

Suggested Conditions

Appeal Ref:	APP/W0340/W/24/3359935
Site:	The Mall, Kennet Centre, Newbury RG14 5EN
Proposal:	Full planning permission for the redevelopment of the Kennet Centre comprising the partial demolition of the existing building on site and the development of new residential dwellings (Use Class C3) and residents ancillary facilities; commercial, business and service floorspace including office (Class E (a, b, c, d, e, f, and g)); access, parking, and cycle parking; landscaping and open space; sustainable energy installations; associated works, and alterations to the retained Vue Cinema and multi storey car park.
Application:	23/02094/FULMAJ

West Berkshire Council suggest the following conditions in the event that the Inspector decides to allow the appeal, in addition to the standard commencement and approved plans conditions. These suggested conditions are provided without prejudice to the Council's position on the appeal proposal, and can be subject to change during the appeal process and discussion at the Inquiry.

Suggested conditions

1a Arsenal condition

No works (including demolition, ground works and site clearance) shall be carried out under this planning permission on the land known as the Kennet Centre, Newbury, RG14 5EN as shaded pink on Plan 1 annexed to the S106 Agreement dated [X] (the "Agreement") and registered under title number BK235120 (the "Site") unless and until all parties with a legal or equitable interest excluding interests such as easements or restrictive covenants in the Site have entered into an Agreement pursuant to Section 106 of the Town and Country Planning Act 1990 (and other appropriate powers) binding such interests with the obligations contained in the Agreement.

Reason: The planning permission has been granted subject to a S106 Agreement dated [X] and at the time of this permission being issued, the applicant is not able to bind all relevant parties and interests in the site to the terms of the planning obligations that it contains.

1.	Commencement of development The development hereby permitted shall begin not later than three years from the date of this decision. 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.	Approved plans and documents (whole planning site) The development hereby permitted shall be informed and carried out in accordance with the following approved plans and documents.

Site Location Plan	P0-001	
Existing Site Plan	P0-010	
Existing Elevations	P0-020	
Demolition Site Plan	P0-030	
Demolition Elevations	P0-040	
Proposed Site Plan – Ground Floor	P0-100	P19
Proposed Site Plan – First Floor	P0-101	P19
Proposed Site Plan – Second Floor	P0-102	P19
Proposed Site Plan – Third Floor	P0-103	P19
Proposed Site Plan – Fourth Floor	P0-104	P19
Proposed Site Plan – Fifth Floor	P0-105	P19
Proposed Site Plan – Sixth Floor	P0-106	P19
Proposed Site Plan – Seventh Floor	P0-107	P19
Proposed Site Plan – Roof Plan	P0-111	P19
Blocks A, C, D & Cinema – Proposed Plan – Ground Floor	P1-100	P19
Blocks A, C, D & Cinema – Proposed Plan – First Floor	P1-101	P19
Blocks A, C, D & Cinema – Proposed Plan – Second Floor	P1-102	P19
Blocks A, C, D & Cinema – Proposed Plan – Third Floor	P1-103	P19
Blocks A, C, D & Cinema – Proposed Plan – Fourth Floor	P1-104	P19
Blocks A, C, D & Cinema – Proposed Plan – Fifth Floor	P1-105	P19
Blocks A, C, D & Cinema – Proposed Plan – Sixth Floor	P1-106	P19
Blocks A, C, D & Cinema – Proposed Plan – Seventh Floor	P1-107	P19
Blocks A, C, D & Cinema – Proposed Plan – Roof Plan	P1-111	P19
Blocks B, E, F, G and H – Proposed Plan – Ground Floor	P1-200	P19
Blocks B, E, F, G and H – Proposed Plan – First Floor	P1-201	P19
Blocks B, E, F, G and H – Proposed Plan – Second Floor	P1-202	P19
Blocks B, E, F, G and H – Proposed Plan – Third Floor	P1-203	P19
Blocks B, E, F, G and H – Proposed Plan – Fourth Floor	P1-204	P19
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Blocks B, E, F, G and H – Proposed Plan – Sixth Floor	P1-206	P19
Blocks B, E, F, G and H – Proposed Plan – Seventh Floor	P1-207	P19
Blocks B, E, F, G and H – Proposed Plan – Roof Plan	P1-210	P19
Block S & Car Park – Proposed Plan – Ground Floor	P1-300	P19
Block S & Car Park – Proposed Plan – First Floor	P1-301	P19
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Block S & Car Park – Proposed Plan – Third Floor	P1-303	P19
Block S & Car Park – Proposed Plan – Fourth Floor	P1-304	P19
Block S & Car Park – Proposed Plan – Fifth Floor	P1-305	P19
Block S & Car Park – Proposed Plan – Sixth Floor	P1-306	P19
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Block S & Car Park – Proposed Plan – Roof Plan	P1-320	P19

