

# DRAFT

Note: These Minutes will remain DRAFT until approved at the next meeting of the Committee

## DISTRICT PLANNING COMMITTEE

### MINUTES OF THE MEETING HELD ON WEDNESDAY, 2 MARCH 2022

**Councillors Present:** Alan Law (Chairman), Dennis Benneyworth (Vice-Chairman), Phil Barnett, Carlyne Culver, Royce Longton, Ross Mackinnon, Alan Macro, Richard Somner, Tony Vickers and Graham Bridgman (Substitute) (In place of Graham Pask)

**Also Present:** Paul Goddard (Highways Development Control Team Leader), Masie Masiwa (Senior Planning Officer), Simon Till (Western Area Planning Team Leader), Sharon Armour (Solicitor), Bryan Lyttle (Planning & Transport Policy Manager), Sarah Clarke (Service Director (Strategy and Governance)), Viv Evans (Interim Planning Service Lead) and Stephen Chard (Democratic Services Manager)

**Apologies:** Councillor Clive Hooker and Councillor Graham Pask

#### PART I

#### 3. Minutes

The Minutes of the meeting held on 10 February 2021 were approved as a true and correct record and signed by the Chairman, subject to the following amendment:

- The Chairman advised that he had been present at the meeting but his presence had not been noted on the minutes.

The Minutes of the meeting held on 4 May 2021 were approved as a true and correct record and signed by the Chairman.

#### 4. Declarations of Interest

Councillor Alan Law advised that this application had been referred to the District Planning Committee (DPC) having previously been considered at Western Area Planning Committee (WAPC), and pointed out that some of the Members of the WAPC were also Members of the DPC. Councillor Law confirmed that Councillors were not precluded from being a Member of the DPC simply because they had considered the application previously in another forum, either at the WAPC or at a town or parish council meeting, provided they came to this meeting to consider the application afresh and with an open mind.

All Councillors advised they had been lobbied in relation to the application.

Councillors Graham Bridgman, Ross Mackinnon, Richard Somner and Tony Vickers declared an interest in Agenda Item 4(1), but reported that, as their interest was a personal or an other registrable interest, but not a disclosable pecuniary interest, they determined to remain to take part in the debate and vote on the matter.

5. **Schedule of Planning Applications**

**(1) Application No. & Parish: 21/02173/COMIND, Newbury Rugby Football Club, Monks Lane, Newbury, West Berkshire**

*(Councillor Tony Vickers declared a personal interest in Agenda Item 4(1) by virtue of the fact that he was a Member of Newbury Town Council. The Town Council's objection to this planning application had been made clear and as such Councillor Vickers clarified that while he had a pre-disposed view on the application he had not pre-determined. As his interest was personal and not prejudicial or a disclosable pecuniary interest, he determined to remain to take part in the debate and vote on the matter.)*

*(Councillors Graham Bridgman, Ross Mackinnon and Richard Somner declared a personal interest in Agenda Item 4(1) by virtue of the fact that they were Members of the Executive. However, none of them held the Portfolio relating to this application and they would be considering the item on its own merits and determining it on planning grounds. As their interest was personal and not prejudicial or a disclosable pecuniary interest, they determined to remain to take part in the debate and vote on the matter.)*

The Committee considered a report (Agenda Item 4(1)) concerning Planning Application 21/02173/COMIND in respect of the proposed development for a single storey sports pavilion building and car park providing facilities and social space to support a proposed artificial turf pitch, F2(C). The proposed artificial turf pitch formed part of this application and included fencing, storage, spectator seating and artificial lighting. The building would provide approximately 400m<sup>2</sup> of internal floor space of use class F2(B). The community facility would be available for rugby and football training and matches, as well as other sporting activities.

The application had been called in by the Ward Member to the Western Area Planning Committee (WAPC) to review the parking allocation for the new use. The application was approved by the WAPC subject to conditions but referred to the District Planning Committee for consideration by Planning Management due to significant district wide public interest in the application.

Mr Masie Masiwa, Senior Planning Officer, introduced the report. A matter not referenced in the Committee papers was that a legal representation had been received requesting that the application be deferred. However, the Council had rejected this request on the grounds that the representation highlighted no new material considerations.

In relation to the parking allocation concerns, Mr Masiwa clarified that, subject to approval, parking provision would be provided as set out in paragraphs 2.4 and 2.5 of the District Planning Committee report. The immediate provision would be as follows:

- 52 parking spaces on the new on-site car park (also available on non match days).
- 30 parking spaces available at the Newbury Rugby Club car park (to meet demand associated with the current spectator levels for Saturday matches).
- 100 parking spaces available at the Newbury College car park (to meet demand associated with the current spectator levels for Saturday matches).

In the event there was a promotion to Step 4 of the National League System, an additional 100 parking spaces at Newbury Rugby Club and an additional 50 parking spaces at Newbury College would be made available, giving a total number of 332 parking spaces. As such, the facility had been assessed up to Step 4 level in terms of potential parking and traffic impacts.

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A condition had been recommended by the Highway Authority that no football or rugby matches would take place on the same day at the proposed site to ensure that any overflow parking at the Club was available for all home football matches. The applicant had submitted that this could be accommodated with the relevant league programming authority.

In 2020, the Council adopted the Playing Pitch Strategy which promoted the provision of sports pitches within the District and identified a shortfall. It was considered that the creation of an artificial grass pitch in this location would create an increased capacity for more football training and matches per week than the single natural grass pitch. Sport England, as a statutory consultee, consulted with the Football Association, the Football Foundation and the Rugby Football Union on the proposed development before arriving at their statutory position of no objection, subject to conditions listed within the report.

In accordance with the Council's Constitution, Councillor Vaughan Miller, Town Council representative, Mr Peter Lambert and Mr Paul Morgan, objectors, Mr Paul Dick, supporter, and Mr Paul Martindill, Councillor Howard Woollaston and Mr Martin Lindus, applicant/agent, addressed the Committee on this application.

### **Town Council Representation**

Councillor Vaughan Miller, Newbury Town Council, in addressing the Committee raised the following points:

- Having witnessed the numerous planning and Overview and Scrutiny Management Commission meetings around the Faraday Road football stadium and the sports hub, Councillor Miller raised serious questions on two matters - predetermination and the credibility and reputation of the Council.
- The application was for a stand-alone site but the site's justification was for a replacement of the Faraday Road site. Councillor Miller felt there was no doubt that the design and cost of the application and the subsequent build was to deliver a replacement for the Faraday Road football stadium.
- The Executive report to approve the funds to build the hub stated several times that this investment was to meet priority 1 of the Playing Pitch Strategy (PPS), which was to replace the Faraday Road football stadium.
- In summary, the planning report stated that the Council's PPS included the specific objective of providing a future replacement football facility for the Faraday Road Football Stadium and for the avoidance of doubt there was no formal link between the current application and any separate development plans or planning application that might emerge in the future in relation to the Faraday Road Stadium, London Road Industrial Estate or its replacement. Councillor Miller's view was that there was an avoidance of proper planning scrutiny of the real intent for the application which denied the Council, as a planning authority, the opportunity to test the application as a replacement for Faraday Road.
- Point 1.9 of the report stated that Sport England had consulted both the Football Association (FA) and Rugby Football Union (RFU) on the proposal. However, Councillor Miller felt it was the case that the FA, Football Foundation and the RFU all still objected to the application and none of them, including Sport England, felt there was justification for having four changing rooms. They also raised an objection that the site was too small and the playing arrangements favoured rugby over football during the prime time of football need.
- The site did not have scalability to higher steps beyond Step 4 whereas Faraday Road could go up to at least Step 2. It could not therefore be a like for like

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replacement for Faraday Road. The sports hub was only two thirds the size of the Faraday Road stadium. The proposal did not have a full sized club house which was key to financial and social sustainability.

- The location was worse in terms of public and active travel. It did not meet the Town Council's strategy of being within a short walking distance of the town centre meaning that businesses were unlikely to benefit from increased footfall.
- For the sake of honesty, integrity, good stewardship of Council Tax and transparency, the Town Council would like to see plans for the development of Faraday Road considered alongside this proposed replacement site.
- The site should be rejected on the following grounds:
  - As a stand-alone facility it was not required to meet the test as an equal or better facility of the Faraday Road stadium and therefore should not be considered in any way to meet priority 1 of the PPS.
  - As a stand-alone, it should only be considered against the requirement to help meet the shortage of seven AGPs (Artificial Grass Pitches) in the PPS.
  - As a stand-alone, it did not need to meet Step 4 or Step 5, so there was no need for the small club house or large stand.
  - As a stand-alone, it should therefore be rejected as a massive over-development.
- The full cost of tax payer's money was the equivalent of building six standard AGPs which almost met the shortage across the whole District. Add in the Community Football Group's applications to re-build the Faraday Road stadium, which would cost less than £1M because it was eligible for grants from Government bodies, and it would be possible to meet the shortage of all seven AGPs.
- Councillor Miller asked the Committee to reject the application and bring it back for approval as a replacement for Faraday Road or change the application and bring it forward purely as an AGP contributing to meet one of the seven AGPs required in the PPS.
- Councillor Miller considered that the risk of the application was the waste of between £11m - £15m of tax payer's money.

