

11/07/2023.

To: Councillors Phil Barnett, Vera Barnett, Jo Day, Sam Dibas, Nigel Foot, David Harman, Roger Hunneman, Ian Jee, David Marsh, Vaughan Miller, Andy Moore and Tony Vickers

Substitutes: All remaining Members of the Council

Dear Councillor,

You are summoned to attend a meeting of the **Planning & Highways Committee** on **Monday 17 July 2023 at 7:30 pm.**

The meeting will be held in the Council Chamber, Town Hall, Market Place, Newbury, RG14 5AA. The meeting is open to the press and public, and, if required, streamed via Zoom:

Join Zoom Meeting

<https://us02web.zoom.us/j/81035722284?pwd=Um13SmYxTkISdDVlVThmYytld0VmUT09&from=addon>

Meeting ID: 810 3572 2284

Passcode: 685870

Hugh Peacocke
Chief Executive Officer

AGENDA.

- 1. Apologies**
- 2. Declarations of Interest and Dispensations**
To receive any declarations of interest relating to business to be conducted in this meeting and confirmation of any relevant dispensations.
- 3. Minutes (Appendix 1)**
 - 3.1 To approve** the minutes of a meeting of the Planning & Highways Committee held on Monday 19/06/2023 (Appendices 1, 1.1 and 1.2)
 - 3.2 Officer's report** on actions from previous meeting

Town Hall, Market Place, Newbury, RG14 5AA

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4. **Questions and Petitions from Members of the Public**
Questions, in writing, must be with the CEO by 2:00 pm on Friday 14th June 2023.
5. **Members' Questions and Petitions**
Questions, in writing, must be with the CEO by 2:00 pm on Friday 14th June 2023.
6. **Schedule of Planning Applications (Appendix 2)**
To Comment on the planning applications listed at the attached schedule.
7. **Planning Appeals (Appendices 3.1 and 3.2)**
Appeals by Lochailort Newbury Ltd against the decisions to refuse planning permission for redevelopment of The Kennet Centre, Newbury (Applications reference 21/00379 and 21/00380)
8. **Update from The Western Area Planning Committee**
To Receive an update on any relevant business from the Western Area Planning Committee.
9. **Sandleford Park West (SPW) - Outline planning application ([23/01585/OUTMAJ](#))**
To Consider whether to convene the Sandleford Joint Working Group to advise the Council before responding to this application at the next committee meeting on Monday 14th August.
To review the Council's membership of the Joint Working Group.
(Terms of reference for the Joint Working Group- Appendix 4.)
10. **Forward Work Programme for Planning & Highways Committee (Appendix 5)**
To Note and agree any other items that Members resolve to add to the Forward Work Programme.

Minutes of a meeting of the Planning and Highways Committee held at 7:30 pm on Monday 19th June 2023, in the Council Chamber, Newbury Town Council, Town Hall, Market Place, Newbury,

Present: Councillors Phil Barnett, Vera Barnett, Jo Day, Nigel Foot, David Harman, Roger Hunneman, Ian Jee, David Marsh, Vaughan Miller, Andy Moore and Tony Vickers.

In Attendance

Hugh Peacocke (Chief Executive Officer)

1. Apologies

Apologies received from Councillor Sam Dibas.

2. Declarations of Interest and Dispensations

The CEO declared that Councillors Phil Barnett, Nigel Foot, David Marsh and Tony Vickers are also Members of West Berkshire Council, which is declared as a general interest on their behalf and a dispensation is in place to allow them to partake in discussions relating to West Berkshire Council business.

3. Minutes of the Meeting of the Planning and Highways Committee held on Monday 22nd May 2023

Proposed: Councillor David Harman

Seconded: Councillor Roger Hunneman

Resolved: That the minutes of the meeting held on 22nd May 2023, be approved and signed by the Chairperson.

4. Actions from previous meetings

- a) The CEO reported that the Council's responses to consultations on planning applications and licensing applications had been sent to West Berkshire Council.

WBC had determined the licence application for Bite express and it included the conditions sought by the Council around opening hours and trade.

- b) In response to the member's question from Councillor Hunneman, the CEO had contacted agents re Monument Close
- c) In response to Councillor Thomas's question, WBC replied that Uber had not applied for a licence in Newbury.

- d) The CEO told the committee that at the Meeting in April the council had objected to an application for a two-storey extension to side/rear of property, new driveway and new vehicular access at 180 Andover Road. The Council's objection was regarding the design and location of windows on the ground floor and the first floor.

A neighbouring resident has written to the Council as follows:

I wanted to take the opportunity to follow up and thank you and the town council personally for faithfully representing my previous feedback regarding the associated planning application discussed below. I have reviewed West Berkshire planning's subsequent planning approval, and the amendments made to the original plans in response to the original objections. I am very happy with the revised plans as I believe they reasonably balance my concerns whilst not compromising the applicant's primary objectives.

Thank you again to you and your team for your attention and representation in this matter.

The Committee was pleased that its work in this matter had been acknowledged.

- e) Correspondence received:

e.1: Sandleford Park West: The council had been advised that Donnington New Homes (DNH) intend to submit an outline planning application for the development of Sandleford Park West (SPW), New Warren Farm, Warren Road, by up to 360 dwellings and to include the widening of Warren Road as per the details publicised by DNH at their public exhibition on 25th May 2023 and currently appearing on their sandlefordpark.com website. They aim to submit this application on 30th June 2023.

Provided the forthcoming anticipated outline application documentation is complete, validatable and thus gets registered, it was expected that West Berkshire Council's public consultation exercise will follow upon validation, with the relevant statutory consultations / notifications and posting of required press, site and weekly list notices. These were likely to be done during the week commencing the 10th of July.

The CEO said that if the above schedule is met, the application would be on the agenda for the next committee meeting on 17 July. It was likely that this council and Greenham parish council would convene the Sandleford Joint Working Group to consider this matter and make recommendations to both Councils. Such recommendations could be considered at the following meeting of this committee, unless the deadlines required an extra meeting.

The CEO was requested to contact Greenham parish Council to ask for the names of their representatives on the JWG, following the local council elections in May.

e.2: Kennet Centre Appeal: The CEO told the meeting that notification of 2 appeals in this matter was received too late for inclusion on the agenda for this meeting. received from WBC too late for this agenda.

Both notifications stated as follows:

All representations must be received no later than 17th July 2023. Any representations submitted after the deadline will not usually be considered and will be returned. The Planning Inspectorate does not acknowledge representations.

As the next scheduled meeting of this Committee was 17 July, the CEO had written to the Planning Inspectorate and received confirmation that they would accept a submission from this Council up to 19 July.

5. Questions from members of the public

2 questions were received from Mrs. Paula Saunderson, who was not in attendance. The Chairman asked the CEO to read the questions to the Committee.

1. This Committee sent in a response to the Consultation on the Proposal to change Manor Park Recreation Field into a Football Pitch, and the results of that Consultation have not been published on the WBC Consultation Hub, and it has been archived, so please can NTC ask WBC why that is and to publish the full results to each question that was asked?

The Chairman replied: *We will ask WBC, as requested.*

2. The Manor Park Recreation Field forms part of my/our Flood Risk & Drainage infrastructure for this North East part of Clayhill Ward, so please can we understand from WBC when the promised additional work to look at the Football Pitch proposal will be coming forward for decision, and which WBC Committee or Portfolio Holder will make the decision on its future, and how that will be communicated to the Public?

The Chairman replied: *We will ask WBC, as requested.*

6. Members' Questions and Petitions

There were no questions or petitions received from Members of the Council.

7. Schedule of Planning Applications

Resolved that the observations recorded as Appendix 1.2 to these minutes be submitted to the planning authority.

8. Update from The Western Area Planning Committee

There were no meetings of the Western Area Planning Committee since the last meeting of this Committee.

9. Section 215 Updates

Members noted the list of lands and buildings which the Committee were concerned affected the amenity of the area. The amendments agreed are shown on the revised list at appendix 1.3 attached to these minutes.

10. Forward Work Programme for Planning & Highways Committee

Noted. Kennet centre Appeals to be added to the agenda for 17th July.
(see 4.e.2 above.)

