

Item No.	Application No. and Parish	Statutory Target Date	Proposal, Location, Applicant
(2)	20/02294/COMIND Newbury Town Council	8 th January 2021 ¹	Development of a new community cafe to replace outdated facilities and provide a new cafe with indoor/outdoor seating areas, catering facilities, public toilets, changing facilities and storage The Kiosk Victoria Park Newbury Newbury Town Council
¹ Extension of time agreed with applicant until 2 nd July 2021			

The application can be viewed on the Council's website at the following link:
<http://planning.westberks.gov.uk/rpp/index.asp?caseref=20/02294/COMIND>

Recommendation Summary: Approval

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

Reason for Committee Determination: Major application on land owned by West Berkshire Council

Committee Site Visit: 24th June 2021

Contact Officer Details

Name: Sian Cutts
Job Title: Senior Planning Officer
Tel No: 01635 519111
Email: Sian.cutts@westberks.gov.uk

1. Introduction

- 1.1 This application seeks planning permission for the replacement of the existing café facilities with a replacement building to provide a new café with indoor/outdoor seating area, catering facilities, public toilets, changing facilities and storage.
- 1.2 The existing café building and storage building is situated centrally within Victoria Park, to the east of the avenue of lime trees which dissects the park, and between the tennis courts and the play area. The site is within the Newbury Conservation Area. Victoria Park is within Newbury town centres, with the Parkway shopping centre to the east, the Kennet and Avon Canal to the south, the A339 to the east and Victoria Park Nursery and a residential area to the north. Victoria Park, including the café is within Flood Zone 3.
- 1.3 The new café building is proposed on the footprint of the existing buildings. The proposed building is 19.15 metres long x 7.4 metres, with an external decking area to provide an outdoor seating area, to be accessed via steps and ramps. The building proposes a kitchen servery, indoor seating area, internally accessed toilet and baby change facility, externally accessed changing room, and three individually accessed toilets, which includes an externally accessed cubicle for people with disabilities and baby changing facilities. The building is proposed to have a standing seam metal roof, and timber cladding walls, with timber doors. Solar panels are proposed to be fixed to the southern roof slope.

2. Planning History

- 2.1 The table below outlines the relevant planning history of the application site.

Application	Proposal	Decision / Date
81/16179/ADD	Erection of sports pavilion with kiosk for use in conjunction with recreation ground	Approved 17/12/1981
14/01791/FUL	Development of a new community cafe to replace outdated facilities and provide a new cafe with indoor/outdoor seating areas, catering facilities, public toilets, office space and storage for park/boating lake.	Approved 04/06/2015
17/00486/FUL	Section 73: Variation of Condition 2 – Approved plans and removal of Condition 19 – BREEAM of previously approved application 14/01791/FUL: Development of a new community cafe to replace outdated facilities and provide a new cafe with indoor/outdoor seating areas, catering facilities, public toilets, office space and storage for park/boating lake.	Approved 13/04/2017
17/00485/FUL	A 6.06m(length) x 2.6m(high) x 2.44m(width) green (so as to blend in with its surroundings) shipping container installed inside an existing fenced area alongside the A339 adjacent to the pond in Victoria Park. The container will be used to securely store pedaloes, kayaks and	Approved 10/05/2017

	chairs for recreational use for the community in the park. The container will be placed upon a base of 'MOT'. The area surrounding the container will be planted sympathetically.	
17/01206/FUL	Proposed changing facility.	Approved 17/07/2017

3. Procedural Matters

- 3.1 Given the nature and scale of this development, it is not considered to fall within the description of any development listed in Schedule 2 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017. As such, EIA screening is not required.
- 3.2 The application was advertised by means of a site notice displayed on 23rd October 2020 on the building and locations within the park; the deadline for representations expired on 13th November 2020. A public notice was displayed in the Newbury Weekly News on 15th October 2020; the deadline for representations expired on 29th November 2020.
- 3.3 Community Infrastructure Levy (CIL) is a levy charged on most new development to pay for new infrastructure required as a result of the new development. CIL will be charged on residential (C3 and C4) and retail (A1 - A5) development at a rate per square metre (based on Gross Internal Area) on new development of more than 100 square metres of net floorspace (including extensions) or when a new dwelling is created (even if it is less than 100 square metres).
- 3.4 Initial assessment based on the CIL PAIR form, it appears that there will be a CIL liability for this development. However, CIL liability will be formally confirmed by the CIL Charging Authority under separate cover following the grant of any permission. More information is available at www.westberks.gov.uk/cil

4. Consultation

Statutory and non-statutory consultation

- 4.1 The table below summarises the consultation responses received during the consideration of the application. The full responses may be viewed with the application documents on the Council's website, using the link at the start of this report.

