

The Kennet Centre, Newbury, RG14 5EN

Statement of Common

Ground

Eagle Quarter,

Newbury

23/02094/FULMAJ

APP/W0340/W/24/3359935

IN SUPPORT OF:

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.

BETWEEN

LOCHAILORT NEWBURY LTD

AND

WEST BERKSHIRE COUNCIL

6 May 2025

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1 INTRODUCTION

1.0 This Statement of Common Ground has been agreed following the refusal of planning permission by West Berkshire Council (WBC) for the proposed development of The Kennet Centre, Newbury, RG14 5EN. Planning permission was sought for:

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.

1.1 Notice of the refusal of planning permission was given on 30 January 2025 (**CD1.4**) for the development The Mall, The Kennet Centre, Newbury, RG14 5EN. The planning application was refused for the following reasons:

Reasons for Refusal

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.

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 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.

2.0 SITE AND SURROUNDINGS

- 2.1 The site falls within the administrative area of West Berkshire Council (WBC) and lies within the centre of Newbury. It comprises a purpose built 1970s shopping centre with associated car parking in a multistorey car park and is trapezoidal in shape adjoining Market Street to the south, Bartholomew Street to the west, and Market Place and Cheap Street to the east (Figure 2). The northernmost part of the Site lies adjacent to other shops and Newbury Town Hall on Mansion House Street.
- 2.2 The site extends to approximately 2.2 hectares in size. The centre comprises the main shopping mall which is accessed from both Bartholomew Street and Market Place/ Cheap Street and consists of a number of retail units within a covered walkway. North of the shopping centre are a number of commercial and office units with associated parking and delivery facilities on the roof, accessed from a ramp via Market Street. This part of the site is to be demolished in its entirety.
- 2.3 The south-eastern part of the shopping centre comprises a later addition to the shopping centre which incorporates the Vue cinema at first and second floor with restaurant uses at ground level. This part of the Kennet Centre is accessed via Market Street and Cheap Street and includes a link to the main shopping mall. This part of the building is to be retained as part of the proposals.
- 2.4 A multi-storey car park (MSCP) is located on the southwest corner of the Site. This is currently operated by WBC and is to be retained and extended.
- 2.5 The site boundary excludes several adjacent existing Grade II listed buildings including Catherine Wheel Inn, The Newbury, 33-34 Cheap Street and 11-15 Market Place.
- 2.6 The site presents as a mass of built development with much of the outer facing facades offering very little by way of quality for the streetscape of Newbury. The site has poor legibility with the only permeability being internal via the main retail mall. This route is only accessible during the opening hours of the mall and as such, the site is entirely impermeable between 6pm and 8am on a daily basis.
- 2.7 Further details of the existing site including photographs are included within the Design and Access Statement (DAS) (CD1.101).
- 2.8 The surrounding area is predominantly characterised by retail uses, cafes, pubs, restaurants and other commercial uses. The Grade I listed St Nicholas Church is to the north west of the site and further to the north beyond the Kennet and Avon Canal is the Parkway shopping centre. West Berkshire District Council offices are sited to the south of the site off Market Street along with a recently completed residential development by Grainger of 232 homes across eight blocks up to six storeys in height, with Newbury Railway Station directly behind.
- 2.9 The Site is located in a highly sustainable location being located within a 2-minute walk from Newbury Railway Station, serviced by Great Western Railway, providing frequent and direct services to London Paddington (40-minute journey) and Reading (15-minute journey), along with other places such as Paignton, Bedwyn, and Exeter St Davids.
- 2.10 There are a number of bus stops directly adjacent to the Site including stops on Market Street and Cheap Street, and bus station within a 5 minute walk of the site, providing

access to Greenham Common, Greenham Business Park, Vodafone HQ, Burghclere Common, Basingstoke and Hungerford. In addition to the range of public transport options available to the site, it is within an area accessible to a range of services, promoting walking and cycling as forms of transport and reducing the need and dependency for private vehicle.

- 2.11 The site is located within Newbury Town Centre Conservation Area and there are a number of listed buildings that adjoin or are within proximity to the site. These are set out in the Heritage Topic Paper.
- 2.12 Parts of the site are within Flood Zone 2 with the remainder in Flood Zone 1.

Local Planning Policy Designations

- 2.13 According to the adopted Core Strategy Policy Map (2012) (Figure 4), the Site is subject to the following planning designations:
- Newbury Settlement Boundary;
 - Conservation Area (Newbury Town Centre);
 - Town Centre Commercial Area: Newbury TC;
 - Drift Geology: Valley Gravel;
 - Landscape Character Assessment: Urban; and
 - Primary Shopping Frontages

3.0 RELEVANT PLANNING HISTORY

- 3.1 There is limited planning history for the site. The following planning history for the application site was obtained from the Council's website and does not include applications relating to individual units within or small areas of the site;
- 3.1.1 06/01674/COMIND (2006) – Approval of new 7 screen cinema, class A3/A4 retail floor space, new foyer/circulation, replacement public conveniences and sub-station.
- 3.1.2 83/19101/ADD (1985)– Approval of final phase of Kennet Centre comprising new department store, enlarged supermarket, shops, car park and bus station alterations to existing multi storey car park.
- 3.1.3 80/13824/ADD (1982) – Approval of phase two of town centre development comprising new department store and shops with ancillary accommodation, service road and operational car parking.
- 3.1.4 79/10612/ADD (1979) – Approval of renewal of details consent for 26 shops and two storey department store.

3.1.5 301/67 (1968) – Approval of outline for 26 shops and two storey department store.