### **Member Questions to the Town Council**

Members had no questions to ask of the Town Council.

### **Objector Representation**

Mr Peter Lambert in addressing the Committee raised the following points:

- Mr Lambert had spoken to the WAPC on 15 December 2021 expressing widespread confusion as to the purpose of the development and whether it was a replacement for Faraday Road. This had been clarified in the documents for this meeting which stated "for the avoidance of doubt, this is a proposal for a new step 4 ground and Members are reminded there is no link between the current application and any separate plans that may emerge in the future in relation to the Faraday Road stadium". It further stated that the application was submitted as the Council sought to deliver playing pitches in accordance with the West Berkshire PPS.
- The PPS identified a deficit of 27 adult-sized natural grass pitches and 8 AGPs. This proposal increased the deficit of the grass pitches and mitigated by only 1 the shortage of AGPs.

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- There was an incremental benefit to this upgrade in that an AGP could support greater usage than a grass pitch but that was the only part of the proposal that supported the PPS and the upgrade to an APG would come with a huge and unjustifiable price tag.
- The clubhouse, the stand and the other requirements that made this a step 4 ground made this a first-class facility but these were not aligned with the PPS and the shortage of pitches.
- If the proposal was submitted as a replacement for Faraday Road then the inclusion of the clubhouse and stand would be aligned with the strategy but this was not the case.
- The application could not be submitted as a replacement for Faraday Road as it did not meet the requirements to be such.
- The funds proposed for this development would be better allocated by addressing the pitch shortage directly.
- The question to be addressed was how many pitches could be provided to the community if all the funds were wholly allocated to new grass and new all-weather pitches.
- Mr Lambert urged the Committee to act in accordance with the stewardship principle of public life to ensure the prudent use of public funds and to recommend refusal of the application.

Mr Paul Morgan in addressing the Committee raised the following points:

- Despite the fact it was stated there was no formal link between the current application and the Faraday Road stadium there was a link which was Executive decision 4149 which was passed on 16 December 2021.
- At the OSMC meeting, Councillor Law stated that he was in no doubt whatsoever that this application was a replacement for Faraday Road so there could be no doubt that Monks Lane was seen by certain Members of the Executive as the precursor required to freeing up the current football ground to allow for significant redevelopment at some time in the future.
- To suggest the application was not meant as a replacement for Faraday Road was disingenuous and was a deliberate misuse of the Council's planning process by the Council itself.
- Would the Council be suggesting spending between £11.5m to £15m of tax payer's money on a scheme for just one 3G pitch. By comparison, there was a 3G planning pitch at Denefield School in Tilehurst, the cost of which was £730K.
- The application was not about the delivery of the PPS as Councillor Miller had said, another 5 or 6 3G pitches could be created for the money being proposed.
- In relation to Sport England having spoken to the Football Foundation, the FA and the RFU, Members were asked to note that they had objected to the application.
- The chosen site was far too small and it was not believed that 1,300 spectators could be accommodated. By comparison the Monks Lane ground was 8000sqm, Faraday Road was 11,500sqm and Hungerford was 9,700sqm.
- The application had been incorrectly submitted and should be withdrawn and resubmitted ideally along with the Council's outline application for the Faraday Road football ground.

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- Sport England had suggested on many occasions that co-joint planning applications were made which would allow the Planners and the public to review, consider and compare Monks Lane, NCFG's planning application (which had been approved) and the Council's own proposal to build flats on the football ground. This would go a long way to correcting the mess the Council now found itself in and to restore confidence in the planning system.

In relation to one of Mr Morgan's points, Councillor Law clarified that he had previously said that the Council *intended* to have this particular application used as a replacement for Faraday Road, but that did not necessarily mean that was going to happen.

### Member Questions to the Objectors

Councillor Phil Barnett asked for clarification on how many pitches could be built for the proposed spend of £11.5M to £15M. Mr Morgan said considering the 3G facility at Denefield School in Tilehurst was costing £730K, it would be possible to build seven 3G pitches and Faraday Road for the sum of money planning to be invested in one single pitch which was only being proposed on the premise of building flats on the existing Faraday Road facility. Mr Lambert added that investment of £15m would achieve approximately 20 AGPs.

In relation to Sport England's stated opposition to the application, they had made submissions in November which dealt with a number of their previous objections, Councillor Carolyne Culver asked the objectors what aspect of the application Sport England still objected to. Mr Morgan said Sport England were a statutory consultee who had consulted with football governing bodies and they had withdrawn their objection on the original planning application because it was submitted as a stand-alone application and not as a replacement for Faraday Road. However, the Football Foundation, the FA and the RFU still maintained their objection on the application due to the overall design of the scheme and the business plan which they felt was unsustainable because it relied upon a subsidy from the Council of about £250K a year amounting to around £9M over a 40-year period that Council Tax payers would be subsidising.

Councillor Mackinnon sought clarity on Mr Morgan's statements on costs. Assuming costs reached the highest figure quoted of £15m, Councillor Mackinnon stated that this sum would be met over a 40 year period and explained that the Council's revenue budget over 40 years would be in the region of £5.6BN (£15m was approximately 0.27% of that overall figure). Mr Morgan did not see the relevance of that information and reiterated that the scheme did not provide good value for money. Councillor Law said he did not think a budget discussion was relevant to a planning application and he would be asking officers for their views on that point in due course.

### Supporters Representation

Mr Paul Dick in addressing the Committee raised the following points:

- Mr Dick was Head of Kennet School for almost 30 years and ran other schools including 5 primary schools in which he placed great emphasis on the power of sport.
- Mr Dick said he was also a senior county referee for adult and children's football games in the local and surrounding areas.
- Mr Dick felt there was a local failure to provide young people the opportunity to be aspirational for themselves and for their skills.
- Mr Dick referred to a facility built in Slough which was becoming a centre of excellence for football, other sports and for coaching which was to be admired.

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- Mr Dick praised the Council for bringing forward this aspirational project which would provide rugby and football training for the young people in the area.

### **Member Questions to the Supporter**

Councillor Barnett asked for Mr Dick's views on the site of the proposed application. Mr Dick said he was not able to comment on the technical aspects of the site and his job was to represent the people who would benefit from the facilities which would help them raise their aspirations, improve sport and the quality of life in general in the area.

Councillor Culver asked Mr Dick if he thought the money would be better spent on multiple pitches rather than just one. Mr Dick said there was a benefit to having one high-end facility which raised aspiration but acknowledged that a lot of the local pitches required improvement. The proposed project would be a huge boost to the sporting community and the aspirations of the town and surrounding area.

### **Applicant/Agent Representation**

Mr Martin Lindus from Saunders Boston Architects, representing the Council and Alliance Leisure, in addressing the Committee raised the following points:

- It was fortunate that the Council had the financial commitment to make sure there was an all-weather and all year round development for Newbury and the surrounding area.
- The scheme was for a full-sized, artificial turf, floodlit pitch with spectator provision, a new clubhouse, four changing rooms, social space, servery, medical rooms and toilet facilities.
- The PPS had identified there was a shortfall of eight pitches like this in the borough and the proposed scheme would start to address that shortfall.
- There was no objection from Sport England to the application.
- The club currently played in FA Step 6 and the proposed facility was for the higher level Step 4 which was FIFA accredited.
- There would be 1,300 spectator spaces which was calculated by a competent person as defined by the FA with at least 300 spaces under cover and at least 150 seated spaces.
- The four changing rooms would create a turnover and a better opportunity for use of the pitch and would deal with a lot of safeguarding issues.
- A key item at Step 4 was there would be a boardroom in the clubhouse.
- There would be six 15m poles with LED lighting with directional cowls which meant the light spillage was limited. 15m from that light source going out from the pitch the lighting level was 2 lux which was the equivalent of moonlight meaning the spillage was controlled and limited.
- The lighting around the parking and the building was low-level so there would be no impact on the ecology or local residents.
- A full consultant's assessment had taken place with regard to noise looking at both matches and parking. This revealed there would be acceptable noise levels for the surrounding buildings.
- Environmental Health had raised no objections.

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- There would be 82 available parking spaces, 52 of which would be on-site and 30 spaces in the adjacent Rugby Club. Two of the spaces would be accessible for Blue Badge holders and four spaces would be for electric vehicles with charging points.
- On match days a traffic management plan would be in place which lifted the total number to 332 with 130 at the Rugby Club and 150 at the nearby college. As major rugby and football matches would not be played on the same day there was now no objection from Highways.
- In terms of sustainability, there would be no fossil fuel usage in the building which was all electric with the use of heat pumps, low-flow showers and LED lighting.
- The surfaces around the pitch and parking were permeable and there was a SuDS drainage attenuation scheme.
- This was a well thought out scheme in a good location with other associated sport which would serve Newbury and the surrounding area very well.

