

<b>Item (1)</b>	
<b>Application:</b>	20/02402/REG3
<b>Site Address:</b>	Newbury Football Club, Faraday Road, Newbury, RG14 2AD
<b>Proposal:</b>	Creation of open space for public recreation including demolition of former football ground clubhouse; delivery of new parking spaces and erection of timber bollards and new fencing generally .
<b>Applicant:</b>	West Berkshire Council
<b>Report to be considered by:</b>	District Planning Committee
<b>Date of Meeting:</b>	08 <sup>th</sup> September 2021

To view the plans and drawings relating to this application click the following link:  
<http://planning.westberks.gov.uk/rpp/index.asp?caseref=20/02402/REG3>

<b>Purpose of Report:</b>	For the District Planning Committee to determine the planning application.
<b>Recommended Action:</b>	Referred by Western Area Planning Committee due to the importance of the site and significance of the proposals for potential further strategic development in the London Road Industrial Estate area.
<b>Reason for decision to be taken:</b>	The application is on Council owned land, which is part of a wider West Berkshire Council strategic development. Once a resolution has been made by the District Planning Committee, the resolution will be passed on to the National Planning Casework Unit to determine whether the application will be called in by the Secretary of State.
<b>Key background documentation:</b>	Western Area Planning Committee Agenda Report of 21 <sup>st</sup> July 2021, the update report, and the minutes of that meeting, plus the updated officer recommended conditions.

<b>Key aims</b> N/A
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<b>Portfolio Member Details</b>	
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<b>Contact Officer Details</b>	
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## Implications

<b>Policy:</b>	The proposal is considered to accord with policies NPPF, ADPP1, ADDP2, CS5, CS13, CS14, CS16, CS17, CS18 and CS19 of the West Berkshire Core Strategy 2006-2026 (WBCS)
<b>Financial:</b>	Should the application be approved and implemented, it will not be liable to a CIL charge.
<b>Personnel:</b>	N/A
<b>Legal/Procurement:</b>	N/A
<b>Property:</b>	West Berkshire Council are the landowner and the applicant.
<b>Risk Management:</b>	N/A
<b>Equalities Impact Assessment:</b>	N/A

## EXECUTIVE SUMMARY

### 1. INTRODUCTION

- 1.1 On 21 July 2021, the Western Area Planning Committee (WAPC) considered the agenda and update reports for this application, which seeks full planning permission to demolish the football ground clubhouse, lavatory block and turnstiles at the Newbury Football Stadium, Faraday Road, Newbury.
- 1.2 The final amended proposed site plan indicates that the application also seeks to create temporary pay and display parking spaces on the cleared area and temporary pay and display parking on existing areas of tarmac hard standing. Approximately 80 new parking spaces are proposed on the cleared area.
- 1.3 In place of the old clubhouse and turnstiles there will be new timber bollards to prevent unauthorised vehicles access to the immediately adjacent grass football pitch. The grass pitch will be retained.
- 1.4 **Proposal background:** The Council submitted a planning application under reference 19/00814/FUL (Creation of 4 x multi-use games areas with replacement gates and new fencing; 8 x new floodlights (replacing existing 6 x floodlights). The application was withdrawn following an objection from Sport England and after the Council adopted the West Berkshire Council Playing Pitch Strategy in February 2020.
- 1.5 The proposals will not alter the size of the existing grass playing pitch. It is proposed that the grass pitch will be maintained to provide a grass surface for general recreational sport and where all members of the public will be welcome to its use on a first come first serve basis. Appropriate signage and pedestrian route map will be erected adjacent to the grass pitch to direct people to the public lavatories available at the Wharf, approximately 350 metres away and accessible via Victoria Park. These facilities include male and female lavatories; one

disabled unit; one parent and child room, nappy changing facilities and radar keys can be made available for disabled access.