Recent Planning History

3.2 The below recent planning applications are of relevance to this appeal

21/00379/FULMAJ

3.3 An application for the redevelopment of the Kennet Centre was submitted on the 16th of February 2021 (ref: 21/00379/FULMAJ) for the following development:

“Full: Phased redevelopment of the Kennet Centre comprising (i) partial demolition of existing building (ii) flexible-use commercial space (iii) headquarters office building (iv) 402 dwellings plus residents’ ancillary facilities (v) access, car parking and cycle parking (vi) landscaping & open space (vii) sustainable energy installations (viii) associated works.”

3.4 The application was subsequently refused on the 4th November 2022 with 9 reasons for refusal.

21/00380/FULMAJ

3.5 An application for the redevelopment of the Kennet Centre was submitted on the 16th February 2021 (ref: 21/00380/FULMAJ) for the following development:

“Full: 91 retirement living apartments with ancillary residents’ amenities and associated works.”

3.6 The application proposed an alternative to the proposed office development which is part of application 21/00379/FULMAJ above.

3.7 The application was refused on the 4th of November 2022 with 7 reasons for refusal.

Appeal

3.8 Both applications identified above were subsequently submitted for appeal jointly (refs: APP/W- 340W/23/3321517 and APP/W0340/W/233321484). These appeals were withdrawn on 1st September 2023.

3.9 In the Statement of Common Ground as agreed with WBC ahead of the withdrawal of the appeals, the following issues were resolved with the WBC in respect of the following matters

3.9.1 The loss of the existing and outdated shopping centre and the principle of its replacement with a residential-led mixed use development is acceptable in principle.

3.9.2 Mix of uses proposed is acceptable.

3.9.3 The Sequential Test prepared by Savills (April 2023) demonstrates that

there are no alternative sites for the residential element and therefore the Sequential Test is passed. The Savills Report also confirms that parts i and ii of the Exceptions Test have been passed for the site – all fully addressing Reason for Refusal 1.

- 3.9.4 The proposal for build to rent and the mix of units is acceptable.
- 3.9.5 The Kennet Centre does not provide any positive contribution to the setting of various more distant assets.
- 3.9.6 The Council and the Appellant will work towards agreeing a commuted sum in respect of public open space. Should the Council and the appellant agree an acceptable commuted sum towards public open space then the Council will advise the appellant and the Planning Inspectorate that reasons for refusal 3 (in so far as it relates to public open space) and 5 are no longer being pursued

3.10 EIA screening was undertaken under 20/02647/SCREEN in November 2020. The screening decision was that the proposal would not be EIA development and an Environmental Statement would not be required.

4.0 CONSULTATION RESPONSES

4.1 There was extensive pre-application engagement by the appellant and consultant team with the council which specifically focuses on the design of the scheme. The scheme evolved during pre-application discussions to respond to the officers' comments and during the determination of the application.

4.2 In addition to the above, the Appellant engaged with the local community, details are provided in the Statement of Community Involvement (**CD1.82A**).

Meeting	Date
Meeting with officers	14 June 2023
In-person meeting WBC Leader, CEO, WBC Deputy Leader, Officers	22 June 2023
Meeting with Service Director Officer	5 July 2023
In-person meeting with WBC Service Director Officer	14 July 2023
In-person meeting with WBC Service Director Officer	20 July 2023
Meeting with WBC Service Director Officer	26 July 2023
In-person meeting with WBC CEO	27 July 2023

In-person meeting with Members	3 August 2023
Meeting with LLFA and Case Officer	14 August 2023
Meeting with Highways Officer and Case Officer	15 August 2023
In-person meeting with Chamber of Commerce	23 August 2023
In-person on-site meeting LLFA	23 August 2023
Meeting with Highways Officer and Case Officer	29 August 2023

Chronology of Planning Application

- 4.3 Following significant discussions with the Council's planning officers, Newbury Town Council, and the Newbury Society, a number of amendments were made to address the concerns raised in relation to application ref 21/00379/FULMAJ in respect of a number of issues including height and massing, design and the historic environment. Key changes made to the previous application include:
- i. Increased the overall number of units (from 367 to 427 units) though various internal reconfigurations.
 - ii. Replacement of the office floorspace (or 91 retirement homes option) in Block S with residential units noting that Block S is no taller than the office block/retirement home block originally proposed;
 - iii. 2 storeys removed from Blocks A and B;
 - iv. A storey removed from Block E
 - v. New wing added to Block S;
 - vi. Removal of the additional proposed floor on the multi storey car park.
- 4.4 The massing and height reductions compared with the previous application/appeal can be seen in the submitted Verified Views (Appeal Scheme Comparison) Document which is appended to the Statement of Case at Appendix 2.
- 4.5 Following these extensive discussions with the Council, the full planning application, that is now the subject of this appeal, was submitted on 8th September 2023.
- 4.6 Officers recommended the proposed development for approval, and it was initially presented to the Western Area Planning Applications Committee on 3rd October 2024. Following the case officer's presentation, representations from the appellant, public and local ward councillors, and questions from members, a motion was proposed to refer the

application to District Planning Applications Committee due to the strategic nature of the application. The motion was passed and the application was deferred until the next available committee.

4.7 The application was then presented to the District Planning Applications Committee held on 13th November 2024. At this meeting members put forward a proposal to refuse the planning application. This was lost, as was a subsequent motion to approve the application. There was insufficient time to put forward an alternative proposals or undertake a further vote prior to the meeting end time of 10.30pm. Members were therefore unable to make a decision during this meeting and it was necessary to schedule a further meeting.

4.8 The application was the heard at District Planning Committee on 8th January where members resolved to refuse the planning application. The decision notice was issued on 30th January 2025. The minutes of each of the aforementioned meetings can be found at CD3.3, CD3.4 & CD3.5.

