

Agenda Item 4.(1)

Item No.	Application No. and Parish	Statutory Target Date	Proposal, Location, Applicant
(1)	20/02402/REG3 Newbury Town Council	21 December 2020*	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. Newbury Football Club, Faraday Road, Newbury, RG14 2AD West Berkshire Council

*Extension of time agreed until 22 July 2021

The application can be viewed on the Council's website at the following link:
<http://planning.westberks.gov.uk/rpp/index.asp?caseref=20/02402/REG3>

Recommendation Summary:

To **DELEGATE** to the Head of Development and Planning to **GRANT PLANNING PERMISSION** subject to the schedule of conditions (Section 8.2 of the report)

AND

Subject to a referral to the National Planning Casework Unit as the Local Planning Authority is minded to grant planning permission for an application on land owned by the Council, despite receiving an objection from Sport England.

Ward Members:

Councillor Jeff Cant
Councillor Jeff Beck

Reason for Committee determination:

Significant public interest and the proposal affects Council owned land

Committee Site Visit:

15th July 2021

Contact Officer Details

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1. Introduction

- 1.1 This application 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 clubhouse to be demolished contains a total area of approximately 421.5 square metres of floor space which includes, a large functions room, kitchen, bar area, home and away changing rooms, referees room, WCs for ladies and gents and a lounge area.
- 1.3 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.
- 1.4 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.
- 1.5 **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.
- 1.6 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. It is submitted that these facilities are available between 8am and 6pm seven days a week except for Christmas day.
- 1.7 There are 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.
- 1.8 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 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 is landscaped areas including trees and allotments, approximately 50 metres to the south-east beyond the Kennet and Avon Canal are residential properties. To the

south of the site 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 Right of Way (NEWB/28/7) beyond which is the Kennet and Avon Canal and the River Kennet, which is 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. Relevant Planning History

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

Application	Proposal	Decision / Date
20/01966/COMIND	Renewal and expansion of the existing football pitch to form a new 3G main pitch and a smaller 3G training / practice pitch. Applicant: Newbury Community Football Group (NCFG)	Pending consideration
20/01530/OUT	Outline permission for replacement of clubhouse and new spectator stand at Newbury Football Ground. Matters to be considered: Access and Layout. Applicant: Newbury Community Football Group (NCFG)	Pending consideration
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) Applicant: West Berkshire Council	Withdrawn
18/02046/DEMO	Application for prior notification for demolition of spectator stand	Approved/further details not required for approval
18/00604/OUT	Outline permission for replacement of clubhouse and stand at Newbury Football Ground. Matters to be considered: Access and Layout. Applicant: Newbury Community Football Group (NCFG)	Appeal Withdrawn (As a non-determination appeal, the application has not been determined by

		the LPA)
18/00603/COMIND	Renewal and expansion of existing football pitch including artificial pitches. Applicant: Newbury Community Football Group (NCFG)	Appeal Withdrawn (As a non-determination appeal, the application has not been determined by the LPA)
94/45314/FUL	Stands (standing only) - 8no units, 3m high north boundary fence.	Approved
93/43408/ADD	Replacement of existing floodlights & stands.	Approved
93/42876/ADD	Renovation of clubhouse & new building for entrance shop toilets & groundsman store	Approved
93/42875/ADD	Replacement grandstand & additional car parking.	Approved
89/35983/ADD	Day time car park for racial vodafone evening and weekend training area for football club	Refused
82/18107/ADD	Small 100 seater grandstand	Approved
81/16061/ADD	Erection of grand stand for spectators	04.11.1981
79/10044/ADD	Proposed new pavilion & change of use to football ground	Approved
77/07234/ADD	Non illuminated hoarding	Approved
77/06859/ADD	Extension to clubhouse	Approved
75/03793/ADD	Extension to provide changing rooms	Approved

3. Procedural Matters

- 3.1 The proposed development falls within the column 1 description at paragraph 10 (b) (Urban development projects – car parks) of Schedule 2 of the Town and Country Planning (Environmental Impact Assessment) (EIA) Regulations 2017. The Local Planning Authority (LPA) has taken into account the selection criteria in Schedule 3 of the 2017 EIA Regulations. An EIA screening exercise has been completed in accordance with the Regulations, which concluded that the proposed development is not “EIA development” according to the 2017 EIA Regulations and an Environmental Statement is not required.
- 3.2 A site notice was displayed on 06th November 2020 and the deadline for representations expired on 27th November 2020.

