

The Kennet Centre, Newbury, RG14 5EN

Rebuttal to the Council's Planning Proof

Eagle Quarter II,

Newbury

23/02094/FULMAJ

IN SUPPORT OF:

Full planning permission for the redevelopment of the Kennet Centre comprising the partial demolition of the existing building on site and the development of new residential dwellings (Use Class C3) and residents ancillary facilities; commercial, business and service floorspace including office (Class E (a, b, c, d, e, f, and g)); access, parking, and cycle parking; landscaping and open space; sustainable energy installations; associated works, and alterations to the retained Vue Cinema and multi storey car park.

PLANNING APPLICATION REFERENCE:

23/02094/FULMAJ ON BEHALF OF:

LOCHAILORT NEWBURY LTD

20 May 2025

Rebuttal to the Council's Planning Proof

1.1 The Council's Proof of Evidence introduces new issues that go beyond the content of the reason for refusal, Council's Statement of Case and the Council's Scope of Cases document dated 23 April 2025.

1.2 Reason for Refusal 5 states:

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

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

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

As such the proposed development does not constitute quality design due to the lack of private amenity space and would not contribute to the quality of life of future occupants by providing them with adequate space outdoors. The development is therefore contrary to Policy CS14 of the West Berkshire Core Strategy 2006-2026, the SPD Quality Design Part 2, and the National Planning Policy Framework.

1.3 This makes no mention of the quality of the proposed amenity space and purely relates to quantum.

1.4 The Council's SOC at paragraph 9.2 states:

"The Council will provide evidence to demonstrate the shortfall in outdoor amenity space provision and how this will be harmful to the future residents. The chart below sets out the provision of outdoor amenity space across the proposed development, and the SPD compliant provision, and indicates that the provision is half of the amount that is required by the SPD guidance."

1.5 No mention is made here to quality of the open space provided. Reference is made at paragraph 9.3 to the requirement for high quality design as set out in Policy CS14 however this is qualified in the context of a lack of adequate outdoor amenity space,

“Policy CS14 requires that new development demonstrates high quality design which amongst other things makes a positive contribution to the quality of life in West Berkshire, and the requirements for outdoor amenity space set out within the Quality Design SPD help new residential development to facilitate this aim. The Council will provide further evidence to demonstrate how this will be harmful to the future residents due to the lack of adequate outdoor space amenity space within the development to meet their needs.” (our emphasis)

1.6 In their scope of cases note of 14th April, the Council stated,

“Firstly, addressing the fifth reason for refusal which refers to the lack of private outdoor amenity space across the development to meet the needs of the future occupiers of the proposed dwellings, in accordance with the guidance contained within the Quality Design SPD and Policy CS14 of the Core Strategy.”

1.7 There is no criticism of the quality of the amenity space in the committee report (CD1.5). In fact, at paragraph 15.47 the officer concludes that,

“...future occupants would have access to a good amount of high quality open space.”

1.8 Notwithstanding the appellant’s position that adequate amenity space is proposed, and that it is considered to be of a high quality, the Council has introduced new criticism of the scheme that is outside the scope of the reason for refusal, the Council’s Statement of Case and the Council’s Scope of Cases note.

1.9 The Council now provides an assessment of the quality of the spaces proposed taking account of the functionality of the space, its accessibility, convenience, and how safe then space feels, and whether it provides useful and useable space for the residents. This criticism is outside the scope of the reason for refusal. Notwithstanding, it appears it is now necessary to respond to the points raised which I do below.

| Council’s Criticism | Appellant’s Response |
|---|---|
| 1. There is a limit of 60 people on some of the smaller terraces | This is highly unlikely to ever be an issue given the number of different spaces available on site. |
| 2. There is some play equipment and outdoor gym equipment on the western side of the development and not on the eastern side. | All of the external spaces are accessible to all residents. In any event, the eastern side of the development contains a gym and squash courts within the internal amenity space. A condition secures |

| | |
|--|--|
| | children's amenity space on the New Street. |
| 3. The roof terraces are not overlooked and without natural surveillance, some residents may not feel comfortable using it, and this reduces the overall amount of useable space. | Roof terraces, are by their very nature, not overlooked, and are commonly used for amenity space for flatted developments. This is private amenity space and not public, in a managed block with CCTV. It is highly unlikely that anyone would feel unsafe but if they did there are plenty of alternative amenity spaces on site that are overlooked. |
| 4. The communal space is not easily accessible to all residents. There is no communal open space at all on level 5. To access open space residents would have to walk along corridors to the stairs/ lift cores and then along another corridor to access a space. This is complicated and difficult if you are taking children, and inconvenient. A number of apartments involve walks of between 50m and 120m to access any communal amenity space thus reducing the likelihood of the space being useful and useable. | <p>This is incorrect. Each individual core accesses an area of communal amenity space see plan at Appendix 1. The cores are 30m apart as required by fire regulations. Therefore, the furthest anyone would have to walk to a core is 15m and the lift or stairs will take you directly to an area of open space. You may have to travel further to access a specific area, but amenity space is available within a short distance from every flat.</p> <p>Block D does not have direct access to a communal amenity space via its core. It does however have direct access via its core to the Civic Square within the development. This area is described in the committee report as, "<i>a high quality public realm, that offers a permeable and legible layout, with a seamless series of active streets and spaces</i>". In any event, it is simply a walk across the new square to the nearest core to access communal amenity space.</p> |
| 5. The Council set out that the reason that 7sqm of communal open space per resident was acceptable for the Sterling Cables scheme was because each flat was served by a balcony giving all residents some direct and private access to open space and this outweighed the provision in accordance with the guidance. | Of the 427 units proposed for this appeal, 18 units do not have a balcony or terrace. This amounts to 4% in total without a balcony but with amenity space provision, on a worst case basis of 12.9sqm, some 6sqm per unit more (almost double) the provision at Sterling Cables. |

Appendix 1 – Location of cores in relation to amenity space

Key:

Core in relation to amenity space



Location of all cores





1st floor communal amenities



3rd and 4th floor communal amenities



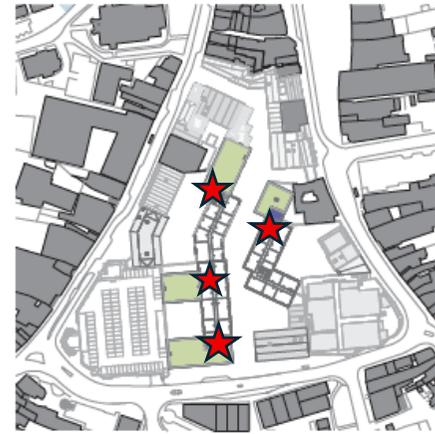
7th floor communal amenities



Ground floor communal amenities



2nd floor communal amenities



6th floor communal amenities

- KEY:
- New Street/ proposed hard landscape
 - Landscaped communal terraces/ podiums
 - Entrance lobbies
 - Internal communal amenity