

EAGLE QUARTER.

PLANNING STATEMENT

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

***The Kennet Centre,*
Market Street/Bartholomew Street/Cheap Street/Market Place,
Newbury RG14 5EN**

Lochailort Newbury Ltd

February 2021

LOCHAILORT

CONTENTS

EXECUTIVE SUMMARY	3
1.0 Introduction	5
2.0 Planning history	6
3.0 National Planning Policy	8
4.0 The Development Plan	24
5.0 Other considerations	34
6.0 The planning balance & conclusion	41

EXECUTIVE SUMMARY

"Planning policies and decisions should support the role that town centres play at the heart of local communities, by taking a positive approach to their growth, management and adaptation."

National Planning Policy Framework paragraph 85
February 2019

- E1. At the heart of the National Planning Policy Framework is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking. For decision-taking this means **approving development proposals that accord with an up-to-date development plan without delay** and, where the relevant local planning policies are **silent or out-of-date**, **granting planning permission** unless any adverse impacts would **significantly and demonstrably outweigh the benefits**.
- E2. The **benefits** of the proposed development are numerous and carry significant weight:

Economic benefits

- 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;
- New **flexible-use commercial units** that are targeted to **local, independent and artisan businesses** and offered on **flexible sizes and terms** 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*;
- The proposed **tech incubator hub** will provide flexible office space for high-tech and other start-up businesses, providing a valuable new facility that it currently lacking in Newbury and ideally placed to take advantage of the high-tech cluster in Newbury anchored by the likes of Vodafone and Microfocus
- A **new headquarters office building** – which would only be built on a pre-let basis with a single occupier – would provide a golden opportunity to an existing major employer to relocate to modern purpose-built offices in the town centre, avoiding the continued leaching of office jobs to the edge of the town or out of the District completely;
- The increased resident population would bring increased spend into the retail catchment, **enhancing the vitality and viability of the town centre**;
- The Council could expect to receive a substantial financial boost through a mix of **Community Infrastructure Levy payments, New Homes Bonus and Section 106 contributions**;
- Ongoing **additional Council Tax receipts** will permanently increase the level of revenue available for both the Local Authority to spend on providing community facilities and services;
- **Hundreds of construction jobs** would be created;
- **Hundreds of permanent jobs** would be created both on the site itself and in the wider economy.

Social benefits

- Increasing the number of **high-quality jobs in the town centre** as well as safeguarding existing office, retail and service-sector jobs is an important benefit that carries significant weight;
- The provision of **high-quality Build to Rent accommodation** with exemplary residents' amenities in this eminently sustainable location;
- The **timely delivery** of additional housing on a site that is ripe for redevelopment and in the ownership of a developer with an **excellent track record of delivery**;
- Existing public transport would likely encounter **increased patronage**;
- Creation of a **new pedestrian route between the town centre and railway station** will repair this crucial linkage, encourage **increased footfall** in the town centre, and make **sustainable travel modes more attractive**
- Purposefully-designed accommodation opportunities for new **start-up businesses that could include social enterprises**

Environmental benefits

- The *Kennet Centre's* poor environmental performance will be radically and permanently improved with a comprehensive redevelopment that uses **sustainable energy** solutions in place of fossil fuels, resulting in an **annual CO₂ saving of 406 tonnes** compared to the current Building Regulations standards and **2,557 tonnes compared with the existing Kennet Centre**;
- Demolition of the unattractive inward-facing *Kennet Centre* and its replacement with a bespoke scheme of the highest architectural quality will significantly **enhance the character and appearance of the area**;
- There would be a **net biodiversity gain** through the provision of targeted habitat enhancements;
- **New public realm tree planting** will contribute to landscape enhancement, habitat enhancement, urban greening, and itself make a modest contribution to **CO₂ reduction** targets.

E3. There are no policies in the *National Planning Policy Framework* or in the Development Plan which indicate that development should be restricted and accordingly, the Local Planning Authority is invited to approve this application without delay.

1.0 INTRODUCTION

The proposed development

- 1.1 This Statement accompanies and supports an application for full planning permission for the comprehensive redevelopment of *The Kennet Centre* in Newbury town centre. The application comprises:
- 1.1.1 Partial demolition of the existing *Kennet Centre*, removing all buildings currently on the other than the multi-storey car park and *Vue* cinema wing, which will be retained, refurbished and enhanced;
 - 1.1.2 Erection of a new headquarters office building on Market Street with a gross internal floor area of approximately 4000m² (43,000sqft);
 - 1.1.3 New flexible-use commercial units in the form of:
 - 1.1.3.1 A new incubator tech-hub building of approximately 2000 m² (21,500sqft) gross internal area designed to attract start-up and growing small-to-medium enterprises, but also with the potential to provide additional floorspace to the new headquarters office building if required
 - 1.1.3.2 Ground floor units fronting a new pedestrianised street targeted at independent, local and artisan retailers which start from 37m² (400sqft) and offer the potential to be combined or split as necessary to meet the needs of retail, café, restaurant, leisure, workshop or other occupiers;
 - 1.1.3.3 Craft carts, street food stalls, pop-up stands and other similar “retail incubator” commercial opportunities within the new onsite public realm;
 - 1.1.4 379 dwellings for private rent in a range of types and sizes, plus ancillary residents’ facilities which include:
 - 1.1.4.1 Reception & concierge
 - 1.1.4.2 Residents’ lounge
 - 1.1.4.3 Residents’ gym, including a squash court
 - 1.1.4.4 Private dining room
 - 1.1.4.5 Workspace
 - 1.1.4.6 A variety of rooftop terraces
 - 1.1.4.7 Car and cycle parking
 - 1.1.4.8 Back-of-house facilities for onsite management and maintenance
 - 1.1.5 A further 23 dwellings;
 - 1.1.6 Sustainable energy installations which negate the need for onsite use of fossil fuels;
 - 1.1.7 A new pedestrianised street between Market Street, Bartholomew Street and Market Place which will provide a vibrant new linked between the railway station and town centre;
 - 1.1.8 Improvements to the existing *Kennet Centre* multi-storey car park, including an additional level of car parking, new lifts, additional electric vehicle charging points, and a new pedestrian link into the development;
 - 1.1.9 Improvements to the existing *Vue* cinema wing, including a new pedestrian link into the development;
 - 1.1.10 Associated works, including a new pedestrian crossing on Market Street.
- 1.2 A more detailed assessment and explanation of the proposed development can be found in the ***Design & Access Statement*** that accompanies the application.

2.0 PLANNING HISTORY

200 years of industrial usage

- 2.1 The land had been in industrial uses for a significant extended period, which is explored in detail in the ***Heritage Assessment*** that accompanies the application. Towards the end of the 18th century (c.1790) a millwright and architectural engineer named William Plenty opened an agricultural engineering works on the site at Cheap Street, which by 1830 was known as the *Plenty Eagle Iron Works*. It is from this industrial heritage that the name *Eagle Quarter* derives. The iron works was famous for its life boats and marine engines, and operated from the site for well over 200 years before it finally moved to more modern premises on Hambridge Road in 1965.

50 years as a shopping centre

- 2.2 In the 1960s an initial scheme to construct a new shopping centre on the area between Bartholomew Street, Cheap Street and Market Place in Newbury town centre was proposed, to be completed in several phases. In 1966 land that had formerly been the site of Plenty and Sons and Nias Ltd was sold to Ravenseft Properties Ltd for a comprehensive shopping centre redevelopment. Most of the older buildings on the Kennet site, including the Plenty & Sons Eagle Iron Works, were demolished at this time to make way for the new development.
- 2.3 Initially only a temporary car park was created while plans for the wider site were drawn up and approved. By 1974 the first stage of the work to create a supermarket, bank and around 20 other shops was completed.
- 2.4 The second phase of the work to construct an additional 26 shops and a department store in a 2-storey building suffered many years of delays as Ravenseft Properties felt the scheme was “not viable...because building costs far exceed the projected rental value of the sites”. By 1977 the area was dubbed the “*Mall Shopping Precinct*” and buildings were still being demolished on the site, creating an “unsightly waste area”.
- 2.5 In 1982 work on phase II of the scheme commenced, doubling the size of the existing shopping centre (by then renamed the *Kennet Centre*) and to create covered malls that we see today.
- 2.6 In 1984 plans were approved by the Local Authority for a new bus station, Sainsbury’s supermarket, a new department store, and a new car park, to create a total of 55 shops on a 5 acre site, with this phase of the scheme being completed in 1985.
- 2.7 The final phase in the centre’s development came some twenty years after, when in 2006 planning permission was approved for a 7-screen cinema and 5 restaurant units. The cinema wing opened in 2009, albeit two of the five restaurant units never found occupiers and have remained vacant since their construction over 10 years ago.

15 years of gradual decline

- 2.8 Following its heyday, the *Kennet Centre* entered a period of gradual but sustained decline.
- 2.8.1 In 2011 a competing shopping centre opened on the opposite side of the town centre at *Parkway*, which saw one of the *Kennet Centre*'s two anchor stores (Debenhams) relocate to the new centre and footfall drawn away from the *Kennet Centre*. The 300,000sqft *Parkway* centre has 48 shops and 550 car parking spaces – but following the recent closure of its two anchor stores (Debenhams and John Lewis) is now struggling with the demise of High Street retail.
- 2.8.2 The other of the *Kennet Centre*'s two anchor stores (Sainsburys) moved to new premises at Hector's Way in 1995, which were extended in 1999 and then doubled in size in 2013 to a total of 86,000sqft net sales area (140,000sqft total area) with 529 free parking spaces.
- 2.8.3 *Newbury Retail Park* had opened at Pinchington Lane in 1997 and was extended in 2006 to a total of 180,000sqft across 14 stores and 4 restaurants. The retail park is well over a mile south of the town centre and has 770 free car parking spaces – almost double that of the *Kennet Centre* multi-storey car park. The adjacent Tesco store, originally opened in 1988, was itself extended in 2003 a total of 91,000sqft net sales area (99,000sqft total area) with 645 free parking spaces.
- 2.8.4 During this period, Vodafone moved from several offices in the town centre to a new world headquarters campus on a Green Belt site 2 miles north of the town centre. When the 575,000sqft facility opened in 2001 (with its 2,457 car parking spaces) 4,500 Vodafone staff relocated out of the town centre to the new out-of-town office campus.
- 2.9 These locally-specific factors occurred at a time when UK retailing was itself going through a significant structural transition towards online retailing. Online sales went from virtually zero in 1998 to 17.8% of all UK retail spend in 2018, having a well-documented adverse effect on UK High Streets.
- 2.10 Further irreparable harm to town centre vitality and viability has occurred during the COVID pandemic. Nationwide approximately 11,120 chain store outlets shut between January and June 2019, according to research by the Local Data Company and accountancy firm PwC. Although more than 5,000 shops opened during the same period it was not enough to fill the gaps, resulting in a net decline of more than 6,000 stores. A fuller assessment of changing town centre shopping habits is contained in the **Retail Assessment** that accompanies the application.
- Planning history: summary**
- 2.11 The site was in industrial use for more than 200 years before being developed from the 1960s onwards as an inward-looking shopping centre typical of its era. Changes to the way and the places in which people shop, not just in Newbury but nationwide, has resulted in a terminal decline for the *Kennet Centre* which has the impossible task of having to compete against *Parkway* and the larger (and more commercially attractive) retail town centres.

