This is also a significant proposed development within the District and would result in similar consequences.

- Having reviewed the Written Ministerial Statement (WMS), December 2023 with Planning colleagues and gathered external expert views, it is our belief that the Zero Carbon policy requirements detailed in Policy CS15 are still applicable. The WMS places new limitations on the existing powers held by Local Planning Authorities to require improvements in the energy and carbon performance of proposed new buildings in their area. The WMS does not remove the ability to set improved local standards but limits them in the following ways:
 - Energy Efficiency policy must be expressed as a percentage reduction on the Building Regulations Part L TER (Target Emissions Rate) using a specified version of SAP (Standard Assessment Procedure).
 - Policies that go beyond national building regulations should be "applied flexibly to decisions...where the applicant can demonstrate that meeting the higher standards is not technically feasible, in relation to the availability of appropriate local energy infrastructure...and access to adequate supply chains."

The WMS also emphasises that any policy which goes beyond national standards must have “well-reasoned and robustly costed rationale that ensures that developments remain viable, and the impact on housing supply and affordability is considered by National Planning Policy Framework”. This is not a new requirement and the decision made by the Inspector in 2022 (20/01238/OUTMAJ) supports the case that the Core Strategy (2012), policy CS15 was “a well-reasoned and robustly costed rationale”.

Following some initial uncertainty around the ability of Local Authorities to set energy efficiency standards that exceed Building Regulations in the wake of the December 2023 WMS, further clarity has emerged. Local Authorities retain the power to set local energy efficiency standards that exceed Building Regulations (as set out by the Chief Planner).

On this basis, we require the Zero Carbon requirements within policy CS15 to be adhered to ‘...unless it can be demonstrated that such provision is not technically or economically viable.’ Therefore, my objection to this development still stands unless it can be demonstrated that the development meets Zero Carbon as required in Policy CS15.

Kind regards
Emily

Emily Ashton-Jelley

Principal Environment Delivery Officer

Environment Department West Berkshire Council Market Street Newbury RG14 5LD

(01635) 503928 | Ext 3928 | Emily.Ashton-Jelley1@westberks.gov.uk

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From: Matthew Shepherd <Matthew.Shepherd@westberks.gov.uk>

Sent: Thursday, April 4, 2024 5:21 PM

To: Emily Ashton-Jelley <Emily.Ashton-Jelley1@westberks.gov.uk>

Cc: Adrian Slaughter <Adrian.Slaughter@westberks.gov.uk>; Jenny Graham <Jenny.Graham@westberks.gov.uk>; Debra Inston <Debra.Inston@westberks.gov.uk>

Subject: RE: 23/02094/FULMAJ | Full planning permission for the redevelopment of the Kennet Centre

Hi Emily,

Further to our brief chat in the office re the Energy Assessment do you want to provide further comments?

My understanding of the situation is that the applicant's suggestion is not agreed by your team and that zero carbon should be the aim for the development. You therefore maintain an objection and would suggest a reason for refusal? Should further info be provided showing the economics or feasibility zero carbon are unattainable you may revisit this.

Can you provide a formal response and a suggested reasons for refusal if the above is correct? I will then have to weigh this in the planning balance.

Kind Regards

Matthew Shepherd

Senior Planning Officer

Development & Regulation West Berkshire Council

Market Street, Newbury, RG14 5LD

01635 519583 |

Matthew.Shepherd@westberks.gov.uk

From: Emily Ashton-Jelley <Emily.Ashton-Jelley1@westberks.gov.uk>
Sent: Wednesday, March 13, 2024 5:46 PM
To: Matthew Shepherd <Matthew.Shepherd@westberks.gov.uk>
Cc: Adrian Slaughter <Adrian.Slaughter@westberks.gov.uk>; Jenny Graham <Jenny.Graham@westberks.gov.uk>; Debra Inston <Debra.Inston@westberks.gov.uk>
Subject: RE: <v9_SmartSaved/> RE: 23/02094/FULMAJ | Full planning permission for the redevelopment of the Kennet Centre

Hi Matthew,

I'm actually sent a meeting invite to Bob and Laura to discuss the WMS in general, but I'll use this application as an example. I've popped a meeting in for next Tuesday. Assuming the meeting is accepted by all, I can arrange a meeting with you after that. I'm in the office next Tuesday and free from 2pm if there is a time that works for you?