Newbury Town Council:	No comment due to conflict of interest
WBC Highways:	No comments to make
Thames Water:	No objections with regards to surface water drainage, waste water network and sewage treatment. Recommend informatives with regards to disposal of surface water.

Housing Development Officer:	No comments to make
Archaeology:	<p>1st Response: Requested a Written Scheme of Investigation for the building on the site which is a former Second World War air raid shelter, and the impact on the new build of the below-ground assets of archaeological interest.</p> <p>2nd Response: The Historic Building Record is acceptable</p> <p>3rd Response: The applicants are aware of the archaeological interest due to the significant early prehistoric (Mesolithic) potential of the land. There needs to be further liaison with the developer over the exact scope and details of the archaeological programme of work and I am therefore requesting a condition be attached to any approval granted. An archaeological watching brief during construction would not be ideal for recovering material from this archaeological period, and it is therefore more likely that a geo-archaeological test pit will be the preferred option.</p>
Environmental Health:	The application is similar to the previous application 14/01791/FUL I recommend a similar condition with respect to the effects of noise and odour.
Conservation:	The building appear retrograde step in comparison to that provided in 2015, as it will be higher than the existing building and increase its prominence. The design does little to enhance the character and appearance on the Conservation Area. However, whilst it is larger than the existing buildings, it does offer the opportunity for the use of higher quality materials, which will go towards helping to enhance the appearance of the building and soften its impact on the park and Conservation Area. Overall the replacement building will have a neutral impact on the character and appearance of the Conservation Area, and the improved community facilities within the park will be of public benefit. Recommend conditions with regards to materials and solar panels.
Sport England:	No objection
Trees:	<p>1st Response: Require an updated Tree Protection Plan and Arboricultural Method Statement</p> <p>2nd Response: On receipt of updated details, no objections, subject to conditions.</p>
Environment Agency:	<p>1st Response: Object due to deficiencies in the Flood Risk mitigation measures, and inadequate flood storage compensation, which will increase flood risk elsewhere.</p> <p>2nd Response: Remove the objection. The LPA must be satisfied that they can enforce conditions to maintain the voids as designed and that an adequate maintenance plan is in place to ensure that voids remain open for the lifetime of the development</p>

Local Lead Flood Authority:	<p>Following the receipt of the removal of the Environment Agency objection the LLFA is satisfied with the Flood Risk and Flood Mitigation measures set out in the amended plans and updated submission.</p> <p>Query the levels requested for the finished floor levels and void level requested by the EA, the levels shown on the submitted plans appear to be correct.</p> <p>For the SuDS measured proposed there are no further details given that those in the original Flood Risk Assessment. That shows run-off being discharged to a Rain Garden Bio-retention area to the south of the building. This is acceptable in principle and the only practical solution due to high ground water levels, no details have been provided as to size and construction, and this will depend on infiltration testing for which a condition will be required.</p>
Ecology:	Deconstruction of the roof and other potential roosting crevices should take place in the presence of an ecologist conforming to an agreed method statement, recommend conditions with regards to lighting, integrated bat boxes, and request a landscaping plan.
WBC Access Officer:	No response received
WBC Open Space:	No response received
WBC Countryside and Environment:	No response received
WBC Public Rights of Way:	No response received
Ramblers Association:	No response received

Public representations

4.2 No representations have been received on this application.

5. Planning Policy

5.1 Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. The following policies of the statutory development plan are relevant to the consideration of this application.

- Policies ADPP1, ADPP2, CS5, CS13, CS14, CS15, CS16, CS17, CS18, CS19 of the West Berkshire Core Strategy 2006-2026 (WBCS).

- Policies OVS5, OVS6, TRANS1 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).