### **Member Questions to the Applicant/Agent**

Councillor Bridgman asked whether the proposed facility would be adequate in size to accommodate numbers should the club reach Step 4. Mr Lindus said a Step 4 facility would need a minimum of 1,300 spectator spaces at ground grading D and 1,000 spaces at ground grading E. The proposed facility was for 1,300 spaces which met the minimum for ground grading D. The requirement for covered spaces for Step 4 was 300 and the proposed facility would have 318 spaces. Seated capacity for Step 4 was 150 seats and the proposed facility would have 268. Other spectators would be separated around the perimeter of the pitch. The calculation for spectator capacity had been undertaken by pitch specialists SSL.

In answer to Councillor Bridgman's question about entrance into the ground, Mr Lindus said the intention was that people from Monks Lane would come in from the opposite side on the existing footpath and then have a dedicated footpath that went through the parking within the site off to one side so that there was a separation between vehicles and pedestrians. Councillor Bridgman referred to contour lines on the plans which showed the drop from the higher level down to the rugby pitch below and he asked for clarification on what the drop was in order to assess the height of the lighting columns. Mr Lindus was not able to provide a figure but said the Rugby Club currently had lighting at the lower and higher levels similar to what was being proposed in the application.

Councillor Bridgman sought clarification on whether the proposed new pitch would mean the loss of playing pitch facilities. Mr Martindill said there were five grass pitches at the Rugby Club and the proposal was for an AGP to be placed on pitch number five. This pitch would need to be replaced and steps were being taken to identify an alternative location for an additional grass pitch in West Berkshire within 20 minutes of the Rugby Club.

In answer to Councillor Macro's questions, Mr Lindus advised there would be one stand in the scheme located to the north of the pitch, between the pitch and Monks Lane, which could accommodate 268 spectators. There was also a smaller stand to the south of the pitch which could accommodate 50 spectators which was in an area that was divided between spectators around the pitch and close to an area of access. An Acoustic Survey had been carried out in September 2021 which had looked at background noise levels in the area in comparison to noises from other pitches at this level and then modelled to see how far that noise then extended both in a day-to-day format and in a maximum spectator match day format.



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Councillor Culver said the FA website stated that for Step 4 Grade D there had to be the potential to reach 1,950 attendees and asked whether the facility would be able to accommodate that number in the future. Councillor Culver asked whether the correct time for a competent person to assess capacity could be a planning condition so it could be stated in advance of the build that there was confidence of the number of people that could be accommodated. Mr Lindus said a competent person had already carried out that assessment and a plan was in place which identified where that number of people could be placed. The proposed scheme met the minimum of the ground grading D standard of 1,300 spectators.

Councillor Benneyworth asked the Agent to expand on the proposed floodlighting and their impact. Mr Lindus said the proposal was for six 15m stands which was a common arrangement for a pitch of that size. They would be fitted with compact hooded and cowl LED lights which were directional though there would still be a glow from the facility. A light spillage diagram had been submitted as part of the application and a Lighting Assessment had been carried out which showed that at 15m from the lampstand the lighting would be at 2 lux which was the equivalent of moonlight.

Councillor Barnett said the next door GP surgery and pharmacy had a very restricted car park which regularly overflowed leading to visitors using the car park at the Rugby Club and asked if the proposed car park of 52 spaces would be permanently open. Mr Lindus said he envisaged that the car park would be open permanently, it was designed for the use of all the users of the pavilion and he did not believe there would be any restrictions on its use. The area would be staffed during all opening hours and there was an expectation for the leisure operator to take a reasonable attitude in this regard. If there were issues of capacity, then the priority would be for players and visitors to the site.

Councillor Vickers asked the Agent to clarify whether or not the facility had the ability to meet Step 4 capacity requirements. Mr Lindus said within Step 4 there were two different grading standards; Grade E required up to 1,000 spectators and Grade D, which was the higher standard, required a minimum of 1,300 which could then be extended up to 1,950 attendees. The highest level for a Step 4 club was Bedford Town with a pre-Covid high figure of 714 and an average figure of 410 spectators.

### **Ward Member Representation**

Councillor Abbs in addressing the Committee made the following points:

- At the Western Area Planning Committee, Members were told to consider the application for a Step 6 facility though the emphasis this evening had centred on a Step 4 facility.
- Members should take great care given the judicial nature of this Committee especially given letters received from members of the public indicated a likely Judicial Review.
- There was a joint statement from Sport England which clearly linked the application both to Faraday Road and the PPS.
- The proposed facility could not meet the requirement for a Step 4 facility as laid down by the FA for a category D ground.
- Highways attendance numbers were incorrect and were not 150 to 175 but from 70 to 661, a significant difference when determining if parking provision was suitable.
- Sport England did not support the Application but simply did not object. Their letter dated 21/10/21 raised 18 concerns, 12 of which remained. Both the RFU and FA still opposed the application.

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- A large facility such as Monks Lane was significantly worse for the environment than the facility available at Faraday Road which made the Council's climate emergency declaration even harder to meet.
- The impact on the residents of Monks Lane and the smaller surrounding roads was significant and not mitigated by the proposed parking.
- The Committee was being asked to make a decision without being fully briefed by all the Officers and was being asked to clear from its mind the linkage made over months and many meetings to its true purpose.
- This raised a serious concern with regard to Judicial Review and Members were being asked to vote through an application that might leave themselves open to personal liability and which could cause reputational damage to the Council.

Councillor Marsh in addressing the Committee made the following points:

- Many residents had left comments on the planning portal mirroring concerns earlier raised by Mr Lambert.
- The consultation exercise was conducted online long before the proposal reached Planning Application status and the details were known. Since then, the residents of the Ward had been largely ignored including those most likely to be affected such as residents of the care home.
- Repeated requests for the next door Priory Hospital to be considered or even mentioned in the application had also been ignored with no consideration given to the fact that the hospital contained a mental health facility within it.
- Local residents knew how busy the area already got on match days and the applicant had failed to reassure them with regard to their fears over noise, light, traffic and parking.
- The Transport Plan was wholly inadequate and prepared by consultants who did not know that Wash Common was at the top of a steep hill. It was not believed the public would cycle or walk to the top of it as in the main attendees drove to the rugby ground which was why there was already a problem with parking in the surrounding area.
- This was another development foisted on Wash Common that would be largely reliant on the car and was incompatible with CS7 which stated that a sustainable transport network would be put in place that prioritised walking, cycling and public transport.
- Whilst he supported the Council's PPS, Monks Lane was the wrong location because it concentrated too much on one small area, there were already 3G pitches at Park House, at St Bart's and talk of another one at Newbury College. There was a great site for a Step 2 football ground in the middle of the town and this proposal made no sense from an environmental, financial or sporting point of view.

The Chairman asked the Monitoring Officer to comment on Councillor Abbs' view on the likelihood of a Judicial Review. Sarah Clarke confirmed that the Council received a letter from a Barrister on 1 March 2022 requesting that the matter before Committee this evening be deferred in order to enable legal advice to be given to an objector. However, on the basis of the information within that correspondence, Ms Clarke confirmed that no material planning considerations had been raised that had not already been fully considered within the reports and the matters before the Committee. There had been awareness of this application for a considerable time and it was not appropriate for an application to be delayed unreasonably. On that basis, Ms Clarke stated the Council

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were not prepared to delay the matter from coming before the District Planning Committee as planned. There was a risk of Judicial Review or appeal every time a planning application came before Committee but that was not of itself a reason not to proceed.

### Members Questions to the Ward Members

Councillor Vickers said there was a 45% difference in capacity between Grades D and E and asked how significant that was thought to be given this was a stand-alone application. Councillor Abbs said he felt the difference was very significant because the WAPC had been told to consider this only as a Step 6 and not as a Step 4. Councillor Abbs said he had specifically looked at the conditions for having a Step 4, Category D facility. The plans showed the dimensions and demonstrated that the eastern edge of the pitch abutted the rugby pitches and the dimensions used assumed that nobody would be in the 3 metre run-off area behind the goal. However, realistically players did enter the run-off area and the crowd would normally be much further back than that. The conditions also stated that spectators should be able to stand or sit on all three sides of the pitch, with the fourth side being the technical area. The three sides, assuming two of them would be behind the goals, did not afford capacity for this.

Councillor Barnett asked why Councillor Abbs had referred to the average attendance figures mentioned by the Highways Officers as being incorrect. Councillor Abbs said he had researched attendance figures and found that in 2018-2019 the numbers were shown as 118 to 286, 2019-2020 were 118 to 661, 2020-2021 was 124 to 227 and 2021-2022 to-date was between 70 and 451. If Officers based their recommendations around numbers of 150 to 175, and leaving aside the issue of the type of transport used to get to the site, Members were faced with incorrect assumptions and the report should have contained actual attendance figures.