There being no other business, the Chairperson declared the meeting closed at 9.41 pm

Signed: _____

Chairman

Date: _____

Planning and Highways Committee Meeting
Schedule of Planning Application Responses
19/06/2023

Application Number	Location and Applicant	Proposal	Response
23/01100/RESMAJ	History 3 Newbury Racecourse Racecourse Road Newbury for David Wilson Homes (Southern)	<p>Application for Approval of Reserved Matters following Outline Approval 09/00971/OUTMAJ - Redevelopment of Newbury Racecourse to provide new and enhanced leisure, racing, administrative, and visitors facilities; new hotel and hostel; replacement children's nursery; the permanent retention of the Mill Reef Stand; replacement maintenance buildings, yard and workshops; replacement golf club house and apartment, floodlit driving range and remodelling of the golf course; up to 1,500 dwellings; local centre; combined heat and power district heating system; new and improved accesses; parking for visitors, staff and residents; open space and landscaping, signage, service infrastructure, and associated uses (minor changes to application 08/02201/OUTMAJ).</p> <p>Matters to be considered: Appearance, Landscaping, Layout and scale.</p>	<p>The Town council strongly objects to this proposed development on the following grounds:</p> <ul style="list-style-type: none"> - Overdevelopment of the lands (blocks E1 and E2); - The impact on existing residents, including overlooking (the town council noted that the applicants did not consult the residents before submitting this application); - The social/ affordable housing provision should be dispersed across the development, rather than one single area; - The proposed reduction in green space is unacceptable; - The lack of community facilities across the entire racecourse development; - Inadequate car club provision; - The proliferation of smaller units, of which there are already too many in Newbury.
23/00993/LBC	3 London Road, Newbury for Ashmere Homes Ltd	The change of use and conversion of office accommodation on three floors to 3nos. HMOs and 1nos. self-contained flat on the ground floor with improvements to bin store and cycle store.	No Objection to this proposal.

Application Number	Location and Applicant	Proposal	Response
23/01031/FUL	Festival House, 39 Oxford Street, Newbury for Quintons (Newbury) Ltd	Change of use of existing building from B1 office use to C3 residential use (single residential dwelling) - Renewal of permission 17/00162/FULD issued 24 Mar 2017	No Objection to this proposal.
23/01047/FUL	1 Toomers Wharf Canal Walk Newbury for Horsey Lightly Solicitors	Interior and Exterior refurbishment of existing 2 storey office building including external hard landscaping rearrangements	No Objection to this proposal.
23/01048/LBC	1 Toomers Wharf Canal Walk Newbury for Horsey Lightly Solicitors	Interior and Exterior refurbishment of existing 2 storey office building including external hard landscaping rearrangements	No Objection to this proposal.
23/01008/LBC	63A Bartholomew Street, Newbury for Bite Express Ltd	Replacement of shop signage without altering the lighting and dimensions (from Vihn Kee to Bite Express). Interior decoration changes without altering the building's structural elements (such as 35 years old rotten/damaged or lost wall tiles changing to decorative wall panels/painting/wallpapers etc. according to aesthetic appearance). Repairing any time-related damages to the shop's interior and shop's front windows and frames without altering their structure/material or appearance....	No Objection to this proposal.
23/01232/ADV	44 Northbrook Street, Newbury for Howden Group Holdings Ltd	Fascia and projecting signage for commercial premises	No Objection to this proposal.
23/01231/LBC	44 Northbrook Street, Newbury for Howden Group Holdings Ltd	Fascia and projecting signage for commercial premises	No Objection to this proposal.
23/01372/FUL	Pound Court Pound Street Newbury for Newbury Soup Kitchen	Change of use from office space to mixed use for storage, preparation, cooking of food for the homeless and vulnerable community, and ancillary offices and outreach use, and associated ventilation and extraction equipment, waste storage and vehicle and cycle parking	Newbury Town Council supports this proposed development.

Newbury Town Council

List of Section 215 Lands/Buildings

June 2023 Update

Land/Building		Owner/Responsible Person	Position as of 19/06/23	Comments/Proposed Further Actions
1.	The building south of the old post office (41, Cheap Street)	Living Club Ltd	Amended application <u>20/01210/FULD</u> for “alterations to ground floor retail space and conversion of part of ground floor and first floor into a 6 bed HMO”, approved by WBC on 10/06/2022 NTC P&H Committee Comment – “We support this application. Cllr Vaughan Miller abstained” (15/11/2021) No visual progress yet made (as of 28/07/2022).	Request update from Enforcement
2.	The back of the British Heart Foundation shop (on the canal)	BHF	Awaiting planning application. “Our consultants are currently out to tender with a comprehensive package of external works, of which include the repairs to the rear elevation. I am anticipating tenders to be returned in the next two weeks and we should be in a position to place an order shortly after that.” (22/07/2022)	Pursue with BHF and refer to enforcement
3.	Newbury Railway Station - the land from the ticket office to Cheap Street	Network Rail	Contacted Great Western about them pursuing this with Network Rail or forward on a contact. (12/07/2022)	Pursue with GWR
4.	Wharf Street	Public highway, where businesses leave their rubbish bins, which is now a high-profile, strategic entrance to the town centre since the new bus terminal opened	From the BID: “West Berkshire Council are dealing with this and have been taking enforcement action, but from what I understand their powers are limited. We have asked businesses to label their bins, but unfortunately we don’t have any power to enforce this request and none have chosen to take this action thus far. We have highlighted the need for a place for bin storage in this area as part of WBC’s proposals for The Wharf. We have another site visit with WBC scheduled for next week (w/c 8 th Aug) and will continue to raise this issue with them.” (02/08/2022)	Ask WBC to consider this matter in the context of The Wharf re-development proposals

Land/Building		Owner/Responsible Person	Position as of 19/06/23	Comments/Proposed Further Actions
5.	The BT Tower	Initial response from BT was that Tellereal Trillium are the owners, as the building was part of a sale and re-lease programme undertaken by BT in the early part of this century. The lease runs until 2030. However, TT pointed out that BT are responsible for the upkeep of the building.	Submitted to the WBC Planning Enforcement team. It was deemed that there was “insufficient [visual] harm to warrant the service of a formal [Section 215] Notice” (Received on 15/03/2022)	Resubmit request to WBC Planning Enforcement.
6.	The land to the east of Fir Tree Lane and the junction with London Road		S215 warning letter sent by WBC (02/08/2022).	Request update from Enforcement
7.	380, London Road, Newbury, RG18 3AA		S215 warning letter sent by WBC (02/08/2022).	Request update from Enforcement
8.—	Land adjacent to Roebuts Close and Ladybirds pre-school		Submitted to the WBC Planning Enforcement team. It was deemed that there was “insufficient visual harm and therefore justification to serve a S.215 Notice upon the land owner[s].” (18/12/2021)	Ask enforcement to review in light of recent improvements to surrounding area.
9.	the 2 empty houses, 45 and 47 Cromwell Road, Newbury, RG14 2HP		S215 warning letter sent by WBC (02/08/2022).	Request update from Enforcement
10.	88 West Street		Submitted to the WBC Planning Enforcement team. Followed up on 15/07/2022.	Request update from Enforcement
11.	65 Kingsbridge Road, Newbury		Submitted to WBC for S215 enforcement action on 04/10/2022.	Request update from Enforcement. Dual-hatted member to submit motion to WBC?
12.	Monument Close - area around shops and shops	Agent? Owner?	NTC contacted agent, problems persist.	Refer to enforcement. Advise agent/ owner.

Planning and Highways Committee Meeting
Schedule of Planning Applications to be considered
17/07/2023

Running Order	Ward	Application Number	Location and Applicant	Proposal
1.	Clay Hill	23/01030/FUL	Land Rear Of 378 London Road Benham Hill Thatcham for Mr Clubb	The construction of a new two storey, two-bedroom house and associated garden and parking.
2.	Clay hill	23/01410/FUL	Greenham Lock Ampere Road Newbury for Mr P Holland	Proposed new entrance gate, car parking area, storage building and 3no. narrowboat moorings to land located south of Gould Close, Newbury RG14 5QL.
3.	East Fields	23/01330/OUTMAJ	Land To The North Of Pinchington Lane Greenham Thatcham for Persimmon Homes Thames Valley	S73 Application to vary/remove condition 16 (Highways Plans) of approved 17/01096/OUTMAJ - Hybrid application seeking: 1) Full planning permission for the change of use of land to public open space and wildlife area. 2) Outline planning permission for 157 dwellings with related roads, parking areas, footpaths and landscaping. Matters to be considered: Access and Layout.
4.	West Fields	23/00869/FUL	Land To The Rear Of Garden Court 4 Park Street Park Way Newbury for Metrix Developments Limited	Erection of two-storey office, including roof level floor, with associated parking, cycle parking, refuse storage and landscaping, including private and communal gardens for existing flats with new doors at ground floor level.
5.	West Fields	23/01423/FUL	Phoenix House 9 London Road Newbury for Magnolia Homes Ltd. & Santorini Holdings	The Change of Use from offices (Use Class E) to residential (Use Class C3) with associated works.
6.	West Fields	23/01424/LBC	Phoenix House 9 London Road Newbury for Magnolia Homes Ltd. & Santorini Holdings	The Change of Use from offices (Use Class E) to residential (Use Class C3) with associated works.
7.	West Fields	23/01437/FULMAJ	Sterling Gardens Hectors Way Newbury for Nelson Land Limited	Section 73 Variation of Condition 1 (Approved Plans) in relation to Phase 2 (Blocks A-B) following Grant of Planning Permission 15/00319/FULEXT - Application for full planning permission for the demolition of existing buildings and structures, site remediation and the erection of 167 apartments, a new link road, car parking and landscaping.