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3.	<p>Schedule of materials (prior approval)</p> <p>No above ground construction works shall take place until a 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. The development shall be carried out in accordance with the approved details/ samples.</p> <p>Reason: To ensure that the materials are appropriate to the character of the building, and the Conservation Area. This condition is imposed in accordance with the National Planning Policy Framework and Policies SP7, SP9 and DM7 of the West Berkshire Local Plan Review 2023-2041.</p>																																													
4	<p>Sample Brickwork/Stonework/Roofing and Surfacing Materials Schedule</p> <p>No above ground construction shall take place until a sample panel of the materials to be used in the construction of the external surfaces/roofing/brickwork/stonework shall have been prepared on site for inspection and approved in writing by the local planning authority. All sample panels shall be at least 1 metre x 1 metre and show the proposed material, bond, pointing technique and palette of materials (including roofing, cladding and render) to be used in the development. The development shall be constructed in accordance with the approved sample, which shall not be removed from the site until completion of the development.</p> <p>Reason: To ensure that the materials are appropriate to the character of the building, and the Conservation Area. This condition is imposed in accordance with the National Planning Policy Framework and Policies SP7, SP9 and DM7 of the West Berkshire Local Plan Review 2023-2041</p>																																													
5	<p>Window/door details</p> <p>No new external doors and windows shall be fitted until working drawings (scale 1:20, 1:10, 1:5, half or full size etc.) fully detailing the new / or replacement windows and/or external doors (cross sections for full glazing bars, sills, heads etc.) have</p>																																													

	<p>been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out using the approved specification and retained thereafter.</p> <p>Reason: To ensure that the materials are appropriate to the character of the building, and the Conservation Area. This condition is imposed in accordance with the National Planning Policy Framework and Policies SP7, SP9 and DM7 of the West Berkshire Local Plan Review 2023-2041</p>
6	<p>Architectural details</p> <p>No above ground construction development shall take place until full details of the following have been submitted to and approved in writing by the Local Planning Authority:</p> <ul style="list-style-type: none"> - window/door arches, lintels, reveals and surrounds - eaves and fascia - parapets, cornices and pediments - brick detailing and decorative features - metalwork (railings and/or balconies) - external services (drainage pipework (including soil vent pipe terminations) and accessories, rainwater goods, boiler flues, extract vent grilles, meter cupboards, external lighting. <p>Thereafter the development shall incorporate and be undertaken in accordance with the approved details.</p> <p>Reason: To ensure that the materials are appropriate to the character of the building, and the Conservation Area. This condition is imposed in accordance with the National Planning Policy Framework and Policies SP7, SP9 and DM7 of the West Berkshire Local Plan Review 2023-2041</p>
7	<p>Method Statement and Schedule of Works</p> <p>No development (including preparatory or demolition work), shall take place until a detailed method statement and schedule of works relating to any demolition and buildings works occurring beside the adjacent listed buildings has been submitted to and approved in writing by the Local Planning Authority. This shall include details of adequate protection and support to the adjacent listed buildings during demolition and construction as required including scaffolding to ensure no damage is incurred to the historic fabric. Thereafter the development shall incorporate and be undertaken in accordance with the approved details.</p> <p>Reason: To protect the special architectural or historic interest of the heritage assets. This condition is imposed in accordance with the National Planning Policy Framework and Policies SP7, SP9, DM7 and DM10 of the West Berkshire Local Plan Review 2023-2041</p> <p>A pre-commencement condition is necessary because insufficient detailed information accompanies the application, so it is necessary to approve these details before any development takes place.</p>
8	<p>Archaeology</p> <p>No development including site clearance shall take place within the application area until a Stage 1 written scheme of investigation (WSI) for a programme of</p>

	<p>archaeological work has been submitted to and approved by the local planning authority in writing. For land that is included within the WSI no demolition or development shall take place other than in accordance with the agreed WSI, and the programme and methodology of site evaluation and the nomination of a competent person(s) or organisation to undertake the agreed works.</p> <p>If heritage assets of archaeological interest are identified by Stage 1, then for those parts of the site which have archaeological interest a Stage 2 WSI shall be submitted to and approved by the local planning authority in writing. For land that is included within the WSI no site clearance work or development shall take place other than in accordance with the agreed WSI, which shall include:</p> <p>A. The Statement of significance and research objectives, the programme and methodology of archaeological site investigation and recording and the nomination of a competent person(s) or organisation to undertake the agreed works.</p> <p>B. The programme for post-investigation assessment and subsequent analysis, publication & dissemination and deposition of resulting archaeological material. This part of the condition shall not be discharged until these elements have been fulfilled in accordance with the programme set out in the Stage 2 WSI.</p> <p>Reason: To ensure that any significant archaeological remains that are found are adequately recorded. Such an approach follows the guidance set out in paragraph 212 of the 2024 National Planning Policy Framework and is accordant with the requirements of Policy DM14 of the West Berkshire Local Plan Review 2023-2041.</p> <p>A pre-commencement condition is necessary because insufficient detailed information accompanies the application, so it is necessary to approve these details before any development takes place. The measures required for this condition will need to be in place for when the development begins.</p>
9	<p>Tree protection scheme</p> <p>No development (including site clearance and any other preparatory works) shall commence on site until a scheme for the protection of trees to be retained is submitted to and approved in writing by the Local Planning Authority.</p> <p>Such a scheme shall include:</p> <ul style="list-style-type: none"> • 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>A pre-commencement condition is necessary because insufficient detailed information accompanies the application; tree protection installation measures may be required to be undertaken throughout the construction phase and so it is necessary to approve these details before any development takes place.</p> <p>Reason: Required to safeguard and to enhance its setting within the immediate locality to ensure the protection and retention of existing trees and natural features</p>