- 3.3 The development has been amended on numerous occasions. The main amendment plans and additional supporting information package was received in December 2020 in response to officer-level feedback and feedback from Sport England. According to the Planning Practice Guidance, where an application has been amended it is up to the local planning authority to decide whether further publicity and consultation is necessary, taking into account a number of considerations including previous objections, and the significance of the changes. The amendments have been made publically available via the Councils planning website, the consultees and members of the public who had made written representations were notified on 23 December 2020. Further minor amendments were made after this date, however these amendments did not warrant the display of additional site notices or further notifications.
- 3.4 Community Infrastructure Levy (CIL) is a levy charged on most new development to pay for new infrastructure required as a result of the new development. CIL is only charged on residential and retail development. The proposed development would not require any financial contributions to be made in respect of the Councils Adopted CIL Charging Schedule
- 3.5 More information is available at www.westberks.gov.uk/cil

4. Consultation

Statutory and non-statutory consultation

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

Newbury Town Council:	Objection in agreement with Sports England and in line with NTC strategy.
WBC Highways Officer:	No objection
WBC Drainage Officer:	No objection, subject to condition
WBC Conservation:	No objection.
WBC Ecology Officer:	No objection subject to condition
WBC Leisure:	No comments received
WBC Trees Officer:	No objection subject to conditions
WBC Archaeology:	No objection subject to condition

Sport England	No objection subject to a signed Unilateral Undertaking. If application is approved with no Unilateral Undertaking, Sport England's position is one of <u>objection</u> .
Environment Agency:	No objection subject to condition
Canal and River Trust	No comments to make response received

Public representations

4.2 Representations have been received from 12 contributors in objection and one impartial contributor.

4.3 The full responses may be viewed with the application documents on the Council's website, using the link at the start of this report. In summary, the following planning related points have been raised:

- No Transport assessment submitted by the Council.
- Would expect the applicant to submit an air quality report
- No evidence of need for this proposed ordinary recreation space
- Victoria Park and Fireman's Field recreation spaces are already available nearby.
- No evidence of need for a quality football pitch in WBC's Playing Pitch & Leisure Strategies, the FA's Local Football Facility Plan
- No evidence of a need for more car parking
- Existing facility should be made secure by fencing, gates and made available for booking
- Removal of changing rooms
- The ground is still protected as an Asset of Community Value. The Community that registered it has not been invited to be involved in the decision or to buy.
- Contrary to Core Strategy Policy CS18 Green Infrastructure, NPPF and Sport England's loss of sports pitch criteria.
- Contrary to WBC Playing Pitch Strategy
- Demolition is the starting point for development, at which time a like-for-like replacement should be operational.
- The closure of the ground is hugely unpopular and totally unjustified
- The Council are preventing use of the ground for its intended purpose
- Council have failed to identify a deliverable proposal for a new or replacement facility that is of equal or better quality.
- Increase in the severity and regularity of flooding of the downstream properties
- The Flood Risk Assessment does not assess whether the existing drainage strategy qualifies as a sustainable drainage system

5. Planning Policy

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

- Policies NPPF, ADPP1, ADDP2, CS5, CS13, CS14, CS15, CS16, CS17, CS18 and CS19 of the West Berkshire Core Strategy 2006-2026 (WBCS).
- Policies TRANS.1, OVS.5 and OVS.6 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).