5.2 The following material considerations are relevant to the consideration of this application:

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)
- WBC Quality Design SPD (2006)
- Planning Obligations SPD (2015)
- Newbury Town Design Statement (2018)

6. Appraisal

6.1 The main issues for consideration in this application are:

- The principle of the development
- Impact on the character and appearance of the Conservation Area
- Flood risk
- Sustainable construction
- Ecology
- Archaeology

Principle of development

6.2 The application site is within the settlement boundary for Newbury and forms part of the town centres, outside of the commercial area. Policy ADPP1 focuses development within the specified urban area, including Newbury. Policy ADPP2 says that improvements to Victoria Park will enhance this important space within the town centre, and that existing community facilities will be protected, and where appropriate, enhanced. Paragraphs 91 and 92 of the NPPF promote planning decisions which promote social interaction, and which enable and support healthy lifestyles, though the provision of sports facilities, and encourage the provision of community facilities which enhance the sustainability of communities, including ensuring that facilities are able to develop and modernise, and are retained for the benefit of the community. The proposal is to replace the existing buildings with one larger building to provide a café with enhanced seating facilities, toilets and changing facilities for the adjacent tennis courts, which will upgrade the current facilities, with the park, and given the location within the settlement boundary are considered to be acceptable in principle, subject to the following considerations.

Character and appearance of the Conservation Area

6.3 Policy CS14 requires new development to demonstrate high quality and sustainable design that respects and enhances the character and appearance of the area. The policy goes on to say that consideration of design and layout must be informed by the wider context and shall positively contribute to local distinctiveness and sense of place. Policy CS19 goes on to say that particular regard will be given to (amongst other things) the sensitivity of the area to change, ensuring that new development is appropriate in terms of location, scale and design in the context of the settlement form, pattern and character, and the conservation, and where appropriate enhancement of heritage assets and their settings.

6.4 The application is proposing a modern building to replace the existing structures on the site, one of which is the former World War Two air raid shelter which is now used as a

storage building, and a brick built café building of somewhat bland appearance. The proposed replacement building has a pitched roof, and to for flood mitigation purposes is raised from the ground, and will be approximately 2 metres higher than the existing buildings. The proposed replacement building with overhanging eaves, and the external seating area will appear more prominent in views within and outside the park. However, the existing buildings do not contribute positively to the overall appearance of the park. The Conservation Officer has assessed the proposals and given that there will be the opportunity to use higher quality materials than those used in the current buildings this will go towards enhancing the appearance of the building, and soften its impact on Victoria Park and the wider Conservation Area. An indication of the window specifications has been provided within the application, however it is not clear what materials are proposed for the windows and doors, and it is considered that it would be appropriate for the materials to be the subject of a condition.

- 6.5 The existing and proposed buildings are in close proximity to the avenue of lime trees which are a distinctive feature within Victoria Park, and are protected trees, as they are within the Newbury Conservation Area. The Tree Protection Plan which was submitted with the application was amended following initial comments from the Council's Tree Officer, and the cycle stands were repositioned. The Tree Officer was satisfied with the amended tree protection plans and arboricultural method statement which were submitted, and has recommended conditions to ensure that development is carried out in accordance with these details. With these measures in place, it is considered that the visually important avenue of lime trees will be protected during development, and the building and associated development are at a sufficient distance from the trees.
- 6.6 Overall it is considered that the replacement café building will have a neutral impact on the Conservation Area, however it will also provide improved facilities for the community which will be a public benefit, and so the proposal is not considered to be harmful to the overall character and appearance of the Conservation Area.

Flood Risk

- 6.7 Policy CS16 refers to flood risk. The application was submitted with a Flood Risk Assessment, as the site is within Flood Zone 3. Policy CS16 says that the sequential test will be applied in accordance with the NPPF, however the floor space of the building is such that the sequential test is not applicable in this instance. The policy also requires that in areas of flood risk that the application demonstrates that it is appropriate in that location and there are no suitable and available sites at a lower flood risk. The application is seeking to provide replacement and upgraded toilet, café and changing facilities for users of the park, the Flood Zone 3 designation includes the whole of Victoria Park, and so there are no locations at a lower flood risk which are suitable to provide these replacement facilities for park users.