- 1.6 There are also two parallel applications on the same site submitted by the Newbury Community Football Group. These applications are still under consideration and propose the following:
- a) A replacement of the existing clubhouse in conjunction with the construction of a new spectator stand under an outline planning application reference 20/01530/OUT.
  - b) A renewal and expansion of the existing football pitch to form a new 3G main pitch and a smaller 3G training / practice pitch under the full planning application reference 20/01966/COMIND.
- 1.7 These two applications will be presented to the WAPC, when the outstanding planning matters have been concluded.
- 1.8 The application site is known as the 'Newbury Football Ground' and is an existing recreational facility covering approximately 1.5 hectares to the east of Newbury Town Centre. The facilities comprises a single grass playing pitch, single storey clubhouse and up until recently a spectator stand that has been dismantled and taken off site. The site contains unused external flood lighting mounted on masts around the football pitch and the pitch is enclosed by timber and chain link fencing of varying height.
- 1.9 To the north of the site is the London Road Industrial Estate with a variety of uses, to the east there are landscaped areas including trees and allotments. There are residential properties approximately 50 metres to the south-east beyond the Kennet and Avon Canal. To the south of the site there are trees within grassed areas beyond which the southern edge of the site falls within a designated Conservation Area. Further to the south are footpaths and a Public Rights of Way (NEWB/28/7) beyond which is the Kennet and Avon Canal and the River Kennet, which is a river designated in its entirety as a Site of Special Scientific Interest (SSSI). To the west of the playing pitch is an existing car parking area. The existing vehicular access into the site is through the industrial estate to the north.
- 1.10 The site falls within Flood Zones 2 and 3 according to Environment Agency Flood Mapping.
- 1.11 The football ground is also currently registered as an Asset of Community Value (ACV).

## **2. THE MAIN ISSUE OF LOSS OF THE CLUBHOUSE WITHOUT A REPLACEMENT**

- 2.1 In this application the main issue is the loss of the clubhouse before the replacement facility is made available for use.
- 2.2 Policy CS18 sets out that the district's green infrastructure (which includes outdoor sports and leisure facilities) will be protected and enhanced, new developments will make provision for high quality and multifunctional open spaces of an appropriate size and will also provide links to the existing green infrastructure network.
- 2.3 The supporting text to policy CS18 recognises that the multi-functional nature of green infrastructure in the District is important for many reasons. It contributes significantly to the quality of life for residents, workers and visitors, in terms of both visual amenity and for sport and recreation purposes.
- 2.4 The Newbury Vision 2026 and 2036 sets out the Council and community aspirations for the future of Newbury. The document indicates support for the growth of recreational and sporting facilities within Newbury and the preservation and enhancement of the district's open space.

### *Wider Regeneration Proposals for London Road Industrial Estate*

- 2.5 It is recognised that the Council has aspirations for the wider regeneration of the London Road Industrial Estate (in which the application site is located). However, this future development can only be afforded limited weight at this stage.
- 2.6 In 2020, the Council adopted the West Berkshire Council Playing Pitch Strategy, which amongst other matters addresses the anticipated future loss of the Faraday Road stadium site.
- 2.7 The Council's application outlines that the site at Faraday Road has not been in use for a few years and that the last tenanted occupant of the football ground left in June 2018 when the lease on the ground expired (three years ago). The lease had originally expired in June 2016 but was extended by mutual agreement for another two years.
- 2.8 The Council submitted a statement from the Council's Leisure Service written by the Service Director – Communities and Wellbeing (Mathew Pearce). The statement states that the Council's Playing Pitch Strategy approved and adopted by the Council in February 2020 outlines the Council's intention to relocate the pitch at Faraday Road. The statement further states that the new Sports Hub at Monks Lane (Newbury Rugby Club) will provide opportunities for clubs that previously played at Faraday Road to train and play matches and that the Council's aim is to deliver the new Sports Hub by March 2022 subject to planning approval. As an update to members, the new planning application has been submitted and is going through the validation process.