	<p>during the construction phase in accordance with the NPPF and Policies SP7, SP9, DM7 and DM15 of the West Berkshire Local Plan Review 2023-2041</p> <p>A pre-commencement condition is necessary because insufficient detailed information accompanies the application, so it is necessary to approve these details before any development takes place. The measures required for this condition will need to be in place for when the development begins.</p>
10	<p>Landscape (Soft and Hard) – (Major applications)</p> <p>Prior to completion or first occupation of the development hereby approved, whichever is the sooner; details of treatment of all parts on the site not covered by buildings shall be submitted to and approved in writing by the Local Planning Authority. The site shall be landscaped strictly in accordance with the approved details in the first planting season after completion or first occupation of the development, whichever is the sooner. Details shall include:</p> <ol style="list-style-type: none"> 1) a scaled plan showing all and trees and plants to be planted; 2) location, type and materials to be used for hard landscaping including specifications, where applicable for: <ol style="list-style-type: none"> a) permeable paving b) tree pit design c) underground modular systems d) Sustainable urban drainage integration e) use within tree Root Protection Areas (RPAs); 3) a schedule detailing sizes and numbers/densities of all proposed trees/plants; 4) specifications for operations associated with plant establishment and maintenance that are compliant with best practise; and 5) types and dimensions of all boundary treatments <p>There shall be no excavation or raising or lowering of levels within the prescribed root protection area of retained trees unless agreed in writing by the Local Planning Authority. Unless required by a separate landscape management condition, all soft landscaping shall have a written five-year maintenance programme following planting. Any new tree(s) that die(s), are/is removed or become(s) severely damaged or diseased shall be replaced and any new planting (other than trees) which dies, is removed, becomes severely damaged or diseased within five years of planting shall be replaced. Unless further specific permission has been given by the Local Planning Authority, replacement planting shall be in accordance with the approved details.</p> <p>Reason: Required to safeguard and enhance the character and amenity of the area, to provide ecological, environmental and bio-diversity benefits and to maximise the quality and usability of open spaces within the development, and to enhance its setting within the immediate locality in accordance with the NPPF and Policies SP7, SP9, DM7 and DM15 of the West Berkshire Local Plan Review 2023-2041</p>
11	<p>Sustainable Drainage including foul drainage</p> <p>No works apart from demolition of the existing building 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>

These details shall:

- a) Incorporate the implementation of Sustainable Drainage methods (SuDS) in accordance with the Non-Statutory Technical Standards for SuDS (2015), the SuDS Manual C753 (2015) and the WBC SuDS Supplementary Planning Document (2018) with particular emphasis on Green SuDS and water re-use;
- b) Demonstrate that proposed finished floor levels are set in accordance with Environment Agency advice to retain them above the design event.
- c) Include flood water exceedance routes (low flow, overflow and exceedance routes), both on and off site;
- d) Include full information of catchments and flows discharging into and across the site and how these flows will be managed and routed through the development and, where the flows exit the site, both pre-development and post-development information must be provided;
- e) Include attenuation measures to retain rainfall run-off within the site and allow discharge from the site to an existing watercourse or piped system at no greater than the agreed discharge rates 43.8, 116.1 and 155l/s for the 1 in 2, 1 in 30 and 1 in 100 years plus 40%CC events respectively (subject to accuracy of calculations);
- f) Include run-off calculations based on current rainfall data models, discharge rates and storage capacity calculations for the proposed SuDS measures based on a 1 in 100 year storm +40% for climate change;
- g) Include construction drawings, cross-sections and specifications of all proposed SuDS measures within the site;
- h) Include pre-treatment methods to prevent any pollution or silt entering SuDS features or causing any contamination to the soil, groundwater, watercourse or drain;
- i) Ensure permeable paved areas are designed and constructed in accordance with manufacturers guidelines if using a proprietary porous paved block system; otherwise ensure any permeable areas are constructed on a permeable sub-base material, such as MoT/DoT Type 3;
- j) Show that attenuation storage measures have a 300mm freeboard above maximum design water level. Surface conveyance features must have a 150mm freeboard above maximum design water level;
- k) Include written confirmation from Thames Water of their acceptance of the discharge from the site into the surface water and foul sewer, and confirmation that the downstream sewer network has the capacity to take this flow;
- l) Include a standalone management and maintenance plan showing how the SuDS measures will be maintained and managed after completion for the lifetime of the development. This plan shall incorporate arrangements for adoption by the Council, Water and Sewage Undertaker, Maintenance or Management Company (private company or Trust) or individual property owners, or any other arrangements, including maintenance responsibilities resting with individual property owners, to secure the operation of the sustainable drainage scheme throughout its lifetime. These details shall be