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

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)
- Quality Design SPG (2006)
- Sustainable Drainage SPD (2017)
- Manual for Streets
- West Berkshire Cycle and Motorcycle Advice and Standards for New Development 2014
- West Berkshire Council Playing Pitch Strategy (2020)
- Conservation of Habitats and Species Regulations 2017
- Newbury Vision 2026 and 2036
- Newbury Town Design Statement
- Sport England 'Playing fields policy and guidance' (2018)

6. Appraisal

The main issues for consideration in this application are:

- Principle of development
- Heritage, design, function, character and appearance of the area
- Impact on neighbouring amenity and quality
- Highway safety
- Trees and landscaping
- Flooding and drainage
- Biodiversity
- Representations
- Planning balance and conclusion

Principle of development

- 6.1 Policy ADPP1 identifies the District Settlement Hierarchy where new development will be focused, primarily on previously developed land.
- 6.2 According to Policy ADPP2, Newbury will continue to fulfil its key role as the administrative centre and major town centre for the district, with a wide range of retail, employment, leisure and community services and facilities. The policy indicates that community infrastructure will be provided to meet the growth in population and existing community facilities will be protected and, where appropriate, enhanced. These include leisure and cultural facilities, which contribute to the attraction of the town for both residents and visitors.
- 6.3 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. It goes on to say, developments resulting in the loss of green infrastructure or harm to its use or enjoyment by the public will not be permitted. Where exceptionally it is agreed that an area of green infrastructure can be lost a new one of equal or greater size and standard will be required to be provided in an accessible location close by.

- 6.4 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.
- 6.5 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

- 6.6 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.
- 6.7 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.
- 6.8 In addressing Sport England's (SE) planning policy exception E1, the West Berkshire Council Playing Pitch Strategy (2020) at page 32 proposes that the:

“Relocation of the single adult sized grass pitch at Faraday Road, together with changing accommodation and the other necessary league requirements to create a step 6 facility on a site which will be no more than 20 minutes' drive time away, and upgrade the current grass pitch to a 3G pitch with the ability to develop it to a step 5 facility. This site will be available before any construction work starts at Faraday Road.”

- 6.9 In addressing SE planning policy exception E4, The West Berkshire Council Playing Pitch Strategy (2020) also states at page 33 that:

“The Council also believes that Sport England Policy Exception E4 applies in part, namely: The playing field or playing fields, which would be lost as a result of the proposed development, would be replaced by a playing field or playing fields of an equivalent or better quality and of equivalent or greater quantity, in a suitable location and subject to equivalent or better management arrangements, prior to the commencement of development”

- 6.10 The Playing Pitch Strategy (2020) also outlines that the replacement site for Faraday Road stadium would be expected to “have the ability to host competitive play and training to at least the same level as required now i.e. Step 6 with the potential to move to Step 5”.

Asset of Community Value

- 6.11 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. 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.

- 6.12 The Council's application outlines that the site 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. Once the site had been vacated it is stated that the Council's Property Services commissioned a full condition survey of the clubhouse building in July 2018. The survey report has been submitted and it confirms 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 are 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 render 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. The applicant has also submitted some additional internal photographs outlining the internal stripping out of services by vandals or salvage hunters. The submitted planning statement also outlines that the demolition of the old clubhouse is part of plans to provide a new, sustainable long term home for football elsewhere within the Newbury area. In terms of the planning balance, officers consider the applicant's economic justification to be sufficient to support that the clubhouse building can be demolished, along with the concerns with regard to public health and safety.
- 6.13 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. At this stage the clubhouse, stand and turnstiles can be readily replaced on the site should it be necessary. It is also noted that the community football group have submitted their own separate planning applications on the site and one of these applications proposes the demolition of the clubhouse and construction of a replacement.
- 6.14 Sport England (SE) were consulted as a listed statutory consultee within the Town and Country Planning (Development Management Procedure) (England) Order 2015.
- 6.15 Paragraph 97 of the NPPF states that existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless:
- a) an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or
 - b) the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or
 - c) the development is for alternative sports and recreational provision, the benefits of which clearly outweigh the loss of the current or former use.
- 6.16 SE's playing fields policy also states that:
- Sport England will oppose the granting of planning permission for any development which would lead to the loss of, or would prejudice the use of:

- a) all or any part of a playing field, or
- b) land which has been used as a playing field and remains undeveloped, or
- c) land allocated for use as a playing field

- 6.17 This 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. Following meetings and discussions with SE, the application red line and proposed site plan were amended to ensure the playing pitch is retained. The playing field will therefore not to be altered through this planning application and this has been confirmed and accepted by SE. The proposal is for the site to be opened up for public recreational sport, therefore the playing field will remain a designated playing field. The only differences are that the site will be open to the public to use and not a single club, and that there will be the demolition of the ancillary facilities including toilets within the clubhouse.
- 6.18 SE raise no objection, however they remain concerned with regard the demolition of the ancillary accommodation to support the stadium facility. In their consultation response SE outline that when the facilities are replaced, then the proposal would comply with SE's planning policy E4. In the interim, SE recommended that they would have no objection provided the Council signs a Unilateral Undertaking for the replacement of the stadium. The rationale for this approach is that the Unilateral Undertaking would clearly include a statement that the existing Faraday Road site would not be redeveloped until the replacement stadium is operational. For completeness, SE provided a clear definition of what would be considered the redevelopment to this site, which is the reduction in the grass footprint, which forms the playing field/pitch. In this regard, the development the subject of this planning application would still go ahead as there is no reduction to the playing field area.
- 6.19 Following an internal review of the SE requirements by the LPA, including legal advice the LPA cannot agree with SE's requirement for a Unilateral Undertaking on this application. The LPA considered that the Unilateral Undertaking would not be linked to this current planning application, but instead it will refer to a future development/application. It is therefore considered that the Unilateral Undertaking would not meet the planning tests as set out under the limitation on use of planning obligations under paragraph 122 of the Community Infrastructure Levy Regulations 2010. SE have been made aware of the above LPA position through correspondence and in response, SE formally confirmed that without a Unilateral Undertaking SE's position would be one of objection.
- 6.20 The Council has 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.
- 6.21 The replacement football facility at the Newbury Rugby Club, would comply with the playing pitch strategy. However in policy terms the LPA should be securing permission for a replacement football facility before granting permission for the demolition. While the LPA cannot secure a replacement facility as part of this planning application or at this time demonstrate that there is a replacement facility in place, the Council's intentions are clear as provided in the statement. The LPA has considered the above

statement in the overall circumstances of the application and the planning balance. The LPA considers that there is sufficient justification to consider that the Council is committed to replacing the Faraday Road stadium and comply with its own adopted Playing Pitch Strategy. This adds weight in overcoming the SE objection.

- 6.22 Where an LPA is minded to grant planning permission for an application, despite receiving an objection from Sport England, then the requirements of the Government's Circular 02/2009 may apply. The Circular instructs the LPA to notify the Secretary of State for Communities and Local Government through the National Planning Casework Unit of an application if the land is owned by a local authority (currently or within the five years prior to receiving the application) and where Sport England has objected due to a resulting deficiency of playing field land in the area or because the replacement to be provided is inadequate.
- 6.23 The National Planning Casework Unit referral requirements are set out in the Town and Country Planning (Consultation) (England) Direction 2009 and Department of Communities and Local Government letter to Chief Planning Officers dated 10th March 2011. If Members are minded to approve the application without a Unilateral Undertaking, the application will be referred to the National Planning Casework Unit to establish whether the Secretary of State will call in the application for a decision.
- 6.24 Given the considerations outlined above, officers consider that the proposal would comply with the overall aims and objectives of Policies ADDP1, ADDP2 and CS18 and guidance within the Newbury Vision 2026 and 2036 through the provision of a leisure community facility.
- 6.25 In conclusion, the principle of development is acceptable in accordance with the policies discussed above. The wider development plan policies and other material planning considerations are further considered below.