5.0 PLANNING POLICY FRAMEWORK

5.1 This Section sets out planning policy and guidance which is of relevance to the Appeal and to which the Appellant will have regard to in evidence.

Planning Policy

5.2 Under Section 36(6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990, applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.

5.3 The Statutory Development Plan comprises the following:

5.3.1 The West Berkshire Core Strategy 2006-2026 (Adopted July 2012);

5.3.2 Housing Site Allocations Development Plan Document (Adopted May 2017); and

5.3.3 West Berkshire District Local Plan 1991 – 2006 (solely the policies Saved by Direction issued by the Secretary of State in September 2007)

5.4 For completeness, the following documents also form part of the statutory Development Plan but have no relevance to this application and are thus not explored in any detail in this Planning Statement:

5.4.1 The South East Plan – Regional Spatial Strategy for the South East (Adopted May 2009, only Policy 6 remaining extant)

5.4.2 Stratfield Mortimer Neighbourhood Plan (Made July 2012).

5.4.3 Compton Neighbourhood Development Plan (adopted February 2022)

5.4.4 Hermitage Neighbourhood Development Plan (adopted May 2024)

5.4.5 Minerals and Waste Local Plan 2022-2037 (adopted December 2022).

Adopted Local Plan Policies

5.5 The relevant policies within the Local Plan include the following:

Core Strategy

- 5.5.1 Area Delivery Plan Policy 1 Spatial Strategy
- 5.5.2 Area Delivery Plan Policy 2 Newbury
- 5.5.3 Policy CS1 “Delivering New Homes and Retaining the Housing Stock”
- 5.5.4 Policy CS4 “Housing Type and Mix”
- 5.5.5 Policy CS5 “Infrastructure Requirements and Delivery”
- 5.5.6 Policy CS6 “Provision of Affordable Housing”
- 5.5.7 Policy CS9 “Location and Type of Business Development”
- 5.5.8 Policy CS11 “Hierarchy of Centres”
- 5.5.9 Policy CS13 “Transport”
- 5.5.10 Policy CS14 “Design Principles”
- 5.5.11 Policy CS15 “Sustainable Construction and Energy Efficiency”
- 5.5.12 Policy CS16 “Flooding”
- 5.5.13 Policy CS17 “Biodiversity and Geodiversity”
- 5.5.14 Policy CS19 “Historic Environment and Landscape Character”

Saved Policies

- 5.5.15 Policy OVS5 “Environmental Nuisance and Pollution Control”
- 5.5.16 Policy OVS6 “Noise Pollution”
- 5.5.17 Policy HSG13 “Residential Use of Space above Shops and Offices
- 5.5.18 Policy ECON5 “Town Centre Commercial Areas”
- 5.5.19 Policy SHOP1 “Non Retail Uses in Primary Shopping Frontages”
- 5.5.20 Policy TRANS 1 “Meeting the Transport Needs of New Development”
- 5.5.21 Policy RL1 “Public Open Space Provision in Residential Development Schemes”
- 5.5.22 Policy RL2 “Provision of Public Open Space (Methods)”
- 5.5.23 Policy RL3 “The Selection of Public Open and Recreation Sites”

Housing Site Allocations Development Plan Document

- 5.5.24 Policy P 1 “Parking Standards for New Residential Development”.

Local Plan Review 2022-2039

- 5.6 The Local Plan Review 2022-2039 (LPR) was submitted to the Secretary of State for independent examination on 31st March 2023. The Inspector's Report was received on 8 April 2025, and the examination has now ended. The Report (CDXXX) concludes that with Main Modifications, the Plan is sound, legally compliant, and capable of adoption. A special meeting of Council will be held on 10 June 2025, where Councillors will be asked to adopt the LPR. A table showing a comparison of the adopted policies and the LPR policies is appended to this document.
- 5.7 The relevant policies to the appeal proposal within the LPR include the following:
1. SP1 Spatial Strategy
 2. SP3 Settlement Hierarchy
 3. SP5 Responding to Climate Change
 4. SP6 Flood Risk
 5. SP7 Design Quality
 6. SP8 Historic Environment
 7. SP10 Green Infrastructure
 8. SP11 Biodiversity & Geodiversity
 9. SP12 Approach to Housing Delivery
 10. SP18 Housing Type & Mix
 11. SP19 Affordable Housing
 12. SP20 Strategic Approach to Economic Development and Hierarchy of Centres
 13. SP22 Town & District Centres
 14. SP23 Transport
 15. SP24 Infrastructure Requirements and Delivery
 16. DM3 Health and Wellbeing
 17. DM4 Building Sustainable Homes and Buildings
 18. DM5 Environmental Nuisance and Pollution Control
 19. DM6 Water Quality
 20. DM7 Water Resources and Waste Water
 21. DM8 Air Quality
 22. DM9 Conservation Areas
 23. DM10 Listed Buildings

- 24. DM11 Non-designated Heritage Assets
- 25. DM14 Assets of Archaeological Importance
- 26. DM22 Residential Use of Space above Shops and Offices
- 27. DM31 Residential Amenity
- 28. DM40 Public Open Space
- 29. DM41 Digital Infrastructure
- 30. DM42 Transport Infrastructure
- 31. DM44 Parking
- 32. DM45 Travel Planning