Councillor Mackinnon asked for clarification on the statement that Sport England did not support the application but neither had they objected to it. Councillor Abbs said that just because Sport England had removed their objection it did not mean they were in support of it. At the end of their letter, Sport England had stated *"the absence of an objection to this application in the context of the Town and Country Planning Act cannot be taken as formal support or consent from Sport England"*. Councillor Abbs believed that Members had been left with the impression that because Sport England removed their objection that meant they were actually in support of the application when this was not the case and they had become neutral at best. Councillor Mackinnon asked Councillor Abbs whether Sport England would ever say in response to an application such as this that they supported it or was the lack of an objection as good as it got? Councillor Abbs said it would appear that Sport England would say if they were in support of an application.

Councillor Mackinnon asked Councillor Abbs if he was aware of Newbury Football Club's opinion of the proposed scheme. Councillor Abbs said there was some support from the Club and overall there was a 50-50 split in terms of those who were for and against. Councillor Abbs said he had surveyed most of the residents of Monks Lane and the surrounding roads to gather their concerns and the number one issue was always the potential impact on traffic.

Councillor Law reminded Members that whilst reference had been made to discussions at the WAPC about Step 4 and Step 6, the matter being considered at District Committee was a new application. Whilst the minutes of the WAPC were included as a material consideration, Members were referred to point 1.6 in the DPC papers which stated "for the avoidance of doubt, this is a proposal for a new Step 4 ground".

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### Members Questions to Officers

Councillor Law asked Officers to address the following areas:

1. Was it correct that Sport England objected to this application as stated by Councillor Miller?

Mr Simon Till, Development Control Team Leader, stated that Sport England did not object to the application. The objections contained within Sport England's comments were raised by the RFU and the FA. The Sport England consultant had made a planning assessment of those objections and had not found material planning considerations to carry forward to an objection on behalf of Sport England.

2. The comments made about the link to Faraday Road.

Mr Till said in planning terms the application was not to be linked to Faraday Road. Should proposals come forward for a change of use of the Faraday Road site, at that point the requirements of the PPS would be material considerations for that change of use. This application was not for a change of use of the Faraday Road stadium and, as objectors had mentioned, there was a live planning permission for the redevelopment of the Faraday Road stadium for continued use for sports purposes.

3. How relevant were the associated costs and budget to the planning requirements?

Mr Till said the matters that had been raised in terms of funding being used by the Council to provide alternative sports pitches were not material planning considerations. The viability of the proposed facility was a material planning consideration but only in as much as the business plan associated with the ongoing viability of the facility was a consideration of Sport England in terms of their representations on the application.

4. Should the Application be for a Step 4 facility?

Mr Till stated that it was understandable there had been some confusion over this, however, the relevance of Step 4 in terms of the application was in terms of mitigation of the impact should the proposed facility be used at a Step 4 level. For example, relevant material planning considerations such as whether the facility would provide sufficient parking for a Step 4 level and whether the Noise Assessment had been based on a Step 4 level. The spectator provision was not a relevant material planning consideration because if the proposal did not provide enough facility for use at a league equivalent to Step 4 then it would not be able to be used in that league as it would not obtain the relevant certification.

5. The transport and traffic plan for the application

Mr Paul Goddard, Team Leader Highways Development Control, said no travel plan had yet been submitted. Mr Goddard referred Members to condition 5 of the report which dealt with parking, turning and travel. Mr Goddard considered the location was well served for pedestrians, cyclists and people using the bus service offering reasonable alternatives for travel other than use of a car. The provision of a full travel plan was one of the measures outlined in condition 10 of the report which took account of the possibility for the Club to be promoted attracting greater numbers of spectators to the site. The travel plan would include incentives and the provision of overflow car parking at Newbury College with the potential for a shuttle bus that would take people from the College into the site.

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Councillor Bridgman asked to review the plan of the proposed fencing for the site. He assumed that if a player kicked a low ball it would hit the lower fencing and bounce back onto the pitch and the spectators would be behind that lower fencing. He asked if the spectator numbers standing around the edge, provided by the applicant, took into account the distance between the taller fencing and the lower fencing. Masie Masiwa said this was the case and said the 4.5 metre fence went round the boundary of the site and there was a 1.1 metre barrier between the pitch behind which would be the standing spectators.

Councillor Bridgman referred to condition 8 of the report which stated that it was anticipated the applicant would submit a plan for a pedestrian footpath link and asked if Officers had in mind what would be an acceptable plan. Councillor Bridgman referred to the current footpath and footway and said he thought the most logical plan would be for the footway to be extended through the area of proposed new planting straight into the car park which would give pedestrians a tarmacked surface to enter the site from Monks Lane. Masie Masiwa said there were a number of options available, including the one described by Councillor Bridgman, which the applicant might choose to include when submitting their plan. There was also an existing ad-hoc footpath which was already used for pedestrian access to the Rugby Club. If Members had a preferred option for the footpath this could be added to the condition in the report.

Councillor Culver referred to paragraph 2.1 of the report which gave a minimum capacity figure of 1,000 spectators for Step 4 and queried if this should be amended to read 1,300 with the potential to reach a capacity of 1,950, based on previous comments. Masie Masiwa said Step 4 grading had two categories, a minimum of 1,000 in category E and 1,300 spectators in category D and the agent had indicated the applicant was not aiming to go above the figure of 1,300 spectators in category D.

Councillor Culver referred to the agent's comment that a competent person's report had already been produced but she could not find the detail within the report and asked if this could be made available to Members as it was information needed in order to reach a decision.

Masie Masiwa advised that Sport England, as the competent person, considered that the facility was designed to meet Step 4. However, a competent person report had not been submitted with the application. The assessment had considered the current Step 4 league within the local area and none of the teams currently in that league had reached the minimum of 1,000 spectators.

Councillor Culver suggested there should be an additional condition stipulating that if this application was approved then another pitch would need to be located to replace the lost rugby pitch. Masie Masiwa said whilst the applicant would be looking for a replacement grass pitch, Sport England had not indicated this would be a requirement. The reason for this was because the current existing grass pitch which was to be lost was not used for rugby matches but was used for training purposes only and the replacement AGP could still be used for training for rugby as well as for football training and matches. Therefore, no condition to source a replacement grass pitch would be necessary. On whether this could be conditioned, Mr Till raised a concern that the red and blue line within the application might not cover land that was proposed for that replacement pitch so the request might be for an unreasonable condition where the applicant was not able to provide land to fulfil a replacement for the rugby pitch within the application site itself.

Councillor Barnett said he was concerned about the existing dual footpath along Monks Lane which was not necessarily the width of many other dual footpaths and which was used by cyclists and students travelling to and from Park House. Councillor Barnett asked Paul Goddard if consideration had been given to enhancing the dual footpath in

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order to accommodate higher usage. Mr Goddard said widening the footway/cycleway had not been considered as it was the view of Highways Officers that it was currently fit for purpose. There was also a strategic housing site to the south and should that ever be approved then that route would be affected and changed in any case.

Councillor Vickers said he thought it was quite usual for statutory consultees to distinguish between support, no objection and objection as this could result in an application being called-in for a Committee determination. Mr Till said in his view there was no significant distinction between support and no objection in that a consultee might say they supported a proposal or they had no objection to a proposal. Councillor Vickers said WAPC Members had three choices – support, no objection and objection – which could determine whether an application was called in. Councillor Law said that EAPC Members were given the choice of objection or no objection and could not recall a time when support was specifically requested. Sharon Armour said she understood from Mr Till that in terms of support or objection from consultees, they were not counted towards the ten people that would trigger a call in. Mr Till confirmed this was correct and added that if Sport England did object concerning the loss of a playing facility then there was a separate process by which that might be referred to the Secretary of State.

Councillor Vickers asked if it was a planning matter if the applicant could not demonstrate economic viability over a long period. Mr Till said it would be a planning matter in as much as it contributed to whether Sport England would register an objection because they would have a concern as to whether the facility could be used in the long term for the proposed purpose or might result in the loss of a sports pitch because of long-term viability issues. In this particular case, the business case had been part of Sport England's considerations and they had not raised an objection.

Councillor Vickers asked whether the business case could be part of the Committee's considerations to assess viability on the basis that the application was not being considered as a replacement for another facility. Mr Till said this was a consideration in Sport England's case because they had a concern that this might result in the loss of playing pitch facilities. It would be a material consideration if they had raised an objection because the Council had a policy similarly in respect of open spaces which required the retention of playing pitches. In this particular case, the relevant consultee had not raised an objection as they did not have concerns with respect to the viability of the facility.