	<p>provided as part of a handover pack for subsequent purchasers and owners of the property/premises;</p> <p>m) Include details of how surface water will be managed and contained within the site during construction works to prevent silt migration and pollution of watercourses, highway drainage and land either on or adjacent to the site;</p> <p>The above sustainable drainage measures shall be implemented in accordance with the approved details before the use hereby permitted is commenced in accordance with a timetable to be submitted and agreed in writing with the Local Planning Authority as part of the details submitted for this condition. The sustainable drainage measures shall be maintained and managed in accordance with the approved details thereafter.</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 SP6 of the West Berkshire Local Plan review 2023-2041. 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>
12	<p>Additional post construction SuDS condition</p> <p>The proposed development shall not be brought into use unless the following conditions are satisfied:</p> <p>a) Include a verification report carried out by a qualified drainage engineer demonstrating that the surface water drainage system has been constructed as per the approved scheme (or detail any minor variations thereof), to be submitted immediately following construction to be approved by the Local Planning Authority. This Report shall include plans and details of all key drainage elements (surface water drainage network, attenuation devices/areas, flow restriction devices and outfalls) and details of any management company managing the SuDS measures thereafter.</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, SP6 of the West Berkshire Local Plan review 2023-2041 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).</p>

	<p>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>
13	<p>Compliance with existing detailed biodiversity method statements, strategies, plans and schemes</p> <p>The development shall be carried out in accordance with the Ecological Impact Assessment (September 2023, Eagle Quarter). The development shall not be first occupied until details contained within the Ecological Impact Assessment have been implemented including the lighting strategy, and the provision of three clusters of three Schwegler 2FR bat tubes. All ecological measures and/or works shall be carried out and permanently retained in accordance with the details contained in the Ecological Impact Assessment and the Landscape Design Statement (March 2021, Eagle Quarter)</p> <p>Reason: To ensure the adequate safeguarding of protected species in accordance with the National Planning Policy Framework, and Policy SP11 of the West Berkshire Local Plan Review 2023-2041.</p>
14	<p>Submission of a copy of the EPS licence</p> <p>The following works '<i>the partial demolition of the existing building on site</i>' shall not in any circumstances commence unless the Local Planning Authority has been provided with either:</p> <ul style="list-style-type: none"> (a) A licence issued by Natural England pursuant to Regulation 55 of The Conservation of Habitats and Species Regulations 2017 authorising the specified activity/development to go ahead; or (b) A statement in writing from Natural England to the effect that it does not consider that the specified activity/development will require a licence. <p>Reason: To ensure the adequate safeguarding of protected species in accordance with the National Planning Policy Framework, and Policy SP11 of the West Berkshire Local Plan Review 2023-2041. This "strict protection" condition helps to ensure that a developer will apply for an EPS licence and, if they do not, can be prevented in advance from undertaking the activities that might jeopardize the protected species, before the species is harmed. The use of planning conditions for this purpose has been established through case law and is also recommended in government.</p>
15	<p>Landscape and Ecological Management Plan (LEMP)</p> <p>No above ground construction development shall take place until a Landscape and Ecological Management Plan (LEMP) (also referred to as a Habitat or Biodiversity Management Plan) has been submitted to and be approved in writing by the Local Planning Authority. The content of the LEMP shall include the following:</p> <ul style="list-style-type: none"> (a) Description and evaluation of features to be managed. (b) Ecological trends and constraints on site that might influence management. (c) Aims and objectives of management. (d) Appropriate management options for achieving aims and objectives. (e) Prescriptions for management actions. (f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period) and 30 year management plan for meeting biodiversity net gain requirements. (g) Details of the body or organization responsible for implementation of the plan.

	<p>(h) Ongoing monitoring and remedial measures. (i) Habitat enhancement measures and location plan including all bird and bat boxes integrated into the new structures (Five clusters of five swift bricks, Peregrine Falcon box).</p> <p>The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery.</p> <p>The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme.</p> <p>The approved plan will be implemented in accordance with the approved details.</p> <p>Reason: To ensure the adequate safeguarding of protected species in accordance with the National Planning Policy Framework, and Policy SP11 of the West Berkshire Local Plan Review 2023-2041.</p>
16	<p>Construction Environmental Management Plan (CEMP)</p> <p>No development shall take place (including demolition, ground works, vegetation clearance) until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall include the following:</p> <ul style="list-style-type: none"> (a) Risk assessment of potentially damaging construction activities. (b) Identification of “biodiversity protection zones”. (c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements). (d) The location and timing of sensitive works to avoid harm to biodiversity features. (e) The times during construction when specialist ecologists need to be present on site to oversee works. (f) Responsible persons and lines of communication. (g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person. (h) Foundation plans, excavation details and structural precautionary details for those buildings adjacent to Listed Buildings. <p>The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority.</p> <p>Reason: To ensure the adequate safeguarding of protected species in accordance with the National Planning Policy Framework, and Policy CS17 of the West Berkshire Core Strategy 2006-2026. To protect the structural integrity of the buildings during development works. This condition is imposed in accordance with the National Planning Policy Framework and Policy SP11 of the West Berkshire Local Plan Review 2023-2041</p>