Other Material Considerations

5.8 Other material considerations include:

- 5.8.1 National Planning Policy Framework (2024) (“NPPF”)
- 5.8.2 National Planning Practice Guidance (“NPPG”)
- 5.8.3 Quality Design – West Berkshire SPD (June 2006)
- 5.8.4 Planning Obligations Supplementary Planning Document (December 2014)
- 5.8.5 West Berkshire Community Infrastructure Levy Charging Schedule (2014)
- 5.8.6 Newbury Conservation Area Appraisal and Management Plan (NCAAMP) (2024)
- 5.8.7 National Design Guide (January 2021)
- 5.8.8 Newbury Town Design Statement 2019-2036 (June 2018)
- 5.8.9 Newbury Town Centre Masterplan (Draft Report) (2022)
- 5.8.10 Historic England Tall Buildings Advice Note 4 (2015 and March 2020 Consultation Draft)
- 5.8.11 Nationally Described Space Standards
- 5.8.12 Historic Environment Good Practice Advice in Planning 2 (GPA2): Managing Significance in Decision-Taking in the Historic Environment, Historic England, July 2015
- 5.8.13 Historic Environment Good Practice Advice in Planning 3 (GPA3): The Setting of Heritage Assets (second edition), Historic England, 2017
- 5.8.14 Conservation Principles; Policy and Guidance for the Sustainable Management of the Historic Environment, English Heritage 2008
- 5.8.15 Sustainable Drainage Systems (SuDS) Supplementary Planning Document (2018)
- 5.8.16 Cycle and Motorcycle Advice and Standards for New Development (2014)
- 5.8.17 The Manual for Streets
- 5.8.18 West Berkshire CIL Charging Strategy

5.8.19 The Local Transport Plan (LTP) 2011 – 2026

- 5.9 The NPPF is an important material consideration particularly in regard as to how it requires the presumption in favour of sustainable development to be applied. The updated NPPF (2024) was published ahead of the 8th January 2025 planning committee and the changes resulting from this publication are dealt with below. . It was updated again on 7th February 2025.
- 5.10 In addition, the Newbury Conservation Area Appraisal and Management Plan (NCAAMP) was published ahead of the 8th January 2025 committee meeting and is dealt with below.

Technical Consultee Comments

- 6.1 During the course of the application technical consultees were notified and were requested to provide comments on the proposal.
- 6.2 Comments received from consultees were addressed during the course of the application, as set out in **CD2**.
- 6.3 A summary of the consultee responses received during the determination date is summarised in the Committee Report (**CD1.5**).
- 6.4 During the course of the application the following consultation responses from the public were received:
- 2 letters in support of the application.
 - 147 letter objecting to the scheme.
- 6.5 A summary of the letters of support and objection can be found in the Committee Report (**CD1.5**).

Appeal Issues

- 7.1 The planning appeal is for:

“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.”

- 7.2 The following matters are agreed.

Principle of Residential Development

- 7.3 The loss of the existing and outdated shopping centre and the principle of its replacement with a residential-led mixed use development is acceptable in principle. The site is a brownfield site located in a highly accessible location in Newbury Town Centre and the principle of the redevelopment for residential and commercial uses is acceptable.
- 7.4 The proposal represents an optimum brownfield location to deliver housing and new commercial floorspace in the town centre. The mix of uses proposed is acceptable.
- 7.5 The new NPPF encourages a brownfield first approach to development and is now explicit that the development of brownfield land should be regarded as acceptable in principle. Bullet point (c) of paragraph 125 sets out that planning decisions should,
- “give substantial weight to the value of using suitable brownfield land within settlements for homes and other identified needs, proposals for which should be approved unless substantial harm would be caused...”*
- 7.6 Paragraph: 003 Reference ID: 66-003-20190722 provides further detail as to how policy 125(c) (substantial weight to brownfield land proposals) applies to decision making, setting out,

“Paragraph 125(c) of the National Planning Policy Framework states planning policies and decisions should give substantial weight to the value of using suitable brownfield land within settlements for homes and other identified needs, proposals for which should be approved unless substantial harm would be caused. When determining such proposals, decision makers will need to take account of this policy alongside other policies within the Framework taken as a whole. As an example, where a proposal would cause less than substantial harm to the significance of a designated heritage asset, paragraph 215 (which requires the public benefits of the proposals to be weighed against the less than substantial harm) would still need to be applied. Where relevant, decision makers will need to provide a clear articulation of how paragraph 125(c) has been demonstrably considered and applied alongside other policies.”

- 7.7 The location of the proposal will minimise the need to travel and reduce car dependency due to its close proximity to a wide range of amenities.
- 7.8 The proposed retail uses on site will complement and enhance the existing retail options in the town centre.
- 7.9 The site benefits from exceptional public transport links. It is a 2 minute walk from Newbury Railway Station, serviced by Great Western Railway, providing frequent and direct services to London Paddington (40-minute journey) and Reading (15-minute journey), along with other places such as Taunton, Bedwyn, and Exeter St Davids. The bus station is within a 3 minute walk of the site providing access to Greenham Common, Greenham Business Park, Vodafone HQ, Burghclere Common, Basingstoke and Hungerford.
- 7.10 The Sequential Test prepared by Savills (April 2023) **CD1.90** and update letter **CD1.89** demonstrates that there are no alternative sites for the residential element of the proposed development and therefore the Sequential Test is passed. The Savills Report also confirms that parts i and ii of the Exceptions Test have been passed for the site.

Residential Use

- 7.11 A total of 427 residential units and associated facilities are proposed including:
- Reception and concierge, with associated back of house facilities;
 - Residents’ lounge;
 - Residents’ gym, including squash court;
 - Dining/meeting rooms;
 - Workspace;
 - A variety of communal rooftop gardens and terraces;
 - Private balconies;
 - Cycle and car parking;
 - A three vehicle expansion to the car club and fourteen additional EV charging spaces,
 - Back of house facilities for on site management and maintenance including post rooms and parcel lockers etc.
- 7.12 The proposed unit mix is shown in Table 1 below.

