

**WESTERN AREA PLANNING COMMITTEE
18 DECEMBER 2019**

UPDATE REPORT

Item No: (2) **Application No:** 19/01672/FUL **Page No.** 19 - 30

Site: Waterside Youth & Community Centre, Waldegrave Place, Northbrook Street, Newbury

Planning Officer Presenting: Janine Wright

Member Presenting: N/A

Parish Representative speaking: Gary Norman – Newbury Town Council.

Objector(s) speaking: Paul Woods (Edge 4 Planning) on behalf of Morley Stores Ltd (Camp Hopson)
Emma Cooper (Camp Hopson – Furniture Store Manager)

Supporter(s) speaking: N/A

Applicant/Agent speaking: Robert James (Carter Jonas)
David Seward (Berkshire Youth)
Nick Kirby (Pegasus Group)

Ward Member(s): Councillor Andy Moore
Councillor Martha Vickers

1. Additional Consultation Responses

Correspondence from applicant	The applicant has submitted correspondence regarding the concerns raised by Morley Stores Ltd
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2. Updated Recommendation

The recommendation remains as set out in the agenda committee report, subject to the following conditions:-

1	The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
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	Reason: To comply with Section 91 of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).
2	<p>The development hereby permitted shall be carried out in accordance with the approved drawings and other documents listed below:</p> <p>Location Plan Drawing: PL100-Rev P4 dated 27/03/2019 Proposed Site Plan: PL106-Rev P3 dated 27/03/2019 Proposed Elevation Plans: PL111-RevP2 dated 27/03/2019 Proposed Floor Plans (ground floor): PL108-RevP4 dated 27/03/2019 Proposed Floor Plans (first floor): PL109-RevP4 dated 27/03/2019 Proposed Demolition Plan: PL107-RevP3 dated 27/03/2019</p> <p>Flood Risk Assessment (FRA): Submitted by Archibald Shaw Issue 4 dated 28 November 2019 Design and Access Statement: prepared by Carter Jonas dated June 2019 (revision P4) Construction Management Plan: Submitted by Calco Construction on 11 September 2019 (revB)</p> <p>Reason: For the avoidance of doubt and in the interest of proper planning.</p>
3	<p>The hours of work for all contractors for the duration of the site development shall unless otherwise agreed by the Local Planning Authority in writing be limited to:</p> <p>7.30 am to 6.00 p.m. on Mondays to Fridays 8.30 am to 1.00 p.m. on Saturdays and NO work shall be carried out on Sundays or Bank Holidays.</p> <p>Reason: In the interests of the amenities of neighbouring occupiers.</p>
4	<p>No development, other than site clearance, shall commence until a method statement, which details how dust from the site will be controlled during the demolition and construction phases of the development, shall be submitted to and approved in writing by the Local planning Authority. The development shall be carried out fully in accordance with the approved details.</p> <p>Reason: In the interests of amenities of neighbouring occupiers and guidance within the NPPF.</p>
5	<p>No external lighting shall be installed at the site, until details are submitted to and approved in writing by the local planning authority. The external lighting shall be installed, maintained and operated in accordance with the approved details unless the local planning authority gives its written consent to the variation.</p> <p>Reason: to protect the wildlife and the residential amenities of the neighbouring residential properties and to comply with policies CS14 and CS19 of the West Berkshire Core Strategy 2006-2026.</p>
6	<p>No phase II (single storey extension with viewing gallery) and phase III (climbing tower) development shall take place within the application site until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which should be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall incorporate and be undertaken in accordance with the approved statement.</p> <p>Reason: To ensure that any significant archaeological remains that are found are adequately recorded.</p>
7	<p>Prior to the commencement of development hereby approved, a survey of the condition of the waterway wall, and a method statement and schedule of works for its protection during the construction of phase II and III development shall be submitted to and approved in writing by the Local Planning Authority.</p>