In relation to your feedback, please see my comments below:

BREEAM

Agree, the BREEAM is fine. My comments were more points of note /high level guidance than the need to change anything and resubmit – apologies if this was unclear. Ultimately, BREEAM Excellent will be conditioned so if they don't meet the required certification at Post Construction Review stage then it becomes an enforcement issue.

Sustainability and Energy Assessment

As detailed above, I will discuss with Bob and Laura and get an agreed approach. I'm clear on my view (that CS15 still applies in light of the WMS) but I am not a Planner so I would value input from DM and Planning Policy on the weight WMS have been given historically and the outcome of the Sandford inquiry (I didn't work for WBC then) so we can take a consistent approach for all applications. The Kennet Centre isn't the only application I have in recently that is trying to use the WMS against Policy CS15. In relation to a planning application which has secured zero carbon, I am aware of one since I started covering some of the energy and carbon planning work a year ago. The application (19/02979/OUTMAJ) was a discharge of condition (23/02379/COND) which I took to Western Planning Committee with Sian Cutts back in November.

Let me know what time works best for you next Tuesday.

Thanks
Emily

Emily Ashton-Jelley
Principal Environment Delivery Officer
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(01635) 503928 | Ext 3928 | Emily.Ashton-Jelley1@westberks.gov.uk
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From: Matthew Shepherd <Matthew.Shepherd@westberks.gov.uk>
Sent: Wednesday, March 13, 2024 3:59 PM
To: Emily Ashton-Jelley <Emily.Ashton-Jelley1@westberks.gov.uk>
Cc: Adrian Slaughter <Adrian.Slaughter@westberks.gov.uk>; Jenny Graham <Jenny.Graham@westberks.gov.uk>; Debra Inston <Debra.Inston@westberks.gov.uk>
Subject: RE: <v9_SmartSaved/> RE: 23/02094/FULMAJ | Full planning permission for the redevelopment of the Kennet Centre

Hi Emily,

Thanks for your comments. Can you suggest some dates to get a meeting on this? My calendar is more flexible so happy to be led by you guys. We need to resolve this asap. I'm speaking to Planning policy to see who is best to speak too.

BREEAM

In regard to your draft comments below it appears that all the ratings hit the required level I don't feel we can really ask them to build up a buffer unless there are real concerns, they have not consider something accurately. I understand your desire to guarantee the excellent rating, but we've been shown its policy complaint that seems sufficient.

Sustainability

Happy to discuss with Planning Policy but DM officers are really in your hands on this. This is not our area of expertise and the policy of Net zero is a broad subject. I'm not aware of applications where we have secured zero carbon or the implications from the Sandleford decision.

Thanks
Matt

Kind Regards

Matthew Shepherd
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Matthew.Shepherd@westberks.gov.uk
www.westberks.gov.uk

From: Emily Ashton-Jelley <Emily.Ashton-Jelley1@westberks.gov.uk>
Sent: Monday, March 11, 2024 8:42 AM
To: Matthew Shepherd <Matthew.Shepherd@westberks.gov.uk>
Cc: Adrian Slaughter <Adrian.Slaughter@westberks.gov.uk>; Jenny Graham <Jenny.Graham@westberks.gov.uk>
Subject: RE: <v9_SmartSaved/> RE: 23/02094/FULMAJ | Full planning permission for the redevelopment of the Kennet Centre
Importance: High

Hi Matthew,

Apologies for not getting my comments to you on Friday evening.

Below are my draft comments which I would like to discuss with you before they are fed back to the applicant.

BREEAM

'Excellent rating with 71.16% for the retail, 71.53% on the office, and 72.68% on the healthcare.'

Comments: Fine but I'd like to see a greater % buffer in case something slips. Noted the removal of RIBA 0/1 early action credits and the comments by the BREEAM Assessor '... The chosen credit distribution achieves an Excellent rating with 71.16% for the retail, 71.53% on the office, and 72.68% on the healthcare. This should be considered as a potential rating and requires immediate action from the developer to implement additional strategies due to the current stage of the project. Detailed attention should be given to each issue.' page 5 of BREEAM Pre Assessment introduction.
Point of note: As the project is currently at RIBA stage 2 (as detailed in the on page 1 of the Eagle Quarter II, Newbury BREEAM 6.1 pre-assessment Jan 24) – '1.4 As the development is currently going through planning, it is assumed that the development is at RIBA Stage 2.' RIBA stage 2 early action credits should be being addressed – please discuss with the BREEAM Assessor/AP on the project.