In cases where development has to be located within flood risk areas policy CS16 requires that it should be safe and not increase flood risk elsewhere, and reducing the risk taking into account climate change. The policy also requires that the development does not have an impact on the capacity of the area to store water or impact on the flow of water, and that provision is made for maintenance of flood protection mitigation measures. The application was submitted with a Flood Risk Assessment, which was subsequently amended following an objection raised by the Environment Agency. The replacement building has been designed to account for the flood risk, so that the finished floor level of the building is above the flood level. Underneath the building there is a void to enable the flow of flood water, and to enable floodplain storage. The Environment Agency were satisfied with the additional information which was submitted clarifying the extent of the void beneath the building, and removed their objection to the proposal. A condition is required to ensure that the development is carried out in accordance with the submitted Flood Risk Assessment and Drainage Statement, and to

ensure that the mitigation measures and flood void are maintained throughout the lifetime of the building. The Council's drainage engineers as the Lead Local Flood Authority are satisfied with the flood risk and mitigation measures set out. They have questioned the minimum floor levels and void level which was suggested by the Environment Agency, as these were not the same as the levels shown on the submitted plans, and may not allow for a sufficient void. The wording of the condition suggested by the Environment Agency has been amended to the levels indicated on the amended plans. The proposed kiosk will be raised above the surrounding ground level, to prevent the building form being flooded. In addition the void underneath the building will have a void to enable storage and flows of water in a flood event. There are grills to be placed in front of the voids for safety, and there can be kept clear for long term maintenance. The proposal is considered to be satisfactory with regard to the flood risk

Policy CS16 also requires that surface water is managed through the implementation of Sustainable Drainage Methods to provide attenuation to greenfield run-off rates and to provide benefits where possible. The original Flood Risk Assessment has included a drawing showing the run-off being discharged into a rain Garden Bio-retention Area to the south of the building, as shown on the block plan. This is considered to be a practical solution given the high level of groundwater in this location. However there are no details included within the application of the size and construction details, and these will be dependent upon infiltration testing. A pre-commencement condition is therefore required to secure this provision and to ensure that it is suitably constructed in accordance with the supplementary planning guidance.

Sustainable Construction

- 6.8 Policy CS15 requires that all non-residential development will achieve BREEAM Excellent standard of construction and that major development will be zero carbon. The application was submitted with a BREEAM Preliminary Assessment report which has indicated that the building is able to achieve Very Good standard, with a score of 57.51%, to achieved Excellent a score of more than 70% is required. The assessment was accompanied by an explanatory letter which sets out the deficiencies in the BREEAM assessment for smaller scale buildings, and in this instance there were budgetary constraints which meant that some of the design details such as lighting, as well as not knowing who the operator of the kitchen facilities, and unknowns about fitting out details means that scores on these aspects cannot be assessed at this stage. However, the building does score particularly highly in the management, health and wellbeing, and energy sections of the assessment. The Design and Access statement has reiterated the intention to provide a zero carbon building, and made reference to the solar panel on the roof, but has not provided details of the specification for the potential output of the building and these are yet to be established. The building has the aim of being carbon neutral, however this has not yet been demonstrated, and given aspects of the design of the internal fit out are yet to be established, it is necessary to add a condition requiring further details to be submitted to achieve this aim, to ensure that the building can reach the intending aim of being zero carbon, and to accord with policy CS15.

Ecology

- 6.9 Policy CS17 seeks to ensure that biodiversity and geodiversity assets across the District are conserved and enhanced, and says that new development should maximise opportunities to achieve net gains in biodiversity. A bat survey was submitted within the application which indicated that the buildings were of a low potential for bat roosting and no roosting activity was identified during the emergence survey. However there were moderate levels of foraging and commuting activity observed, and four species of bats recorded. The report indicated that bat boxes/bricks were provided, as well as wildlife friendly planting as enhancements, as well as sensitive lighting design. The

Council's Ecologist has assessed the submitted details, and requests that integrated bat boxes are included in the buildings. The design of the particular boxes can be secured through conditions. The application can also be conditioned so that details of external lighting to the building are submitted to ensure that the lighting is suitable for the bats, and will not prevent them from using the bat boxes. This will ensure biodiversity benefits.

Archaeology

- 6.10 Policy CS19 gives particular regard to the conservation of heritage assets and their settings, and the impact on the Conservation Area has been addressed above. However the building also proposes the demolition of the storage building which was built in the second world war as an air raid shelter. A Historic Building Record has been submitted with the application detailing the history of this building, its construction and photographs. The Council's archaeologist has accepted this as being acceptable as a record of the building. However the site is also of potential importance with regards to the Mesolithic or Middle Stone Age period, and includes a Written Scheme of Investigation, including the digging of trial pits. The report submitted also referred to the previous application for separate changing rooms. However the archaeologist has indicated that further details are required to be clarified, and made relevant to this specific application, it is suggested that a geo-archaeological test pit would be the preferred option relevant to this archaeological period. A condition requiring an updated Written Scheme of Investigation to be submitted as a pre-commencement condition is necessary to ensure any potential remains are discovered and recorded.