3.0 NATIONAL PLANNING POLICY

- 3.1 The importance of delivering sustainable development cannot be understated – a presumption in its favour is at the heart of the February 2019 *National Planning Policy Framework*.
- 3.2 Whilst the legislative starting point in the determination of planning applications remains as set out at Section 38(6) of the Planning and Compulsory Purchase Act 2004, nonetheless the *Framework* is a key material consideration which provides a fundamental backdrop and context to the statutory Development Plan.

Applying the presumption in favour of sustainable development

- 3.3 The Government's intentions are clear in this respect, and are encapsulated at paragraph 11:

"Plans and decisions should apply a presumption in favour of sustainable development. For decision taking this means... where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

- i. *the application of policies in this Framework that protect areas or assets of particular importance provides a clear 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."* (our emphasis)

- 3.4 Of particular relevance is Annex 1, which deals with implementation and which advises how decision-makers should deal with Development Plan policies which were adopted prior to the *Framework*'s publication in February 2019. Paragraph 213 is clear: it is not open to decision makers to simply and blindly rely upon Development Plan policies which were adopted before February 2019. Rather, "due weight" must be given to relevant policies in existing plans, governed by their degree of consistency with the *Framework*. Simply put, the closer the policies in the Development Plan are to those in the *Framework*, the greater the weight they can be given.
- 3.5 The corollary, of course, is that where a pre-February 2019 Development Plan policy departs from its counterpart in the *Framework*, it must be given less weight accordingly. Depending on the nature and level of difference between the comparative policies, there may be situations whereby an adopted Development Plan policy is so fundamentally at odds with the *Framework* that it can be given very little weight indeed, if any. In such circumstances, it is clear that the relevant *Framework* policy will be an important material consideration capable of outweighing Development Plan policy. This position has been upheld by the Courts in the case of *Wynn-Williams v Secretary of State for Communities and Local Government* [2014] EWCH 3374.
- 3.6 Given that the Council's *Core Strategy* was adopted in July 2012 and the *Housing Site Allocations Development Plan Document* was adopted in May 2017, it is clear that *Framework* paragraph 213 and the requirements of Annex 1 are fully engaged.

- 3.7 It is in this context that the ***presumption in favour of sustainable development***, summarised at *Framework* paragraph 11 but at the heart of that document, must be considered. Where a proposal accords with the Development Plan, or indeed where there are “*no relevant development plan policies*”, the presumption in favour of sustainable development is engaged.
- 3.8 Only in those circumstances where the adverse impacts of granting planning permission would “*significantly and demonstrably*” outweigh a scheme’s benefits should planning permission be refused.
- 3.9 In essence, the decision maker must undertake a ***planning balance exercise which starts with the weight firmly in favour of granting planning permission***. Accordingly, in the specific context of the Development Plan’s applicability to this proposed development, a two-stage assessment is required:
- 3.9.1 Firstly, on a policy-by-policy basis it is necessary to compare and weigh each policy against its counterpart in the *Framework*, identifying (if any) the level of inconsistency and assessing how much weight can be attributed to local policy; and
 - 3.9.2 Secondly, if it found that the Development Plan has no relevant policies, or that the policies most important for determining a specific planning application are out-of-date, the presumption in favour of sustainable development must be applied and an assessment made of whether the grant of planning permission would result in any “significant” or “demonstrable” adverse impact. That assessment is made at the end of this *Planning Statement*.

Ensuring the vitality of town centres

- 3.10 ***Framework Paragraph 85*** recognises the critical importance of town centres, quite rightly placing them at the heart of local communities in policy terms and recognising that, to continue to serve those communities, town centres must be adopted, adapted and improved:
- “Planning policies and decisions should support the role that town centres play at the heart of local communities, by **taking a positive approach to their growth, management and adaptation.**”*
- 3.11 The application site is within the Town Centre boundary as defined in the 2006 *Core Strategy* and therefore its redevelopment forms a principal element of paragraph 85’s requirement for town centre policies that:
- 3.12.1 *“Promote their long-term vitality and viability”*
In this instance, delivered through the combined benefits of additional resident population in the town centre; new flexible-use commercial units aimed at local, independent and artisan occupiers; strengthening the connection between different parts of the town centre by creating new pedestrian streets; the retention and improvement of the existing cinema wing; and the creation of a new leisure/commercial quarter which complements the rest of the town centre, rather than competing with it;
 - 3.13.2 *“Allow them to grow and diversify in a way that can respond to rapid changes in the retail and leisure industries”*

The new commercial units have been specifically designed with flexibility in mind, allowing units to be combined or split as occupier demand requires and with the intention that activity spills-out into the new pedestrian streets and public spaces within the development;

3.14.3 *“Allow a suitable mix of uses (including housing)”*

This is a truly mixed-use scheme that includes leisure, workspace, retail, café and housing elements;

3.15.4 *“Reflect their distinctive character”*

As the supporting ***Heritage & Townscape Visual Impact Assessment*** explains, the fundamental concept of *Eagle Quarter* is rooted in the history of the site, the previous industrial activities that took place there, the evolution of Newbury and its town centre over time, and the materials/architectural language that characterises the town as we see it today. The current *Kennet Centre* is of no architectural merit whatsoever, presenting blank facades to the town’s street and presenting an impermeable barrier to movement.

3.16 Paragraph 85 also requires that Local Planning Authorities **must**:

“recognise that residential development often plays an important role in ensuring the vitality of centres and encourage residential development on appropriate sites.”

Consequently, in order to support the vitality and viability of Newbury town centre, *Eagle Quarter* proposes new homes as part of the development mix in a site which is clearly appropriate for residential development.

3.17 Other town centres in the Thames Valley are already progressing town centre redevelopment schemes, demonstrating how the Government’s “town centres first” objectives can be delivered in a local context. For example:

3.17.1 *The Lexicon* at **Bracknell** continues to be transformed with new ground floor commercial uses and 1,000 new homes;

3.17.2 *Princes Mead* in **Farnborough** will be regenerated with additional ground floor commercial units with apartments above;

3.17.3 At **Aldershot** *The Galleries* shopping centre is due to be replaced with a redevelopment of pedestrianised streets lined with commercial premises and 600 dwellings on its upper storeys;

3.17.4 The *Nicholson Centre* in **Maidenhead** is currently reaching the end of the planning application process, and proposes new commercial, retail, office and other business uses as part of a comprehensive masterplan that includes more than 600 new homes;

3.17.5 **Reading’s Broad Street Mall** is planned to be transformed with revitalised commercial units and over 400 new apartments;

3.17.6 At **Cowley** the *Templar’s Square* shopping centre has planning permission for additional commercial and leisure floorspace and over 200 further homes in addition to those already on the site.

3.18 Redevelopment of the *Kennet Centre* is **essential** to ensure that Newbury does not get left behind and lose out to other nearby towns.

Making effective use of land

- 3.19 The publication of a replacement *National Planning Policy Framework* in July 2018 added a significant new policy imperative in respect of making the most efficient and effective use of land in the most sustainable locations, which was carried forward in the (current) February 2019 *Framework*. Indeed, so important was this change in national policy that **an entire chapter** of the new *Framework* is devoted to “*Making effective use of land*”. There are several paragraphs with this chapter which are directly applicable to *Eagle Quarter* and are highly relevant to the enclosed application, which are worthy of replicating and interpreting in full.
- 3.20 **Paragraph 117** explains why making effective use of land is so important to proper land-use planning:

“Planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions. Strategic policies should set out a clear strategy for accommodating objectively assessed needs, in a way that makes as much use as possible of previously-developed or ‘brownfield’ land”⁴⁴.

⁴⁴ Except where this would conflict with other policies in this Framework, including causing harm to designated sites of importance for biodiversity.

(our emphasis)

- 3.21 **Paragraph 118** relates to both plan-making and decision-taking and sets out a number of policy requirements. Amongst these, Local Planning Authorities are instructed to:

“a) **encourage** multiple benefits from both urban and rural land, including through **mixed use schemes** and taking opportunities to achieve net environmental gains – such as developments that would enable new habitat creation or improve public access to the countryside;

“c) **give substantial weight to the value of using suitable brownfield land within settlements for homes** and other identified needs, and support appropriate opportunities to remediate despoiled, degraded, derelict, contaminated or unstable land;”

“d) **promote and support the development of under-utilised land and buildings, especially is this would help to meet identified needs for housing** where land supply is constrained and available sites could be used more effectively (for example **converting space above shops, and building on or above service yards, car parks, lock-ups and railway infrastructure**⁴⁵;

“e) **support opportunities to use the airspace above existing residential and commercial premises for new homes.** In particular, they should allow upward extensions where the development would be consistent with the prevailing height and form of neighbouring properties and the overall street scene, is well-designed (including complying with any local design policies and standards), and can maintain safe access and egress for occupiers.”

45

As part of this approach, plans and decisions should support efforts to identify and bring back into residential use empty homes and other buildings, supported by the use of compulsory purchase powers where appropriate.

- 3.22 Paragraph 118 could not be more directly relevant to the current application. The proposed redevelopment of the *Kennet Centre* would:

- 3.22.1 **Remove an unsightly redundant building** from the town centre that is no longer fit for purpose;
- 3.22.2 **Create new pedestrian linkages** through a part of the town that for 50 years has been largely impermeable;
- 3.22.3 Accommodate a new **mix of uses that together create a vibrant new quarter**, complementing the existing retail and leisure offer within the town centre;
- 3.22.4 Make the most of what is arguably **West Berkshire's most sustainable location**, in the heart of the town centre and with outstanding public transport links;
- 3.22.5 **Reverse the decades-long flight of jobs and homes from the town centre**, adding a significant new resident population and bespoke units for independent, local, entrepreneurial and start-up businesses;
- 3.22.6 **Utilise this invaluable town centre land in the most efficient way possible**, including sensitively-located pockets of higher density within the development;
- 3.22.7 **Create a well-designed development consistent with the overall streetscene** that is not obtrusive, incongruous, prominent or overly-dominant, as explored and demonstrated in both the accompanying *Design & Access Statement* and *Accurate Visual Representations Report* that accompany the application.
- 3.22.8 **Maintain safe access and egress for occupiers**, including a new pedestrian crossing on Market Street to ensure a direct, safe, legible and convenient new route from the railway station to the town centre.