Running Order	Ward	Application Number	Location and Applicant	Proposal
8.	West Fields	23/01037/FUL	Newbury Gardens Day Nursery Greenham House Greenham Road Newbury for Serrate Ltd	Erection of a new building containing 5 two-bedroom flats with associated infrastructure and landscaping on land adjacent to Greenham House.
9.	West Fields	23/01292/PACOU Prior Approval	West Point 46 - 48 West Street Newbury for West Berkshire Council	Application to determine if prior approval is required for a proposed: Change of use from offices to 5 residential units
10.	Wash Common	23/01345/HOUSE	192 Andover Road Newbury for Mr A Dear	Demolition of existing garage and proposed new single storey rear replacement kitchen extension with car port and single storey lean to store extension.
11.	Wash Common (Adjacent Parish)	23/01089/FUL	Falkland Cricket Club Enborne Street Newbury for Falkland Cricket Club	Proposed extensions to existing pavilion to provide ladies only changing, covered score box and additional storage
12.	Wash Common (Adjacent Parish)	23/01361/FULMAJ	Land North Of Spring Gardens Andover Drove Wash Water Newbury for Calleva Community Energy Ltd	The installation and operation of a solar farm with ancillary equipment including inverter and substation house, security cameras, deer fence, new highway access and landscaping scheme.
13.	Wash Common (Adjacent Parish)	22/02754/OUTMAJ AMENDED APPLICATION	Land East Of Newbury College Monks Lane Newbury for NCII Ltd	<p>Hybrid Planning Application: 1) Full planning permission for a food store with a floor area of 1800 square metres (Use Class E(a)) together with drainage, parking and associated access, infrastructure, and landscaping. 2) Outline planning permission (matters to be considered: access) for up to 75 residential units (Use Class C3) high-capacity Electric Vehicle (EV) charging area, and residential care accommodation (Use Class C2), together with open space, play space, drainage, parking and associated access, infrastructure, landscape, bund on the eastern boundary with the A339, ancillary and site preparation works.</p> <p>Amended: The amendments include reduction in the number of dwellings to up to 75; Increase in the size of the public open space (POS), provision of a locally equipped area of play (LEAP); adjustment to the location and layout of the care accommodation; amount of the existing hedgerow to be retained and enhanced increased; Additional tree planting and strengthening of vegetation on the eastern boundary of the site. Relevant amended plans and documents submitted.</p>

Newbury Town Council

Public Report

To: Planning and Highways Committee

Date of meeting: 17 July 2023

Agenda item No. 7: Planning Appeals

Appeals by Lochailort Newbury Ltd against the decisions to refuse planning permission for redevelopment of The Kennet Centre, Newbury (Applications reference 21/00379 and 21/00380)

The Applications

Lochailort Newbury Ltd submitted 2 applications for the re-development of the Kennet Centre:

1. Application reference 21/00379: Phased redevelopment of the Kennet Centre comprising (1) partial demolition of existing building, and development of (ii) flexible-use commercial space including business, service and office in Use Class E a, b, c, d, e, f and g (iii) 367 dwellings plus residents ancillary facilities (iv) access, car parking and cycle parking (v) landscaping and open space (vi) sustainable energy installations (vii) associated works and
2. Application reference 21/00380: 91 retirement living apartments with ancillary residents' amenities and associated works

The Town Council's responses

1. Application reference 21/00379:
The green credentials, aspiration for small retail, and putting residents in the town centre are all applauded, but the height of the development is a concern. NTC would like to wait until the Masterplan has been presented before this application is progressed any further. (11.05.2021)
2. Application reference 21/00379 and 21/00380:
Newbury Town Council wish to emphasise that they are deeply concerned about the proposed height of the development and believe it to be out of character with the Town.

Would like to see the height of the development greatly reduced.

The lack of affordable housing is also a real concern. Affordable housing is a part of West Berkshire Council's Core Strategy (CS6) in the Local Plan. It should be 15% on brownfield sites. As this development lacks any affordable housing, this is also a major concern.

In addition, there is a substantial lack of parking spaces for the number of flats built. The WBC housing site allocation plan states that, for a development of 402 flats, it would require 459 parking spaces, rather than the 76 proposed.

We also wish to reemphasise that the Newbury Town Centre Masterplan is not yet published. A development of this size and importance needs to wait for the result of this study. (22.06.2021)

The decisions of the Planning Authority:

West Berkshire Council, the Planning Authority, refused planning permission for both applications.

1. Application No. 21/00379: Planning permission was refused on 04.11.2022. There were 9 reasons for refusal, including flood risk, scale, lack of affordable housing, public open space and amenity space, traffic impact and parking arrangements. (Appendix 3.1.a attached)
2. Application No. 21/00380: Planning permission was refused on 04.11.2022. There were 7 reasons for refusal, including flood risk, scale, lack of affordable housing, public open space and amenity space, traffic impact and parking arrangements. (Appendix 3.1.b attached)

The Appeals:

On 14th June the planning authority notified this council that Lochailort had appealed both refusal decisions. (Notices attached- Appendix 3.2.a and 3.2.b).

The notices stated that all representations to the Planning Inspectorate must be received no later than 17th July 2023. Any representations submitted after the deadline will not usually be considered and will be returned. In view of the committee's schedule, the CEO contacted the inspectorate who will accept submissions from this Council until 19th July.

Options

It is assumed that the Committee will make its views known to the inspectorate. The options are:

- A) The Committee may decide to resubmit its concerns to the Inspectorate.
 - B) The Committee may decide to seek "Rule 6" status which would allow the Council to participate at the Planning Inquiry. (See Appendix 3.3)
- (Factors to be considered re B) above:
- i. Council resources- who will prepare the statement of case and attend the enquiry, which may last for several days?
 - ii. Have the Council's concerns been met by the decisions of the Planning Authority and the reasons for refusal? The Planning Authority will be in attendance and will be seeking to have its decision upheld by the inspectorate)

Report Author: Hugh Peacocke, (CEO)

Date: 10th July 2023

TOWN AND COUNTRY PLANNING ACT 1990



Lochailort Investments
 Sarah Ballantyne-Way
 Eagle House
 108-110 Jermyn Street
 London
 SW1Y 6EE

Applicant:
 Lochailort Newbury

PART I - DETAILS OF APPLICATION

Date of Application

16th February 2021

Application No.

21/00379/FULMAJ

THE PROPOSAL AND LOCATION OF THE DEVELOPMENT:

Full: Phased redevelopment of the Kennet Centre comprising (1) partial demolition of existing building, and development of (ii) flexible-use commercial space including business, service and office in Use Class E a, b, c, d, e, f and g (iii) 367 dwellings plus residents ancillary facilities (iv) access, car parking and cycle parking (v) landscaping and open space (vi) sustainable energy installations (vii) associated works.

The Mall, The Kennet Centre, Newbury, RG14 5EN

PART II - DECISION

In pursuance of its powers under the Town and Country Planning Act 1990, West Berkshire District Council REFUSES planning permission for the development referred to in Part I in accordance with the submitted application form and plans, for the following reason(s):-

1. The proposed development fails to demonstrate that there are no suitable and available alternative sites at a lower risk of flooding. The methodology of the submitted sequential test is not accepted. As such the proposed development fails the flooding sequential test contrary to policy CS16 of the West Berkshire Core Strategy 2006-2026, the National Planning Policy Framework 2019, and the Planning Practice Guidance.
2. The proposal, in particular Blocks A and B, would present an over-powering and dominant feature within the town centre, particularly in views along Northbrook Street (AVR Views 1, 2 & 2a), from the Kennet and Avon Canal towpath (AVR Views 8 and 8a), and from Market Place (AVR Views 4, 5 & 5a). Whilst it is acknowledged that an industrial use once existed on this site, the Eagle Works buildings were typically low scale, not rising above 3 storeys. To introduce development of the scale and height proposed, in the historic core of Newbury, would alter the character of the conservation area, and introduce a false narrative of Newbury's 'industrial' past. They would appear excessively tall and dominant in key views within the town centre and present an oppressive and dominant backdrop to a number of listed buildings. The proposal would fail to present a

clear and logical continuation of the existing townscape, and fail to reflect the small scale market town character of Newbury.