### *Asset of Community Value*

- 2.9 West Berkshire Council awarded Faraday Road Football Ground an Asset of Community Value status (ACV). An ACV status is a material planning consideration when it comes to the loss of the ACV as a community facility. The ACV designation's overall objective is to provide the community with a Community Right to Bid when the ACV is proposed for sale.
- 2.10 The non-statutory advice note for local authorities (October 2012) advises that local planning authorities can consider whether listing as an ACV is a material planning consideration in determining a planning application, taking into account all of the circumstances of the case.
- 2.11 The Council intends to make available to the public, on a temporary basis, the former football ground grass pitch as a community leisure facility until the land is required for redevelopment, subject to planning. This community leisure use is similar to the existing site. Officers consider that there is no loss of the community asset at this stage. Whilst it is the Council's intention to redevelop the site in the future, it is at that point that the loss of the ACV on a permanent basis can be assessed and the Community Right to Bid can be engaged.
- 2.12 Sport England (SE) were consulted as a listed statutory consultee within the Town and Country Planning (Development Management Procedure) (England) Order 2015.
- 2.13 Sport England subsequently submitted a consultation response withdrawing their previous objection. The full Sport England response is attached as an Appendix.

## **3. FIRE AT THE NEWBURY FOOTBALL GROUND**

- 3.1 Since the last application was considered by the WAPC the clubhouse at Newbury Football Club was partially destroyed by fire.
- 3.2 Prior to the recent fire incident and as presented at the WAPC held on 21 July 2021, it was presented to Committee Members that the Council's Property Services commissioned a full

condition survey of the clubhouse building in July 2018. The survey report was submitted and it confirmed that the building could not be reasonably re-occupied without carrying out £208,000 of immediate repairs and services upgrades. It is also stated that there were Health and Safety concerns to the public associated with the vacant building through previous trespass incidents and general condition of the building. It is further stated that the repairs would have rendered the building beyond economic repair, with the building having no immediate or future use in line with the Council's future development plans for the site.

- 3.3 It is noted that on 26<sup>th</sup> August 2021 the fire damaged building was in the process of being demolished. In an email to the planning officer on 27<sup>th</sup> August 2021, the applicant confirmed that the building was demolished on the advice of West Berkshire Building Control. The applicant stated that both West Berkshire Building Control and the Health and Safety Executive were consulted where the Health and Safety Executive confirmed that the Council must take West Berkshire Building Control's advice as to what constitutes a dangerous structure. The applicant outlines that from a public safety point of view West Berkshire Building Control advised that the building must be demolished.
- 3.4 Officers have amended some of the conditions that were recommended as pre-commencement or pre-demolition conditions. These have been amended such that details will be required after demolition. The exception is the Tree Protection Scheme condition, which requires that details are submitted before any demolition can take place. The tree protection scheme condition would be essential prior to demolition to ensure that the demolition machinery does not damage the existing trees on the site during demolition. The condition requiring the submission of a Precautionary Method Statement (Biodiversity) for the demolition has now been removed, as the roof (potential to be accessed by protected species) was damaged in the fire. The rest of the information required by condition can be submitted after demolition. The updated schedule of conditions is included at Section 5.2 of this report for Members' reference.
- 3.5 The applicant has also amended the proposed site plan by removing the annotation on the southern boundary of the site which indicated that the existing fence would be replaced by a 1.8 metre green palisade fence. The wording has been amended to show that the existing fence will be replaced by Type A timber bollards as proposed elsewhere on the site.
- 3.6 Officers consider that the application is in keeping with the ground's status as a playing field and the Council's strategies to both enhance the London Road Estate and improve recreational and sporting facilities and thereby health and wellbeing.
- 3.7 Officers consider that the proposal makes a significant contribution to the wider social dimensions of sustainable development through the continued provision of a community leisure facility. This provision is consistent with the existing leisure facility and this carries significant weight in the planning balance. Officers have also considered the Council's clear plan for a replacement stadium facility which is supported by a written statement from the Service Director – Communities and Wellbeing (Mathew Pearce) and Sport England's final consultation response outlining that Sport England has no objection. The site is currently not in use, the development is for alternative sports and recreational provision. Officers consider that the benefits of bringing the site back into a community use clearly outweighs the continued non-use of the site.
- 3.8 The officer recommendation is to grant planning permission subject to conditions. If Members are minded to approve the application, it will be referred to the National Planning Casework Unit to determine if the planning application will be called in by the Secretary of State for determination following a Third Party referral to the Secretary of State.