- 3.23 **Paragraph 121** could also have been written with the *Kennet Centre* redevelopment in mind, advising that:

*"Local planning authorities should also take a positive approach to applications for alternative uses of land which is currently developed but not allocated for a specific purpose in plans, where this would help to meet identified development needs. In particular, they should **support proposals to:***

- (a) ***use retail and employment land for homes in areas of high housing demand**, provided that would not undermine key economic sectors or sites or the vitality and viability of town centres, and would be compatible with other policies in this Framework; and*
- (b) ***make more effective use of sites that provide community services such as schools and hospitals**, provided this maintains or improves the quality of service provision and access to open space."*

- 3.24 Whilst the *Kennet Centre* is not allocated for any particular land use, there can be no doubt that West Berkshire is an area of high housing demand. As explored in **Section 5** of this *Statement*, the *Emerging Draft Local Plan* sets a minimum target of **575 new homes being built every year** from now until 2037 and fundamentally the most sustainable location in which to focus these new homes is in the District's town centres. The mix of uses proposed in this application would not "undermine" the vitality and viability of Newbury town centre, but quite the opposite – it would enliven, reinvigorate and rejuvenate a failing shopping centre

that is no longer fit-for-purpose and transform it into a vibrant destination for leisure, work and living,

Achieving appropriate densities

- 3.25 It is trite that land is a finite resource, and a long-standing purpose of the planning system is to ensure that as much development as possible takes place on previously-developed land rather than on green fields. The precious nature of our finite land resource is recognised at **paragraph 122** which requires that planning policies and decisions support development that makes efficient use of land.
- 3.26 Various factors are to be taken into account, including:
- "a) *The need for different types of housing and other forms of development, and the availability of land suitable for accommodating it;*"
By reference to other policies elsewhere in the *Framework* this must include developments purposely-designed for rental, as well as flexible-use commercial units
 - "b) *Local market conditions and viability;*"
This will be explored in separate post-submission discussions with the Local Planning Authority;
 - "c) *The availability and capacity of infrastructure and services – both existing and proposed -as well as their potential for further improvement and the scope to promote sustainable travel modes that limit future car use;*"
There is no infrastructure impediment which would prevent the *Kennet Centre* from being redeveloped at a higher density. Indeed, recent rail improvements between London Paddington and Newbury, the town's new Bus Station, and the pedestrianisation of Northbrook Street all demonstrate that the infrastructure is already in place to limit car use and promote sustainable travel modes. This is explored in more detail in the **Transport Assessment** that accompanies the application, and which further demonstrates how the sustainable travel imperatives at *Framework* paragraphs 108-111 are complied with.
 - "d) *The desirability of maintaining an area's prevailing character and setting (including residential gardens), or of promoting regeneration and change"*
The *Kennet Centre* is a blight on this part of the town centre and its redevelopment is fundamental to Newbury's prospects and long-term potential. The **Heritage & Townscape Visual Impact Assessment** supporting this application explains and demonstrates the harm in character and appearance terms that the *Kennet Centre* currently causes, whilst the separate **Accurate Visual Representations Report** shows how regeneration will make a positive contribution to the character and appearance of the Conservation Area and the perception of the wider town centre.
 - "e) *The importance of securing well-designed, attractive and healthy places"*
The high design quality of the scheme is explained and demonstrated in the **Design & Access Statement** accompanying the application.
- 3.27 **Paragraph 123** underlines the importance of avoiding homes being built at low densities, where there is an existing or anticipated shortage of land for meeting identified housing needs. Local Planning Authorities are instructed to:

"optimise the use of land in their area and meet as much of the identified need for housing as possible. This will be tested robustly at examination, and should include the use of **minimum density standards for city and town centres** and other locations that are well served by public transport. These standards should **seek a significant uplift in the average density of residential development within these areas**, unless it can be shown that there are strong reasons why this would be inappropriate."

(our emphasis)

This is precisely what the application to redevelop the *Kennet Centre* seeks to achieve.

Promoting sustainable transport

- 3.28 Promoting sustainable travel is a key contributor to sustainable development, as recognised at **Framework paragraph 102** which advises that transport issues should be considered from the earliest stages of plan-making and development proposals. Minimising the need for journeys to be made by the private car is an important strategic planning objective, which fundamentally means locating new development where facilities and services can be reached by foot or cycle.
- 3.29 The Government elaborates on how individual planning applications can contribute to its sustainable transport aims by setting out a number of assessment criteria at paragraph 102:
- "a) *The potential impacts of development on transport networks can be addressed;*"
A detailed **Transport Statement** accompanies this application, together with a **Framework Travel Plan**.
 - "b) *Opportunities from existing or proposed transport infrastructure, and changing transport technology and usage, are realised – for example in relation to the scale, location or density of development that can be accommodated;*"
An onsite **car club** is proposed (potentially by way of an extension to the existing Newbury Co-Wheels car club) as well as **an additional parking deck on the multi-storey car park** which will together make best of use of existing transport infrastructure.
 - "c) *Opportunities to promote walking, cycling and public transport use are identified and pursued;*"
The application site is **less than one minute walk from the railway station**, **two minutes walk from the bus station**, **within 5 minutes walk of the majority of the shops and services in the town centre**, and **within cycling distance of the entire Newbury urban area**. It could not be in a better or more central location for its residents to live their lives walking or cycling to everyday facilities, and using public transport to access destinations further afield.
 - "d) *The environmental impacts of traffic and transport infrastructure can be identified, assessed and taken into account – including appropriate opportunities for avoiding and mitigating any adverse effects, and for net environmental gains; and*"
Additional electric vehicle charging points are proposed in the retained multi-storey car park, whilst **every apartment will have secure cycle storage**.

- "e) Patterns of movement, streets, parking and other transport considerations are integral to the design of schemes, and contribute to making high quality places."
- Repairing the connectivity and pedestrian links that were lost when the *Kennet Centre* was constructed is a key element of the scheme's design. A **new pedestrianised street** will provide the crucial missing link between the railway station and the town centre, generously proportioned to be as wide as Northbrook Street and lined with new flexible-use commercial units whose local, independent and artisan occupiers will be encouraged to spill out into the street to make a vibrant, varied and interesting new pedestrian route. A **new pedestrian crossing** is proposed on Market Street to connect this new street directly into the pedestrian link being constructed as part of Grainger's adjacent *Market Street* development to the south, whilst in reflection of the choice of destinations to the north, **new pedestrian links to Market Place, Bartholomew Street and Bear Lane** will all be provided.

- 3.30 Paragraph 103 directly supports the redevelopment of sustainably located town centre sites such as the *Kennet Centre*, and is worthy of replicating here in full given the level of support that it inherently gives to the proposed development:

*"The planning system should actively manage patterns of growth in support of these objectives. **Significant development should be focused on locations which are or can be made sustainable**, through **limiting the need to travel and offering a genuine choice of transport modes**. This can help to reduce congestion and emissions, and improve air quality and public health. However, opportunities to maximise sustainable transport solutions will vary between urban and rural areas, and this should be taken into account in both plan-making and decision-making."*

- 3.31 In terms of onsite car and cycle parking, these are explored in detail in the submitted **Transport Statement** but it is important to note that the existing 415-space *Kennet Centre* multi-storey car park was built in order to accommodate the shoppers visiting the 326,000sqft (30,354m²) shopping centre, which will be demolished. At one point this was the town's *only* shopping centre, at a time when there were no retail parks on Newbury's edge and the town centre was the *only* place to shop. Today there are more than 3,000 car parking spaces in the town centre, the town centre car parking demand from Vodafone staff no longer exists, and therefore the applicant strongly contends that the existing *Kennet Centre* multi-storey car park will become redundant, at least in part, when the *Kennet Centre* is demolished.

- 3.32 Indeed, the advice at **paragraph 106** is telling:

*"...In town centres, local authorities should seek to **improve the quality of parking** so that it is convenient, safe and secure, alongside measures to promote accessibility for pedestrians and cyclists."*

It is the **quality** of town centre parking that the Government wishes to see improved, not the **quantity**. This policy recognises that, as retail expenditure continues to move online and town centre retail floorspace requirements continue to shrink, the overall experience of town centre visitors is increasingly influenced by their initial perception that starts with the car park, rather than their ability to find a parking space.

3.33 Accordingly, the applicant proposes a range of improvements to the existing *Kennet Centre* multi-storey car park, including:

- 3.33.1 The addition of an additional car parking deck;
- 3.33.2 Provision of additional electric vehicle charging points;
- 3.33.3 Replacement of the lifts, which have been refurbished only once in their 40 year history;
- 3.33.4 Provision of an attractive new pedestrian link from the car park directly into the development;
- 3.33.5 Improved signage.

3.34 In light of all the above, a flexible approach to future car parking provision must be adopted which gives weight to these factors in conjunction with the eminently sustainable location of the site and the ready availability of public transport options in close proximity. Such an approach is supported by **Framework paragraph 105** which requires that account is taken of:

“a) *The accessibility of the development;*”

As already set out, the application site is **less than one minute walk from the railway station, two minutes walk from the bus station, within 5 minutes walk of the majority of the shops and services in the town centre, and within cycling distance of the entire Newbury urban area.**

“b) *The type, mix and use of development;*”

The mix of uses proposed means that, in theory, one could live, work, shop and socialise without ever having to leave the development. Whilst in practice this is unlikely to be the case for most occupiers, nonetheless it underlines how the development inherently minimises the need to travel, regardless of its sustainable town centre location and excellent public transport links.

“c) *The availability of and opportunities for public transport;*”

The site is almost equidistant between the railway station and bus station and, were it to be located in a *Public Transport Accessibility Level* zone, would be **PTAL6b**.

“d) *Local car ownership levels;*”

These are explored in the **Transport Statement** that accompanies the application.

“e) *The need to ensure an adequate provision of spaces for charging plug-in and other ultra-low emission vehicles.”*

Additional electric vehicle charging points are proposed in the retained multi-storey car park.

3.35 **Paragraph 109** confirms that development should only be prevented or refused on highways grounds if there would be an “*unacceptable impact on highway safety*”, or the residual cumulative impacts on the road network would be “*severe*”. As the submitted **Transport Statement** clearly demonstrates, neither of these situations would occur.

3.36 Rather, consideration of the assessment criteria at **paragraph 110** is the correct approach in this instance, which requires applications to:

- "a) *Give priority first to pedestrian and cycle movements, both within the scheme and with neighbouring areas; and second – so far as possible – to facilitating access to high quality public transport, with layouts that maximise the catchment area for bus or other public transport services, and appropriate facilities that encourage public transport use;*"

The new routes through the site will be **pedestrianised by default and by design** with only very limited usage by service vehicles delivering to the ground floor flexible-use commercial units, or exceptionally by emergency vehicles. The applicant expects servicing hours and arrangements to be conditioned.

- "b) *Address the needs of people with disabilities and reduced mobility in relation to all modes of transport;*"

The **Design & Access Statement** submitted with the application explores how these needs have been taken into account in the design of the new public realm.

- "c) *Create places that are safe, secure and attractive – which minimise the scope for conflicts between pedestrians, cyclists and vehicles, avoid unnecessary street clutter, and respond to local character and design standards;*"

The very nature of the vibrant, varied and lively activities that will line the new pedestrianised street will create a safe, secure and attractive environment. Care has been taken to design a new public realm that is of the highest design quality, including a design-led approach to lighting which is not fettered by the usual highway lighting adoption restrictions.

- "d) *Allow for the efficient delivery of goods, and access by service and emergency vehicles; and*"

All the servicing of the residential elements of will take place within the covered undercroft service yards accessed from Cheap Street and Bartholomew Street. The offices will be serviced via an existing layby on Market Street, whilst (as set out above) the ground floor flexible-use commercial use will have time-restricted servicing via the new pedestrianised street.

- "e) *Be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations.*"

Additional electric vehicle charging points within the retained multi-storey car park form part of the application.