No. of bedrooms/dwelling type	No. of dwellings
Studio	44 (10.3%)
1 bedroom apartment	184 (43.1%)
2 bedroom apartment	186 (43.6%)
3 bedroom apartment	13 (3%)
Total	427

Table 1: Proposed Unit Mix

7.13 The proposal for Build to Rent residential units is acceptable.

7.14 The mix of units proposed is acceptable.

7.15 All residential units will be in compliance with the Nationally Described Space Standards, and units have been designed to be Part M4(3) wheelchair user adaptable dwellings.

Non-residential Uses

7.16 A total of 3,116.87 sqm of new Use Class E (a, b, c, d, e, f and g) floorspace is proposed comprising:

- New office floorspace;
- Potential new GP surgery;
- Flexible Ground floor retail, café, leisure, workshop, restaurant/ bar units fronting the new pedestrianised street and targeted at small, local and/ or artisan businesses.
- Craft carts, market stalls, pop up stands and other similar ‘retail incubator’ commercial opportunities within the new pedestrian street;
- A ‘Library of Things’; and
- A Cycle Workshop.

7.17 The overall proposed floor areas by use class are set out in the below:

Residential Floorspace	Proposed Floorspace Provided (sqm)
Residential (Class C3)	36,242.82
Residents' Amenity	1,103.69
Managers Office	121.34
Ancillary	4,985.84
Commercial Floorspace	Proposed Floorspace Provided (sqm)
Retail	2,467.91
Offices	555.49
Store	93.47
Library of Things	60.71
Ancillary	232.63
Plant	
Plant	1,069 sqm
Total Proposed	45,865.59 sqm

Table 2: Proposed Floorspace

- 7.18 The proposed mix of non-residential uses is acceptable.
- 7.19 It is agreed that the principle of a residential-led development in this location is acceptable

Affordable Housing

- 7.20 It is agreed that Policy CS6 sets out the requirement for affordable housing in residential development. The appeal proposals do not include the provision of affordable housing.
- 7.21 It is agreed that WBC does not have a specific policy for Build to Rent schemes. The emerging WBC Local Plan does include a minimum requirement as follows:
- “For schemes that consist of 100% build to rent units, the affordable housing provision will be in the form of affordable private rent, discounted by a minimum of 20% from local market rents.”*
- 7.22 It is agreed that the NPPF and NPPG require that affordable housing for Build to Rent schemes take the form of a percentage of 20% of the units with a rent of 20% lower than the benchmark level for the site, subject to viability. The NPPF and NPG do not include Build to Rent within the definition of affordable housing.
- 7.23 It is agreed that the viability position of the proposed development, as outlined in the

appellant's viability assessment, prepared by Rapleys and submitted to the Council in February 2024 (**CD1.184**), is that no affordable housing can be supported on site. This position was confirmed by the Council's own consultant, Dixon Searle in their reports (**CD2.55**)

- 7.24 It is agreed that Reason for Refusal 4 relating to affordable housing is withdrawn subject to securing a late stage viability review, and to retain the development as Build to Rent for 10 years, within the associated legal agreement.

Five Year Housing Land Supply

- 7.25 It is agreed that using the revised standard method NPPF (2025) and PPG Paragraph: 004 Reference ID: 2a-004-20241212) results in an updated housing requirement for West Berkshire Council at 1,070 homes per annum. Because the current housing requirement is set out in a strategic policy that was adopted more than five years ago, the LHN figure of 1,070 has been used for the calculation of the five year housing land supply that was published in February 2025. Such an approach is consistent with paragraph 78 of the NPPF (2025) and PPG (Paragraph: 005 Reference ID: 68-005-20190722).
- 7.26 The February 2025 Housing Land Supply position shows that the Council can demonstrate a 2.6 years' supply of deliverable sites, using a five year housing land supply from 2024/25 to 2028/29 against a five year housing requirement plus a 5% buffer (5,618 dwellings).
- 7.27 Annexe 1 of the NPPF (2025) sets out transitional arrangements in respect of the application of its policies for local plans that have reached a certain stage of preparation. A result of this is that the housing requirement within the LPR does not need to be amended to take account of the revised standard method
- 7.28 The Inspector's Report on the LPR was published on 25 April 2025. This concludes that with Main Modifications, the LPR is sound, legally compliant, and capable of adoption. It also concludes that:
- provision will be made for at least 9,270 net additional dwellings for the period 1 April 2023 to 31 March 2041, an average of 515 dwellings per annum;
 - there is a housing supply of 9,493 dwellings across the Plan period; and
 - the LPR identifies a supply of specific, deliverable sites for five years following the intended date of adoption, using a five year housing requirement plus a 5% buffer (2,704 dwellings).
- 7.29 A special meeting of Full Council will take place on 10 June 2025, where Members will consider the content of the Inspector's Report and decide whether to adopt the LPR.
- 7.30 Whilst the five year housing land supply position published in February 2025 shows that a five year housing land supply cannot be demonstrated, this position will change following the adoption of the LPR.

Planning Obligations

- 7.31 It is agreed that reason for refusal 2 can be addressed via a suitably worded legal agreement
- 7.32 It is agreed that reason for refusal 3 can be addressed via a suitably worded legal agreement.
- 7.33 It is agreed that reason for refusal 4 can be addressed via a suitably worded legal agreement.