#### 4. CONCLUSION

- 4.1 Members of the WAPC resolved to refer the planning application to the District Planning Committee due to the importance of the site and significance of the proposals for potential further strategic development in the London Road Industrial Estate area.

#### 5. UPDATED OFFICER RECOMMENDATION

- 5.1 To **DELEGATE** to the Head of Development and Planning to **GRANT PLANNING PERMISSION** subject to the updated schedule of conditions outlined below:

AND

Subject to a referral to the National Planning Casework Unit to determine if the planning application will be called in by the Secretary of State following a Third Party referral to the Secretary of State.

#### 5.2 Schedule of Conditions

1.	<p><b>Time Limit for commencement</b></p> <p>The development hereby permitted shall be begun before the expiration of three years from the date of this permission.</p> <p>Reason: To comply with Section 91 of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).</p>
2.	<p><b>Approved plans</b></p> <p>The development hereby permitted shall be carried out in accordance with the following approved documents and plans:</p> <p>Received on 26 October 2020:</p> <ul style="list-style-type: none"><li>• Pre demo audit</li><li>• Demolition Method and Risk Assessment</li><li>• Newbury Football Ground Demolition Works</li><li>• Condition Survey Report</li><li>• WBC Highways Pavement Construction Detail</li><li>• Flood Risk Assessment and Drainage Statement</li></ul> <p>Received on 09 December 2020:</p> <ul style="list-style-type: none"><li>• Amended planning statement</li></ul> <p>Received on 08 July 2021:</p> <ul style="list-style-type: none"><li>• Applicant additional comment on building condition and health &amp; safety</li><li>• Statement from West Berkshire Leisure on the replacement stadium facility</li></ul> <p>Received on 19 August 2021:</p> <ul style="list-style-type: none"><li>• Amended proposed site plan</li></ul> <p>Reason: For the avoidance of doubt and in the interest of proper planning.</p>

3	<p><b>Parking and turning in accordance with plans</b></p> <p>The use shall not commence until the vehicle parking and turning spaces have been completed in accordance with the approved plans (including any surfacing arrangements and marking out). Thereafter the parking and turning space shall be kept available for parking and manoeuvring (of private cars and/or private light goods vehicles) at all times.</p> <p>Reason: To ensure the development is provided with adequate parking facilities, in order to reduce the likelihood of roadside parking 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 P1 of the Housing Site Allocations DPD 2006-2026.</p>
4	<p><b>Updated Ecological Appraisal</b></p> <p>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.</p> <p>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. All bat species, their breeding sites and resting places are fully protected, as European Protected Species, under the Conservation of Species and Habitats Regulations 2010 and the Wildlife and Countryside Act 1981. This condition is applied in accordance with the National Planning Policy Framework, and Policy CS17 of the West Berkshire Core Strategy 2006-2026.</p>
5	<p><b>Drainage measures</b></p> <p>The development shall be carried out in accordance with the submitted flood risk assessment (Flood Risk Assessment and Drainage Strategy, Newbury Football Club, Stuart Michael Associates Limited, October 2020) and the following mitigation measures it details:</p> <ul style="list-style-type: none"> <li>• No increase in built footprint overall - built footprint to be reduced as per section 2.13 in the Flood Risk Assessment.</li> </ul> <p>Reason: To ensure that there is no loss in floodplain storage caused by the proposed development. This condition is imposed in accordance with the National Planning Policy Framework, Policy CS16 of the West Berkshire Core Strategy (2006-2026), and Part 4 of Supplementary Planning Document Quality Design (June 2006).</p>
6	<p><b>Surface water drainage survey</b></p> <p>Except for demolition and site clearance of the demolished material only, no development shall commence until a surface water drainage survey is undertaken and submitted for approval by the Local Planning Authority. The survey report shall include:</p> <ol style="list-style-type: none"> <li>a) a full investigation survey has been carried out of the existing surface water drainage system up to the discharge point into the Thames Water network. This investigation shall include jetting and CCTV camera survey of all</li> </ol>