Other Matters

- 6.11 Policies OVS5 and OVS6 refer to the need to ensure that there is not a harmful impact on the environment, due to the adequate shortage of water and materials, the installation of equipment to minimise the harmful effects of emissions, and noise from development. The Environmental Health Officers were consulted on the application, and they have suggested that a condition is added requiring that details of cooking equipment, and details of steps for the minimising of noise and odour effects from food preparation are submitted for approval, to ensure that such noises and smells do not affect the enjoyment of the park for people not using the café facilities. The application also proposes the demolition of the existing buildings on the site. This is a busy public area, and to ensure the safe removal of waste, and to ensure that there is not unsightly storage of waste materials in this sensitive location in the conservation area it is appropriate to add a condition requiring the submission of a scheme for the removal of spoil is submitted prior to commencement of work on site.
- 6.12 Sport England were required to be notified of the application, and have not raised any objection to the replacement kiosk building, as the application is proposing ancillary development supporting the playing field uses of Victoria Park, and does not affect the quality or quantity of playing pitches on the site.

7. Planning Balance and Conclusion

- 7.1 This application is seeking permission to construct a replacement building to provide a café with external and internal seating area, additional toilets and changing rooms, to replace the existing café and storage building in Victoria Park. The proposed building will bring public benefits through the provision of additional community facilities to users of the park. The building itself, due to the elevated floor level, and long pitched roof, will be more prominent in views within the park and Conservation Area, than the existing bland buildings. There will be some visual improvement through the use of higher quality materials in the construction of the building itself, and overall it will have a neutral impact on the Conservation Area. The proposal has been designed to mitigate the flood

risk of the site, and incorporates sustainable drainage methods, to ensure that the site will not increase the flood risk elsewhere. Whilst it is regrettable that the building as currently proposed does not achieve the BREEAM Excellent standard, much of this is due to the scale of the building proposed, and unknown details at this stage of the design process. It has been indicated that the building will be carbon neutral, and this is balanced with the BREEAM Very Good Standard, and in this instance given the scale of the development proposal is considered to be acceptable. Given the positive contribution that the additional facilities will make to wider community and users of Victoria Park which is an important feature within the Newbury Town Centre, and the lack of harm identified by the assessment of the proposal, the support given by policy ADPP2 to support improvements to Victoria Park, the construction of the replacement café building is considered to be acceptable, and in accordance with the relevant development plan polices and national planning guidance.

8. Full Recommendation

- 8.1 To delegate to the Head of Development and Planning to GRANT PLANNING PERMISSION subject to the conditions listed below.

Conditions

1.	<p>Commencement of development The development hereby permitted shall be begun before the expiration of three years from the date of this permission.</p> <p>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).</p>
2.	<p>Approved plans The development hereby permitted shall be carried out in accordance with the approved plans and documents listed below:</p> <ul style="list-style-type: none"> i. Location Plan received on 6th October 2020; ii. Site Plan and Block Plan Drawing No. 1284-PL01 Rev A received on 26th January 2021; iii. Proposed Block Plan and Floor Plan Drawing No 1284-PL01 Rev A received on 26th January 2021; iv. Proposed Elevations Drawing No 1284-PL03 Rev A received on 26th January 2021; v. Building Footprints Drawing No 6263.404 Rev A received on 12th March 2021; vi. Tree Protection Plan Drawing No 110-A received on 26th January 2021; vii. Heritage Design and Access Statement prepared by Michael Pagliaroli Architects September 2020 received on 2nd October 2020; viii. Bat Survey Report May 2019, Prepared by Greengage received on 2nd October 2020; ix. Arboricultural Method Statement Rev A January 2021 prepared by John W Platts Chartered Landscape Architects Ltd received on 26th January 2021; x. Tree Protection Plan Drawing No. 110-A received on 26th January 2021; xi. Flood Risk Assessment and Drainage Statement prepared by Stuart Michael Associated SMA Ref: 6263-FRA&DS Issue:01 September 2020 received on 2nd October 2020; and xii. FRA & Drainage Technical Note prepared Stuart Michael Associated SMA Ref: 6263 dated 5th March 2021 received on 12th March 2021;