	<p>A pre-commencement condition is necessary because insufficient detailed information accompanies the application, so it is necessary to approve these details before any development takes place. The measures required for this condition will need to be in place for when the development begins.</p>
17	<p>Ground levels and finished floor levels.</p> <p>No above ground construction development shall take place until details of existing and proposed ground levels and finished floor levels of the development (phased as appropriate), have been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved details.</p> <p>Reason: To ensure a satisfactory relationship between the proposed development and the adjacent land. This condition is applied in accordance with the National Planning Policy Framework, Policies SP7, SP9 and DM7 of the West Berkshire Local Plan Review 2023-2041 and the Quality Design SPD (June 2006).</p>
18	<p>Construction method statement</p> <p>No development shall take place until a Construction Method Statement and plan has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details. The statement shall provide for:</p> <ul style="list-style-type: none"> (a) The parking of vehicles of site operatives and visitors (b) Loading and unloading of plant and materials (c) Storage of plant and materials used in constructing the development (d) The erection and maintenance of security hoarding including decorative displays and facilities for public viewing (e) Wheel washing facilities (f) Measures to control the emission of dust and dirt during construction (g) A scheme for recycling/disposing of waste resulting from demolition and construction works (h) A site set-up plan during the works. (i) The control of noise during construction and demolition (j) The control of dust, smell, and other effluvia, (k) The control of rats and other vermin (l) The control of surface water run-off (m) The proposed method of piling for foundations (if any) (n) Show where any spoil arising from the development to remain on the site will be deposited. (o) Show the resultant ground levels for spoil deposited on the site (compared to existing ground levels). (p) Include measures to remove all spoil from the site (that is not to be deposited). (q) 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>No demolition or construction works or delivery of materials shall take place outside the following hours:</p>

	<p>0730 hours to 1800 hours Mondays to Fridays. 0830 hours to 1300 hours Saturdays; and No work shall be carried out at any time on Sundays or Bank Holidays</p> <p>Reason: To safeguard the amenity of adjoining land uses and occupiers and in the interests of highway safety. This condition is applied in accordance with the National Planning Policy Framework, Policies SP7, SP9, SP19, DM5, of the West Berkshire Local Plan Review 2023-2041</p> <p>A pre-commencement condition is necessary because insufficient detailed information accompanies the application, so it is necessary to approve these details before any development takes place. The measures required for this condition will need to be in place for when the development begins.</p>
19	<p>Electric Charging Points</p> <p>No unit shall be occupied until details of electric vehicle charging points have been submitted to and approved in writing by the Local Planning Authority. The development shall not be brought into use until associated electric vehicle charging points have been provided in accordance with the approved drawings. The charging point shall thereafter be retained and kept available as approved.</p> <p>Reason: To promote the use of electric vehicles. This condition is applied in accordance with the National Planning Policy Framework, Policies CS13 and CS14 of the West Berkshire Core Strategy (2006-2026), Policy P1 of the Housing Site Allocation DPD and Policies SP5, and DM44 of the West Berkshire Local Plan Review 2023-2041.</p>
20	<p>Framework Servicing & Management Plan – details to be submitted</p> <p>No residential or commercial units shall be occupied until a Servicing & Management Plan has been submitted to and approved in writing by the Local Planning Authority.</p> <p>Reason: To safeguard the amenity of adjoining land uses and occupiers and in the interests of highway safety. This condition is imposed in accordance with the National Planning Policy Framework, Policies SP19 and DM45 of the West Berkshire Local Plan Review 2023-2041.</p>
21	<p>Vehicle parking provided to standards.</p> <p>No above ground construction development shall take place until details of the vehicle parking and turning space areas have been submitted to and approved in writing by the Local Planning Authority. Such details shall show how the parking spaces are to be surfaced and marked out. The development shall not be brought into use until the associated vehicle parking and turning spaces/areas have been provided in accordance with the approved details. The parking and turning space shall thereafter be kept available for parking (of private motor cars and light goods vehicles) at all times.</p> <p>Reason: To ensure the development is provided with adequate parking facilities in order to reduce the likelihood of roadside parking which would adversely affect road safety and the flow of traffic. This condition is applied in accordance with the National Planning Policy Framework, Policy DM44 of the West Berkshire Local Plan Review 2023-2041 CS13 of the West Berkshire Core Strategy (2006-2026) and Policy TRANS1 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).</p>

22	<p>Access construction prior to occupation/use (plans required)</p> <p>No above ground construction development shall take place until details of all access(es) into the site have been submitted to and approved in writing by the Local Planning Authority. The use shall not commence until the associated accesses have been constructed in accordance with the approved details.</p> <p>Reason: In the interest of road safety. This condition is imposed in accordance with the National Planning Policy Framework and Policy SP19 of the West Berkshire Local Plan Review 2023-2041</p>
23	<p>Car Parking Management Plan</p> <p>No part of the development shall be taken into use until a Car Parking Management Plan for the proposed car parks 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 plan.</p> <p>Reason: To ensure the development is provided with adequate parking facilities for all users within the scheme, in order to reduce the likelihood of roadside parking that would adversely affect road safety and the flow of traffic. This condition is imposed in accordance with the National Planning Policy Framework (March 2012), Policies SP19, and DM44 of the West Berkshire Local Plan Review 2023-2041</p>
24	<p>Lighting Highways & Amenity</p> <p>Prior to the first occupation of any unit details of a system of lighting which shall include a scheme of illuminating pedestrian, cycle and car parking areas have been submitted to and approved in writing by the Local Planning Authority. The Scheme shall have regard to the amenity of future amenity. Thereafter the scheme of lighting shall be implemented prior to the development being brought into use and maintained in accordance with the approved scheme.</p> <p>Reason: In the interest of security and safety and preserve future amenity of occupiers. This condition is imposed in accordance with the National Planning Policy Framework and Policies SP7, and SP19, of the West Berkshire Local Plan Review 2023-2041</p>
25	<p>Lighting Design Strategy for Light Sensitive Biodiversity</p> <p>The development shall not be first occupied, and no external lighting installed, until a "lighting design strategy for biodiversity" has been submitted to and approved in writing by the Local Planning Authority. The strategy shall:</p> <ul style="list-style-type: none"> a) identify those areas/features on site that are particularly sensitive for bats and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example, for foraging; and b) show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the