Delivering a sufficient supply of homes

*"To support the Government's objective of **significantly boosting the supply of homes**, it is important that a **sufficient amount and variety of land can come forward where it is needed**, that the needs of **groups with specific housing requirements are addressed**, and **that land with permission is developed without unnecessary delay.**"*

Framework paragraph 59

- 3.37 In line with the Government's objective, this application:
- 3.37.1 Proposes **402 new homes** in an undeniably sustainable location;
 - 3.37.2 Is an **exemplar scheme for urban renewal in a town centre**;
 - 3.37.3 Constitutes **one of the largest brownfield redevelopment sites** in the District, and certainly a unique opportunity in terms of the quantum and density of development that can be accommodated on a site of this size;
 - 3.37.4 Is **on a site which is currently under-used**, has a history of vacancies and under-occupation, and is currently let largely on short-term, temporary or soon-expiring tenancies;
 - 3.37.5 Seeks to provide high-quality **homes for rent** with a range and breadth of onsite residents' facilities that have not been provided in Newbury by other developments. *Framework paragraph 64(a)* confirms that it is neither necessary nor appropriate for any of the new homes to be available for affordable home ownership.
 - 3.37.6 Is made by an applicant with an **outstanding record of delivering schemes** as soon as planning permission has been approved, such as the 315-home *Thames Quarter* development in Reading which was granted planning permission in November 2017, started on site in April 2018, and which will be completed in its entirety and ready for occupation in June this year.

- 3.38 In terms of affordable housing, **paragraph 63** confirms that:

"To support the re-use of brownfield land, where vacant buildings are being reused or redeveloped, any affordable housing contribution due should be reduced by a proportionate amount²⁸."

²⁸

Equivalent to the existing gross floorspace of the existing buildings.

The manner in which *Vacant Building Credit* is applied to the application scheme is explored in **Section 4** of this statement.

Achieving well-designed places

- 3.39 The creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Local Planning Authorities should be clear about design expectations, and how these will be tested, as an essential part of achieving this. So too is effective engagement between applicants, communities, local planning authorities and other interests throughout the process (*Framework paragraph 124*).
- 3.40 As *Framework paragraph 128* goes on to explain, design quality should be considered throughout the evolution and assessment of individual proposals. Early discussion between applicants, the Local Planning Authority and local community about the design and style of emerging schemes is important for clarifying expectations and reconciling local and commercial interests. Applicants should work closely with those affected by their proposals to evolve designs that take account of the views of the community. Applications that can demonstrate early, proactive and effective engagement with the community should be looked on more favourably than those that cannot.

- 3.41 The submitted **Statement of Community Involvement** sets out the extensive steps that the applicant has taken to engage with the Local Authority and wider community from the inception of the design process, and the overwhelming positive feedback that has been received as a result of that consultation. The application should “**be looked on more favourably**” as a result.
- 3.42 **Paragraph 130** rightly advises the poorly designed proposals should be refused, and that opportunities to improve the character and appearance of an area should be taken wherever they exist:

“Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards or style guides in plans or supplementary planning documents. Conversely, where the design of a development accords with clear expectations in plan policies, design should not be used by the decision-maker as a valid reason to object to development. Local planning authorities should also seek to ensure that the quality of approved development is not materially diminished between permission and completion, as a result of changes being made to the permitted scheme (for example through changes to approved details such as the materials used).”

- 3.43 Compliance with local design policies is explored in **Section 4** of this Statement, and in detail in the **Design & Access Statement** that accompanies the application. It is clear that the proposed redevelopment would significantly enhance the character and appearance of the area by replacing the unloved, inward-looking *Kennet Centre* with a bespoke scheme that repairs lost connections, respects neighbouring buildings and its wider setting, and makes a positive contribution to the wider townscape. The **Heritage & Townscape Visual Impact Assessment** and **Accurate Visual Representations Report** both demonstrate how the scheme will enhance the character and appearance of the area without being overly prominent, dominant or incongruous.

Conserving and enhancing the historic environment

- 3.44 The Site is located within the *Newbury Town Centre Conservation Area* and consequently Section 72 of the Planning (Listed Buildings & Conservation Areas) Act 1990 is engaged, which states:
- “In the exercise, with respect to any buildings or other land in a conservation area, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.”*
- 3.45 There are also several designated heritage assets in the immediate and wider area and the proposed development has the potential to impact their setting. Section 66 of the Planning (Listed Buildings & Conservation Areas) Act 1990 requires that:

“In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.”

- 3.46 In the context of these statutory tests, *Framework paragraph 189* advises that when determining applications, Local Planning Authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance. As a minimum the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise where necessary.
- 3.47 This requirement is met by the extensive and detailed ***Heritage & Townscape Visual Impact Assessment*** accompanying the application. That assessment identifies and assesses the particular significance of any heritage asset that may be affected by the proposed development, including the setting of a number of heritage assets. The Local Planning Authority should take this assessment into account when considering the impact of the proposed development on heritage assets, noting that the test at **paragraph 190** is to "avoid or minimise any conflict" between the conservation of heritage assets and any aspect of the proposal. Paragraph 190 does not require that there is no conflict with heritage assets whatsoever, but rather than any identified conflict is simply minimised.
- 3.48 This balanced approach is explained further at **paragraphs 192 – 197** which are explored in detail in the submitted ***Heritage & Townscape Visual Impact Assessment*** but which, in essence, seek to balance any heritage harm against the wider public benefits of the development.
- 3.49 In this respect, it is important to note that in purely character and appearance terms, the development would result in numerous enhancements to the Newbury Conservation Area itself:
- 3.49.1 Replacing blank frontages at ground floor with animated and active commercial uses, particularly on the streets on the perimeter of the site;
 - 3.49.2 The introduction of those uses themselves enhance the character of this part of the conservation area, and reflect the historic pattern of residential and commercial uses which was lost with the development of the Kennet Centre;
 - 3.49.3 Introducing a fenestration pattern at upper floors that better reflects the historic streetscape;
 - 3.49.4 Introducing a varied roofline around the perimeter of the site that better reflects the historic development of this part of the conservation area;
 - 3.49.5 The removal of large blank blocks generally and the introduction of a development that better reflects the historic grain of this part of the conservation area.
 - 3.49.6 The use of appropriate materials;
 - 3.49.7 A development pattern that introduces permeability to the site that allows a visitor to see into and out of the site, including hitherto inaccessible views of the town hall tower.
- 3.50 Similar benefits arise in relation to the settings of various listed buildings within the town centre, especially those in closest proximity to the *Kennet Centre*.
- 3.51 In accordance with statutory provisions and *Framework paragraph 193*, these enhancements should carry great weight in the determination of this application.

-
- 3.52 Notwithstanding, should the Council arrive at a different conclusion and identify any element of harm to the significance of any heritage asset, then this must be ‘less than substantial’ and so would fall to be treated in the terms set out in **paragraph 196**. If paragraph 196 is found by the Local Planning Authority to have been engaged, while the element of harm must be given great importance and weight, the significant heritage benefits which must also be accorded great weight in the decision making process. If having followed this assessment under the decision maker does identify any residual harm to heritage assets, then it would be necessary to weigh the wider planning benefits against that harm. The **planning balance** is undertaken at **Section 6** of this statement, clearly concluding that the public benefits of the proposed redevelopment significantly outweigh any perceived or actual harm.
- 3.53 Overall then in heritage terms the application represents an opportunity to provide a significantly enhanced use and appearance for the site, whilst also being a catalyst for wider regeneration and economic benefits. The proposed uses, architectural quality and urban design features demonstrably improve the appearance, character and function of the townscape, the conservation area and the settings of various listed buildings.

Meeting the challenge of climate change

- 3.54 *Framework* **paragraph 148** confirms the Government’s policy that the planning system should support the transition to a low carbon future in a changing climate, helping to:
- 3.54.1 Shape places in ways that contribute to radical reductions in greenhouse gas emissions,
 - 3.54.2 Minimise vulnerability and improve resilience; and
 - 3.54.3 Support renewable and low carbon energy and associated infrastructure.
- 3.55 New development should be planned in ways that can help to reduce greenhouse gas emissions, “*such as through its location, orientation and design*” (**paragraph 150**). The benefits of these locational factors can most readily be maximised in town centre locations such as the application site, and by taking advantage of south-facing aspect where possible to maximise solar gain. Indeed, **paragraph 153** confirms that, in determining planning applications, Local Planning Authorities should expect new development to take account of landform, layout, building orientation, massing and landscaping to minimise energy consumption. This approach has been ably implemented in the proposed development, as explored in the submitted **Design & Access Statement**.
- 3.56 However, this application goes significantly beyond the minimum requirements set out in the *Framework* and proposes a development which is substantially more environmentally sustainable than the Building Regulations require. As the submitted **Energy & Sustainability Strategy** sets out, the development will not rely on the onsite use of fossil fuels for space and water heating but rather, will use renewable technologies which harness onsite generation capabilities in conjunction with the continued decarbonisation of the national electricity grid.

- 3.57 A **renewable energy installation** is proposed to service all elements of the development, providing space heating and cooling as well as hot water. Whilst the site is unsuited to wind power (because of its visual impact) or solar energy (because the rooftop spaces will be devoted to rooftop gardens and residents' amenity terraces), nonetheless using solely decarbonised electricity to heat and power the development will result in significant annual CO₂ savings compared to the Building Regulations standards which have been calculated at **406 tonnes of CO₂ saved annually** when the development is first occupied, improving yet further to **541 tonnes of CO₂ saved annually from 2030 onwards** as the national grid continues to decarbonise and the use of fossil fuels for electricity generation is phased out on a nationwide basis. This is an immediate reduction of **2,557 tonnes compared with the existing Kennet Centre**.
- 3.58 Additional sustainable technologies proposed for use within the scheme as set out in the submitted ***Energy & Sustainability Strategy*** including:
- 3.58.1 Energy-efficient appliances
 - 3.58.2 Energy-efficient light fittings
 - 3.58.3 Low water usage WCs and showerheads
 - 3.58.4 Electric vehicle charging points
 - 3.58.5 Rainwater harvesting for horticultural purposes

National Planning Policy Framework: summary

- 3.59 As a consequence of the overwhelming compliance of the proposed development with Government planning policy, *Framework* paragraph 11 gives very clear instructions as to how decision-makers must proceed:

"For decision-making this means:

- c) **approving development proposals that accord with an up-to-date development plan without delay;** or
- d) **where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date**⁶, granting permission unless:
 - i. ***the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed***⁶; 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.***

(our emphasis)

Footnotes 6 and 7 advise:

- ⁶ *The policies referred to are those in this Framework (rather than those in development plans) relating to: habitats sites (and those sites listed in paragraph 176) and/or designated as Sites of Special Scientific Interest; land designated as Green Belt, Local Green Space, an Area of Outstanding Natural Beauty, a National Park (or within the Broads Authority) or defined as a Heritage Coast; irreplaceable habitats; designated heritage assets (and other*

heritage assets of archaeological interest referred to in footnote 63); and areas at risk of flooding or coastal change.

7 This includes, for applications involving the provision of housing, situations where the local planning authority cannot demonstrate a five year supply of deliverable housing sites (with the appropriate buffer, as set out in paragraph 73); or where the Housing Delivery Test indicates that the delivery of housing was substantially below (less than 75% of) the housing requirement over the previous three years. Transitional arrangements for the Housing Delivery Test are set out in Annex 1.”