	<p>Any necessary repair works identified shall be carried out in accordance with the agreed method statement and repairs schedule by a date to be confirmed in the repair schedule. Following the completion of the works a further waterway wall shall be carried out and the details submitted to the Local Planning Authority to demonstrate that any necessary repair works have been carried out and that no additional damage to the wall has occurred.</p> <p>Reason: To ensure that the structural integrity of the waterway is retained. This condition seeks to prevent harm to the canal during the demolition and construction of the phase II and III development and is therefore required prior to the commencement.</p>
8	<p>Prior to the commencement of works a risk assessment to protect users of the towpath and prevent pollution of the waterway during the phase II and phase II development shall be submitted to and approved in writing by the Local Planning Authority and thereafter implemented in accordance with the agreed details unless otherwise agreed in writing.</p> <p>Reason: to ensure the safety of users and prevent pollution of the water environment. This condition seeks to prevent harm to the canal and its users during the demolition and construction of the phase II and III development.</p>
9	<p>Within 3 months from the date of the decision notice, details of the proposed materials to be used in the construction of the external surfaces of the development shall be submitted to and agreed in writing by the Local Planning Authority and thereafter implemented in accordance with the agreed details unless otherwise agreed in writing.</p> <p>Reason: In order that the development harmonises with the surroundings and in interest of visual amenity.</p>
10	<p>Within 3 months from the date of the decision notice full details of both hard and soft landscape works should be submitted and approved in writing by the Local Planning Authority. The details shall include the treatment of hard surfacing and materials to be used, a schedules of plants (noting species, plant sizes and proposed numbers/densities), an implementation programme, and details of written specifications including cultivation and other operations involving tree, shrub and grass establishment. The scheme shall ensure:</p> <p>a) completion of the approved landscaping within the first planting season following the completion of the development; and</p> <p>b) Any trees, shrubs or plants that die or become seriously damaged within five years of the completion of the development shall be replaced in the following year by plants of the same size and species.</p> <p>Thereafter the approved scheme shall be implemented in full.</p> <p>Reason: To ensure the implementation of a satisfactory scheme of landscaping in accordance with the objectives of the NPPF and Policies CS14, CS18 and CS19 of the West Berkshire Core Strategy July 2006-2026.</p>
11	<p>Prior to the commencement of development hereby approved, a scheme for the protection of trees to be retained should be submitted to and approved in writing by the Local Planning Authority. Such a scheme shall include a plan showing the location of the protective fencing, and shall specify the type of protective fencing. All protective fencing shall be erected prior to the start of any construction and demolition works taking place and at least 2 working days notice shall be given to the Local Planning Authority that it has been erected. It shall be maintained and retained for the full duration of works or until such time as agreed in writing with the Local Planning Authority. No activities or storage of materials whatsoever shall take place within the protected areas without the prior written agreement of the Local Planning Authority.</p>

	Reason: To ensure the enhancement of the development by the retention of existing trees and natural features during the construction phase in accordance with the objectives of the NPPF and policies CS14, CS18 and CS19 of the West Berkshire Core Strategy 2006-2026.
12	<p>Prior to commencement of development hereby approved an arboricultural method statement shall be submitted to and approved in writing by the Local Planning Authority and shall include details of the implementation, supervision and monitoring of all temporary tree protection and any special construction works within any defined tree protection area.</p> <p>Reason: To ensure the protection of trees identified for retention at the site in accordance with the objectives of the NPPF and Policies CS14, CS18 and CS19 of the West Berkshire Core Strategy 2006-2026.</p>
13	<p>The development hereby permitted shall be carried out in accordance with the construction management plan submitted by Calco Construction on 11 September 2019 (revB).</p> <p>Reason: To protect the wildlife and the residential amenities of the neighbouring residential properties and to comply with policies CS14 and CS19 of the West Berkshire Core Strategy 2006-2026.</p>
14	<p>The development hereby permitted shall be carried out in accordance with the Flood Risk Assessment (FRA) prepared by Archibald Shaw Issue 4 dated 28 November 2019 and the following mitigation measures detailed within the FRA:</p> <ul style="list-style-type: none"> a) The lower section of the climbing tower within the flood plain will be of flood resilient construction. b) Free draining flood storage will be provided beneath and local to the shop in order to mitigate and manage the risk, and avoid displacing waters to third party land. c) Finished floor levels will be set no lower than 76.30m AOD. <p>The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the Local Planning Authority.</p> <p>Reason: To reduce the risk of flooding to the proposed development and future occupants. To prevent flooding elsewhere by ensuring that the flow of flood water is not impeded and the proposed development does not cause a loss of flood plain storage.</p>
15	<p>Prior to the commencement of development hereby approved, a Construction Environmental Management Plan shall be submitted to and approved in writing by the Local Planning Authority and thereafter implemented in accordance with the agreed details unless otherwise agreed in writing. The CEMP shall include the following:-</p> <ul style="list-style-type: none"> - A lighting plan showing the construction phase and phase lighting positions (including power rating / range and direction). - Details of the vegetation management for the site <p>Reason: To protect the ecological value, prevent pollution and degradation of the SSSI and to comply with policy CS17 of the West Berkshire Core Strategy 2006-2026.</p>
16	<p>Prior to the commencement of development hereby approved, details (including the number, design and position) of proposed bat boxes, bat bricks and a swift boxes are to be incorporated within the site shall be submitted to and approved by the Local Planning Authority. Such details as may be approved shall be incorporated into the development prior to the occupation of any part of the development hereby granted and permanently maintained thereafter.</p>