- Whilst the proposal offers a number of heritage related benefits, these do not outweigh the cumulative harm to the character and appearance of the conservation area and the setting of nearby listed buildings. The proposal would therefore conflict with the statutory requirements of the Planning (Listed Buildings and Conservation Areas) Act 1990; the conservation objectives of Section 16 of the National Planning Policy Framework, and Policies CS14 and CS19 of the West Berkshire Core Strategy 2006-2026. These policies amongst other things seek to enhance local distinctiveness and conserve and enhance the historic environment.
3. The application fails to provide an appropriate planning obligation to deliver affordable housing and public open space. The district has a high affordable housing need and an affordability ratio above the national average. Compliance with Policy C6 through the provision of an affordable home is therefore necessary to make the development acceptable. In the absence of an appropriate planning obligation, the proposal is contrary to policies CS6 and CS14 of the West Berkshire Core Strategy 2006-2026, policies RL.1, RL2, and RL.3 of the West Berkshire District Local Plan Saved Policies 2007, the Planning Obligations Supplementary Planning Document, and the National Planning Policy Framework.
 4. The amenity space for the proposed dwellings is inadequate in quality and area. Supplementary Planning Document: Quality Design outlines that flats should have from 25m² for each 1 or 2 bedroom flat, which would be 9,175m² for the proposed development. At 1,840m² the proposed communal garden and green roof areas are below the minimum of the supplementary planning document. Where the garden areas would be shared by the residents of 367 dwellings the quality of the amenity space is inadequate. As such the proposal fails to provide reasonable provision of outdoor space and fails to make a positive contribution to the quality of life of the occupants of the dwellings contrary to policy CS14 of the West Berkshire Core Strategy 2006-2026, Supplementary Planning Document: Quality Design, and the National Planning Policy Framework.
 5. The proposed development would not provide adequate public open space for the recreational and leisure needs of residents. Between 2 and 3 hectares of public open space are required for the proposed number of dwellings. The provision of public realm as part of the development is not considered to provide sufficient area or quality of public open space for recreation and leisure. As such the proposal is contrary to policy CS14 of the West Berkshire Core Strategy 2006-2026 and policies RL.1, RL.2 and RL.3 of the West Berkshire District Local Plan Saved Policies 2007 and the National Planning Policy Framework.
 6. Insufficient information has been submitted to demonstrate that the surface water can be managed in a sustainable manner as part of the development and not increase flood risk. As such the proposed development is contrary to policy CS16 of the West Berkshire Core Strategy 2006-2026 and Sustainable Drainage SPD and the National Planning Policy Framework.
 7. Insufficient information has been provided to assess the impact of the additional traffic generated by the proposed development with regard road safety and the flow of traffic. In particular clarification to determine the level of additional traffic impact and whether the Council's VISSIM traffic model should be used to assess

that traffic impact. As such the proposed development is contrary to Policies CS5, CS13 and CS14 of the West Berkshire District Core Strategy 2006 to 2026 and the National Planning Policy Framework.

8. The proposed layout does not comply with the Local Planning Authority's standards in respect of motor vehicle parking and this could result in on street parking in the vicinity, adversely affecting road safety and the flow of traffic. As such the proposed development is contrary to Policy CS13 of the West Berkshire District Core Strategy 2006 to 2026 and Policy P1 of the Housing Site Allocations DPD 2006-2026 and the National Planning Policy Framework.
9. The proposed development would have an adverse effect on an approved road and public transport improvement scheme associated with the Market Street redevelopment approved with planning application 16/00547/FULEXT, in particular with regard to the shortening of the bus stop. As such the proposed development is to contrary to Policies CS5, CS13 and CS14 of the West Berkshire District Core Strategy 2006 to 2026 and Policy TRANS 1 of the West Berkshire District Local Plan Saved Policies 2007.

If you require further information on this decision please contact the Council via the Customer Call Centre on 01635 519111.

INFORMATIVE:

1 This application has been considered by West Berkshire Council, and REFUSED. Should the application be granted on appeal there will be a liability to pay Community Infrastructure Levy to West Berkshire Council on commencement of the development. This charge would be levied in accordance with the West Berkshire Council CIL Charging Schedule and Section 211 of the Planning Act 2008.

2 In attempting to determine the application in a way that can foster the delivery of sustainable development, the local planning authority has approached this decision in a positive way having regard to Development Plan policies and available guidance to try to secure high quality appropriate development. In this application there has been a need to balance conflicting considerations, and the local planning authority has also attempted to work proactively with the applicant to find a solution to the problems with the development; however, an acceptable solution to improve the economic, social and environmental conditions of the area could not be found.

Decision Date :- 4th November 2022

Bob Dray
Interim Development Control Manager

TOWN AND COUNTRY PLANNING ACT 1990

Notification to be sent to an applicant when a local planning authority refuse planning permission or grant it subject to conditions

Appeals to the Secretary of State

- If you are aggrieved by the decision of your local planning authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990.
- If you want to appeal against the local planning authority's decision then you must do so within 6 months of the date of this notice.
- Appeals must be made using a form which you can get from the Planning Inspectorate at Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN or online via <https://www.gov.uk/appeal-planning-decision>.
- The Secretary of State can allow a longer period for giving notice of an appeal, but he will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.
- The Secretary of State need not consider an appeal if it seems to him that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.
- In practice, the Secretary of State does not refuse to consider appeals solely because the local planning authority based their decision on a direction given by him.

Purchase Notices

- If either the local planning authority or the Secretary of State refuses permission to develop land or grants it subject to conditions, the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.
- In these circumstances, the owner may serve a purchase notice on the Council in whose area the land is situated. This notice will require the Council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.

TOWN AND COUNTRY PLANNING ACT 1990



Lochailort Investments
James Croucher MTP MRTPI
Eagle House
108-110 Jermyn Street
London
SW1Y 6EE

Applicant:
Lochailort Newbury

PART I - DETAILS OF APPLICATION**Date of Application**

16th February 2021

Application No.

21/00380/FULMAJ

THE PROPOSAL AND LOCATION OF THE DEVELOPMENT:

Full: 91 retirement living apartments with ancillary residents amenities and associated works

The Mall, The Kennet Centre, Newbury, RG14 5EN

PART II - DECISION

In pursuance of its powers under the Town and Country Planning Act 1990, West Berkshire District Council REFUSES planning permission for the development referred to in Part I in accordance with the submitted application form and plans, for the following reason(s):-

1. The proposed development fails to demonstrate that there are no suitable and available alternative sites at a lower risk of flooding. The methodology of the submitted sequential test is not accepted. As such the proposed development fails the flooding sequential test contrary to policy CS16 of the West Berkshire Core Strategy 2006-2026, the National Planning Policy Framework 2019, and the Planning Practice Guidance.
2. The proposal would present an over-powering and dominant feature within the town centre. Whilst it is acknowledged that an industrial use once existed on this site, the Eagle Works buildings were typically low scale, not rising above 3 storeys. To introduce development of the scale and height proposed, in the historic core of Newbury, would alter the character of the conservation area, and introduce a false narrative of Newbury's 'industrial' past. It would appear excessively tall and dominant within the town centre. The proposal would fail to present a clear and logical continuation of the existing townscape, and fail to reflect the small scale market town character of Newbury.

Whilst the proposal offers some heritage related benefits, these do not outweigh the cumulative harm to the character and appearance of the conservation area and the setting of nearby listed buildings. The proposal would therefore conflict with the statutory requirements of the Planning (Listed Buildings and Conservation Areas) Act 1990; the conservation objectives of Section 16 of the National Planning Policy

Framework, and Policies CS14 and CS19 of the West Berkshire Core Strategy 2006-2026. These policies amongst other things seek to enhance local distinctiveness and conserve and enhance the historic environment.

3. The application fails to provide an appropriate planning obligation to deliver affordable housing and public open space. The district has a high affordable housing need and an affordability ratio above the national average. Compliance with Policy C6 through the provision of an affordable home is therefore necessary to make the development acceptable. In the absence of an appropriate planning obligation, the proposal is contrary to policies CS6 and CS14 of the West Berkshire Core Strategy 2006-2026, policies RL.1, RL2, and RL.3 of the West Berkshire District Local Plan Saved Policies 2007, the Planning Obligations Supplementary Planning Document, and the National Planning Policy Framework.
4. The proposed development would not provide any public open space for the recreational and leisure needs of residents. The provision of public realm as part of the development is therefore not considered to provide sufficient area or quality of public open space for recreation and leisure. As such the proposal is contrary to policy CS14 of the West Berkshire Core Strategy 2006-2026 and policies RL.1, RL.2 and RL.3 of the West Berkshire District Local Plan Saved Policies 2007 and the National Planning Policy Framework.
5. Insufficient information has been submitted to demonstrate that the surface water can be managed in a sustainable manner as part of the development and not increase flood risk. As such the proposed development is contrary to policy CS16 of the West Berkshire Core Strategy 2006-2026 and Sustainable Drainage SPD and the National Planning Policy Framework.
6. Insufficient information has been provided to assess the impact of the additional traffic generated by the proposed development with regard road safety and the flow of traffic. In particular the trip rates and generations have been undertaken using only one site in TRICS. As such the proposed development is contrary to Policies CS5, CS13 and CS14 of the West Berkshire District Core Strategy 2006 to 2026 and the National Planning Policy Framework.
7. The proposed layout does not comply with the Local Planning Authority's standards in respect of motor vehicle parking and this could result in on street parking in the vicinity, adversely affecting road safety and the flow of traffic. As such the proposed development is contrary to Policy CS13 of the West Berkshire District Core Strategy 2006 to 2026 and Policy P1 of the Housing Site Allocations DPD 2006-2026 and the National Planning Policy Framework.