Wider Planning Benefits

- 7.34 The proposal will provide a number of wider planning benefits including:

Economic benefits

- a. The Kennet Centre is no longer fit for purpose and its comprehensive regeneration will provide a catalyst with wider regeneration benefits to the town centre.
- b. The proposals will contribute towards the rejuvenation and regeneration of Newbury Town Centre creating an expanded retail offer to attract more visitors to the town centre increasing footfall benefiting the wider town centre.
- c. The creation of a new mixed use quarter that will enhance the attractiveness of Newbury Town Centre as a destination, with new spaces for local, independent and artisan businesses that will help enhance Newbury's unique and special identity as a market town.
- d. New bespoke commercial units targeted to local, independent and artisan businesses offered on flexible size, terms and uses that will invigorate the retail and leisure offering in this part of the town centre, without prejudicing the viability of other retail offerings such as that at Parkway.
- e. The introduction of sustainable new homes in the town centre that will increase the population of the town centre and footfall increasing the vitality and viability of the town centre and the patronage of existing shops, services and businesses.
- f. The provision of new housing and retail floorspace for local and independent retailers.
- g. The provision of flexible workspaces.
- h. Retention and improvement of the Vue cinema and leisure facilities.
- i. The creation of jobs during the construction process and additional FTE jobs once the development is operational.
- j. Additional expenditure arising from 427 new households
- k. Indirect and induced economic impacts resulting from the construction process and in additional tax receipts

Environmental benefits

- l. The redevelopment of the site and provision of new homes, retail units and office space in a highly sustainable location.
- m. The effective use of a brownfield site.
- n. The provision of new public squares and spaces.
- o. Enhanced landscaping through the provision of new trees and shrubs assisting with the greening of the town centre.

- p. Biodiversity enhancements and gain.
- q. provision of renewable energy through ground source heat pumps to provide hot water, heating and cooling without the use of any on-site fossil fuels.
- r. The re-use and enhancement of the existing Multi-Storey Car Park on site including incorporating fourteen additional EV charging points.
- s. An on-site car club that will provide flexible transport options to complement the scheme's close proximity to Newbury's railway station and bus station.
- t. On site cycle hire and workshop to encourage residents to cycle.
- u. Traffic free routes and spaces creating new links for the surrounding area.
- v. A new direct pedestrian route from the town centre and bus station to the railway station through the site making sustainable modes more attractive.

Social benefits

- w. The creation of a new mixed-use community.
- x. The provision of new high-quality Build-to-Rent residential units providing long term secure tenancies and high quality residents facilities and amenities in this sustainable location.
- y. Purposely designed accommodation opportunities for new local start ups and social enterprises.
- z. New public open space, performing areas, outdoor seating and regenerated environment.
- aa. An enhanced leisure offering.

8.1 The headline matters in dispute, to be read with the agreed topic papers are the following:

- Impact on the Newbury Town Centre Conservation area, the ability to appreciate the significance of various listed buildings by virtue of developing within their setting and whether heritage benefits outweigh the public benefits.
- Whether there would be an unacceptable noise impact on future residents from the Newbury Public House and whether any such impact can be suitably mitigated to provide adequate living conditions
- Whether outdoor communal amenity space to meet the needs of future residents is adequately addressed.
- Whether the New Homes Bonus, S106 contributions and CIL payments are planning benefits.
- Whether the 90% reduction in CO2 emissions compared to the existing shopping mall is a planning benefit.
- Whether using the government's recently revised standard method, the LHN for West Berkshire is 1,070 homes per year, increased from 495 homes per year under the previous standard method and 515 homes per year under the emerging LPR and that this is more than double the level of housing provided for by the emerging LPR.
- The weight to be given to the benefits of the development and matters in the planning balance.

Signed

Name: Sarah Ballantyne-Way

Position: Planning Director, Lochailort Newbury Ltd.

Date: 06/05/2025

Signature:

A handwritten signature in black ink, appearing to read 'SBWay', written in a cursive style.

Name: Sian Cutts

Position: Senior Planning Officer

Date: 06/05/2025

Signature: Sian Cutts

West Berkshire existing and emerging development plan policies

The Council received the Inspector's Report on the West Berkshire Local Plan Review 2022-2039 (LPR) on 8 April 2025. The Report concludes that with the recommended Main Modifications set out in the Appendix to the Report, the LPR is sound, legally compliant, and capable of adoption.

It is anticipated that the LPR will be adopted at a special meeting of Council on 10 June 2025. The following table outlines the schedule of policies to be superseded/deleted, and those policies which will replace them, insofar as they are relevant to the appeal. The relevant policies also need to be read alongside the 'Main Modifications Schedule' which is contained in an Appendix to the Inspector's Report.

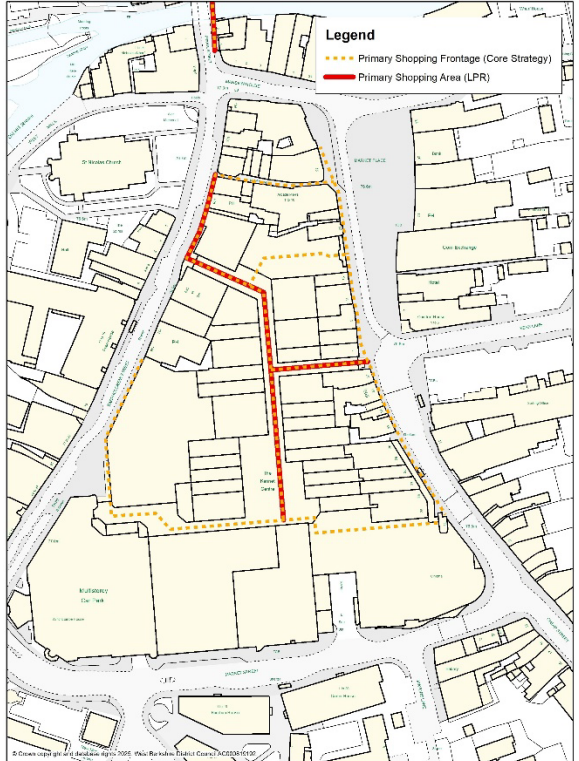
Local Plan Review Examination 2025	Local Plan 1991-2006 (Saved Policies 2007)	Core Strategy 2012	Housing Site Allocations 2017	Comment/Relevance to appeal	Conflict?
SP1 Spatial Strategy	N/A	ADPP1 Spatial Strategy ADPP2 Newbury	N/A	Spatial Strategy has not changed in regard to the focus of development. Newbury retains its traditional market town heritage and administrative centre and major town centre of the District. Opportunities will continue to regenerate and enhance the town centre. Newbury will be a focus for housing development.	No conflict
SP3 Settlement hierarchy	N/A	ADPP1 Spatial Strategy	N/A	Settlement hierarchy remains largely unchanged. Newbury is still within the top tier of the hierarchy.	No conflict