Sustainability and Energy Assessment

I would like to discuss this one with DM and possibly Planning Policy.

Note the inclusion of both regulated and unregulated energy in the % reduction calculation.

Reference to the Government written ministerial statement (March 2015) I believe to be a moot point as the Sandleford inquiry clarified that we could still require policy CS15. As for the Government written ministerial statement (December 2023), my understanding is that this statement is in relation to new Local Plans which are going through examination but I would like Planning Policies view on this.

I have some availability today if you would like to discuss.

Kind regards
Emily

Emily Ashton-Jelley
Principal Environment Delivery Officer
Environment Department West Berkshire Council Market Street Newbury RG14 5LD
(01635) 503928 | Ext 3928 | Emily.Ashton-Jelley1@westberks.gov.uk
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From: Matthew Shepherd <Matthew.Shepherd@westberks.gov.uk>
Sent: Wednesday, March 6, 2024 11:20 AM
To: Emily Ashton-Jelley <Emily.Ashton-Jelley1@westberks.gov.uk>
Cc: Adrian Slaughter <Adrian.Slaughter@westberks.gov.uk>; Jenny Graham <Jenny.Graham@westberks.gov.uk>
Subject: RE: <v9_SmartSaved/> RE: 23/02094/FULMAJ | Full planning permission for the redevelopment of the Kennet Centre

Hi Emily,

Apologies to chase but are you able to provide a response to this application? Or an estimate as to when you may be able to respond?

Thanks
Matt

Kind Regards

Matthew Shepherd
Senior Planning Officer
Development & Regulation West Berkshire Council
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01635 519583 |
Matthew.Shepherd@westberks.gov.uk
www.westberks.gov.uk

From: Emily Ashton-Jelley <Emily.Ashton-Jelley1@westberks.gov.uk>
Sent: Friday, February 2, 2024 4:13 PM
To: Matthew Shepherd <Matthew.Shepherd@westberks.gov.uk>
Cc: Adrian Slaughter <Adrian.Slaughter@westberks.gov.uk>; Jenny Graham <Jenny.Graham@westberks.gov.uk>
Subject: <v9_SmartSaved/> RE: 23/02094/FULMAJ | Full planning permission for the redevelopment of the Kennet Centre
Importance: High

Thank you, Matthew.

We will try our best to meet the 21-day consultation response time, but we have a huge back log and insufficient resource to deal with planning applications and queries. Jenny Graham (mine and Adrian's line manager) has communicated this to Bob who will be/has spoken to Simon and Deb about our pressures. We will endeavour to do our best to prioritise this application as we have provided comments previously and we understand that this is a high profile/contentious application with significant energy/carbon implications.

So, we manage expectations, I wanted to give you the heads up on our position.

Kind regards
Emily

Emily Ashton-Jelley
Principal Environment Delivery Officer
Environment Department West Berkshire Council Market Street Newbury RG14 5LD
(01635) 503928 | Ext 3928 | Emily.Ashton-Jelley1@westberks.gov.uk
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From: Matthew Shepherd <Matthew.Shepherd@westberks.gov.uk>
Sent: Friday, February 2, 2024 12:09 PM
To: Emily Ashton-Jelley <Emily.Ashton-Jelley1@westberks.gov.uk>
Cc: Adrian Slaughter <Adrian.Slaughter@westberks.gov.uk>
Subject: RE: 23/02094/FULMAJ | Full planning permission for the redevelopment of the Kennet Centre

Hi Emily,

Please find attached the agent's response to your comments. Please ignore the Environmental Health information which is also contained.

If you can review and let me know your thoughts. I will arrange a consultation to be sent to you through uniform with a 21 day period to respond too. This email just serves to get the information to you quicker.