If you require further information on this decision please contact the Council via the Customer Call Centre on 01635 519111.

INFORMATIVE:

1 This application has been considered by West Berkshire Council, and REFUSED. Should the application be granted on appeal there will be a liability to pay Community Infrastructure Levy to West Berkshire Council on commencement of the development. This charge would be levied in accordance with the West Berkshire Council CIL Charging Schedule and Section 211 of the Planning Act 2008.

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Decision Date :- 4th November 2022

Bob Dray
Interim Development Control Manager

TOWN AND COUNTRY PLANNING ACT 1990

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14th June 2023

Newbury Town Council
The Old Town Hall
Market Place
Newbury
RG14 5AA

Development & Regulation

Council Offices
Market Street, Newbury
Berkshire, RG14 5LD

Our Ref: 21/00379/FULMAJ

Please ask for: Planning Appeals

Tel: 01635 519111

Email: appeals@westberks.gov.uk

Dear Sir/Madam

Appeal under Section 78 of the Town and Country Planning Act 1990

Site address:	The Mall The Kennet Centre Newbury RG14 5EN
Proposal:	Full: Phased redevelopment of the Kennet Centre comprising (1) partial demolition of existing building, and development of (ii) flexible-use commercial space including business, service and office in Use Class E a, b, c, d, e, f and g (iii) 367 dwellings plus residents ancillary facilities (iv) access, car parking and cycle parking (v) landscaping and open space (vi) sustainable energy installations (vii) associated works.
Application reference:	21/00379/FULMAJ
Appellant's name:	Lochailort Newbury Ltd
Appeal reference:	APP/W0340/W/23/3321517
Appeal start date:	12th June 2023

I refer to the above details. An appeal has been made to the Secretary of State against the decision of West Berkshire District Council to refuse planning permission.

The appeal will be determined on the basis of an **inquiry**. The procedure to be followed is set out in the Town and Country Planning Appeals (Determination by Inspectors) (Inquiry Procedure) (England) Rules 2000, as amended. We will write to you again in due course to give you details of the Inquiry date and venue.

Applying for Rule 6 status

For any group or organisation who wish to take an active part in the Inquiry, the opportunity is available to apply for what is known as Rule 6 status. Although unusual, there is also scope for interested individuals to take part on the same basis. Rule 6 status means that you would be able to present your evidence on a formal basis and cross examine the evidence of others. You can find guidance at the following link:

<https://www.gov.uk/government/publications/apply-for-rule-6-status-on-a-planning-appeal-or-called-in-application>

Arrangements for the Inquiry are currently being finalised by the Planning Inspectorate. These will include a pre-Inquiry conference call with the lead parties to deal with procedural and administrative matters, including how the evidence will be heard. It is anticipated that any Rule 6 party would also be a part of that process. If, having read the above guidance, you wish to apply for Rule 6 status and/or have any related questions, you should contact the Planning Inspectorate immediately. If you are interested but are unable to access the guidance electronically, again, you should contact the Planning Inspectorate who will try and assist.

If, having read the above guidance, you wish to apply for Rule 6 status it is essential that you contact the Planning Inspectorate immediately.

Making, modifying or withdrawing representations

We have forwarded all the representations made to us on the application to the Planning Inspectorate and the appellant. These will be considered by the Inspector when determining the appeal.

If you wish to make comments, or modify/withdraw your previous representation(s), you can do so online at <https://acp.planninginspectorate.gov.uk>. If you do not have access to the internet, you can send your comments to:

Kerr Brown
Major Casework
Temple Quay House
2 The Square
Bristol
BS1 6PN
Kerr.Brown@planninginspectorate.gov.uk

All representations must be received no later than 17th July 2023. Any representations submitted after the deadline will not usually be considered and will be returned. The Planning Inspectorate does not acknowledge representations. **All representations must quote the Inspectorate's appeal reference: APP/W0340/W/23/3321517.**

Please note that any representations you submit to the Planning Inspectorate will be copied to the appellant and this local planning authority and will be considered by the Inspector when determining the appeal.

The appeal documents are available for inspection at the Market Street Council Offices during normal working hours, or online at

<https://publicaccess.westberks.gov.uk> using the Council's application reference: 21/00379/FULMAJ.

You can get a copy of one of the Planning Inspectorate's "Guide to taking part in planning appeals" booklets free of charge from GOV.UK at: <https://www.gov.uk/government/collections/taking-part-in-a-planning-listed-building-or-enforcement-appeal> or from us.

When made, the decision will be published online at: <https://acp.planninginspectorate.gov.uk>

Yours faithfully

Planning Appeals Team



14th June 2023

Newbury Town Council
The Old Town Hall
Market Place
Newbury
RG14 5AA

Development & Regulation

Council Offices
Market Street, Newbury
Berkshire, RG14 5LD

Our Ref: 21/00380/FULMAJ

Please ask for: Planning Appeals

Tel: 01635 519111

Email: appeals@westberks.gov.uk

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Appeal under Section 78 of the Town and Country Planning Act 1990

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Proposal:	Full: 91 retirement living apartments with ancillary residents amenities and associated works
Application reference:	21/00380/FULMAJ
Appellant's name:	Lochailort Newbury Ltd
Appeal reference:	APP/W0340/W/23/3321484
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Yours faithfully

Planning Appeals Team



Guide to Rule 6 for interested parties involved in an inquiry – planning appeals and called-in applications – England

January 2021

Guide to Rule 6 for interested parties involved in an inquiry – planning appeals and called-in applications

1 What is “Rule 6 status”?

1.1 “Rule 6 status” refers to Rule 6(6) of the Inquiries Procedure Rules relevant to the particular inquiry. These are The Town and Country Planning (Inquiries Procedure) (England) Rules 2000 and The Town and Country Planning Appeals (Determination by Inspectors) (Inquiries Procedure) (England) Rules 2000.

1.2 Rule 6(6) states that:

“The Secretary of State may in writing require any other person, who has notified him of an intention or wish to appear at an inquiry, to send within 4 weeks of being so required –

- (a) 3 copies of their statement of case to him; and*
- (b) a copy of their statement to any statutory party,*

and the Secretary of State shall, as soon as practicable after receipt, send a copy of each such statement of case to the local planning authority and to the applicant/appellant.”

1.3 From this extract from the Rules you will see that Rule 6 parties have the responsibility to send us a statement of case. They also have rights which are explained in this guide.

2 How do I apply for “Rule 6 status”?

2.1 If you wish to take a very active part in an inquiry you should contact us immediately requesting “Rule 6” status. However, to avoid making the inquiry too repetitious, we encourage participants with similar views to group together and elect a spokesperson to appear at the inquiry on the group's behalf. You should state who you are representing (for example, a parish council or local community group), why you want “Rule 6 status” and briefly explain what you can bring to the inquiry that another party may not. It is unusual for “Rule 6 status” to be granted to individuals.

2.2 Rule 6 parties can offer significant value to the inquiry process. However this is only the case where Rule 6 parties add substantively to the case being made by the local planning authority or the appellant (for an appeal) or the applicant (for an application which has been “called-in”).

2.3 For further information please see our “Procedural Guide: Planning appeals – England”:

<https://www.gov.uk/government/publications/planning-appeals-procedural-guide>

This document is subsequently referred to throughout this guide, other than for information on a called-in planning application. For further information about a called-in planning application please see Annexe A of our "Procedural Guide: Planning appeals and called-in planning applications – England":

<https://www.gov.uk/government/publications/called-in-planning-applications-procedural-guide>

2.4 Depending on whether you oppose or support the appeal or the application you may wish to consult the local planning authority or the appellant or applicant to find out what their position will be at the inquiry to help you decide whether your position can be satisfactorily represented by them. If this is the case, you would not need to ask us for Rule 6 status.

2.5 With "Rule 6 status" you will be considered to be a main party. You will be sent copies of the documents sent to us by the other main parties (eg. the applicant/appellant, the local planning authority and any other Rule 6 parties). You will be entitled to appear at the inquiry and to cross-examine other parties.

3 The inquiry procedure -

3.1 At:

Annexe A there is a timetable for planning appeals:

- appeals where the local planning authority has taken enforcement action so the 28 days appeal period applies see paragraph 2.4.3 of our "[Procedural Guide – Planning appeals - England](#)" (except householder appeals);
- for householder and minor commercial development appeals which we determine are not suitable for the Part 1 written representations process and that an inquiry is necessary; and
- which are recovered for the Secretary of State to make the decision (rather than one of our Inspectors).