Local Plan Review Examination 2025	Local Plan 1991-2006 (Saved Policies 2007)	Core Strategy 2012	Housing Site Allocations 2017	Comment/Relevance to appeal	Conflict?
SP5 Responding to Climate Change	N/A	N/A	N/A	New policy, which requires proposals to be accompanied by a Sustainability Statement which demonstrates how the principles outlined in the policy have been embedded into the development. The policy applies to all development, and in doing so aids in contributing to West Berkshire becoming and staying carbon neutral by 2030.	The LPA has indicated that it will confirm shortly whether a conflict with these policies is to form any part of its cases at the appeal. The Appellant awaits that confirmation and will respond accordingly.
SP6 Flood Risk	N/A	CS16 Flooding	N/A	Updated to include 'development within areas of flood risk from any source of flooding' in line with NPPF. The policy has been updated to take account of the Cumulative Impacts Assessment which forms an addendum to the Level 1 Strategic Flood Risk Assessment. The policy requires that where the latest Cumulative Impact Assessment identifies high sensitivity to	No conflict

Local Plan Review Examination 2025	Local Plan 1991-2006 (Saved Policies 2007)	Core Strategy 2012	Housing Site Allocations 2017	Comment/Relevance to appeal	Conflict?
				<p>cumulative impacts, all developments must be accompanied by a Surface Water Drainage Strategy.</p> <p>In 2018, the Environment Agency identified Newbury and Thatcham as a nationally significant Flood Risk Area. In line with the recommendations of the Cumulative Impact Assessment, the policy has been updated to require a Surface Water Drainage Strategy for all developments in Newbury and Thatcham.</p>	
SP7 Design Quality	N/A	CS14 Design principles	GS1 General site policy C3 Design of housing in the countryside	Principle of policy remains unchanged, is more detailed, and is brought up to date with reference to National Design Guide. Criteria seeks to achieve a well-designed place.	As per reason for refusal 1, 5, 6
SP8 Landscape character	N/A	CS19 Historic environment and landscape character	N/A	Updated to refer to Landscape Character only	No conflict
SP9 Historic Environment	N/A	CS19 Historic environment	N/A	Principle of policy remains unchanged. SP9 is more detailed in terms of the heritage assets referred to, and the	As per reason for refusal 1

Local Plan Review Examination 2025	Local Plan 1991-2006 (Saved Policies 2007)	Core Strategy 2012	Housing Site Allocations 2017	Comment/Relevance to appeal	Conflict?
		and landscape character		requirement for a Statement of Heritage Significance for all proposals affecting a heritage asset, including the contribution the setting makes to its significance. It provides further detail on the weighting to be given where harm to designated and non-designated heritage assets is identified.	
SP10 Green Infrastructure	RL5 Kennet and Avon Canal	CS18 Green Infrastructure	N/A	No significant change.	No conflict
SP11 Biodiversity and geodiversity	N/A	CS17 Biodiversity and geodiversity	N/A	No significant change in relation to the merits of the appeal	No conflict
SP12 Approach to Housing Delivery	N/A	CS1 Delivering new homes - and retaining the housing stock	N/A	Updated to set out the housing requirement over the plan period.	No conflict
SP18 Housing Type and Mix	RL5 Kennet & Avon Canal	CS4 Housing type and mix	N/A	Principle of policy remains unchanged, is more detailed, and is brought up to date with reference to delivering accessible and adaptable dwellings	No conflict

Local Plan Review Examination 2025	Local Plan 1991-2006 (Saved Policies 2007)	Core Strategy 2012	Housing Site Allocations 2017	Comment/Relevance to appeal	Conflict?
SP19 Affordable Housing	N/A	CS6 Provision of affordable - housing	N/A	Principle of the policy remains unchanged, and is more detailed. The tenure split has changed to now include affordable home ownership. The policy now includes a provision for a review mechanism of viability where a less than policy compliant provision is sought. The policy has also been updated to take account of specialist housing for older and disabled people.	No conflict subject to legal agreement
SP20 Strategic Approach to Economic Development and Hierarchy of Centres	N/A	CS9 Location and type of - business development	N/A	No significant change in relation to the merits of the appeal	No conflict
SP22 Town & District Centres	ECON5 Town centre CS11 Hierarchy of centres commercial areas; SHOP1 Non-retail uses in primary shopping frontages	CS11 Hierarchy of centres	N/A	Principle of the policy remains unchanged, and has been updated to provide criteria for supporting town centre development proposals. Whilst not set out in the policy itself, the Town Centre Commercial Area of Newbury has been reviewed and amended. The appeal site remains within the Town Centre Commercial Area. Furthermore, updates have been	No conflict

Local Plan Review Examination 2025	Local Plan 1991-2006 (Saved Policies 2007)	Core Strategy 2012	Housing Site Allocations 2017	Comment/Relevance to appeal	Conflict?
				<p>made to the Primary Shopping Frontages which are now referred to as Primary Shopping Areas as the map below illustrates.</p> 	