	<p>above species using their territory or having access to their breeding sites and resting places.</p> <p>All external lighting shall be installed in accordance with the specifications and locations set out in the strategy, and these shall be maintained thereafter in accordance with the strategy. Under no circumstances should any other external lighting be installed without prior consent from the Local Planning Authority.</p> <p>Reason: Bats are sensitive to light pollution. The introduction of artificial light might mean such species are disturbed and/or discouraged from using their breeding and resting places, established flyways or foraging areas. Such disturbance can constitute an offence under relevant wildlife legislation. This condition is applied in accordance with the National Planning Policy Framework, and Policy SP11 of of the West Berkshire Local Plan Review 2023-2041</p>
26	<p>Refuse Storage</p> <p>Prior to any works above foundation level development (apart from demolition work) taking place on the development hereby permitted, details of storage for refuse and recycling materials for the dwellings shall have been submitted to and approved in writing by the Local Planning Authority. The approved dwellings shall not be occupied until the refuse and recycling facilities have been provided in accordance with the approved details and shall thereafter be retained for this purpose.</p> <p>Reason: To ensure that there are adequate and safe refuse/recycling facilities within the site. This condition is applied in accordance with the National Planning Policy Framework, Policies and Supplementary Planning Document Quality Design (June 2006).</p>
27	<p>Cycle and motorcycle parking</p> <p>Prior to any works above foundation level development apart from demolition work details of the cycle and motorcycle parking and storage space have been submitted to and approved in writing by the Local Planning Authority. The use shall not commence until the associated cycle and motorcycle parking and storage space has been provided in accordance with the approved details and retained for this purpose at all times.</p> <p>Reason: To ensure that there is adequate and safe cycle and motorcycle storage space within the site. This condition is imposed in accordance with the National Planning Policy Framework, Policy DM44 of the West Berkshire Local Plan Review 2023-2041</p>
28	<p>Skills and Employment Plan</p> <p>No development shall take place until an Employment and Skills Plan (ESP), in relation to the construction phase of the development, has been submitted to and approved in writing by the Local Planning Authority. The ESP will set out the measures that the developer will take to enhance the training and employment opportunities that are offered to the local workforce in West Berkshire in the construction process. The measures set out in the ESP should be appropriate and proportional to the scale and value of the development. The ESP should set out, through a method statement, how the following priorities will be addressed:</p>

	<p>(a) Promotion of employment opportunities generated on site to the West Berkshire workforce (but not excluding those outside of West Berkshire), with a focus on those who are not currently employed.</p> <p>(b) Creation of new apprenticeship starts specific to the development site. This should include how the developer will work directly with local employment and training agencies.</p> <p>(c) Identification of training and work placement opportunities on site with discussion on how these may be promoted to local people, working directly with local employment and training agencies.</p> <p>The Employment and Skills Plan should also:</p> <p>(d) Identify a lead contact who is responsible for managing the plan.</p> <p>(e) Set out a timetable for the implementation of the ESP which, for the avoidance of doubt, shall include a start date no later than the date of commencement of development.</p> <p>(f) Set out the process for how implementation of the ESP will be monitored and reported back to West Berkshire Council.</p> <p>Thereafter approved ESP shall be implemented in full concurrent with the development of the site.</p> <p>Reason: To promote local job opportunities in the district in accordance with the National Planning Policy Framework. A pre-commencement condition is necessary because the ESP will need to be in place before any construction activities take place.</p> <p>A pre-commencement condition is necessary because insufficient detailed information accompanies the application, so it is necessary to approve these details before any development takes place. The measures required for this condition will need to be in place for when the development begins as they relate to construction workforce.</p>
29	<p>BREEAM Excellent</p> <p>The All the non-residential areas of the development shall achieve and Excellent rating under BREEAM (or any such equivalent national measure of sustainable building which replaces that scheme). No later than 3 months after the building is operational, a final Certificate must be issued certifying that BREEAM (or any such equivalent national measure of sustainable building which replaces that scheme) rating of Excellent has been achieved for the development, and a copy 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, Policies SP5 and DM4 of the West Berkshire Local Plan Review 2023-2041.</p>
30	<p>Condition – Noise Management Plan for Use Class E Premises</p> <p>A Noise Management Plan shall be produced for Use Class E premises and shall be submitted to and approved by the Local Planning Authority before any Class E use commences or any subsequent change of occupier. The Noise Management Plan shall include:</p>