Annexe B there is a timetable for planning appeals:

- not a 'recovered' appeal;
- the time limit of 28 days does not apply where the local planning authority has taken enforcement action (as explained in paragraph 2.4.3 of our "[Procedural Guide – Planning appeals - England](#)";

it is not an appeal where we have determined that the appeal is not suitable for written representations under the Part 1 process and that an inquiry is necessary.

3.2 For further information please see our "Procedural Guide: Planning appeals:

<https://www.gov.uk/government/publications/planning-appeals-procedural-guide>

3.3 It is very important for all parties to keep to the timetable for the receipt of documents, whatever timetable the appeal is following.

4 Statement of case

4.1 We will instruct Rule 6 parties to send us a statement of case, usually within 4 weeks of the date of our letter which grants "Rule 6 status being confirmed by the Planning Inspectorate.

4.2 For appeals where the dates in paragraph 3.3 apply and for called-in applications – in your statement of case you will need to give full details of the case you will put forward at the inquiry. You must list any documents, including maps and plans, to which you intend to refer or use in evidence. Although you only have to list documents at this stage, it would be helpful if you supplied copies with your statement of case.

4.3 For appeals where the dates in paragraph 3.1 – Annexe A apply you need to provide a **full** statement of case. A "full statement of case means, and is comprised of, a written statement which contains full particulars of the case which a person proposes to put forward and **copies of any documents** which that person intends to refer to or put in evidence". For further information please see Annexe J of our "Procedural Guide: Planning appeals – England": <https://www.gov.uk/government/publications/planning-appeals-procedural-guide>

4.4 You must send us one copy of your statement of case/full statement of case for the Inspector and one each for the appellant or applicant, the local planning authority and any other Rule 6 parties. On larger inquiries where 2 Inspectors are appointed, or where an additional copy of documents is required for the Secretary of State, we will ask you to provide 2 copies for the Inspector(s).

5 Statement of common ground

5.1 The appellant/applicant and the local planning authority must jointly prepare a statement of common ground. This should list all agreed matters and should include basic facts such as the site description, area, planning history, relevant planning policies, and as many other matters as possible relating to the application.

5.2 Please see Annexe R of our "Procedural Guide – Planning appeals – England": <https://www.gov.uk/government/publications/planning-appeals-procedural-guide> to see when the agreed statement of common ground must be received by us.

5.3 With the agreement of the appellant/applicant and the local planning authority, Rule 6 parties can also agree a statement of common ground. This will establish those matters which are

agreed with the main parties, which means that the inquiry can then focus on the issues which are in dispute (uncommon ground). If you wish to do this you should contact the appellant/applicant and the local planning authority at the earliest opportunity - even if this is before you have asked us for "Rule 6 status". The local planning authority will be able to tell you the deadline for the agreed statement of common ground.

5.4 If there is more than one Rule 6 party it can also be helpful if they can jointly produce a statement of common ground.

5.5 For further information please see Annexe R of our "Procedural Guide: Planning appeals – England":

<https://www.gov.uk/government/publications/planning-appeals-procedural-guide>

6 Proofs of evidence

6.1 If you propose to give, or to call another person to give, evidence at the inquiry by reading a proof of evidence you must send:

- 3 copies of it and any written summary to us; and
 - one copy of it and any written summary to any statutory party;
- no later than 4 weeks before the date fixed for the holding of the inquiry.

6.2A 'proof of evidence' is the document containing the written evidence about which a person appearing at a public inquiry will speak. Proofs of evidence should be concise and ideally contain facts and expert opinion deriving from witnesses' own professional or local knowledge as applied to individual cases.

6.3 Accordingly, the main role of a 'proof of evidence' is to allow witnesses to:

- marshal previously provided evidence in a way which is convenient to the presentation of their case at the inquiry;
- give their professional opinion or opinion based on local knowledge on evidence provided by other parties in their statements of case.

6.4 Your proof of evidence should:

- refer to the information that your witnesses wish the Inspector to take into account;
- cover only areas where you disagree with another party;
- contain the witness's concisely expressed opinion and argument;
- contain a clear cross reference to any supporting documents, for example containing data, analysis or copies of legal cases which should have been provided with your statement of case;
- not include new areas of evidence unless, exceptionally, there is good reason why new factual evidence has to await the exchange of written proof(s);

- not repeat or quote national or local policy, but should provide policy name and paragraph numbers;
- not omit necessary detail;
- not include long irrelevant biographical detail of the witness.

6.5 The evidence of each of your witness(es) should address distinct topics and not overlap another's.

6.6 Witnesses and their advocates should limit the length of proofs. If the proof exceeds 1,500 words it should be accompanied by a summary. It is normally only the summaries that will be read out at the inquiry.

6.7 Summaries should concentrate on the main points at issue. They must not introduce new or different evidence nor go beyond the scope of the text they summarise. It may sometimes be difficult to summarise complex technical evidence effectively, and the above advice is not intended to prevent witnesses properly explaining their evidence. Successful summaries of complex evidence will help make the salient points clearer to the interested parties, as well as saving time.

6.8 If the proof of evidence includes evidence given by an expert witness please see Annexe O of our "Procedural Guide: Planning appeals – England":

<https://www.gov.uk/government/publications/planning-appeals-procedural-guide>

7 Core documents

7.1 These are documents that are of general/background relevance to the inquiry. With the agreement of the other parties, a document that will be referred to by more than one party can be added to the core documents list. Either the local planning authority or appellant/applicant may coordinate the core documents list. If you wish to suggest inclusion of a core document you should provide copies of that document to the appellant/applicant, the local planning authority and to any other statutory party.

8 Sending documents to us electronically

8.1 Whilst we encourage electronic working, we strongly encourage parties additionally to provide hard copies of certain documents such as statements of case, proofs of evidence and appendices to ensure the smooth running of the inquiry. If any document is sent electronically we may ask you to provide hard copies if the document is particularly lengthy. Any printed copies must be of the final versions provided to us.

Do not use hyperlinks within documents you send. If you wish to refer to a document then, if it is not a core document, it needs to be provided with your statement of case.

8.2 Please see Annexe I "Communicating electronically with us" of our "Procedural Guide: Planning appeals – England"
<https://www.gov.uk/government/publications/planning-appeals-procedural-guide>

8.3 for additional guidance about sending us documents through the Planning Portal or by email.

9 Case Management conference

9.1 This will take place with the appellant, LPA, any Rule 6 party and anyone else invited by the Inspector.

9.2 A pre-conference note will be sent out in advance. Amongst other things this will set out what the Inspector considers the main issues are likely to be and any other matters that may need to be addressed. Also the note will set out how the Inspector thinks that the evidence can best be addressed in order to conduct the inquiry in the most efficient and effective manner.

9.3 The parties are requested to consider these matters, which will be discussed at the conference. The note will also be accompanied by an agenda and a reminder of case conference call etiquette.

9.4 The matters to be discussed will be decided by the Inspector but will include:

- a preliminary identification of the main issues;
- consideration of whether the evidence would be most efficiently dealt with through a topic- by- topic approach
- identification of parts of the evidence that could be dealt with
- in a round table discussion or written representations rather than formal cross-examination;
- agreement on further matters through position statements, topic papers or updated statements of common ground.

9.5 A note of the proceedings, which will include the Inspector's decision on how the evidence is to be dealt with, will be produced within 5 working days of the case conference.

9.6 For some appeals the Inspector may decide to issue a Case Management Note rather than hold a Conference. In the largest cases the Inspector may decide to hold a Pre-Inquiry Meeting.

10 Pre-inquiry meetings

10.1 When a planning inquiry is likely to last 8 or more days a pre- inquiry meeting is usually held, although one may be held before a shorter inquiry. A pre-inquiry meeting is a public meeting but it is principally for the benefit of the Inspector and main parties. We will invite Rule 6 parties to attend the meeting.

10.2 The purpose of the meeting is to prepare for the actual inquiry by discussing procedural and other arrangements. No evidence about the case will be heard at the meeting. The meeting should help to ensure that the inquiry runs efficiently and will help everyone to concentrate on the main issues in dispute, saving time and expense for all.

11 Openness and transparency

11.1 Inquiries are open to journalists and the wider public, as well as interested people. Provided that it does not disrupt proceedings, anyone will be allowed to report, record and film proceedings including the use of digital and social media. Inspectors will advise people present at the start of the event that the proceedings may be recorded and/or filmed, and that anyone using social media during or after the end of the proceedings should do so responsibly.

11.2 If you want to record or film the event on equipment larger than a smart phone, tablet, compact camera, or similar, especially if that is likely to involve moving around the venue to record or film from different angles, you should contact us and the local planning authority in advance to discuss arrangements.