	Reason: For the avoidance of doubt and in the interest of proper planning.
3.	<p>Materials to be submitted</p> <p>No development shall take place above foundation slab level until samples and an accompanying schedule of all materials and finishes visible external to the building have been submitted to and approved in writing by the Local Planning Authority. Samples shall be made available to be viewed at the site or by arrangement with the Planning Officer. All materials incorporated in the work shall match the approved samples.</p> <p>Reason: To ensure that the materials are appropriate to the special architectural or historic interest of the building. This condition is imposed in accordance with the National Planning Policy Framework (February 2019) and Policies CS14 and CS19 of the West Berkshire Core Strategy (2006-2026) the Quality Design SPD and the Newbury Town Design Statement.</p>
4.	<p>New Windows/Areas of Glazing and Doors</p> <p>No works to window/door/roof openings shall take place until detailed plans and specifications of such works have been submitted to and approved in writing by the Local Planning Authority. Such details shall include materials and finishes, at a minimum scale of 1:20 and 1:2. The windows/areas of glazing/external doors shall be installed in accordance with the approved details.</p> <p>Reason: To protect the character and appearance of the Conservation Area. This condition is imposed in accordance with the National Planning Policy Framework (February 2019) and Policies CS14 and CS19 of the West Berkshire Core Strategy (2006-2026), the Quality Design SPD and the Newbury Town Design Statement.</p>
5.	<p>Solar Panels</p> <p>No works to the roof shall take place until details of the solar panels to be installed in the building have been submitted to and approved in writing by the Local Planning Authority. Thereafter the solar panels shall be installed in accordance with the approved details.</p> <p>Reason: To protect the character and appearance of the Conservation Area. This condition is imposed in accordance with the National Planning Policy Framework (February 2019) and Policies CS14 and CS19 of the West Berkshire Core Strategy (2006-2026), the Quality Design SPD and the Newbury Town Design Statement.</p>
6.	<p>Cooking Equipment</p> <p>No equipment for cooking hot food shall be installed until a scheme of works or such other steps as may be necessary to minimise the effects of odour and noise from the preparation of food associated with the development have been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be installed in accordance with the approved details, before any hot food is cooked within the approved building and shall be operated and retained in full working order thereafter.</p> <p>Reason: To protect the character of the Conservation Area, and general amenity of the area by controlling cooking smells, noise and odour. This condition is imposed in accordance with the National Planning Policy Framework (February 2019) and Policies CS14 and CS19 of the West Berkshire Core Strategy (2006-2026), and</p>

	<p>policies OVS5 and OVS6 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).</p>
7.	<p>Cycle Storage</p> <p>The development shall not be brought into use until the cycle parking has been provided in accordance with the approved details and retained for this purpose at all times.</p> <p>Reason: To promote cycling by providing convenient and safe bicycle storage. This condition is imposed in accordance with the National Planning Policy Framework (February 2019), Policies CS13 and CS14 of the West Berkshire Core Strategy (2006-2026), Policy TRANS1 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007), and Supplementary Planning Document Quality Design (June 2006).</p>
8.	<p>Spoil Removal</p> <p>No development shall take place until details of how all spoil arising from the development will be used and/or disposed have been submitted to and approved in writing by the Local Planning Authority. These details shall:</p> <ul style="list-style-type: none"> (a) Show where any spoil to remain on the site will be deposited; (b) Show the resultant ground levels for spoil deposited on the site (compared to existing ground levels); (c) Include measures to remove all spoil from the site (that is not to be deposited); (d) Include timescales for the depositing/removal of spoil. <p>All spoil arising from the development shall be used and/or disposed of in accordance with the approved details.</p> <p>Reason: To ensure appropriate disposal of spoil from the development and to ensure that ground levels are not raised in order to protect the character and amenity of the area. This condition is applied in accordance with the National Planning Policy Framework, and Policies CS14 and CS19 of the West Berkshire Core Strategy 2006-2026, and policies OVS5 and OVS6 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007). A pre-commencement condition is required because spoil may arise throughout development.</p>
9.	<p>Tree Protection</p> <p>Protective fencing shall be implemented and retained intact for the duration of the development in accordance with the tree and landscape protection scheme identified on approved drawing(s) numbered plan John W Platts Tree Protection Plan dated January 2021 dwg 110-A. Within the fenced area(s), there shall be no excavations, storage of materials or machinery, parking of vehicles or fires.</p> <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 West Berkshire Core Strategy 2006-2026.</p>
10.	<p>Tree Retention</p> <p>No trees, shrubs or hedges shown as being retained on tree survey John W Platts Tree Protection Plan dated January 2021 dwg 110-A shall be pruned, cut back, felled, wilfully damaged or destroyed in any way without the prior consent of the local planning authority. Any trees, shrubs or hedges felled, removed or destroyed, or any that dies, become seriously damaged or diseased within five years from completion of the approved development, shall be replaced with the same species in</p>