	<ol style="list-style-type: none"> 1. An assessment of how the business use could impact neighbouring noise sensitive receptors, including structural and airborne transfer of noise 2. Details of the noise control measures employed to mitigate the impact of noise as far as reasonably possible, including structural design, operational hours, and noise management procedures 3. Contact details of the person responsible for noise management <p>The noise management plan shall be reviewed periodically and whenever there are changes which could result in a change to the impact on surrounding neighbors.</p> <p>Reason: In the interests of the amenities of neighbouring occupiers. This condition is applied in accordance with the National Planning Policy Framework, Policy CS14 of the West Berkshire Core Strategy (2006-2026), and Policies DM5 of the West Berkshire Local Plan Review 2023-2041</p>
31	<p>Condition – noise protection for future occupiers</p> <p>A scheme and a noise management plan for protecting the proposed dwellings of the approved development from road and entertainment noise from the town centre night time economy shall be submitted, for written approval, to the Local Planning Authority prior to above ground works</p> <p>The development shall not be occupied until the noise mitigation measure identified in the approved scheme, have been fully implemented. The noise mitigation measures shall be retained and maintained thereafter.</p> <p>The noise management plan shall include</p> <ol style="list-style-type: none"> a) Information on how noise management measures identified in the scheme are communicated at pre-letting and moving in stage to a new resident b) How the west podium amenity space is managed c) How the noise events at The Newbury are communicated to residents <p>The noise management plan shall be implemented prior to first occupation and maintained thereafter.</p> <p>Reason: To protect future residents from noise from road noise and commercial noise from the town centre. This condition is applied in accordance with the National Planning Policy Framework, PolicyDM5 of the West Berkshire Local Plan Review 2023-2041).</p>
32	<p>Condition – Deliveries</p> <p>No deliveries to commercial units, including collection of waste shall be dispatched or accepted outside the following times.</p> <ul style="list-style-type: none"> - Monday to Saturday – 7:00 am and 10:00 pm - Sundays and Public Holidays – 9:00 am and 6:00 pm <p>Vehicle engines and refrigeration units shall be switched off during deliveries and no engine idling shall be permitted.</p> <p>Reason: To protect the amenity of residents living in the vicinity of the site and to reduce impact on air quality. This condition is applied in accordance with the National</p>

	Planning Policy Framework, Policy DM5 of the West Berkshire Local Plan Review 2023-2041
33	<p>Cooking Odours from Commercial Kitchens</p> <p>The applicant shall submit to the Local Planning Authority, for written approval, a scheme of works to minimise the emission of cooking odours.</p> <p>The permitted use shall not commence until the odour mitigation measures, as set out in the approved scheme, have been implemented. The odour mitigation measures shall be maintained and retained for the duration of the development.</p> <p>Reason: In the interests of the amenities of neighbouring occupiers. This condition is applied in accordance with the National Planning Policy Framework, Policy DM5 of the West Berkshire Local Plan Review 2023-2041</p>
34	<p>Plant noise</p> <p>Prior to any works above foundation level development apart from demolition work the following shall be submitted to the Local Planning Authority</p> <ul style="list-style-type: none"> a) written details concerning any proposed air handling plant associated with the development including: <ul style="list-style-type: none"> - the proposed number and location of such plant as well as the manufacturer's information and specifications; - the acoustic specification of the plant including general sound levels and frequency analysis under conditions likely to be experienced in practice - and the intended operating days and times. b) calculations showing the likely impact of noise from the development; c) a scheme of works or such other steps as may be necessary to minimize the effects of noise from the development; <p>no construction above foundation level apart from demolition work shall commence until written approval of a scheme under (c) above has been given by the Local Planning Authority. All works forming part of the scheme shall be completed before any of the dwellings is first occupied.</p> <p>Reason: In the interests of the amenities of neighbouring occupiers. This condition is applied in accordance with the National Planning Policy Framework Policy DM5 of the West Berkshire Local Plan Review 2023-2041 A pre-commencement condition is necessary because insufficient detailed information accompanies the application, so it is necessary to approve these details before any development takes place.</p>
35	<p>Contamination Site Characterisation</p> <p>Following demolition and site clearance further investigation and risk assessment must be completed to assess the nature and extent of any contamination across the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the</p>

	<p>findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:</p> <ul style="list-style-type: none"> (i) a survey of the extent, scale and nature of contamination; (ii) an assessment of the potential risks to: <ul style="list-style-type: none"> • human health, • property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes, • adjoining land, • groundwaters and surface waters, • ecological systems, • archaeological sites and ancient monuments; (iii) an appraisal of remedial options, and proposal of the preferred option(s). <p>This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.</p> <p>Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors. This condition is imposed in accordance with Policy DM5 of the West Berkshire Local Plan Review 2023-2041 and the National Planning Policy Framework.</p>
36	<p>Submission of Remediation Scheme</p> <p>Following demolition, site clearance and the requisite further investigation and risk assessment that other conditions require to be completed that assess the nature and extent of any contamination across the site, and whether or not it originates on the site. A detailed remediation scheme shall be submitted prior to commencement of any construction work. This scheme shall bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared and is subject to the approval in writing of the Local Planning Authority.</p> <p>The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.</p> <p>Should any unexpected contamination be found during the course of construction post discharge of this condition the report shall be updated and approval sought by the Local Planning Authority that the Scheme of Remediation is updated acceptably.</p> <p>Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors. This condition is imposed in accordance with Policy DM5 of the West Berkshire Local Plan Review 2023-2041 and the National Planning Policy Framework.</p>