Thanks
Matt

Kind Regards

Matthew Shepherd
Senior Planning Officer
Development & Regulation West Berkshire Council
Market Street, Newbury, RG14 5LD
01635 519583 |
Matthew.Shepherd@westberks.gov.uk
www.westberks.gov.uk

From: Emily Ashton-Jelley1 <Emily.Ashton-Jelley1@westberks.gov.uk>
Sent: Friday, November 3, 2023 12:33 PM
To: Matthew Shepherd <Matthew.Shepherd@westberks.gov.uk>
Cc: Adrian Slaughter <Adrian.Slaughter@westberks.gov.uk>
Subject: RE: 23/02094/FULMAJ | Full planning permission for the redevelopment of the Kennet Centre
Importance: High

Hi Matthew,

Before I add our comments to the portal, I wanted to run them past you just in case some concessions have been made at pre app in relation to Policy CS15.

The Sandleford appeal set the precedence for requiring Zero Carbon and therefore our stance.

Once you are happy, I'll add them to the system.

• **BREEAM Pre Assessment (Retail)**

Comments

- Why hasn't an Office or Healthcare assessment been carried out? These building types are detailed in the current proposals (page 6 of the Planning Statement). The BREEAM Assessment states that construction will be completed as fully fitted.
BREEAM assessment states *'The proposed development includes multiple buildings with different uses. This BREEAM Pre-Assessment focuses on the retail units, to be completed to Fully Fitted.'* Why is this? All non-residential elements should comply with BREEAM under the appropriate building type as detailed within the BREEAM Manual. This means that there may be a need for multiple BREEAM Assessments depending on the use/building type. This is the case in relation to this development. Please address.
- Point of note. As the development is at RIBA Stage 2, please confirm that early action credits have been (under RIBA 0/1) or are currently being addressed (under RIBA 2) e.g. Land Use and Ecology. The BREEAM Assessor will know that failure to address early action credits (with associated evidence) will mean that these credits can no longer be targeted going forward. Please discuss with the BREEAM Assessor or AP on the project.
- Please revisit the credits targeted in the BREEAM Assessment – there are some mistakes. i.e. under Man 01 BREEAM AP (Developed Design) , criteria 8&9 need to be achieved (pre requisite BREEAM AP and BREEAM AP Concept Design). Currently the BREEAM AP Concept Design credits is not targeted which means you can't target the 1 credit under BREEAM (Developed Design). Please discuss with the projects BREEAM Assessor and check all targeted BREEAM credits and criteria for accuracy. Mistakes will lead to the target score of 72.51% not being achieved and could risk the Excellent rating.

• **Sustainability and Energy Assessment**

Extract

West Berkshire's Policy CS15 sets a zero carbon target from 2019, but footnotes (74) and (75) confirm that this is "in line with stated Government aspirations, which may be subject to change." The UK Government withdrew the aspiration for zero carbon homes and has replaced this with incremental reduction in carbon emissions via Building Regulations. To this effect, Approved Document L1 and L2 2021 (domestic and non-domestic buildings) was issued and came into effect in June 2022. These improve standards between 27% and 31%, building type dependent.

Therefore, the Zero carbon ambition given in Policy CS15 is not applicable, and the relevant requirement is a 20% reduction in CO2 emissions (arising from regulated and unregulated energy use) from low or zero carbon technologies (LZCT).

Comments

- We disagree with this and require Zero Carbon to be achieved for the development.. Please update the Sustainability and Energy Assessment to demonstrate how Zero Carbon has been achieved.

Points of note which will need to be addressed when updating the Sustainability and Energy Assessment. These notes are based on the current figures included within the report, but the same clarifications will be needed when updating the report to address Zero Carbon.

- It is unclear if the current figure of 48% includes regulated and unregulated energy and is the total for both the residential and non-residential elements of the development. The total % reduction figure should include regulated and unregulated energy for both the residential and non-residential elements of the development. Clear calculations (ideally in a table format) should be included to demonstrate how % reduction to Zero Carbon has been achieved from the baseline.
- Please clearly label figures, currently some labels are missing.