Councillor Law said that viability was a consideration in specific types of applications. For example, in farm diversification or public house replacements the Committee would always consider the business plans as that was part of policy but that would not be the case for smaller applications. Bryan Lyttle agreed it came down to the type of application and the associated policies. Using the example of a public house, an applicant would need to demonstrate viability. In relation to this application, Sport England could have raised viability in relation to solar power for example, which was not viability in terms of the actual operation of the Club. Mr Viv Evans, Interim Lead Planner, had considered the submissions made and stated that he had not heard anything material to the planning considerations in terms of viability. On schemes such as this, it was up to the applicant to decide what they make the application for and whether they could afford it rather than the Local Planning Authority. In this particular case, it was important to distinguish between the Council as the applicant and landowner and the Council as the Local Planning Authority sitting in the District Planning Committee. It was understandable for members of the public to be concerned about the viability of the scheme and those issues should be addressed to the Council as applicant and landowner and not as a material planning consideration. Councillor Vickers said whilst there was no planning policy that covered this application, he queried whether the application adhered to the sustainability requirements of the NPPF, i.e. economic, environmental and social sustainability. Mr

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Evans said several statements had been made, none of which had been verified in terms of whether the scheme was viable or not. The applicant clearly considered the proposal to be viable and as such had submitted a planning application to be determined on its merits. With regard to the NPPF, Members would need to weigh the merits in relation to environmental, social and economic sustainability as to whether this proposal was acceptable or not. In recommending the application to Members, Officers felt the scheme was acceptable in NPPF terms.

Councillor Benneyworth asked whether the provision of a replacement pitch could be added as an informative rather than a condition. Mr Till said it could be added as an informative as Councillors had raised concerns in respect of ensuring that replacement pitches were provided and the applicant's attention could therefore be directed on that point.

Councillor Macro asked Mr Goddard to clarify the point he had made about the use of a shuttle bus. Mr Goddard said it was one of the measures outlined in condition 10 that should the Club get promoted a shuttle bus would be provided from Newbury College to the site on match days.

### **Debate**

Councillor Culver said that whilst the question of whether the proposal was a replacement or not for the Faraday Road stadium was not a material consideration, her concern was that the award of contracts following the 16 December 2021 Executive stated that it was a replacement facility. It was accepted that the Council was acting as applicant and landowner at the same time as acting as the LPA, but Councillor Culver did not see how the two could be separated and a decision made about something that had previously been described in a different way.

According to FA documentation, Step 4 was equivalent to grade D so had to have capacity for 1,300 spectators and also had to have the potential for 1,950 spectators. Whilst it was accepted that some clubs at that level were not achieving those figures the fact remained that the FA stated you had to have potential capacity for the higher figure to meet the requirements of Step 4.

Councillor Culver referred to the statement made by the agent that a competent person report had been completed whereas Mr Masiwa had informed Members that a report was not available and she asked why the report was not available for consideration by the Committee if it had been completed. Councillor Culver concluded by saying there had been inconsistencies around whether the scheme was a replacement for Faraday Road or not, the application was for a Step 4 which meant it had to achieve a capacity of 1,300 spectators rising to a potential capacity of 1,950. The Committee needed to have sight of the competent person's report to be able to make an informed decision.

Councillor Bridgman said that his understanding was the step that was seeking to be achieved was the bottom end of grade E but that grade D was achievable. During a visit to the site, the plan of the site was reviewed which showed the fencing lines and where the spectators would stand and be seated and be under cover in order to achieve the numbers necessary for Step 4. On this basis, Councillor Bridgman was satisfied that the application did achieve Step 4 if built out in the way described in the plans.

Councillor Bridgman thanked Officers for their comments on the funding for the scheme. As Councillor Law had stated, when planning applications for other types of schemes were reviewed, consideration was not given to how the applicant was going to fund the build, where the money was coming from or how much it was going to cost. It was certainly a question for the Council to consider but not the Planning Committee. Based on all the information supplied with regard to the application and planning considerations,

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such as parking, transport, noise, lighting and the footway, Councillor Bridgman said he was satisfied the application did meet the necessary requirements that the Committee should be looking at as a Planning Authority. Councillor Bridgman indicated that he would be willing to propose Officer's recommendation of approval, subject to further clarification on the issue of the footway.

Councillor Mackinnon said in reviewing the FA's ground grading it stated that '*if a Club wanted to maintain its position at Step 4 the Club must achieve grade E by the 31<sup>st</sup> March of its first season after promotion, but to be eligible for promotion to Step 3 it must achieve grade D by this date*'. Councillor Mackinnon said this statement corroborated Councillor Bridgman's earlier point and asserted that the statements made in the report on this issue were accurate.

Councillor Mackinnon proposed to support the Officer's recommendation to grant planning permission subject to the schedule of conditions within the report. Councillor Bridgman seconded the proposal.

Councillor Vickers took issue with the statement made by the supporter that Newbury Community Football Club, the Town Council and Ward Members did not support football and did not want Newbury to have a decent football facility. The amount of work that had been put in by the objectors to try and get the best possible facilities for football in Newbury was remarkable. Councillor Vickers stated that whilst the application was fairly balanced in planning terms, he felt the approach as a Council was very concerning. Councillor Vickers was not in support of the Officer's recommendation.

Councillor Macro said he was not in support of the application as he felt the proposed scheme was too large for the size of the land and any promotion might see the Club outgrowing the site. Councillor Macro's understanding of Step 4 was that there had to be the ability to have spectators on both sides of the pitch which he did not believe was the case at the site. Councillor Macro felt that more than half of the available parking spaces would be taken up by two teams of players, coaching staff and officials forcing some spectators to park in other areas such as the pharmacy across the road and possibly cause obstruction to users of other facilities. Councillor Macro also raised his concern about noise as the Noise Assessment took place on the first day of term in September which was a Thursday – though football was normally played on a Saturday or Sunday – and also when there was a reduction in usual traffic levels due to the pandemic. Councillor Macro's own experience of living 800 metres from another football field led him to believe the residents in close proximity to the proposed site would suffer noise disturbance on match days.

Councillor Somner said there was already traffic and parking at the site as games were already being played there so the proposals did not represent a brand new facility. In terms of the management between the two different sports which would be played at the site and whether that would be workable, Councillor Somner pointed out that Reading Football Club and London Irish RFC successfully shared the same facility as an example of how it could work.

Councillor Benneyworth said in looking at the application on purely planning grounds he was struggling to find a reason not to support Officer's recommendation.

As there had been a suggestion to include an informative about the footway, Councillor Law asked Councillor Mackinnon if he wished to have that included in his proposal to support Officer's recommendation to grant planning permission and Councillor Mackinnon said that he would. As did Councillor Bridgman.

The Chairman invited Members of the Committee to vote on the proposal by Councillor Ross Mackinnon, seconded by Councillor Graham Bridgman, to grant planning



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permission subject to the conditions listed in the main report and subject to the addition of two informatives concerning the provision of a replacement pitch and the extension of the footway to allow access directly into the car park. At the vote, the motion was carried.

**RESOLVED** that the Service Director of Development and Regulation be authorised to grant planning permission subject to the following conditions:

### Conditions

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

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. The development hereby permitted shall be carried out in accordance with the following approved documents and plans:

Received on 20 August 2021:

- o Proposed Clubhouse Roof Plan drawing No 1888-SBA -XX -R1-DR-A -012 Revision A
- o Proposed Clubhouse Sections drawing No 1888-SBA -XX -ZZ -DR-A -101 Revision A
- o Proposed Clubhouse Elevations drawing No 1888-SBA -XX -ZZ -DR-A -201 Revision B
- o Proposed Clubhouse Ground Floor Plan drawing No 1888-SBA -XX -00 -DR-A - 010 Revision C
- o Sewer survey report
- o Match day maintained average illuminance report
- o Guidance notes for the reduction of obtrusive light
- o Optivision LED - Sports lighting

Received on 01 September 2021:

- o Proposed Seat Stand Elevations and Plan drawing No 001 Revision A
- o Utilities and CCTV Drainage Survey plan sheet 1 of 1
- o AGP Floodlighting Scheme plan drawing No NSH-SSL-XX-ZZ-DR-A-03 Revision 01

Received on 23 September 2021:

- o Business Plan

Received on 18 October 2021:

- o Amended Design and Access Statement
- o Amended Location Plan drawing No 1888-SBA -XX -00 -DR-A -510 Revision E
- o Amended proposed pitch layout plan drawing No 1888-SBA -XX -ZZ -DR-A -512 Revision D
- o Amended Floodlighting performance report
- o Amended proposed AGP Plan with dimensions drawing No NSHSSL-XX-ZZ-DRA-01Revision 02
- o Amended floodlighting plan drawing No NSH-SSL-XX-ZZ-DR-A-03 Revision 01
- o Amended Supporting Technical Information -Pitch, Drainage and Lighting
- o Applicant response to Sport England comments

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- o Amended proposed landscape and enhancements masterplan drawing No 100 Revision A