	<p>the next planting season unless the Local Planning Authority gives written consent for any subsequent variation.</p> <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 West Berkshire Core Strategy 2006-2026.</p>
11.	<p>Arboricultural Method Statement</p> <p>The Arboricultural Method Statement and tree protection measures within report ref John W Platts Arboricultural Method Statement dated January 2021 rev.A shall be implemented in full and tree protection measures and works carried out in accordance with the Assessment. No changes shall be made to the works unless amendments have been submitted to and approved in writing by the Local Planning Authority and shall include details of any changes to 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 ADPP5, CS14, CS18 and CS19 of the West Berkshire Core Strategy 2006-2026.</p>
12.	<p>Flood Risk Mitigation</p> <p>The development shall be carried out in accordance with the submitted flood risk assessment and Drainage Statement, Victoria Park, Newbury, Stuart Michael, Associates Limited, September 2020, Issue 01, and Technical note by the Stuart Michael Associates, ref. SMA Ref: 6263, dated 5 March 2021, and the following mitigation measures it details:</p> <ul style="list-style-type: none"> i. Finished floor levels shall be set 75.52m above Ordnance Datum (AOD). ii. Underfloor voids with the soffit of the void set to the 1% annual probability flood with an allowance for climate change at 75.13m above Ordnance Datum (AOD). <p>These mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the scheme's timing/phasing arrangements. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.</p> <p>Reason: To reduce the risk of flooding to the proposed development and future occupants, and to prevent flooding elsewhere by ensuring that flood mitigation is provided. This condition is applied in accordance with the National Planning Policy Framework, and Policies CS16 of the West Berkshire Core Strategy 2006-2026.</p>
14.	<p>Sustainable Drainage Methods</p> <p>No development shall take place until details of sustainable drainage measures to manage surface water within the site have been submitted to and approved in writing by the Local Planning Authority.</p> <p>These details shall:</p> <ul style="list-style-type: none"> a) Incorporate the implementation of Sustainable Drainage methods (SuDS) in accordance with the Non-Statutory Technical Standards for SuDS (March 2015), the SuDS Manual C753 (2015) and West Berkshire Council local standards, particularly the WBC SuDS Supplementary Planning Document December 2018;

	<p>b) Include and be informed by a ground investigation survey which establishes the soil characteristics, infiltration rate and groundwater levels. Any soakage testing should be undertaken in accordance with BRE365 methodology;</p> <p>c) Include construction drawings, cross-sections and specifications of all proposed SuDS measures within the site;</p> <p>d) Include run-off calculations, discharge rates, infiltration and storage capacity calculations for the proposed SuDS measures based on a 1 in 100 year storm +40% for climate change;</p> <p>e) Include elevated floors with voids underneath for flood storage to minimise the loss of flood storage capacity. Arches shall be fitted with grills to prevent access under the building by children or animals, or for storage of materials which would remove flood storage volume. Details shall be in accordance with Drawing 1284-PL03 ("Proposed Elevations" produced by Michael Pagliaroli), revision dated 8/3/2021 received on 12th March 2021;</p> <p>f) Include pre-treatment methods to prevent any pollution or silt entering SuDS features or causing any contamination to the soil or groundwater;</p> <p>g) Include details of how the SuDS measures will be maintained and managed after completion.</p> <p>h) Provide details of how surface water will be managed and contained within the site during any construction works to prevent silt migration and pollution of watercourses, highway drainage and land either on or adjacent to the site;</p> <p>Reason: To ensure that surface water will be managed in a sustainable manner; to prevent the increased risk of flooding; to improve and protect water quality, habitat and amenity and ensure future maintenance of the surface water drainage system can be, and is carried out in an appropriate and efficient manner. This condition is applied in accordance with the National Planning Policy Framework, Policy CS16 of the West Berkshire Core Strategy (2006-2026), Part 4 of Supplementary Planning Document Quality Design (June 2006) and SuDS Supplementary Planning Document (Dec 2018). A pre-condition is necessary because insufficient detailed information accompanies the application; sustainable drainage measures may require work to be undertaken throughout the construction phase and so it is necessary to approve these details before any development takes place.</p>
14.	<p>External Lighting</p> <p>No external lighting shall be installed except in accordance with a lighting strategy that has been submitted to and approved in writing by the Local Planning Authority under a formal discharge of conditions application. The strategy shall:</p> <p>(a) Identify those areas on the site that are particularly sensitive for bats and that are likely to cause disturbance.</p> <p>(b) Show how and where external lighting will be installed so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species.</p> <p>(c) Include isolux contour diagram(s) of the proposed lighting.</p> <p>(d) Ensure all lighting levels are designed within the limitations of Environmental Lighting Zone 1, as described by the Institute of Lighting Engineers.</p> <p>No external lighting shall be installed on the elevations of the building or external decking area except in accordance with the above strategy.</p> <p>Reason: To ensure the conservation and enhancement of the biodiversity assets of the site. This condition is applied in accordance with the National Planning Policy Framework, the North Wessex Downs AONB Management Plan 2019-24, and Policies CS17 and CS19 of the West Berkshire Core Strategy 2006-2026.</p>