- 3.60 Footnote 6 does not apply to this site, whilst footnote 7 is not engaged at the current time but may become so in the future. Accordingly, the clear direction contained in the *Framework* is that planning permission must be granted **without delay**.
- 3.61 In addition to the specific and extensive policy support for the proposed development, the following chapters of this statement and the accompanying *Design & Access Statement* together with the findings of the other supporting reports submitted with this application, confirm that there would be **no significant or demonstrable harm** from the proposed development that would outweigh the clearly-identified **significant public benefits** associated with the grant of planning permission.
- 3.62 Consequently, subject to the assessment in **Section 4** of this statement of the scheme's compliance with the Development Plan (and the weight to be given to its policies), the proper application of the *Framework*'s policies point to the inevitable conclusion that the enclosed planning application should be approved **without delay**.

4.0 THE DEVELOPMENT PLAN

- 4.1 At the time of writing, the Development Plan comprises:
 - 4.1.1 West Berkshire Core Strategy 2006-2026 (Adopted July 2012); and
 - 4.1.2 Housing Site Allocations Development Plan Document (Adopted May 2017)
 - 4.1.3 West Berkshire District Local Plan 1991-2006 (solely the policies Saved by a Direction issued by the Secretary of State in September 2007)
- 4.2 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*:
 - 4.2.1 Replacement Minerals Local Plan for Berkshire (Adopted December 1997)
 - 4.2.2 Waste Local Plan for Berkshire (Adopted December 1998)
 - 4.2.3 The South East Plan – Regional Spatial Strategy for the South East (Adopted May 2009, only Policy 6 remaining extant)
 - 4.2.4 Stratfield Mortimer Neighbourhood Plan (Made July 2012)

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

- 4.3 The *Core Strategy* was adopted 7 years prior to the current *National Planning Policy Framework* and therefore, as explained in **Section 3** of this statement, its policies can only carry weight where they accord with those in the *Framework*. Full weight cannot automatically be attributed to the *Core Strategy*'s policies, which are in themselves now in the final quarter of the plan period and will become time-expired in their totality in 2026.
- 4.4 At its highest level, the *Core Strategy*'s policy is to direct most development to within existing urban areas, with Newbury (along with Thatcham and the Reading fringes that fall within West Berkshire) being the focus for new development. ***Area Delivery Plan Policy 1*** confirms that "*the majority of development will take place on previously developed land*" and specifically that:

"West Berkshire's main urban areas will be the focus for most development. The most intensively used developments, intensive employment generating uses, such as B1(a) offices, and intensive trip generating uses, such as major mixed use, retail or leisure uses, will be located in those town centre areas where the extent and capacity of supporting infrastructure, services and facilities is the greatest. High densities of development may be appropriate in these locations. Such development will have to be comprehensively planned in order to deliver maximum social, environmental and economic benefits to the wider community."

(our emphasis)

- 4.5 This principal spatial strategy fully accords with the policies in the *Framework* and therefore carries substantial weight. It is a policy which supports the proposed development.
- 4.6 The vision for Newbury is set out in the supporting text at **paragraphs 4.20 and 4.21**, in that:

"Newbury will retain its traditional market town heritage whilst undergoing infrastructure improvements and development and renewal of commercial uses and housing, to create a vibrant 21st century centre.

Newbury will continue to fulfil its key role as the administrative centre and major town centre for the District, with a wide range of retail, employment, leisure and community services and facilities. It will be the main focus for housing growth over the period with new housing development well integrated into the town, supporting the vitality of the town centre and accompanied by enhanced services, facilities and infrastructure, as outlined in the Infrastructure Delivery Plan."

- 4.7 This vision is translated into policy at ***Area Delivery Plan Policy 2*** which is a long 2½ page policy covering all aspects of the town's growth during the plan period, including housing, the town centre, employment, accessibility, environment, and community infrastructure & services. The salient elements of that policy are that:
- 4.7.1 Newbury will accommodate approximately 5,400 new homes over the Core Strategy plan period, **contributing to its role and function as the largest urban area in West Berkshire;**
 - 4.7.2 There is **significant development potential on previously developed land**, particularly in the town centre;
 - 4.7.3 The town centre commercial boundary and primary shopping frontage were due to be reviewed in a *Site Allocations and Delivery Development Plan Document*, which never came forward and was instead replaced with the more restricted *Housing Site Allocations Development Plan Document* (Adopted May 2017);
 - 4.7.4 **The Market Street area will be developed as an 'urban village', a mixed use, but predominantly residential area, with greatly improved pedestrian links from the railway station to the town centre;**
 - 4.7.5 Demand for travel will be managed, and **accessibility to sustainable transport opportunities increased** through improving choice in transport modes;
 - 4.7.6 **Rail travel will be actively encouraged;**
 - 4.7.7 Development will respect the historic environment of the town and opportunities will be taken to enhance the townscape. **A number of buildings which are regarded as "eyesores" may provide redevelopment opportunities;**
 - 4.7.8 **The appearance of key gateways to the town will be improved** providing an enhanced identity for the town;
- 4.8 These policy objectives, whilst non-specific and generally high-level, nonetheless accord with the principles and thrust of the *Framework* and can continue to carry substantial weight. They are all policies which support the proposed development.
- 4.9 **Policy CS1** confirms that provision will be made for the delivery of at least 10,500 net additional dwellings and associated infrastructure over the period 2006 to 2026. Delivery will be phased and managed in order to meet at least an annual average net additional dwelling requirement of 525 dwellings per annum and to maintain a rolling five year supply of housing land.

- 4.10 This policy does not include any buffer provision, as required by the 2019 *Framework* and consequently carries only moderate weight. Perhaps more importantly, the quantum of new homes which the *Core Strategy* plans was derived Policy H1 of the South East Plan was revoked in March 2013 and has carried no weight whatsoever for 8 years. Accordingly, the development quantum required in West Berkshire should properly be assessed by reference to the most recent Objectively-Assessed Need figures.
- 4.11 The Government's most recent annual *Housing Delivery Test* figures were published on 19th January 2021 and in respect of West Berkshire confirm:

Number of homes required			Total number of homes required	Number of homes delivered			Total number of homes delivered	Housing Delivery Test: 2020 measurement
2017-18	2018-19	2019-20		2017-18	2018-19	2019-20		
394	551	476	1,420	539	543	439	1,521	107%

- 4.12 Consequently, the "*tilted balance*" is not currently engaged in West Berkshire by virtue of an undersupply of new homes, although the presumption in favour of sustainable development **is engaged** because the Core Strategy is more than 5 years old. These factors together limit the amount of weight that can be attributed to Policy CS1.
- 4.13 Policy CS1 sets out that new homes will be located in accordance with the settlement hierarchy outlined in the Spatial Strategy and Area Delivery Plan Policies, i.e. with a focus on brownfield sites in Newbury. "*Suitable previously developed land within settlement boundaries*" is specifically identified as the sequentially-preferable location for new housing. This spatial distribution policy is in accordance with the *Framework* and carries full weight.
- 4.14 **Policies CS2 and CS3** make strategic housing allocations at *Newbury Racecourse* and *Sandleford Farm* which are noteworthy only because of their poor accessibility to sustainable travel modes and the services/facilities of the town centre by foot or cycle. Indeed, successive planning applications at *Sandleford Farm* have been refused planning permission, initially because the relevant landowners had failed to work in cooperation on a comprehensive single masterplan and then more recently (reference 20/01238, refused 14th October 2020) on several grounds, including that:
- "It is considered to be an unsustainable and harmful development, failing to reduce carbon dioxide emissions through the extensive use of renewables on site and otherwise contributing to climate crisis. In this respect the proposal is anachronistic, unacceptable, inappropriate, inadequate and unsatisfactory."*
- 4.15 The most refusal notice is now subject to an appeal, but nonetheless it is notable that the *Kennet Centre* is a fundamentally more sustainable location for new development and will provide 50% of the new homes quantum in the recently-refused *Sandleford Farm* application is a demonstrably and significantly more sustainable manner. The failure of one of the *Core Strategy*'s strategic allocations to make a material contribution to housing supply even as the plan period starts to draw to a close must limit the amount of weight, and reliance, that can be given to Policy CS3's ability to meet the requirement for additional housing during the period to 2026, thus leaving a shortfall of 1,000 homes during the plan period.
- 4.16 Housing type and mix is considered at **Policy CS4** which does not set a mix formula but instead recognises that the mix on an individual site should have regard to:

4.16.1 “The character of the surrounding area.”

This is a town centre site which would be wholly inappropriate for a low-density development of estate-type houses with gardens. Rather, all policies in the *Framework* as well as *Core Strategy Area Delivery Plan Policy 2* support a higher-density of development that befits the location’s excellent sustainability credentials and help to avoid the need to release greenfield land for development elsewhere in the District.

4.16.2 “The accessibility of the location and availability of existing and proposed local services, facilities and infrastructure.”

As has already been set out earlier in this statement, the application site has unrivalled accessibility to services, facilities and infrastructure within ready walking distance.

4.16.3 “The evidence of housing need and demand from Housing Market Assessments and other relevant evidence sources.”

The *Berkshire (including South Bucks) Strategic Housing Market Assessment* provides detailed information about existing and future housing needs and demand, including the need for affordable housing and the mix of housing, to meet the needs of the community and forms part of the evidence base for the preparation of the emerging Local Plan. That assessment was published in February 2016 and is already 5 years old, limited the amount of weight that its findings can be given and thus the weight that can be attributed to Policy CS4 as a whole. At the highest level the 2016 assessment finds the greatest need to be for 2 or 3 bedroom homes, but with a significant quantum of both smaller and larger sizes also being required **including almost 4,000 new one-bedroom homes:**

Table 101: Estimated Size of Accommodation Type Required 2013 to 2036 – Market Housing – Western Berkshire HMA

Size	2013	2036	Additional households 2013-2036	% of additional households
1 bedroom	16,120	19,997	3,877	9.1%
2 bedrooms	44,425	56,793	12,367	28.9%
3 bedrooms	79,873	97,930	18,057	42.3%
4+ bedrooms	62,165	70,599	8,434	19.7%
Total	202,584	245,320	42,735	100.0%

Source: Housing Market Model

4.17 Consequently, the proposed housing mix set out in the submitted *Design & Access Statement* strikes an appropriate balance between:

- 4.17.1** The site’s highly sustainable location, and the *Framework* imperative to make best and most efficient use of previously-developed land in such locations;
- 4.17.2** The site’s context and setting, and its ability to accommodate higher development densities without causing any harm to character or appearance; and
- 4.17.3** The significant demand for smaller homes identified in the *Housing Market Assessment* that in reality can only be delivered in the form of apartments.

4.18 377 out of the 402 homes proposed (94%) are specifically designed to be Build-to-Rent. In respect of Build-to-Rent homes, the Government's *Planning Practice Guidance* explains that Build to Rent is a distinct asset class within the private rented sector, and has been defined in the *National Planning Policy Framework* glossary, in order to simplify its treatment within the planning system. As part of their plan making process, Local Planning Authorities are advised to use a local housing need assessment to take into account the need for a range of housing types and tenures in their area **including provisions for those who wish to rent**. Specific demographic data is available on open data communities which can be used to inform this process. The assessment will enable an evidence-based planning judgement to be made about the need for build to rent homes in the area, and how it can meet the housing needs of different demographic and social groups. There is no specific Build to Rent needs assessment in the 2016 *Housing Market Assessment* which further diminishes the weight that can be given to Policy CS4.