- o Amended planting schedule

- o Amended Tree Removal and Protection Plan drawing No 701 Revision A

- o Amended Tree survey and Arb impact assessment

- o Amended Ecological Appraisal

- o Biodiversity Net Gain Metric

Received on 03 November 2021:

- o Rugby Pitch Plan drawing No 1888-SBA -XX -ZZ -DR-A -506 Revision C

Received on 11 November 2021:

- o AGP particles research

- o AGP users guidance to reduce micro plastic loss

- o AGP users guidance

- o AGP infill material statement

- o Amended Landscape and Ecology Management Plan (LEMP)

- o Amended Construction and Environmental Management Plan (CEMP)

Received on 12 November 2021:

- o AGP Filtration catchment

- o AGP Sportfix Filtration system

- o Applicant response to Highways

Received on 15 November 2021:

- o Applicant response to Drainage 1

- o Applicant response to Drainage 2

- o Applicant response to Drainage 3

- o Trial Pit Investigation Log

- o Amended Combined Flood Risk Assessment and Drainage Strategy

- o Amended proposed AGP Elevation -Lighting Column, Acoustic Barrier, Container drawing No HTA-SSL-XX-ZZ-DR-A-02 Revision 03

- o Amended AGP Section drawing No HTA-SSL-XX-ZZ-DR-A-07 Revision 00

Received on 16 November 2021:

- o Cross section drainage and plastics filtration pipes

Received on 19 November 2021:

- o Amended proposed site plan and Electric Vehicle charging drawing No 1888-SBA -XX -ZZ -DR-A -511 Revision F

Received on 18 January 2022:

- o Amended Transport Statement

- o Amended Noise Impact Assessment

- o BREEAM Pre-Assessment Report

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o WBC Supplementary Statement - Benefits and BREEAM

Reason: For the avoidance of doubt and in the interest of proper planning.

3. Notwithstanding the provisions of the plans and documents hereby approved, prior to above foundation level works commencing, schedule of all the materials for the external surfaces of the development shall have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with approved details.

Reason: To ensure the satisfactory appearance of the development and in order to protect the character and amenity of the area. This condition is applied in accordance with the National Planning Policy Framework, Policies ADPP2, CS14 and CS19 of the West Berkshire Core Strategy (2006-2026), the Quality Design SPD (June 2006) and the Newbury Town Design Statement.

4. Notwithstanding the provisions of the plans and documents hereby approved, the development hereby permitted shall not be first used until full details have been submitted to and approved in writing by the Local Planning Authority in respect of the means of enclosure or boundary treatments on the site. These details shall include a plan indicating the positions, design, materials and type of boundary treatment (including acoustic fencing) and gates to be erected within the site. The boundary treatments shall be completed in accordance with the approved scheme before the development hereby permitted is first used. The boundary treatment shall thereafter be retained and maintained in accordance with the approved details.

Reason: In the interest of visual amenity, to protect neighbouring amenity and to ensure the satisfactory appearance of the development. This condition is applied in accordance with the National Planning Policy Framework, Policies ADPP2, CS14 and CS19 of the West Berkshire Core Strategy (2006-2026), the Quality Design SPD (June 2006) and the Newbury Town Design Statement.

5. The use of the development hereby approved shall not commence until the vehicle parking and turning spaces have been surfaced, marked out and provided in accordance with the approved plans.

a) The parking provisions to be made available before first use shall also include that all parking overflow arrangements at the Newbury Rugby Club and Newbury College are in place before the development hereby approved is first used.

b) As submitted in the application documents: In terms of the overflow parking at Newbury College, a transport bus from the college to the club shall be made available before and after the matches when the use of the overflow parking at Newbury College is required.

c) A "How to get there" page with travel directions and maps for driving, cycling and walking shall be placed on the relevant Rugby Club and Football Club websites before the development hereby approved is first used.

The development hereby approved shall not be brought into use until confirmation of how the requirements of points (a), (b) and (c) above are delivered has been submitted and approved in writing by the Local Planning Authority.

The parking, turning and travel provisions shall thereafter be implemented and kept available for use at all times during matches. If provision of parking at the Rugby Club and Newbury College is terminated, alternative arrangements shall be submitted and approved in writing by the Local Planning Authority.

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Reason: To ensure the development is provided with adequate parking facilities, in order to reduce the likelihood of roadside parking that would adversely affect road safety and the flow of traffic. This condition is applied in accordance with the National Planning Policy Framework, Policy CS13 of the West Berkshire Core Strategy (2006-2026) and Policy TRANS1 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).

6. The use of the development hereby approved shall not commence until electric vehicle charging points have been provided in accordance with the approved plans. Thereafter, the charging points shall be maintained, and kept available and operational for charging of electric vehicles at all times.

Reason: To secure the provision of charging points to encourage the use of electric vehicles. This condition is applied in accordance with the National Planning Policy Framework, Policy CS13 of the West Berkshire Core Strategy 2006-2026 and Policy TRANS1 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).

7. The use shall not commence until the cycle parking has been provided in accordance with the approved plans and this area shall thereafter be kept available for the parking of cycles at all times.

Reason: To ensure the development reduces reliance on private motor vehicles and assists with the parking, storage and security of cycles. This condition is applied in accordance with the National Planning Policy Framework, Policy CS13 of the West Berkshire Core Strategy (2006-2026) and Policy TRANS1 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).

8. The use of the development hereby approved shall not commence until details of a pedestrian footpath link from Monks Lane to the approved sports hub building (including any surfacing arrangements and marking out) have been submitted and approved in writing by the Local Planning Authority. The pedestrian footpath shall thereafter be completed and maintained in accordance with the approved details.

Reason: To ensure the development is provided with adequate pedestrian footpath access, in the interest of providing adoptable infrastructure, road safety and flow of traffic. This condition is applied in accordance with the National Planning Policy Framework, Policy CS13 of the West Berkshire Core Strategy 2006-2026, and Policy TRANS1 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).

9. The provision of adult football and rugby home matches shall be played on alternate match days in the evenings and on Saturdays and Sundays. No main adult football and rugby team matches shall take place on the same day.

Reason: To ensure the development is provided with adequate parking facilities to cope with the demand for parking, in order to reduce the likelihood of roadside parking that would adversely affect road safety and the flow of traffic. This condition is applied in accordance with the National Planning Policy Framework, Policy CS13 of the West Berkshire Core Strategy (2006-2026) and Policy TRANS1 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).

10. In the event that the football club is promoted at any point following the completion of the approved development the applicant/operator shall submit a report that includes details of an undertaking as per the details below and results from at least two on street car parking and photograph surveys on non-match days and during match days covering the following streets:

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Monks Lane, Tydehams, Highlands, Monkswood Close, Dormer Close, Sutherlands, Heather Gardens, Rupert Road, Byron Close, Robins Close, Charter Road, and adopted roads within any Sandleford Park development within 700 metres of the site

- a) The survey report shall be submitted within three months of the commencement of each new promotion season.
- b) Should the results on both match occasions reveal significant car parking on two or more streets, a financial contribution of £2,000 shall be provided to the West Berkshire Highway Authority towards the consultation and potential provision of waiting restrictions (the extent and type to be determined at the time depending on the submitted on street car parking survey results).
- c) Should the consultation for the above measures be negative amongst affected residents, then no further action is to be taken.
- d) Should the consultation for the above measures be positive amongst affected residents the applicant shall provide a Travel Plan Statement including but not limited to the following:
  - i. Appropriate incentives and targets to encourage use of sustainable travel for home matches
  - ii. At home matches, the provision of overflow car parking within the Newbury College / University complex with the number of car parking spaces to be agreed and the agreement attached as an Appendix.
  - iii. At home matches, the provision of a shuttle bus from Newbury College / University to the football ground.

All of the above measures shall be reviewed at five years intervals following implementation or at the point when the football club is promoted further, whichever comes first. The review shall include the submission of a review and/or monitoring report for approval in writing by the Local Planning Authority in consultation with the Local Highway Authority.

Reason: To ensure the development is provided with adequate parking facilities, in order to reduce the likelihood of roadside parking that would adversely affect road safety and the flow of traffic. This condition is applied in accordance with the National Planning Policy Framework, Policy CS13 of the West Berkshire Core Strategy (2006-2026) and Policy TRANS1 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).

11. In the event that development has not commenced 3 years from the date of this permission, no development shall take place until an updated Ecological Appraisal has been submitted to and approved in writing by the Local Planning Authority, together with any additional surveys recommended by the updated Ecological Appraisal. The updated surveys shall be used to inform the mitigation measures for this development.

Reason: If the development has not been commenced the ecological appraisal should be updated. This is because the ecology of the site is likely to change over time. This condition is applied in accordance with the statutory provisions relating to the protected species and habitats on the site, the National Planning Policy Framework, and Policy CS17 of the West Berkshire Core Strategy (2006-2026).