	<p>pipework, channels and chambers to establish the route and condition of the network as well as the testing to BRE365 for infiltration rates of any existing soakaways within the Applicant's land ownership. If soakaways do exist but are not in a serviceable condition and cannot be brought back into a serviceable condition to adequately deal with run-off volumes previously directed to them when built, alternative SuDS measures shall be provided for approval by the LLFA. If no soakaways are found to exist, then suitable new SuDS measures shall be provided for approval by the LLFA to deal with an equivalent of 75% nominal (unless an accurate existing percentage figure can be established as an alternative) run-off volume from the existing building roofs by way of mitigation for lack of previous SuDS measures in order to reduce the flow burden on the downstream watercourse. The volume of run-off shall be calculated for a 1 in 100 year storm event plus an additional 40% for climate change;</p> <ul style="list-style-type: none"> <li>b) a full topographic survey following demolition of any buildings and structures of the area formerly occupied by buildings (including spectator stands) has been carried out;</li> <li>c) cross sections and construction details of the proposed car park have been submitted for approval.</li> </ul> <p>Reason: To ensure that surface water will be managed in a sustainable manner. This condition is imposed in accordance with the National Planning Policy Framework, Policy CS16 of the West Berkshire Core Strategy (2006-2026), and Part 4 of Supplementary Planning Document Quality Design (June 2006).</p>
7	<p><b>Programme of archaeological work</b></p> <p>Except for demolition and site clearance of the demolished material only, no development (including any site clearance and excavation) shall commence until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation, which has been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall incorporate and be undertaken in accordance with the approved statement.</p> <p>Reason: To ensure that any significant archaeological remains that are found are adequately recorded. This condition is applied in accordance with the National Planning Policy Framework, Policies CS14 and CS19 of the West Berkshire Core Strategy (2006-2026), and Supplementary Planning Document Quality Design (June 2006).</p>
8	<p><b>Scheme of landscaping</b></p> <p>The use shall not commence until a detailed scheme of landscaping for the site is submitted to and approved in writing by the Local Planning Authority. The details shall include schedules of trees and plants noting species, plant sizes and proposed numbers/densities, an implementation programme and details of written specifications including cultivation and other operations involving tree, shrub and grass establishment.</p> <p>The scheme shall ensure;</p> <ul style="list-style-type: none"> <li>a) Completion of the approved landscape scheme within the first planting season following completion of development.</li> <li>b) Any trees shrubs or plants that die or become seriously damaged within five years of this development shall be replaced in the following year by plants of the same size and species.</li> </ul>