4.19 Policy CS4 specifically notes that:

"Developments will make efficient use of land with greater intensity of development at places with good public transport accessibility. Higher densities above 50 dwellings per hectare may be achievable in town centres, particularly in parts of Newbury town centre, and along main transport routes and close to transport nodes."

4.20 As explored in the **Design & Access Statement** this is clearly a location where higher density development is not only permitted by local and national planning policy, but indeed is actively encouraged.

4.21 **Policy CS6** relates to affordable housing and sets a high-level target of **30% affordable housing** on previously developed land, **subject to viability**. The policy departs from *Framework* policies in a number of respects:

- 4.21.1 It makes no provision for affordable home ownership, in conflict with *Framework* paragraph 64;
- 4.21.2 It makes no provision for a reduction in affordable housing proportionate to the quantum of vacant existing floorspace to be reused or redevelopment, in conflict with *Framework* paragraph 63;
- 4.21.3 It makes no reference to or distinction between traditional homes built for sale and those specifically built to rent, contract to *Framework* paragraph 64.

4.22 Consequently, Policy CS6 carries only limited weight, particularly as in this instance:

- 4.22.1 377 out of the 402 homes proposed (94%) are specifically Build-to-Rent;
- 4.22.2 There will be 326,000sqft (30,354m²) of vacant shopping centre being demolished as part of the proposal

4.23 In respect of the former, the Government's *Planning Practice Guidance* advises that:

"The National Planning Policy Framework states that affordable housing on build to rent schemes should be provided by default in the form of affordable private rent, a class of affordable housing specifically designed for build to rent. Affordable private rent and private market rent units within a development should be managed collectively by a single build to rent landlord."

20% is generally a suitable benchmark for the level of affordable private rent homes to be provided (and maintained in perpetuity) in any build to rent scheme. If local authorities wish to set a different proportion they should justify this using the evidence emerging from their local housing need assessment, and set the policy out in their local plan. Similarly, the guidance on viability permits developers, in exception, the opportunity to make a case seeking to differ from this benchmark.

National affordable housing policy also requires a minimum rent discount of 20% for affordable private rent homes relative to local market rents. The discount should be calculated when a discounted home is rented out, or when the tenancy is renewed. The rent on the discounted homes should increase on the same basis as rent increases for longer-term (market) tenancies within the development.”

Paragraph: 002 Reference ID: 60-002-20180913

- 4.24 The Government's clear position therefore is that “traditional” affordable housing, be it affordable rent, social rent or shared equity, is neither appropriate nor necessary within Build to Rent developments.
- 4.25 The applicant's position is that because of these factors, in conjunction with the scheme's development economics, no affordable housing in the traditional sense is justified or required. Private rented accommodation provides a more flexible solution to housing, without the requirement for a large capital deposit but with the same long-term security that other tenures can offer.
- 4.26 **Policy CS9** relates to the location and type of business development and seeks to direct new B1 office development to town centres. Former Use Class B1 (“Offices”) was revoked on 1st September 2020, with office uses thereafter falling with the new Use Class E (“Commercial, business and service”). In 11 parts, Class E more broadly covers uses previously defined in the revoked Classes A1/2/3, B1, D1(a-b) and ‘indoor sport’ from D2(e):

- E(a) Display or retail sale of goods, other than hot food
- E(b) Sale of food and drink for consumption (mostly) on the premises
- E(c) Provision of:
 - E(c)(i) Financial services,
 - E(c)(ii) Professional services (other than health or medical services), or
 - E(c)(iii) Other appropriate services in a commercial, business or service locality
- E(d) Indoor sport, recreation or fitness (not involving motorised vehicles or firearms)
- E(e) Provision of medical or health services (except the use of premises attached to the residence of the consultant or practitioner)
- E(f) Creche, day nursery or day centre (not including a residential use)
- E(g) Uses which can be carried out in a residential area without detriment to its amenity:
 - E(g)(i) Offices to carry out any operational or administrative functions,
 - E(g)(ii) Research and development of products or processes
 - E(g)(iii) Industrial processes

- 4.27 The *Core Strategy* could not have foreseen this comprehensive rationalisation of the Use Classes Order and consequently its placing of office and retail uses within different policies is contrary both to the Use Classes Order and the Government's ongoing desire to introduce additional flexibility into town centres and their uses.
- 4.28 Nonetheless, the *Core Strategy*'s focus on town centres as the most appropriate and sequentially preferable location for employment and services aligns with the objectives of the *Framework* and lends local policy support to the proposed development.
- 4.29 Applying the *Employment Density Matrix* from the most recent (2015) *HCA Employment Densities Guide* to the quantum of proposed commercial floorspace yields the following job creation estimates:

Element	Net Internal Area	One job per	Estimated jobs
Headquarters office	4,000m ²	12m ²	333
Managed workspace	1,355m ²	12m ²	113
Retail/restaurant/café	2,084m ²	15m ²	139
Build to Rent	-	-	10
			595

- 4.30 This quantum of employment creation within the town centre is explicitly supported by policies at all levels and is a matter which carries significant weight.
- 4.31 This is reiterated in **Policy CS11** which identifies Newbury as the only "Major Town Centre" in the District and consequently an important centre whose vitality and viability should be "protected and enhanced". This aligns with **Policy CS13**'s requirement that developments should reduce the need to travel, both of which accord with the *Framework* and carry substantial weight. They are policies which are supportive of the proposed development.
- 4.32 Environmental sustainability was already a factor that the *Core Strategy* gave prominence to at **Policy CS15**, but which has gained even greater importance following the declaration of a Climate Emergency by West Berkshire Council in July 2019 and its associated new target to achieve carbon neutrality by 2030. The *Kennet Centre* performs exceptionally poorly compared to modern environmental standards, relying on fossil fuels for heating/cooling and with a significantly less insulated building fabric than current Building Regulations would require. Notwithstanding all the other benefits of the proposed redevelopment, for this reason alone the *Kennet Centre* should be redeveloped.
- 4.33 Policy CS15 refers to the *Code for Sustainable Homes* which no longer forms part of national planning policy or guidance, and consequently this part of the policy can carry no weight.
- 4.34 In terms of the proposed commercial uses, Policy CS15 seeks new schemes to achieve **BREEAM Excellent** accreditation, which is demonstrated in the **BREEAM Report** that accompanies this application.
- 4.35 The policy also sets out aspirations for zero-carbon developments, caveated that this policy is for "*Requirements for zero carbon in line with stated Government aspirations, which may be subject to change.*" At the time the *Core Strategy* was adopted the Government's aspirations for reduced carbon emissions were different to those in place today, but nonetheless as set out earlier in this statement the applicant is committed to minimising the development's

operational carbon footprint. Using solely decarbonised electricity to heat and power the development will result in significant annual CO₂ savings compared to the Building Regulations standards which have been calculated at **406 tonnes of CO₂ saved annually** when the development is first occupied, improving yet further to **541 tonnes of CO₂ saved annually from 2030 onwards** as the national grid continues to decarbonise and the use of fossil fuels for electricity generation is phased out on a nationwide basis. This is a reduction of **2,557 tonnes/annum compared with the existing Kennet Centre**

- 4.36 Finally, in terms of other considerations:

- 4.36.1 The criteria against which design quality is assessed at **Policy CS14** are examined in the submitted ***Design & Access Statement***;
- 4.36.2 A ***Flood Risk Assessment and Drainage Strategy*** supports the application and demonstrates that the development will not increase the risk of flooding onsite or elsewhere, in accordance with **Policy CS16**;
- 4.36.3 A range of biodiversity and habitat improvements are proposed within the submitted ***Ecology Report***, as required by **Policy CS17**;
- 4.36.4 The development's effect on designated and undesignated heritage assets is assessed in detail in the submitted ***Heritage, Townscape & Visual Impact Assessment*** in accordance with **Policy CS19**.

West Berkshire District Local Plan 1991-2006

(solely the policies Saved by a Direction issued by the Secretary of State in September 2007)

- 4.37 Despite dating from a plan period 30 years ago, there remain a number of policies in the 1991 which still form part of the statutory Development Plan for West Berkshire and must be taken into account in the determination of planning applications. They are non-strategic policies which in general terms give specific criteria for development management purposes.
- 4.38 **Policies OVS5 and OVS6** relate to noise and associated environmental conditions. They are based on data from the mid-1990s and as such the evidence base is exceptionally out-of-date. Nonetheless, whilst these policies can carry little weight 30 years after they were drafted, a ***Noise Assessment*** accompanies this application which demonstrates that future occupiers would enjoy appropriate living conditions and there would be no noise nuisance to adjacent occupiers.
- 4.39 **Policy HSG13** supports the use of upper floors in town centres for residential accommodation, showing a foresight that means it is in full accordance with *Framework* policies and the Government's drive to increase residential populations in town centres. It can carry substantial weight accordingly, and is supportive of the proposed development.
- 4.40 **Policy ECON5** supports new commercial development in Newbury town centre, although it has been largely superseded by *Core Strategy* policies. Nonetheless, it continues to accord in principle with the spatial planning objectives of the *Framework* can carry some weight accordingly. It is supportive of the proposed development.
- 4.41 **Policy SHOP1** refers to Class A1 retail uses and advises that the Council will refuse planning permission for non-A1 uses within defined primary shopping frontages. The sweeping changes to the Use Classes Order in September 2020 render this saved policy unenforceable, and as such it can carry no weight.

- 4.42 Policies RL1, RL2 and RL3 relate to the provision of open space in new developments, which is covered in detail in the **Design & Access Statement** submitted with the application. The application proposes generous levels of new space in a range of different public, communal and private formats:
- 4.42.1 The new pedestrianised street running through the site – in places as wide as Northbrook Street – will provide a long-overdue pedestrian route between the railway station and the town centre;
 - 4.42.2 Additional connections to Bear Lane and Market Place will further increase pedestrian connectivity through the site and provide high quality areas of public realm;
 - 4.42.3 A new civic square at the heart of the site, with generous dimensions similar to the existing Market Place, will bring the retained cinema wing very much into the core of the development and offer new opportunities for commercial, social and leisure activities that complement those that take place in the Market Place;
 - 4.42.4 There will be a range of communal rooftop terraces and gardens, giving residents outstanding views over the town and to the countryside beyond and a variety of spaces which vary from bright & sunny to cool & shaded, tranquil & reflective to lively & social;
 - 4.42.5 The vast majority of the apartments will have their own private balcony or rooftop terrace;
 - 4.42.6 Workers in the new headquarters office building or incubator tech hub will have access to their own rooftop amenity terrace.
- 4.43 For completeness, Appendix 5 of the 1991 Local Plan sets out **maximum** levels of car parking provision. These maximum standards refer to the advice in *Planning Policy Guidance Note 13*, which dates from the previous millennium and which was superseded almost 10 years ago by the original *National Planning Policy Framework* document in March 2012. For the reasons set out earlier in this statement and explored in detail in the submitted **Transport Statement**, the 1991 car parking guidance can at best be treated only as historic advice, and at worst given no weight whatsoever. Indeed, for the purposes of assessing car parking provision for residential developments it has been superseded by Policy P1 of the *Housing Site Allocations Development Plan Document* – see below.