12 Inquiry arrangements

12.1 We ask the local planning authority to arrange the inquiry venue. Inquiries are usually held in local planning authority offices, village halls or community centres. For further information please see the Planning Inspectorate: "The venue and facilities for public inquiries and hearings":

<https://www.gov.uk/government/publications/setting-up-a-venue-for-a-public-inquiry-hearing-or-examination>

12.2 We will notify the appellant/applicant, the local planning authority and every person entitled to appear at the inquiry of the date, time, place and expected length of the inquiry and the name of the Inspector.

12.3 We want to hold all inquiries in buildings with proper facilities for people with disabilities. If you, or anyone you know, want to go to the inquiry and you have particular needs, please contact the local planning authority to confirm that they can make proper arrangements.

12.4 Inquiries usually open on a Tuesday at 10:00. Unless there has been a pre-inquiry meeting (see section 9 above) the Inspector will agree the sitting times with the main parties at the start of the inquiry. It is often agreed that the inquiry will start at 9:30 on subsequent days. Inquiries usually sit until about 17:00 or 17.30 each day but may finish earlier on a Friday. There will usually be a mid-morning and mid-afternoon break and a 1 hour break for lunch. The Inspector should not be approached during

breaks as other participants in the inquiry would not know what was being said. Inquiries do not usually sit on a Monday.

12.5 At the discretion of the Inspector, and dependent on a suitable inquiry venue being available, an evening inquiry session is occasionally held if there are a significant number of interested parties who cannot attend during the daytime inquiry sessions.

13 Advocates

13.1 There is no requirement for anyone to be legally represented by a solicitor or barrister. However it is customary for each of the main parties at an inquiry to have an advocate representing them. Advocates do not need to have legal qualifications. Their role is to present their party's opening statement, go through each of their witness's evidence in chief, cross-examine the opposing parties' witnesses, and present their party's closing statement. When advocates are inexperienced the Inspector will assist and advise, where necessary, of the procedures to be followed.

13.2 If a Rule 6 party does not have an advocate then one of their witnesses can act as advocate. This is especially important if you wish to cross-examine any of the other main parties. If you do not nominate somebody to be your advocate then you will need to introduce yourself to the inquiry and present your proof of evidence without anyone taking you through it.

14 What happens at the inquiry?

14.1 An inquiry is the most formal of the appeal procedures, and it usually involves larger or more complicated appeals. An inquiry may last for several days, or even weeks. It is not a court of law, but the proceedings will often seem to be quite similar. Often expert evidence is presented and witnesses are cross-examined (questioned).

14.2 The Inspector will normally have seen the site location and the surrounding area before the inquiry event but will normally make a further accompanied visit during or after the inquiry.

14.3 When the Inspector opens the inquiry on the first day he/she will firstly deal with any 'housekeeping' matters (such as what the inquiry is about, where the fire exits are etc). The Inspector will then usually give an outline of what will happen at the inquiry. The Inspector will ask whether there are any interested parties who wish to speak at the inquiry, this is often called "taking the appearances".

14.4 The order of appearances is at the discretion of the Inspector who will usually take into account the views of the parties and the particular circumstances of the case. The Inspector will make it clear at the start of the inquiry what the order of appearances will be.

14.5 Each of the main parties will make their opening statements, which set out what their case will be. For a planning inquiry the order of these is usually the appellant/applicant, the local planning authority and then any Rule 6 parties. When the witnesses give their evidence it is

14.6 usual for the local planning authority to go first, followed by any Rule 6 parties that oppose the appeal/application, then any Rule 6 parties that support the appeal/application and finally the appellant/applicant. The order may be different for call-in inquiries.

14.7 The Inspector will usually ask if you are willing to answer questions about your evidence. You do not have to do this, though it is often helpful to do so and it may add weight to your evidence. Do not feel intimidated. The Inspector will not let anyone ask you hostile or unfair questions.

14.8 Each witness will be taken through their evidence by reading their summary proof of evidence and/or parts of their main proof. Leading questions, ie. a question in which the answer is suggested by the question, are not allowed (for example "Would you agree that..."). The witness then may be subject to cross-examination by opposing parties.

14.9 If you object to the proposal, the appellant's representative may ask you questions. If you support it, the local planning authority's representative may ask you questions. In turn, Rule 6 parties should ensure that their cross-examination of other parties is succinct, fair and relevant to the planning matters at issue.

14.10 After cross-examination, parties can do what is called "re-examination". If a witness has made a mistake or got in a muddle during their cross-examination, their advocate can try to correct things by discussing the subject again and asking further questions of their witness to ensure that their case is clarified. It is not the function of re-examination to invite the witness to revisit clear answers given in cross-examination.

15 At the end of the inquiry

15.1 After the evidence has been heard the parties may make closing statements which are an opportunity to sum up their case. They are usually read out loud from a pre-prepared written version and this can be added to, by hand if necessary, before being given to the Inspector and other main parties.

15.2 After the closing statements the Inspector will normally close the inquiry. This is followed by the Inspector making arrangements to visit the appeal site.

15.3 If the inquiry was closed before the site visit no further detailed discussion on the merits of the case will be permitted during the formal site visit. This is because it could lead to further

oral evidence being given by one party or interested person and could compromise the fairness, openness and impartiality of the process. The Inspector will necessarily be courteous but firm about not allowing any inappropriate discussions or comments to be made at the site visit.

15.4 However, where the parties have referred in their evidence to certain physical characteristics of a site, building or area, the Inspector will allow those to be pointed out.

16 Costs

16.1 There is no cost to being a Rule 6 party other than what you may incur in preparing your evidence (eg photocopying, binding and posting) and attending the inquiry.

16.2 All parties to an appeal are normally expected to meet their own expenses.

16.3 There is guidance about costs awards in the Department for Communities and Local Government's planning practice guidance at:
<http://planningguidance.communities.gov.uk/blog/guidance/appeals/>

16.4 It is important that you read this because it explains how, when and on what basis you can make an application or have an application made against you.

16.5 Costs may be awarded in response to an application for costs by one of the parties. Also costs may be awarded at the initiative of the Inspector.

16.6 The Inspector will remind parties that any application for costs should be made before the end of the inquiry.

17 The decision

17.1 If it is an inquiry into a called-in application or a "recovered" appeal to be decided by the Secretary of State, the Inspector will write a report with recommendations to the Secretary of State. Our Case Officer will normally write to the parties, within 10 working days of the close of the inquiry, to let them know the date by which the Secretary of State's decision will be issued.

17.2 For other appeals the decision will be made by the Inspector.

17.3 When made, the decision (either by the Inspector or the Secretary of State) will be published on GOV.UK and can be viewed using the search facility:

<https://www.gov.uk/appeal-planning-inspectorate>
Further information

17.4 For further information about inquiries please see our "Guide to taking part in planning appeals proceeding by an inquiry – England":

<https://www.gov.uk/government/publications/planning-appeals-dealt-with-by-an-inquiry-taking-part> and our "Guide to participating in a Planning Inspectorate virtual event"
<https://www.gov.uk/government/publications/planning-inspectorate-virtual-events-guide-to-participating>

18 Contacting us

18.1 To contact us about a particular appeal you should contact our Case Officer – the local planning authority should have given you their details. For general enquiries our contact details are:

The Planning Inspectorate
Temple Quay House
2 The Square
Bristol
BS1 6PN

Helpline: 0303 444 5000

E-mail: enquiries@planninginspectorate.gov.uk

20 Getting help

21.1 You may also wish to contact following organisations, who offer free, independent and professional planning advice to communities and individuals who cannot afford to pay professional fees.

Planning Aid

Planning Aid England
41-42 Botolph Lane
London
EC3R 8DL
Advice Line: 0330 123 9244
Switchboard: 020 7929 9494
Fax: 020 7929 9490
Email: info@planningaid.rtpi.org.uk
Website: www.rtpi.org.uk/planningaid

- <https://www.rtpi.org.uk/planning-advice/ bespoke-support/casework/>
- <https://www.rtpi.org.uk/media/3657/eligibility-criteria-for-enhanced-pae-support-2020.pdf>
- <https://www.rtpi.org.uk/planning-advice/about-planning-aid-england/>

Chris Pagdin, Planning Aid England Manager, RTPI:
chris.pagdin@planningaid.rtpi.org.uk

The Environmental Law foundation

Helpline: 0330 123 0169
 Email: info17@elflaw.org
 Website: <https://elflaw.org/get-help/>

Emma Montlake: emontlake21@gmail.com

Advocate

Advocate
 The National Pro Bono Centre,
 48 Chancery Lane, London, WC2A 1JF
 DDX: 188 London Chancery Lane
 Telephone: 020 7092 3969
 Website: www.weareadvocate.org.uk

Head of Casework - Shyam Popat: spopat@weareadvocate.org.uk
 Annexe A

Timetable for the inquiry procedure **This applies to appeals:**

- appeals where the local planning authority has taken enforcement action so the 28 days appeal period applies see paragraph 2.4.3 of our "[Procedural Guide – Planning appeals - England](#)" (except householder appeals);
- for householder and minor commercial development appeals which we determine are not suitable for the Part 1 written representations process and that an inquiry is necessary; and
- which are recovered for the Secretary of State to make the decision (rather than one of our Inspectors).