Local Plan Review Examination 2025	Local Plan 1991-2006 (Saved Policies 2007)	Core Strategy 2012	Housing Site Allocations 2017	Comment/Relevance to appeal	Conflict?
SP23 Transport	TRANS1a Road Schemes; TRANS1 Meeting the transport needs of new development; TRANS3 A34/M4 Junction 13 Chieveley	CS13 Transport	N/A	No significant change	No conflict subject to legal agreement
SP24 Infrastructure - Requirements and Delivery	N/A	CS5 Infrastructure - requirements and delivery	N/A	No significant change	No conflict subject to legal agreement
DM3 Health and Wellbeing	N/A	N/A	N/A	New policy, seeking for new development to promote, support and enhance positive mental and physical health and wellbeing. Health Impact Assessments required for major development, or other development likely to have a significant health impact in relation to either its use and/or location.	The LPA has indicated that it will confirm shortly whether a conflict with these policies is to form any part of its cases at the appeal. The Appellant awaits that confirmation

Local Plan Review Examination 2025	Local Plan 1991-2006 (Saved Policies 2007)	Core Strategy 2012	Housing Site Allocations 2017	Comment/Relevance to appeal	Conflict?
				A Health & Wellbeing Statement was submitted with the application CD1.83	and will respond accordingly.
DM4 Building Sustainable Homes and Buildings	N/A	CS15 Sustainable - construction and energy efficiency	N/A	Updated to meet current guidance and Building Regulations for residential and non- residential development. It retains the requirement to meet BRREAM Excellent for non- residential development, and sets target emissions for residential development	No conflict
DM5 Environmental Nuisance and Pollution Control	OVS5 Environmental - nuisance and pollution control; OVS6 Noise pollution; OVS7/8 Hazardous substances	N/A	N/A	Principle remains unchanged, with DM5 outlining that appropriate site investigations/assessments will be required to guide development and submitted with planning applications.	No conflict
DM6 Water Quality	N/A	N/A	N/A	A new policy setting out measures to protect and enhance waterbodies within the District. No issues identified by the appeal proposals	No conflict

Local Plan Review Examination 2025	Local Plan 1991-2006 (Saved Policies 2007)	Core Strategy 2012	Housing Site Allocations 2017	Comment/Relevance to appeal	Conflict?
DM7 Water Resources and Waste Water	N/A	N/A	N/A	New policy which needs to be considered, and impacts demonstrated. This is in relation to water efficiency, water supply, foul water treatment and disposal.	No conflict
DM8 Air Quality	OVS5 Environmental Nuisance and Pollution Control	N/A	N/A	Principle remains unchanged.	No conflict
DM9 Conservation Areas	N/A	N/A	N/A	New policy which sets out detailed criteria for development proposals affecting Conservation Areas	As per reason for refusal 1
DM10 Listed Buildings	N/A	N/A	N/A	New policy which sets out detailed criteria for development proposals affecting listed buildings and their settings.	As per reason for refusal 1
DM11 Non-designated Heritage Assets	N/A	N/A	N/A	New policy which sets out detailed criteria for development proposals affecting non-designated heritage assets.	As per reason for refusal 1
DM14 Assets of Archaeological Importance	N/A	N/A	N/A	New policy which sets out detailed criteria for development proposals affecting assets of archaeological importance	No conflict

Local Plan Review Examination 2025	Local Plan 1991-2006 (Saved Policies 2007)	Core Strategy 2012	Housing Site Allocations 2017	Comment/Relevance to appeal	Conflict?
DM22 Residential Use of Space above Shops and Offices	HSG13 Residential use of space above shops and offices	N/A	N/A	Principle of the policy remains unchanged, and has been updated to provide additional design considerations.	No conflict
DM31 Residential Amenity	N/A	CS14 Design Principles	N/A	New policy setting out the requirement to provide a high standard of amenity for future users, an including no harm from noise and requiring functional private amenity space. The supporting text sets out communal open space requirements for flats in Accordance with the Quality Design SPD standards	As per reason for refusal 5
DM40 Public Open Space	RL1 Public open space provision in residential schemes; RL2 Provision of DM40 Public Open Space public open space (methods); RL3 Selection of public open space and	N/A	N/A	Principles remain unchanged	No conflict subject to legal agreement

Local Plan Review Examination 2025	Local Plan 1991-2006 (Saved Policies 2007)	Core Strategy 2012	Housing Site Allocations 2017	Comment/Relevance to appeal	Conflict?
	recreation sites				
DM41 Digital Infrastructure	Digital Infrastructure	N/A	N/A	New policy requiring applicants to demonstrate that consideration has been given to gigabit-capable broadband and mobile connectivity in proposals for new residential, employment and retail developments	No conflict
DM42 Transport Infrastructure	TRANS1a Road Schemes; TRANS1 Meeting the transport needs of new development; TRANS3 A34/M4 Junction 13 Chieveley	N/A	P1 Residential parking in new development	No significant changes, other than the list of transport infrastructure being brought up to date.	No conflict subject to legal agreement
DM44 Parking	TRANS1 Meeting the - transport needs of new development	N/A	P1 Residential parking in new development	Brought up to date eg. reference to electric vehicle charging points.	No conflict subject to legal agreement

Local Plan Review Examination 2025	Local Plan 1991-2006 (Saved Policies 2007)	Core Strategy 2012	Housing Site Allocations 2017	Comment/Relevance to appeal	Conflict?
DM45 Travel Planning	TRANS1 Meeting the - transport needs of new development			Updated policy setting out thresholds for Travel Plans	No conflict subject to legal agreement