Thanks

Emily

Emily Ashton-Jelley

Principal Environment Delivery Officer

Environment Department West Berkshire Council Market Street Newbury RG14 5LD

(01635) 503928 | Ext 3928 | Emily.Ashton-Jelley1@westberks.gov.uk

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From: Matthew Shepherd <Matthew.Shepherd@westberks.gov.uk>

Sent: Wednesday, November 1, 2023 9:11 AM

To: Emily Ashton-Jelley1 <Emily.Ashton-Jelley1@westberks.gov.uk>

Cc: Adrian Slaughter <Adrian.Slaughter@westberks.gov.uk>

Subject: RE: 23/02094/FULMAJ | Full planning permission for the redevelopment of the Kennet Centre

Hi Emily,

If you need any documents let me know. If you can do the comments before the end of the week that's fine by me. I'm still getting the drip feed of comments coming in so no stress

Thanks

Matt

Kind Regards

Matthew Shepherd

Senior Planning Officer Development & Regulation,

West Berkshire Council,

Market Street, Newbury, RG14 5LD

01635 519583 |

Matthew.Shepherd@westberks.gov.uk

www.westberks.gov.uk

From: Emily Ashton-Jelley1 <Emily.Ashton-Jelley1@westberks.gov.uk>

Sent: Tuesday, October 31, 2023 10:40 PM

To: Matthew Shepherd <Matthew.Shepherd@westberks.gov.uk>

Cc: Adrian Slaughter <Adrian.Slaughter@westberks.gov.uk>

Subject: RE: 23/02094/FULMAJ | Full planning permission for the redevelopment of the Kennet Centre

Hi Matthew,

I'm having a problem with accessing the planning portal, I can't even access it via Citrix. I'll try again first thing in the morning but I'm in a meeting at Shaw House from 9:30 until lunchtime. Adrian and I will get our comments to you asap, apologies for this delay.

Kind regards

Emily

Emily Ashton-Jelley

Principal Environment Delivery Officer

Environment Department West Berkshire Council Market Street Newbury RG14 5LD

(01635) 503928 | Ext 3928 | Emily.Ashton-Jelley1@westberks.gov.uk

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From: Emily Ashton-Jelley1 <Emily.Ashton-Jelley1@westberks.gov.uk>
Sent: Tuesday, October 17, 2023 9:59 AM
To: Matthew Shepherd <Matthew.Shepherd@westberks.gov.uk>
Cc: Adrian Slaughter <Adrian.Slaughter@westberks.gov.uk>
Subject: RE: 23/02094/FULMAJ | Full planning permission for the redevelopment of the Kennet Centre

That's great, thanks Matthew.

Kind regards
Emily

Emily Ashton-Jelley
Principal Environment Delivery Officer
Environment Department West Berkshire Council Market Street Newbury RG14 5LD
(01635) 503928 | Ext 3928 | Emily.Ashton-Jelley1@westberks.gov.uk
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From: Matthew Shepherd <Matthew.Shepherd@westberks.gov.uk>
Sent: Tuesday, October 17, 2023 9:58 AM
To: Emily Ashton-Jelley1 <Emily.Ashton-Jelley1@westberks.gov.uk>
Cc: Adrian Slaughter <Adrian.Slaughter@westberks.gov.uk>
Subject: RE: 23/02094/FULMAJ | Full planning permission for the redevelopment of the Kennet Centre

Hi Emily,

Comments by the end of the month would be fine, is that good for you? The sooner the better but we are still awaiting response from the Town Council etc so we have a bit of time still

Kind Regards

Matthew Shepherd
Senior Planning Officer Development & Regulation,
West Berkshire Council,
Market Street, Newbury, RG14 5LD
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Matthew.Shepherd@westberks.gov.uk
www.westberks.gov.uk

From: Emily Ashton-Jelley1 <Emily.Ashton-Jelley1@westberks.gov.uk>
Sent: Monday, October 16, 2023 9:42 PM
To: Matthew Shepherd <Matthew.Shepherd@westberks.gov.uk>
Cc: Adrian Slaughter <Adrian.Slaughter@westberks.gov.uk>
Subject: 23/02094/FULMAJ | Full planning permission for the redevelopment of the Kennet Centre

Hi Matthew,

Adrian and I haven't managed to look at is application yet, but it is a key one for us. We'll try and get you our comments ASAP. When is the absolute deadline?

Thanks
Emily

Emily Ashton-Jelley
Principal Environment Delivery Officer
Environment Department West Berkshire Council Market Street Newbury RG14 5LD
(01635) 503928 | Ext 3928 | Emily.Ashton-Jelley1@westberks.gov.uk
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