Timetable	Interested people, including Rule 6 parties	Appellant	Local planning authority
At least 10 days before submitting appeal If the appellant wants to follow the inquiry procedure.		Give notice to us and the local planning authority and of an intention to submit a planning appeal.	Receives the notification of intention to submit an appeal.
Appeal received We set the start date and the timetable.		Sends the appeal form and all supporting documents to us and the local planning authority. The full statement of case must make up the full caseup the full case Note - for an appeal which is subsequently recovered the appellant will send their full statement of case. and a draft	Receives the appeal documents.

Timetable	Interested people, including Rule 6 parties	Appellant	Local planning authority
		statement of common ground at this point.	
We set the inquiry date which will normally be within 13 -16 weeks of the start date			
Within 2 weeks from the start date	Receive the local planning authority's letter about the appeal, telling them that they must send us any representations within 6 weeks of the start date and if any of them would wish to apply for Rule 6 status they should do so immediately.	Receives a completed questionnaire and any supporting documents from the local planning authority.	Sends the appellant and us a completed questionnaire and supporting documents. It writes to interested people about the appeal. Also, they should encourage those wishing to adopt Rule 6 Status to contact us immediately.
Within 6 weeks from the starting date Only exceptionally will we accept late statements or representations	Send their representations to us Note – Rule 6 parties send us their inquiry statement normally within 4 weeks of the date Rule 6 status being confirmed."	Sends us their inquiry statement and the statement of common ground that they have agreed with the local planning authority). Note - for an appeal where the appeal is subsequently recovered) the appellant would have already sent their full statement of case – so they do not have the opportunity to provide a statement of case at the 6 week stage.	Sends us its inquiry statement of common ground at the 6 weeks stage.
Within 7 weeks after start date An Inspector will hold a conference call with the appellant, the local planning authority and any party who has been afforded Rule 6 status.	Discuss the matters that will be examined during the inquiry (Rule 6 only) It also provides an opportunity for parties to ask any procedural questions. Only Rule 6 parties.	Discuss the matters that will be examined during the inquiry. It also provides an opportunity for parties to ask any procedural questions.	Discuss the matters that will be examined during the inquiry. It also provides an opportunity for parties to ask any procedural questions.
4 weeks before the inquiry	Rule 6 parties send us their proof of evidence.	Sends us their proof of evidence.	Sends us its proof of evidence. It may put a notice in a local paper about the inquiry.
At least 2 weeks before the inquiry	Receive details from the local planning authority about the inquiry arrangements.	Displays a notice on site giving details of the inquiry.	Notifies interested people about the inquiry arrangements.

Timetable	Interested people, including Rule 6 parties	Appellant	Local planning authority
No later than 10 working days before the inquiry		If there is one, sends us the draft planning	

Annexe B

Timetable for the inquiry procedure

This applies to:

- **not a “recovered” appeal;**
- **the time limit of 28 days does not apply (as explained in paragraph 2.4.3 of [our “Procedural Guide – Planning appeals - England”](#));**
- **it is not an appeal where we have determined that the appeal is not suitable for written representations under the Part 1 process and that an inquiry is necessary.**

Timetable	Interested people, including Rule 6 parties	Appellant	Local planning authority
At least 10 days before submitting appeal If the appellant wants to follow the inquiry procedure.		Give notice to us and the local planning authority and of an intention to submit a planning appeal.	Receives the notification of intention to submit an appeal.
Appeal received We set the start date and the timetable.		Sends the appeal form and all supporting documents to us and the local planning authority. The full statement of case must make up the full case. Also provides a draft statement of common ground	Receives the appeal documents.
We set the inquiry date which will normally be within 13 -16 weeks of the start date			
Within 1 weeks from the start date	Receive the local planning authority’s letter about the appeal, telling them that they must send us any representations within 5 weeks of the start date and if any of them would wish to apply for Rule 6 status they should do so immediately.	Receives a completed questionnaire and any supporting documents from the local planning authority.	Sends the appellant (or applicant) and us a completed questionnaire and supporting documents. It writes to interested people about the appeal. Also, they should encourage those wishing to adopt Rule 6 status to contact us immediately.

Timetable	Interested people, including Rule 6 parties	Appellant	Local planning authority
<p>Within 5 weeks from the start date</p> <p>Only exceptionally will we accept late statements or representations</p>	<p>Send their representations to us.</p> <p>Note – Rule 6 parties send us their inquiry statement normally within 4 weeks of the date Rule 6 status being confirmed.</p>	<p>Sends us their inquiry statement and the statement of common ground that they have agreed with the local planning authority).</p> <p>Note - for an appeal where the appeal is subsequently recovered) the appellant would have already sent their full statement of case – so they do not have the opportunity to provide a statement of case at the 6 week stage.</p>	<p>Sends us its full statement of case and the agreed statement of common ground</p>
<p>Within 7 weeks after start date</p> <p>An Inspector will hold a conference call with the appellant, the local planning authority and any party who has been afforded Rule 6 status.</p>	<p>Discuss the matters that will be examined during the inquiry (Rule 6 only)</p> <p>It also provides an opportunity for parties to ask any procedural questions.</p> <p>Only Rule 6 parties.</p>	<p>Discuss the matters that will be examined during the inquiry.</p> <p>It also provides an opportunity for parties to ask any procedural questions.</p>	<p>Discuss the matters that will be examined during the inquiry.</p> <p>It also provides an opportunity for parties to ask any procedural questions.</p>
4 weeks before the inquiry	Rule 6 parties send us their proof of evidence.	Sends us their proof of evidence.	Sends us its proof of evidence. It may put a notice in a local paper about the inquiry.
At least 2 weeks before the inquiry	Receive details from the local planning authority about the inquiry arrangements.	Displays a notice on site giving details of the inquiry.	Notifies interested people about the inquiry arrangements.
No later than 10 working days before the inquiry		If there is one, sends us the draft planning	

Sandleford Park Joint Working Group of Newbury Town Council and Greenham Parish Council

Terms of Reference

Purpose

1. The purpose of the Joint Working Group is to make recommendations to the constituent Councils (Newbury Town Council and Greenham Parish Council) addressing issues regarding development proposals for Sandleford Park.
2. This document records the parties' agreement to the objectives, parameters and scope of the work, and the process the Joint Working Group will use to develop these principles.

Background

3. The Planning Authority, West Berkshire District Council is empowered to deal with planning applications for proposed development at Sandleford Park, Newbury. The constituent parish councils are statutory consultees in the planning process.
4. The Sandleford Park lands cross the boundaries of both parish councils.
5. Both parish councils agree that they could benefit by working together and sharing local knowledge and expertise when considering the development proposals and any amendments or revisions to the development proposals, including where appropriate, "Applications for the Approval of Details Reserved by Condition".

Objectives

6. To make recommendations to each parish council when considering development proposals for Sandleford Park and any amendments or revisions to the development proposals, including where appropriate, "Applications for the Approval of Details Reserved by Condition".

Membership

7. The Joint Working Group shall comprise 3 Councillors from each Council

Meetings

8. Either of the constituent Councils may request a meeting of the Joint Working Group.

Quorum

9. The quorum for meetings of the JWG shall be 4, with at least 2 members from each Council.

Support

10. The Clerks of the Councils will provide secretariat support to the Joint Working Group as required.

Councillors Roger Hunneman, David Marsh, and Tony Vickers appointed as NTC's members of the Joint Working Group, 2022-23

Newbury Town Council

Forward Work Programme for Planning and Highways Committee: 17 July 2023.

Standing Items on each (ordinary meeting) agenda:

1. Apologies
2. Declarations of Interests and Dispensations
- 3.1 Approval of Minutes of previous meeting
- 3.2 Officer's report on actions from previous meeting
4. Questions/Petitions from members of the Public
5. Questions/Petitions from Members of the Council
6. Schedule of Planning Applications
7. Schedule of Prior Approval Applications (if any)
8. Schedule of Licensing Applications (if any)
9. Schedule of Appeal Notifications (if any)
10. Schedule of Appeal Decisions (if any)
11. Neighbourhood Development Plan – Update (if any)
12. The Western Area Planning Committee – Update

At the first Committee meeting after the annual meeting of the Council	Election of Chair/ Deputy
	Approval of ToRs and memberships of Working Groups
June/September/December/March (Quarterly)	Updates on Section 215 of the Town and Country Planning Acts.
Each November	Review of KPI's for Planning and Highways Committee
	Send Budget and Strategy proposals to RFO
2023	
17 July	Kennet Centre Appeals
14 August	Sandleford West response <u>(23/01585/OUTMAJ)</u>
11 September	Review of Planning Applications consultation arrangements