	Reason: In accordance with the terms of the application and to ensure the provision of suitable mitigation in accordance with policy CS17 of the West Berkshire Core Strategy and guidance within the NPPF.
17	<p>Prior to the commencement of development hereby approved, a landscape and ecology management plan (LEMP) shall be submitted to and approved in writing by the Local Planning Authority and thereafter implemented in accordance with the agreed details unless otherwise agreed in writing. The LEMP shall include the following:-</p> <ul style="list-style-type: none"> - Description, plan and evaluation of landscaping and ecological features to be managed on site. - Ecological trends and constraints on site - aims and objectives of management. - appropriate management options for achieving the aims and objectives of the management plan - Preparation of a schedule of work - Ongoing monitoring and remedial measures where appropriate <p>Reason: To protect the ecological value and prevent pollution of the SSSI and to comply with policy CS17 of the West Berkshire Core Strategy 2006-2026 and the NPPF.</p>

Informatives

1	This decision has been made in a positive way to foster the delivery of sustainable development having regard to the Development Plan policies and available guidance to secure high quality appropriate development. In this application whilst there has been a need to balance conflicting considerations, the local planning authority has worked proactively with the applicant.
2	This development may require an Environmental Permit from the Environment Agency under the terms of the Environmental Permitting (England and Wales) (Amendment) (No. 2) Regulations 2016 for any proposed works or structures, in, under, over or within 8 metres of the top of the bank of designated 'main rivers'. This was formerly called a Flood Defence Consent. Some activities are also now excluded or exempt. An environmental permit is in addition to and a separate process from obtaining planning permission. Further details and guidance are available on the GOV.UK website: https://www.gov.uk/guidance/flood-risk-activities-environmental-permits .
3	No alteration of the surface of the right of way must take place without the prior written consent of the Rights of Way Officer.
4	The applicant is advised that the Rights of Way Officer must be informed prior to the laying of any services beneath the path.
5	Nothing connected with either the development or the construction must adversely affect or encroach upon the footpath, which must remain available for public use at all times.
6	The applicant is advised that this planning permission does not in any way allow the public right of way to be obstructed at any time during the course of the development.
7	Due to the proximity of the works to the waterway, the applicant should contact Works Engineer Phil J White on 07710 175496 or email phil.white2@canalrivertrust.org.uk to ensure that the proposed works comply with the Trust's Code of practice for works affecting the Canal & River Trust.
8	The attention of the applicant is drawn to the requirements of Section 60 of the Control of Pollution Act 1974 in respect of the minimisation of noise on construction and demolition sites. Application, under Section 61 of the Act, for prior consent to the works, can be made to the Environmental Health and Licensing Manager.

9	The attention of the applicant is drawn to the Highways Act, 1980, which enables the Highway Authority to recover expenses due to extraordinary traffic.
10	The attention of the applicant is drawn to the Berkshire Act, 1986, Part II, Clause 9, which enables the Highway Authority to recover the costs of repairing damage to the footway, cycleway or grass verge, arising during building operations.

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