15.	<p>Biodiversity measures</p> <p>The development hereby permitted shall not be occupied until two integrated bat boxes have been installed in accordance with details that have first been submitted to and approved in writing by the Local Planning Authority under a formal discharge of conditions application.</p> <p>Reason: To ensure biodiversity enhancements are incorporated into the development. This condition is applied in accordance with the National Planning Policy Framework, and Policy CS17 of the West Berkshire Core Strategy 2006-2026.</p>
16.	<p>Written Scheme of Investigation</p> <p>Notwithstanding the submitted details, no demolition shall take place within the application area until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been 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. This condition is imposed in accordance with the National Planning Policy Framework (February 2019) and Policy CS19 of the West Berkshire Core Strategy (2006-2026). A pre-commencement condition is required because the archaeological investigations are required throughout the development.</p>
17.	<p>BREEAM</p> <p>The development hereby permitted shall achieve a rating of “Very Good” under BREEAM (or any such equivalent national measure of sustainable building which replaces that scheme). The development shall not be first occupied until a final certificate has been issued certifying that this BREEAM rating has been achieved, and a copy of the certificate has been provided to the Local Planning Authority.</p> <p>Reason: To ensure the development contributes to sustainable construction. This condition is applied in accordance with the National Planning Policy Framework, Policy CS15 of the West Berkshire Core Strategy (2006-2026) and Supplementary Planning Document Quality Design (June 2006).</p>
18.	<p>Zero Carbon</p> <p>No development shall take place above foundation slab level until a statement setting out how the approved works will comply with the requirement for zero carbon development has been submitted and approved in writing under a formal discharge of conditions application. Thereafter the development shall be carried out in accordance with the approved details.</p> <p>Reason: To ensure that the development contributes towards a reduction in carbon emissions for the District, in accordance with the requirements of the NPPF and Policy CS15 of the West Berkshire Core Strategy (2006-2026).</p>

Informatives

1.	<p>Proactive</p> <p>This decision has been made in a positive way to foster the delivery of sustainable development having regard to Development Plan policies and available guidance to secure high quality appropriate development. The local planning authority has worked proactively with the applicant to secure a development that improves the economic, social and environmental conditions of the area.</p>
2.	<p>CIL</p> <p>The development hereby approved results in a requirement to make payments to the Council as part of the Community Infrastructure Levy (CIL) procedure. A Liability Notice setting out further details, and including the amount of CIL payable will be sent out separately from this Decision Notice. You are advised to read the Liability Notice and ensure that a Commencement Notice is submitted to the authority prior to the commencement of the development. Failure to submit the Commencement Notice will result in the loss of any exemptions claimed, and the loss of any right to pay by instalments, and additional costs to you in the form of surcharges. For further details see the website at www.westberks.gov.uk/cil</p>
3.	<p>Groundwater</p> <p>A Groundwater Risk Management Permit from Thames Water will be required for discharging groundwater into a public sewer. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. We would expect the developer to demonstrate what measures he will undertake to minimise groundwater discharges into the public sewer. Permit enquiries should be directed to Thames Water's Risk Management Team by telephoning 020 3577 9483 or by emailing trade.effluent@thameswater.co.uk . Application forms should be completed on line via www.thameswater.co.uk. Please refer to the Wholesale; Business customers; Groundwater discharges section.</p>