12. The use of the development hereby approved shall not commence until the Landscape and Ecological Management Plan is implemented in accordance with the Landscape and Ecological Management Plan (LEMP) JSL4065\_555 Revision 2 by RPS Group received on 11 November 2021.

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a) Any detailed habitat creation and management in accordance with the approved LEMP scheme which are removed, die, or become diseased or become seriously damaged within five years of completion of this LEMP shall be replaced within the next planting season by habitat creation and management measures of a similar size and scale to that originally approved.

b) Before the development is first used the applicant shall submit a planting plan as an addendum to the approved LEMP for approval in writing by the Local Planning Authority. The plan shall include the links between the LEMP and any other supporting information, including reference to the LEMP and the final SuDS drainage and maintenance plan.

The approved LEMP details shall be implemented in full upon commencement of development.

Reason: The LEMP is necessary to ensure the adequate protection and conservation of protected species and habitats on the site, and to achieve the specific recommendations of the submitted Ecological Assessment. A comprehensive LEMP will also ensure that interrelated landscape, drainage and ecological proposals are delivered and managed in a holistic manner. To ensure that habitats are protected and enhanced in the best way possible and that the planting can become as established as possible. This condition is applied in accordance with the NPPF, Policies CS14, CS17, CS18 and CS19 of the West Berkshire Core Strategy (2006-2026).

13. Before the 3G Artificial Grass Pitch is brought into use, an Addendum to the Landscape and Ecological Management Plan (LEMP) shall be submitted for approval in writing by the Local Planning Authority. The Addendum shall outline the following:

a) Pitch substrate structural makeup showing details of the materials.

b) Details of the installation of signage with the aim of reducing micro plastics leaving the pitch and site.

c) A layout plan of the site - showing where grates, fences and other Micro plastic control infrastructure is located.

d) Details of how the applicants propose to ensure there is no net increase in the amount of plastics (that could become micro in size if not already that size) entering the natural environment because of the proposed development and its use. The details shall address mitigating the expected 15kg of micro plastics outlined within the submitted documents. The overall objection is a reduction to the point of zero offset incorporating other measures and schemes that can be employed, including schemes with third party organisations already knowledgeable in the micro plastics field such as Thames Water and the Kennet Catchment Partnership or other partners.

The approved measures shall thereafter be complied with in full, with effect from commencement of use of the Artificial Grass Pitch.

Reason: To ensure that the release of plastics and in particular micro-plastics into the environment is mitigated to safeguard the River Kennet and River Lambourn Sites of Special Scientific Interest (SSSI) catchment areas. The two rivers are rivers of national and international importance with significant nature conservation value. This condition is applied in accordance with the statutory provisions relating to protected species and habitats, the National Planning Policy Framework, and Policy CS17 of the West Berkshire Core Strategy (2006-2026).

14. The development hereby permitted shall be implemented in accordance with the Construction Environmental Management Plan (CEMP) JSL4065 by RPS Group received on 11 November 2021.

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a) The construction site office, compound and storage of materials shall be located within the bounds of the application site, unless prior approval has been granted in writing by the Local Planning Authority.

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.

Reason: To ensure the conservation and enhancement of the biodiversity assets of the site, including the protection of species and habitats during the construction period. This condition is applied in accordance with the National Planning Policy Framework, and Policy CS17 of the West Berkshire Core Strategy 2006-2026.

15. Use of the development shall not commence until confirmation of the following certifications and registrations has been submitted to the Local Planning Authority:

- a) Certification that the Artificial Grass Pitch hereby permitted has met FIFA Quality and
- b) Confirmation that the facility has been registered on the Football Association's Register of Football Turf Pitches, and these details shall be submitted to and approved in writing by the Local Planning Authority.
- c) Certification that the Artificial Grass Pitch hereby permitted has met World Rugby Regulation 22

Thereafter the development shall be implemented in accordance with the certified and registered details and details approved by the Local Planning Authority.

Reason: To ensure the development is fit for purpose and sustainable, provides sporting benefits and to accord with the National Planning Policy Framework, Policies CS14 and CS18 of the West Berkshire Core Strategy (2006-2026).

16. Prior to the AGP and associated pavilion and car parking being first brought into use, a community use agreement shall be submitted to and approved in writing by the Local Planning Authority, and a copy of the completed approved agreement shall be provided to the Local Planning Authority. The agreement shall apply to the Artificial Grass Pitch, the pavilion and car parking and include details of pricing policy, hours of use, access by non members of Newbury Sport Hub, management responsibilities and a mechanism for review. The development shall not be used otherwise than in strict compliance with the approved agreement.

Reason: To secure well managed safe community access to the sports facilities, to ensure sufficient benefit to the development of sport and to accord with the National Planning Policy Framework, Policies CS14 and CS18 of the West Berkshire Core Strategy (2006-2026).

17. Before the Artificial Grass Pitch is brought into use, a Management and Maintenance Scheme for the facility including management responsibilities, a maintenance schedule and a mechanism for review shall be submitted to and approved in writing by the Local Planning Authority. This is to ensure the replacement of the Artificial Grass Pitch within the manufacturer's recommended specified period. The measures set out in the approved scheme shall be complied with in full, with effect from commencement of use of the artificial grass pitch.

Reason: To ensure that a new facility is capable of being managed and maintained to deliver a facility which is fit for purpose, sustainable and to ensure sufficient benefit of the development to sport and to accord with the National Planning Policy Framework, Policies CS14 and CS18 of the West Berkshire Core Strategy (2006-2026).

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18. No above ground 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.

These details shall:

- 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 the WBC SuDS Supplementary Planning Document December 2018 and in particular incorporate infiltration and 'green SuDS' measures;
- b) Include and be informed by a ground investigation survey which establishes the soil characteristics, infiltration rate and groundwater levels. Soakage testing should be undertaken in accordance with BRE365 methodology;
- c) Include attenuation measures to retain rainfall run-off within the site and allow discharge from the site to an existing watercourse or surface water drainage system at no greater than 1 in 1 year Greenfield run-off rates;
- d) Include construction drawings, cross-sections and specifications of all proposed SuDS measures within the site;
- e) 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;
- f) Include with any design calculations an allowance for an additional 10% increase of paved areas over the lifetime of the development;
- g) Include pre-treatment methods to prevent any pollution or silt entering SuDS features or causing any contamination to the soil or groundwater;
- h) Include permeable paved areas which are designed and constructed in accordance with manufacturers specification or guidelines if using a proprietary porous paved system; otherwise ensure any permeable areas are constructed on a permeable sub-base material, such as MoT/DoT Type 3;
- i) Include a management and maintenance plan for the lifetime of the development. This plan shall incorporate arrangements for adoption by an appropriate public body or statutory undertaker, management and maintenance by a residents' management company or any other arrangements to secure the operation of the sustainable drainage scheme throughout its lifetime;
- j) Include a Contamination Risk Assessment for the soil and water environment (assessing the risk of contamination to groundwater, develop any control requirements and a remediation strategy);
- k) Include measures with reference to Environmental issues which protect or enhance the ground water quality and provide new habitats where possible;
- l) 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;
- m) Upon completion, include a verification report carried out by a qualified drainage engineer demonstrating that the drainage system has been constructed as per the approved scheme (or detail any minor variations thereof), to be submitted to and approved by the Local Planning Authority on completion of construction. This shall include: plans and details of any key drainage elements (surface water drainage network, attenuation devices/areas, flow restriction devices and outfalls) and details of any



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management company managing the SuDS measures thereafter. A pre-commencement 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.

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 (2006) and SuDS Supplementary Planning Document (2018).

19. No construction works shall take place outside the following hours, unless otherwise agreed in writing by the Local Planning Authority:

7:30am to 6:00pm Mondays to Fridays;

8:30am to 1:00pm Saturdays;

No work shall be carried out at any time on Sundays or Bank Holidays.

Reason: To safeguard the amenities of adjoining land uses and occupiers. This condition is applied in accordance with the National Planning Policy Framework, and Policy CS14 of the West Berkshire Core Strategy 2006-2026.

20. No development shall take place until a Construction Method Statement (CMS) has been submitted to and approved in writing by the Local Planning Authority. Thereafter the demolition and construction works shall incorporate and be undertaken in accordance with the approved CMS. The CMS shall include measures for:

- (a) A site set-up plan during the works;
- (b) Parking of vehicles of site operatives and visitors;
- (c) Loading and unloading of plant and materials;
- (d) Storage of plant and materials used in constructing the development;
- (e) Erection and maintenance of security hoarding including any decorative displays and/or facilities for public viewing;
- (f) Wheel washing facilities;
- (g) Measures to control dust, dirt, noise, vibrations, odours, surface water run-off, and pests/vermin during construction;
- (h) A scheme for recycling/disposing of waste resulting from construction works;
- (i) Hours of construction work;
- (j) Hours of deliveries and preferred haulage routes;

A pre-commencement condition is required because the CMS must be adhered to during all construction operations including the first operations on the site.