37	<p>Implementation of Approved Remediation Scheme</p> <p>The approved remediation scheme must be carried out in accordance with its terms prior to any works above foundation level works apart from demolition works, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.</p> <p>Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be produced and is subject to the approval in writing of the Local Planning Authority.</p> <p>Should any unexpected contamination be found and the remediation scheme be updated during the course of construction the development shall be undertaken in accordance with that approved scheme unless otherwise agreed in writing by the Local Planning Authority.</p> <p>Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors. This condition is imposed in accordance with Policy DM5 of the West Berkshire Local Plan Review 2023-2041 and the National Planning Policy Framework.</p>
38	<p>Reporting of Unexpected Contamination</p> <p>In the event that further contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of condition 1, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 2, which is subject to the approval in writing of the Local Planning Authority.</p> <p>Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with condition 3.</p> <p>Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors. This condition is imposed in accordance with Policy DM5 of the West Berkshire Local Plan Review 2023-2041 and the National Planning Policy Framework.</p>
39	<p>Zero Carbon Strategy</p> <p>No above ground construction works apart from demolition shall take place until a strategy has been submitted outlining how the development shall achieve the details</p>

	<p>set out in the Energy and Sustainability Report by EE (September 2023) and letter from Tim James dated 31 January 2024.</p> <p>The report shall include details of the measures such as Ground Source Heat Pumps (GSHP) and how they can achieve at least a 48% reduction in carbon emissions from regulated and non-regulated sources.</p> <p>No dwelling shall be occupied until the measures have been provided in accordance with the approved strategy.</p> <p>A pre-commencement condition is necessary because insufficient detailed information accompanies the application, so it is necessary to approve these details before any development takes place.</p> <p>Reason: To ensure the development provides a carbon reduction. This condition is applied in accordance with the National Planning Policy Framework, and Policies SP5 and DM4 of the West Berkshire Local Plan Review 2023-2041</p>
40	<p>Water Network</p> <p>No dwelling shall be first occupied until confirmation has been submitted to and approved in writing by the Local Planning Authority that either:</p> <ul style="list-style-type: none"> a) all water network upgrades required to accommodate the additional demand to serve the development have been completed; <p>or</p> <ul style="list-style-type: none"> b) a development and infrastructure phasing plan has been agreed with Thames Water to allow development to be occupied. <p>Where a development and infrastructure phasing plan is agreed, no occupation shall take place other than in accordance with the agreed development and infrastructure phasing plan.</p> <p>Reason: The development may result in no / low water pressure and network reinforcement works are likely to be necessary to ensure that sufficient capacity is made available to accommodate additional demand anticipated from the new development and the provision of adequate and appropriate infrastructure for water supply, both on and off site. This condition is imposed in accordance with the National Planning Policy Framework, and Policy CS5 of the West Berkshire Core Strategy 2006-2026.</p> <p>Reason: To ensure the development provides a carbon reduction. This condition is applied in accordance with the National Planning Policy Framework, and Policies DM6 and DM7 of the West Berkshire Local Plan Review 2023-2041</p>
41	<p>Public Art</p> <p>No dwelling or commercial unit hereby approved shall be occupied until details of a unique site-specific integrated scheme of Public Art to be implemented within the development site has been submitted to and approved in writing by the Local Planning Authority.</p> <p>The public art should be designed to facilitate public appreciation of this space as a past focus of historic activities that were key components to the economic growth of this market town.</p>

	<p>The Public Art Delivery Plan should include the selection and commissioning process, the artist's brief, the budget, possible form, materials and locations of public art, the timetable for provision, maintenance agreement and community engagement, and the development shall be carried out in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.</p> <p>Reason: To protect the character, distinctiveness and visual amenity of the site and the surrounding locality. This condition is imposed in accordance with the National Planning Policy Framework (March 2012), Policy SP7 of the West Berkshire Local Plan Review 2023-2041</p>
42	<p>Details of shopfronts</p> <p>No commercial unit shall be occupied until full details of the design and external appearance of the shop front(s), including the fascias, joinery, stall risers, pilasters, have been submitted to and approved in writing by the Local Planning Authority.</p> <p>Thereafter the development shall be carried out in accordance with the approved details.</p> <p>Reason: The application does not contain sufficient details of the shop fronts to enable the Local Planning Authority to give proper consideration to those matters. This condition is imposed in accordance with the National Planning Policy Framework (March 2012), SP7, SP9 and DM7 of the West Berkshire Local Plan Review 2023-2041 and Supplementary Planning Guidance 'Shopfronts'.</p>
43	<p>Children's Play Area</p> <p>No residential unit shall be occupied until a children's play use has been created in one of the commercial units on the ground floor. Details of the play provision, design and size shall be agreed in writing by the Local Authority.</p> <p>Reason: To ensure the development responds to the leisure needs of all ages of residents to contribute to their quality of life. This condition is imposed in accordance with the National Planning Policy Framework (March 2012), Policy DM40 of the West Berkshire Local Plan Review 2023-2041 Supplementary Planning Document Quality Design (June 2006), and the Newbury Town Design Statement (April 2005).</p>