Housing Site Allocations Development Plan Document (Adopted May 2017)

- 4.44 The application site is not identified as a housing allocation site in the May 2017 site allocations document. This is perhaps unsurprising, given that this town centre is best suited to a mixed-use redevelopment and as its name suggests, the *Housing Site Allocations Development Plan Document* considers solely housing-only sites.
- 4.45 The only policy relevant to the residential elements of this application is **Policy P1**, which divides the District into a number of parking zones and sets parking requirements that are specific to each zone, related to its level of accessibility. Newbury is located within “Zone 1” where policy P1 looks for 0.75 spaces for a 1-bedroom apartment, 1.0 spaces for a 2-bedroom apartment, and 2.0 spaces for a 3-bedroom apartment.

- 4.46 However, these requirements are quite rightly caveated that:

“There may be exceptional circumstances where there is a case for providing parking that does not accord with the above levels. These cases will be considered on an individual basis.”

The redevelopment of the *Kennet Centre* for a mix of uses must surely be one of these exceptional circumstances, because as set out earlier in this statement:

- 4.46.1 It is the most sustainably-located redevelopment site in the entire District, equidistant between the railway station and bus station;
 - 4.46.2 All the shops, services and facilities in the town centre are on the site's doorstep and within easy walking distance;
 - 4.46.3 A 415-space multi-storey car park falls within the application site, designed to meet the parking demand for a 326,000sqft shopping centre that will be demolished;
 - 4.46.4 Nonetheless, an additional car parking deck is proposed to be added to that car park, together with improvements and refurbishments to improve its quality;
 - 4.46.5 An onsite car club is proposed, potentially by way of an extension to the existing Co wheels car club that operates in Newbury;
 - 4.46.6 Every apartment will have secure onsite cycle storage
- 4.47 Consequently, a flexible approach to car parking provision must be adopted for this site, which takes full account of the Government's policy imperative to reduce car use in favour of sustainable modes of travel, the site's sustainability credentials both locationally and its onsite facilities, and which is cognisant of the Council's Climate Emergency declaration.

The Development Plan: summary

- 4.48 The Council's *Core Strategy* places a significant emphasis on redeveloping urban sites, and rightly focusses on enhancing the vitality and viability of Newbury town centre as the District's main town. Increased development densities are supported and encouraged in this location, as is the mix of residential and commercial uses proposed in this application.
- 4.49 The Development Plan policies which are most closely aligned with those in the *Framework*, and which therefore carry the most weight, are also those policies which explicitly support the proposed development.

5.0 OTHER MATERIAL CONSIDERATIONS

- 5.1 The law is clear that development proposals must be determined in accordance with the statutory Development Plan, unless material considerations indicate otherwise. As set out throughout this statement, the proposed development fully accords with the Development Plan and thus should be granted planning permission accordingly. Nonetheless, it is still necessary to identify and weigh any other material considerations in order to be able to properly perform the planning balance exercise.

Emerging Planning Policy: Local Plan Review 2020 -2037: Emerging Draft

- 5.2 Work to replace the current Development Plan is at an early stage and at the time of writing the draft policy framework is subject to public consultation. The plan is at the very earliest stages of the plan-making process, is subject to potentially significant change as it proceeds through subsequent rounds of consultation and examination, and therefore at the current time **can carry no weight in the determination of this planning application**.
- 5.3 Nonetheless, it does give an indication of the “direction of travel” of local planning policy, and is based on more contemporaneous evidence than that extant *Core Strategy*.
- 5.4 Familiar themes are proposed to be carried forward from the current Development Plan, including:
- 5.4.1 Policies seeking to concentrate development on previously-developed sites within the urban area
 - 5.4.2 The focus on Newbury town centre and redevelopment there to enhance its vitality and viability
 - 5.4.3 Maximising development densities in the most sustainable locations in order to reduce the need to travel
 - 5.4.4 A continued reduction in carbon emissions towards a net zero carbon target in 2030.
- 5.5 In a first for West Berkshire, the emerging Local Plan proposes to allocate previously-developed sites for redevelopment, an approach which was not taken by the adopted *Core Strategy*.
- 5.6 **Section 8** of the emerging draft *Local Plan* contains draft policies for the non-strategic residential and mixed-use site allocations. The emerging draft policies for the new proposed allocations provide approximate numbers of dwellings, based solely on the *West Berkshire Density Pattern Book Study*. The pattern book might be considered to be a blunt assessment tool, and thus the emerging draft text recognises that the actual numbers achieved are likely to vary depending on design and mix of uses on mixed-use sites. **No weight** can be attributed to the draft site-specific policies as a result.
- 5.7 Emerging draft policy **RSA1** identifies the *Kennet Centre* as one such potential mixed-use redevelopment opportunity, reflecting its highly sustainable location as an opportunity for a higher density of development than the *Pattern Book Study* would suggest:

Policy RSA 1

The Kennet Centre, Newbury (Site Ref: NEW3)

The site, as identified on the indicative map, is proposed to be allocated for a mixed-use development that includes approximately 250 dwellings. The residential aspect would complement the existing uses on the site.

The site occupies a highly sustainable location and may present opportunities for higher densities than estimated using the West Berkshire Density Pattern Book, as much will depend on the mixture of uses and design of the development.

Detailed policy criteria will be developed to highlight specific mitigation measures and infrastructure requirements, and will include the need for the design and scale of development to complement existing buildings and the Newbury Conservation Area.

- 5.8 The applicant has made representations on this policy, which as drafted is general in nature and which is expected to materially change as the *Local Plan* process moves to its next, more detailed stages. Whilst policy RSA1 **can be given no weight** it is nonetheless a useful indication that the Local Planning Authority recognises the overriding benefits that the redevelopment of the *Kennet Centre* will bring.

Quality Design Supplementary Planning Document

- 5.9 A *Supplementary Planning Document* does not form part of the statutory Development Plan and does not carry the same weight as a Development Plan policy. *Supplementary Planning Documents* escape the examination process needed for *Development Plan Documents* and thus generally they act simply to elaborate on existing policies. The Town and Country Planning (Local Planning) (England) Regulations 2012 are more nuanced in explained that *Supplementary Planning Documents* are allowed to contain policy, but it must be justified and must not conflict with the adopted development plan (Reg 8(3)). *Supplementary Planning Document* policy cannot supersede *Development Plan* policy and whilst it is a material consideration, the amount of weight given to a *Supplementary Planning Document* will inherently be tempered or reduced if the *Development Plan* policy which it seeks to elaborate is itself given limited weight, primarily because of its age and extent to which it may depart from policies in the *National Planning Policy Framework*.
- 5.10 In this context, the *Quality Design Supplementary Planning Document* was adopted to supports the policies in the *West Berkshire District Local Plan 1991-2006*, which as set out earlier in this statement has largely been superseded by the *2006 Core Strategy* and whose policies can only themselves carry limited weight. Whilst it is a useful guide to understanding locally how design quality is assessed, the amount of weight it can be attributed is **severely limited**.
- 5.11 Nonetheless, the applicant has taken note of the *Quality Design* guidance, as set out in the ***Design & Access Statement*** that accompanies the application, noting that:
- 5.11.1 Part one sets out the aims and objectives of the guide, how to use it and general urban design principles relevant to all new development;
 - 5.11.2 Part two describes design principles that are specifically relevant to new residential development;

- 5.11.3 Part three sets out guidance required to assess character in context on new development;
- 5.11.4 Part four provides a range of methods, techniques and technologies as example solutions of sustainable building design for new development;
- 5.11.5 Part five contains guidance for those proposing external lighting schemes.

Planning Obligations Supplementary Planning Document

- 5.12 The *Planning Obligations Supplementary Planning Document* sets out the Local Planning Authority's approach for securing contributions and requiring obligations from development, alongside the Community Infrastructure Levy (CIL). This approach is in accordance with national CIL Regulations and the Council's CIL Regulation 123 List.
- 5.13 The *Planning Obligations* document provides guidance on Section 106 obligations in respect of:
 - 5.13.1 Affordable housing
 - 5.13.2 Transport improvements
 - 5.13.3 Education provision
 - 5.13.4 Public libraries
 - 5.13.5 Community facilities
 - 5.13.6 Healthcare provision
 - 5.13.7 Open space
 - 5.13.8 Waste management
 - 5.13.9 Environmental enhancements
 - 5.13.10 Archaeology, conservation and the built environment
 - 5.13.11 Fire & rescue infrastructure
 - 5.13.12 Preventing crime & disorder
 - 5.13.13 Adult social care provision
- 5.14 The document provides a more detailed explanation of **Core Strategy Policy CS5** and confirms that the Council will work with infrastructure providers and stakeholders to identify requirements for infrastructure provision and services for new development and will seek to co-ordinate infrastructure delivery.
- 5.15 The applicant confirms their intention to engage with relevant stakeholders accordingly, as part of the planning application and Section 106 negotiation process.

West Berkshire Community Infrastructure Levy

- 5.16 The Council implemented its Community Infrastructure Levy in April 2015. For applications approved in 2021 the standard CIL rates will be:

Residential:	£97.85/sqm
Offices (formerly Use Class B1):	£nil
Retail etc (formerly Use Classes A1-A5):	£163.08/sqm

-
- 5.17 Regulation 40 of the *Community Infrastructure Levy (Amendment) Regulations 2019* allows for existing floor area that has been in continuous lawful use for at least six months in three years prior to the day that planning permission is granted to be used as deductible floor area against the calculation of the CIL liability for the development. The applicant is mindful of the 326,000sqft (30,354m²) of existing floorspace at the *Kennet Centre* and will be engaged with the Local Planning Authority during the planning application process to demonstrate and agree how much of that floorspace qualifies as deductible floor area for CIL purposes.

Newbury Town Plan 2019-2036

- 5.18 The *Town Plan* is an interesting but non-statutory document prepared by the Town Council to “*respond positively and constructively to the expected challenges over the next 20 years*” and to inform the Local Planning Authority’s emerging *Local Plan*.
- 5.19 The *Town Plan* is not a *Neighbourhood Plan* prepared in accordance with the *Neighbourhood Planning (General) Regulations 2012*. Whilst the *Town Plan* was subject to consultation, it was not subject to any independent examination as a *Neighbourhood Plan* would be, and neither was it subject to a public inquiry as a *Development Plan Document* prepared by a Local Planning Authority would be reviewed at. The *Town Plan* has not been adopted by the Local Planning Authority and therefore for all these reasons, **the *Town Plan* can carry no weight in the decision-making process** albeit it is a useful summary of the general principles likely to be adopted by a statutory consultee at planning application stage.
- 5.20 In light of the above, the *Town Plan*’s does not contain or purport to contain policies, but rather sets out the Town Council’s aspirations and vision in the form of a series of principles. Of relevance to this planning application are the following:
- 5.20.1 “*4.5 Planning should include provision of more apartment developments and multiple-occupation residences, designed especially for younger adults. A general height limit of 6 storeys for flats is proposed, whilst respecting the building heights of the historic town centre.*”
- The Town Council’s general support for apartments developments is welcomed, and of course the optimum location for apartment schemes is within the town centre. The proposed Build-to-Rent apartments are attractive to occupiers of all ages, but are particularly suited to the younger adults targeted by the Town Council because of their easy and flexible rental terms, absence of need for a large deposit, high-quality residents’ amenities, suitability for sharing, availability on a range of initial tenancy lengths, quality of management and maintenance, and availability without having to pay conveyancing fees or Stamp Duty. The reference to a “*general height limit*” is not a height cap but instead is broad guidance, which on a site-by-site basis is considered against the manner in which that scheme respects building heights in the historic town centre. The general height limit is simply “*proposed*” and clearly this principle is a broad one, written in loose terms and with the ability for higher buildings to be acceptable subject to an evaluation of their effect on the historic environment. The submitted ***Heritage, Townscape & Visual Impact Assessment, Accurate Visual Representations Report*** and ***Design & Access Statement*** all demonstrate how the height of the proposed development is entirely appropriate in its context and justify exceeding the general height guidance in the non-statutory *Town Plan*.