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 CS13 and CS14 of the West Berkshire Core Strategy 2006-2026, and Policies OVS.5, OVS.6 and TRANS.1 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).

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21. The development and use hereby permitted shall be implemented in accordance with the Amended Noise Impact Assessment ref: 9157/RD REVISION F by Acoustic Consultants Ltd received on 18th January 2022.

a) The Noise Management Plan within the approved Noise Impact Assessment, including measures for the control of antisocial behaviour, hours of operation and reporting shall be implemented in full.

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 CS13 and CS14 of the West Berkshire Core Strategy 2006-2026, and Policies OVS.5, OVS.6 and TRANS.1 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).

22. The development and use hereby permitted shall be implemented in accordance with the AGP Technical Information to Support Planning Revision 1 by Surfacing Standards Limited received on 18th October 2021 and the Match day maintained average illuminance report by Surfacing Standards Ltd received on 20 August 2021 and the approved lighting details listed under condition 2.

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 CS13 and CS14 of the West Berkshire Core Strategy 2006-2026, and Policies OVS.5, OVS.6 and TRANS.1 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).

23. The development hereby permitted shall not be first used until details of treatment of all parts on the site not covered by buildings have been 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 of the completion of the development. Details shall include:

a) a scaled plan showing all existing vegetation and landscape features to be retained and trees and plants to be planted;

b) location, type and materials to be used for hard landscaping including specifications, where applicable for:

i. permeable paving

ii. tree pit design

iii. underground modular systems

iv. Sustainable urban drainage integration

v. use within tree Root Protection Areas (RPAs);

c) a schedule detailing sizes and numbers/densities of all proposed trees/plants;

d) specifications for operations associated with plant establishment and maintenance that are compliant with best practise; and

e) types and dimensions of all boundary treatments

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 trees, shrubs, plants or hedges planted in accordance with the approved scheme which are removed, die, or become diseased or become seriously damaged within five

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years of completion of this completion of the approved landscaping scheme shall be replaced within the next planting season by trees, shrubs or hedges of a similar size and species to that originally approved.

Reason: 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. This condition is applied in accordance with the NPPF and Policies CS14, CS17, CS18 and CS19 of the West Berkshire Core Strategy 2006-2026.

24. All Tree Protective Fencing shall be erected in accordance with the submitted plans, reference drawing numbers JSL4065\_771 & JSL4065 dated July 2021.

The protective fencing shall be implemented and retained intact for the duration of the development.

Within the fenced area(s), there shall be no excavations, storage of materials or machinery, parking of vehicles or fires.

Reason: To ensure the enhancement of the development by the retention of existing trees and natural features during the construction phase. This condition is applied in accordance with the NPPF and Policies CS14, CS18 and CS19 of West Berkshire Core Strategy 2006-2026.

25. The Arboricultural Method Statement and tree protection measures within report ref: JSL4065\_771 dated July 2021 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.

Reason: To ensure the protection of trees identified for retention at the site. This condition is applied in accordance with the NPPF and Policies CS14, CS18 and CS19 of the West Berkshire Core Strategy 2006-2026.

26. No development shall take place (including any ground works or site clearance) until a pre-commencement meeting has been held on site and attended by a suitably qualified arboricultural consultant, the applicant/agent and a Tree Officer from the Council to discuss details of the working procedures and agree either the precise position of the approved tree protection measures to be installed or that all tree protection measures have been installed in accordance with the approved tree protection plan.

The outcome of the meeting shall be submitted and approved in writing by the Local Planning Authority and the development shall thereafter be carried out in accordance with these approved details or any variation as may subsequently be agreed in writing by the Local Planning Authority.

Reason: Required prior to the commencement of development in order that the Local Planning Authority may be satisfied that the trees to be retained will not be damaged during development works and to ensure that, as far as is possible, the work is carried out to ensure the protection of trees identified for retention at the site. This condition is applied in accordance with the NPPF and Policies CS14, CS18 and CS19 of the West Berkshire Core Strategy 2006-2026.

27. No retained tree shall be cut down, uprooted, destroyed, pruned, cut or damaged in any manner during the development phase and thereafter within 5 years from the date of occupation of the building for its permitted use, other than in accordance with the

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approved plans and particulars or as may be permitted in writing from the Local Planning Authority.

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. This is to ensure the implementation of a satisfactory scheme of landscaping. This condition is applied in accordance with the NPPF and Policies CS14, CS17, CS18 and CS19 of the West Berkshire Core Strategy 2006-2026.

28. The sports pavilion building hereby permitted shall not be occupied until a final Certificate has been issued, and a copy submitted to the Local Planning Authority, certifying that BREEAM "VERY GOOD" has been achieved for the development in accordance with the BREEAM Pre-Assessment Report by Scott White and Hookins received on 18 January 2022.

Reason: To ensure the development contributes to sustainable construction and sustainable operations. This condition is applied in accordance with the National Planning Policy Framework, Policy CS15 of the West Berkshire Core Strategy (2006-2026), and Quality Design SPD (Part 4).

29. The development hereby permitted shall be implemented in accordance with the Match day maintained average illuminance report by Surfacing Standards Ltd received on 20 August 2021 and the approved lighting details listed under condition 2.

No additional 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.

Notwithstanding the provisions of Article 3 and Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015, no external lighting shall be installed except in accordance with the specifications and locations set out in the approved lighting strategy and these shall be maintained thereafter in accordance with the strategy. Under no circumstances should any other external lighting be installed without prior written consent from the Local Planning Authority.

Reason: To ensure the conservation and enhancement of the biodiversity assets of the site, including the protection of species and habitats. To ensure the protection of neighbouring residential amenity. This condition is applied in accordance with the National Planning Policy Framework, and Policies CS14, CS17 and CS19 of the West Berkshire Core Strategy (2006-2026).

30. The use of the development hereby approved shall not commence until details of the roofed standing area have been submitted and approved in writing by the Local Planning Authority. The roofed standing area shall be as approved by the relevant regulators and shall thereafter be completed and maintained in accordance with the approved details.

Reason: To ensure the satisfactory appearance of the development and in order to protect the character and amenity of the area. This condition is applied in accordance with the National Planning Policy Framework, Policies ADPP2, CS14 and CS19 of the West Berkshire Core Strategy (2006-2026), the Quality Design SPD (June 2006) and the Newbury Town Design Statement.

The decision to grant Planning Permission has been taken having regard to the policies and proposals in the National Planning Policy Framework, South East Plan 2006-2026, West Berkshire District Local Plan 1991-2006 (WBDLP) Saved Policies 2007, the Waste Local Plan for Berkshire, adopted 1998, the Replacement Minerals Local Plan for Berkshire 1991- 2006 (incorporating the alterations adopted in December 1997 and May

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2001) and to all other relevant material considerations, including Government guidance, Supplementary Planning Document; and in particular guidance notes and policies:

The reasoning above is only intended as a summary. If you require further information on this decision please contact the Council via the Customer Call Centre on 01635 519111.

### INFORMATIVE:

1 The applicant's attention is drawn to the fact that above conditions must be complied with in full before any work commences on site, failure to do so may result in enforcement action being instigated.

2 The above Permission may contain pre-conditions, which require specific matters to be approved by the Local Planning Authority before a specified stage in the development occurs. For example, "Prior to commencement of development written details of the means of enclosure will be submitted to and approved in writing by the Local Planning Authority". This means that a lawful commencement of the approved development cannot be made until the particular requirements of the pre-condition(s) have been met. A fee is required for an application to discharge conditions.

3 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. In this application whilst there has been a need to balance conflicting considerations, the local planning authority has worked proactively with the applicant to secure and accept what is considered to be a development which improves the economic, social and environmental conditions of the area.

4 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 the 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](http://www.westberks.gov.uk/cil)

5 - FIFA Quality Pro and Steps 3 to 6 should be built in accordance with FIFA Quality as a minimum and tested annually as per league rules. For Rugby the artificial grass pitch is to be tested bi-annually by an accredited testing laboratory in order to achieve and maintain World Rugby Regulation 22.

6 In respect of the requirements of condition 10 should the football club be promoted and the results of the public consultation public consultation on parking be negative, the Local Highways Authority has stated that appropriate waiting restrictions will be considered and implemented where necessary.

7 It is recommended that the applicant secures a replacement rugby grass pitch at the same standard as the rugby grass pitch being lost as a result of the proposed development. The applicant should seek to ensure that any new or replacement playing field is fit for its intended purpose and should be provided in consultation with the Newbury Rugby Club.

8 In conjunction with condition 8, it is recommended that the applicant secures a footpath link that enters the proposed car park to the north of the site. The footpath must connect with the existing footpath from Monks Lane.

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*(The meeting commenced at 6.30pm and closed at 9.20pm)*

**CHAIRMAN** .....

**Date of Signature** .....