	<p>Reason: To ensure the implementation of a satisfactory scheme of landscaping. This condition is applied in accordance with the NPPF and Policies CS14, CS18 and CS19 of the West Berkshire Core Strategy 2006-2026.</p>
9	<p><b>Landscape Management Plan</b></p> <p>Except for demolition and site clearance of the demolished material only, no development shall commence until a landscape management plan including long-term design objectives, management responsibilities and maintenance schedules for a minimum period of 10 years has been submitted to and approved in writing by the Local Planning Authority. The plan shall include any areas of existing landscaping, proposed wildlife areas, new tree planting and any areas of proposed landscaping other than areas</p> <p>Reason: To ensure the long-term management of existing and proposed Landscaping. This condition is applied in accordance with the objectives of the NPPF and Policies CS14, CS18 and CS19 of the West Berkshire Core Strategy 2006-2026.</p>
10	<p><b>Arboricultural Programme of Works</b></p> <p>Except for demolition and site clearance of the demolished material only, no development or other operations shall commence on site until a detailed schedule of tree works including timing and phasing of operations has been submitted and approved in writing by the Local Planning Authority.</p> <p>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 objectives of the NPPF and Policies CS14, CS18 and CS19 of West Berkshire Core Strategy 2006-2026.</p>
11	<p><b>Tree protection scheme</b></p> <p>No development (including site clearance and any other preparatory works) shall commence on site until a scheme for the protection of trees to be retained is submitted to and approved in writing by the Local Planning Authority. Such a scheme shall include a plan showing the location of the protective fencing, and shall specify the type of protective fencing. The protective fencing should be as specified at Chapter 6 and detailed in figure 2 of B.S.5837:2012. All such fencing shall be erected prior to any development works taking place and at least 2 working days' notice shall be given to the Local Planning Authority that it has been erected. It shall be maintained and retained for the full duration of works or until such time as agreed in writing with the Local Planning Authority. No activities or storage of materials whatsoever shall take place within the protected areas without the prior written agreement of the Local Planning Authority.</p> <p>Reason: To ensure the enhancement of the development by the retention of existing trees and natural features during the construction phase in accordance with the National Planning Policy Framework, and Policies CS14, CS18 and CS19 of West Berkshire Core Strategy 2006-2026. A pre-commencement condition is necessary because insufficient detailed information accompanies the application; tree protection installation measures may be required to be undertaken throughout the demolition phase and so it is necessary to approve these details before any development takes place.</p>

12	<p><b>Arboricultural Method Statement</b></p> <p>Except for demolition and site clearance of the demolished material only, no development or other operations shall commence on site until an arboricultural method statement has been submitted to and approved in writing by the Local Planning Authority and shall include details of the implementation, supervision and monitoring of all temporary tree protection and any special construction works within any defined tree protection area.</p> <p>Reason: To ensure the protection of trees identified for retention at the site in accordance with the National Planning Policy Framework and Policies CS14, CS18 and CS19 of the West Berkshire Core Strategy 2006-2026. A pre-commencement condition is necessary because insufficient detailed information accompanies the application; tree protection installation, other measures and works may be required to be undertaken throughout the construction phase and so it is necessary to approve these details before any development takes place.</p>
13	<p><b>External lighting</b></p> <p>No external lighting shall be installed until a lighting strategy has been submitted to and approved in writing by the Local Planning Authority. The strategy shall:</p> <ul style="list-style-type: none"> <li>(a) Identify those areas on the site that are particularly sensitive for bats and that are likely to cause disturbance.</li> <li>(b) Show how and where external lighting will be installed so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species.</li> <li>(c) Include and isolux diagram of the proposed lighting.</li> <li>(d) Ensure all lighting levels are designed within the limitations of Environmental Lighting Zone 1, as described by the Institute of Lighting Engineers.</li> </ul> <p>No external lighting shall be installed except in accordance with the specifications and locations set out in the strategy and these shall be maintained thereafter in accordance with the strategy. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.</p> <p>Reason: To ensure the conservation and enhancement of the biodiversity assets of the site, including the protection of species and habitats. This condition is applied in accordance with the National Planning Policy Framework, and Policies CS17 and CS19 of the West Berkshire Core Strategy (2006-2026).</p>

## Appendices

1. Agenda Report, appendices and update sheet for 20/02402/REG3 for the WAP Committee meeting held on the 21<sup>st</sup> July 2021
2. WAP Committee update sheet for 20/02402/REG3 for the WAP Committee meeting held on the 21<sup>st</sup> July 2021 (Includes final Sport England consultaion response received on 20 July 2021)