-
- 5.20.2 “*4.6 The requirement of 40% affordable accommodation on residential planning applications should be strictly imposed wherever possible.*”

As explored earlier in this statement, there are compelling site-specific reasons why the proposed development is not required to provide traditional onsite affordable housing.

- 5.20.3 “*4.11 The Market Street urban quarter development and the Kennet Centre development should together provide an opportunity to reinvigorate that part of the town.*”

The applicant has taken careful steps to ensure that the *Kennet Centre* redevelopment relates well to the *Market Street* development that is currently under construction. The alignment of the new pedestrianised street through the scheme has been specifically located to tie in with the adjacent pedestrian link through the *Market Street* scheme to the railway station, whilst the architectural language and massing of the proposed development has also been designed to sit comfortably with the adjacent development to the south.

- 5.20.4 “*5.2 Buildings and other developments adjacent to existing buildings should respect the visual harmony and character of its neighbours, without needing to follow them exactly. Materials compatible with existing materials, such as Berkshire brick where appropriate, should be used.*”

The applicant had undertaken a detailed and thorough character appraisal which has informed the architectural design and proposed materials, fundamentally rooting that design in the heritage of the site and its long historical usage as an ironworks.

- 5.20.5 “*5.3 Taller buildings outside the immediate town centre should be set back from existing shorter buildings in proportion to their height. New landmark buildings in modern materials are desirable, but should enhance rather than distract from the character of their neighbourhood. The height of present buildings in the town centre should be respected.*”

This is precisely the approach that the application has adopted, with lower buildings on the site's sensitive edges and taller elements at the centre of the site. The submitted ***Heritage, Townscape & Visual Impact Assessment, Accurate Visual Representations Report*** and ***Design & Access Statement*** all demonstrate how the height of the proposed development is entirely appropriate in its context and respect the height of other buildings in the town centre.

- 5.20.6 “*5.7 Larger planning applications should have regard to existing local landmark buildings and landscape features.*”

The submitted ***Design & Access Statement*** includes an assessment of the proposed development in the context of a number of local landmark buildings, ranging in age and scale from the *Corn Exchange* to *Parkway*.

- 5.20.7 “*6.1 Subject to evaluation, a new business park, readily accessible from the M4, should be established, designed especially for new and innovative businesses... The rental agreements offered should enable the business to expand, contract, close, or relocate easily and without onerous penalties. It should also leave the business free to select what additional services it selects, such as a receptionist or telephonist. The business park should offer one or more incubation and accelerator hubs, similar to those established elsewhere, for example by the Magdalene Centre at Oxford.*”

A new business park close to the motorway will require the release of Green Belt land, which can only be effectively planned through the Local Planning Authority emerging replacement *Local Plan* process and may be several years away. Both the *Framework* and the current *Core Strategy* seek to focus new office accommodation in the town centre, and consequently the application includes a new incubator tech-hub that fulfils all the requirements sought by the Town Council but in a sustainable central location that is not only attractive to potential occupiers, but will also add enhance the broader vitality and viability of the town centre.

- 5.20.8 “6.6. Retail expansion should be limited to the town centre, and efforts should be made to encourage a continued mix of independent, chain, and national outlets. Initiatives to encourage retail visits to the town, for example by parking measures, should be examined.”

Again, this is precisely the approach that the application has adopted, with a focus on smaller flexible-use commercial units targeted to local, independent and artisan businesses. The commercial units have been designed to be able to be combined or extended as required, with generous space in front of them to allow activities to spill out into the new pedestrianised street. The commercial units will be offered on flexible tenancies, including turnover tenancies that promote start-up and fledgling business to take trading space without the need for large deposits, long contractual terms or expensive rental guarantees.

- 5.20.9 “7.15 Possible development of leisure facilities in the Kennet Centre.”

The applicant has been successful in attracting a range of temporary “meanwhile” leisure uses to the *Kennet Centre* whilst its redevelopment proposals go through the planning process. In the long-term the existing cinema wing will be retained and enhanced, including additional flexible-use commercial units which could be occupied by a range of leisure operators falling within the new Use Class E.

- 5.20.10 “8.4 The Town Council will promote for assessment the following schemes to West Berkshire Council, the Planning and Highways Authority, for inclusion in the new Local transport Plan (including) extension of the Car Club according to demand.”

An extension of the Car Club forms part of the application.

- 5.20.11 “8.12 A programme to install electric charging points across the town.”

Additional electric vehicle charging points within the refurbished multi-storey car park form part of the application.

- 5.20.12 “10.8 It should be an objective for the Market Place to become a focus for urban amenity.”

The applicant notes and welcomes this objective, and will be engaging with the Town Council to understand how it might be able to assist in its delivery.

- 5.20.13 “10.9 The complete pedestrianisation of some part of the Town Centre should remain a possible consideration in future transport planning.”

The proposed new streets running through the site will be wholly pedestrianised, other than restricted time-limited servicing of the commercial units during specific hours at the start of the day.

5.20.14 “*10.10 Opportunities for renewable energy generation are to be encouraged in the town, where appropriate.*”

The application responds in a positive and constructive manner to the declared *Climate Emergency* by proposing low-carbon energy solutions in place of fossil fuels.

5.20.15 “*11.7 Local air quality should continue to be monitored because of its importance to public health.*”

An **Air Quality Assessment** is submitted in support of this application.

- 5.21 The applicant has been mindful of all the principles set out in the non-statutory *Town Plan* and has taken care to design a scheme that positively contributes to these principles.

New Homes Bonus

- 5.22 The *New Homes Bonus* is a grant paid by central government to local councils to reflect and incentivise housing growth in their areas. It is based on the amount of extra Council Tax revenue raised for new-build homes, conversions and long-term empty homes brought back into use.
- 5.23 Based on the provisional allocations for 2021/22, a *New Homes Bonus* of £115,000 is expected in the first year following the development’s first occupation, with a total payment over 4 years of approximately **£500,000**.

6.0 THE PLANNING BALANCE AND CONCLUSION

- 6.1 There are significant material public benefits that would flow from the proposed development, the most notable of which is **the long-overdue redevelopment of this important town centre site**, with a bespoke high-quality residential scheme. This is a material consideration which **must be given very significant weight indeed** in the planning balance.
- 6.2 Additionally, the following material benefits carry weight in the planning balance:

Economic benefits

- 6.2.1 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;
- 6.2.2 New **flexible-use commercial units** that are targeted to **local, independent and artisan businesses** and offered on **flexible sizes and terms** 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*;
- 6.2.3 The proposed **incubator tech-hub** will provide flexible office space for high-tech and other start-up businesses, providing a valuable new facility that it currently lacking in Newbury and ideally placed to take advantage of the high-tech cluster in Newbury anchored by the likes of Vodafone and Microfocus
- 6.2.4 A **new headquarters office building** – which would only be built on a pre-let basis with a single occupier – would provide a golden opportunity to an existing major employer to relocate to modern purpose-built offices in the town centre, avoiding the continued leaching of office jobs to the edge of the town or out of the District completely;
- 6.2.5 The increased resident population would bring increased spend into the retail catchment, **enhancing the vitality and viability of the town centre**;
- 6.2.6 The Council could expect to receive a substantial financial boost through a mix of **Community Infrastructure Levy payments, New Homes Bonus and Section 106 contributions**;
- 6.2.7 Ongoing **additional Council Tax receipts** will permanently increase the level of revenue available for both the Local Authority to spend on providing community facilities and services;
- 6.2.8 **Hundreds of construction jobs** would be created;
- 6.2.9 **Hundreds of permanent jobs** would be created both on the site itself and in the wider economy.

Social benefits

- 6.2.10 Increasing the number of **high-quality jobs in the town centre** as well as safeguarding existing office, retail and service-sector jobs is an important benefit that carries significant weight;
- 6.2.11 The provision of **high-quality Build to Rent accommodation** with exemplary residents' amenities in this eminently sustainable location;
- 6.2.12 The **timely delivery** of additional housing on a site that is ripe for redevelopment and in the ownership of a developer with an **excellent track record of delivery**;
- 6.2.13 Existing public transport would likely encounter **increased patronage**;
- 6.2.14 Creation of a **new pedestrian route between the town centre and railway station** will repair this crucial linkage, encourage **increased footfall** in the town centre, and make **sustainable travel modes more attractive**

- 6.2.15 Purposely-designed accommodation opportunities for **new start-up businesses that could include social enterprises.**

Environmental benefits

- 6.2.16 The *Kennet Centre's* poor environmental performance will be radically and permanently improved with a comprehensive redevelopment that uses **sustainable energy** solutions in place of fossil fuels, resulting in an **annual CO₂ saving of 406 tonnes** compared to the current Building Regulations standards, and **2,557 tonnes compared with the existing Kennet Centre;**
- 6.2.17 Demolition of the unattractive inward-facing *Kennet Centre* and its replacement with a bespoke scheme of the highest architectural quality will significantly **enhance the character and appearance of the area;**
- 6.2.18 There would be a **net biodiversity gain** through the provision of targeted habitat enhancements;
- 6.2.19 **New public realm tree planting** will contribute to landscape enhancement, habitat enhancement, urban greening, and itself make a modest contribution to **CO₂ reduction** targets.
- 6.3 The extensive technical documentation that supports the application conclusively demonstrates that there would be no “**significant**” or “**demonstrable**” **adverse impacts** that would weigh negatively in the planning balance. There would be no demonstrable harm to highway capacity. There would be no demonstrable harm to the living conditions of nearby occupiers. There would be no increased risk of flooding onsite or elsewhere. There would be no harm to landscape or heritage assets.
- 6.4 The proposed comprehensive redevelopment is **wholly compliant with the relevant policies in the statutory adopted Development Plan and enjoys specific support from the National Planning Policy Framework.**

THE PLANNING BALANCE

- 6.5 As explored above, the proposed development would deliver **numerous and significant public benefits** which cumulatively carry **substantial** weight in the planning balance.
- 6.6 Against these benefits, there is a **complete absence of “significant and demonstrable harm”** with no disbenefits having been identified to be weighed in the planning balance.
- 6.7 Consequently, it is very clear that **the planning balance weighs firmly in favour of granting planning permission.**

- 6.8 As demonstrated in this statement, the proposed development is in accordance with the Development Plan and as per Section 38(6) of the Planning and Compulsory Purchase Act 2004, **planning permission should therefore be granted.**
- 6.9 There are no material considerations whatsoever that indicate that planning permission should be withheld. Indeed, in the unlikely event that the decision maker were to find that there was a conflict of some kind in relation to the provisions of the Development Plan, then the cumulative material planning considerations compellingly indicate that any such

perceived conflict would be wholly outweighed, so still pointing to the grant of planning permission.

- 6.10 There are no policies in the Development Plan or in the *Framework* that indicate that development should be restricted and accordingly, the Local Planning Authority must approve this application **without delay**.