Heritage, design, function, character and appearance of the area

- 6.26 According to Core Strategy Policy CS14, new development must demonstrate high quality and sustainable design that respects and enhances the character and appearance of the area. Considerations of design and layout must be informed by the wider context, having regard not just to the immediate area, but also to the wider locality. Development shall contribute positively to local distinctiveness and sense of place.
- 6.27 The Planning (Listed Buildings and Conservation Areas) Act 1990 provides that with respect to any buildings or other land in a conservation area, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.
- 6.28 Policy CS19 of the Core Strategy seeks the conservation and, where appropriate, enhancement of heritage assets and their settings including Conservation Areas. The NPPF seeks to protect heritage assets and that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal.
- 6.29 The southern boundary of the application site falls within a conservation area. The Council's Conservation Officer has assessed the proposal and raises no objections.
- 6.30 In terms of archaeological impacts, the Council's Archaeology Officer has reviewed the application and indicated that they have no objection to the proposal, subject to a condition. The applicants will be required to commission a programme of archaeological work starting with a desk-based assessment but very likely including

some targeted test-pitting, and if necessary some excavation. A condition has been recommended as shown in the list of conditions.

- 6.31 The Canal and River Trust have raised no objection, subject to suitable methods of protecting the water environment of the River Kennet are in place throughout demolition. A condition is attached accordingly.
- 6.32 The proposal would have no adverse impact on views for users of the public right of way footpath along the canal to the south of the site. The proposal is therefore considered to comply with Core Strategy Policy CS19 and the NPPF in terms of conserving the historic environment.

Impact on neighbouring amenity and quality of life

- 6.33 Planning Policies CS14 and CS19 of the West Berkshire Core Strategy are of importance with regard to the potential impact upon neighbouring amenity.
- 6.34 The layout plans demonstrate the proposal would maintain adequate separation distances from existing housing ensuring no material impact on neighbouring amenity. It is also considered that the noise levels from the proposed leisure use will be similar to those of the existing community facility. Representations have asked for an assessment of air quality, however this is not considered necessary as the existing and proposed uses are the same (assembly and leisure). Planning conditions can also be imposed to restrict the erection of external flood lighting to reduce any excessive light pollution/nuisance to neighbouring properties.
- 6.35 Overall, the impact on neighbouring amenity from the proposed development is considered minimal and would not have a materially harmful impact on nearby residents such that the proposal is considered to comply with Core Strategy Policy CS14, NPPF and the SPD on Quality Design.

Highway safety

- 6.36 Policies CS13 of the Core Strategy and TRANS.1 of the Saved Policies of the Local Plan relate to highways. Road safety in West Berkshire is a key consideration for all development in accordance with Core Strategy Policy CS13.
- 6.37 The Highway Authority has carefully considered the proposal and the Highway Officers raise no objection. The Highway Officer concluded that the impacts on the highway would be limited as the majority of activities will be during off peak hours and over weekends. The footpath links to the centre and Victoria Park will be retained. The proposed car park plan has been amended to ensure that the aisle widths are 6.0 metres wide as recommended by the Highway Officer.
- 6.38 Overall, it is considered that the proposed development would not have a material impact on highway safety. The proposal is therefore considered to comply with Core Strategy Policy CS13, NPPF and TRANS.1 of the Saved Policies of the Local Plan.

Trees and Landscaping

- 6.39 Policy CS19 of the WBCS concerns the historic environment and landscape character. It seeks to ensure that the diversity and local distinctiveness of the landscape character of the district is conserved and enhanced. Particular regard has been given to the conservation and, where appropriate enhancement of landscape assets.
- 6.40 The proposal will result in the loss of a small number of trees that are considered low category by the Council's Tree Officer due to their poor condition or small size. The

significant boundary tree cover will remain and no high category trees or trees subject to statutory protection will be removed.

- 6.41 The site contains a number of trees to the east and south of the existing playing pitch. The Council Tree Officer has carefully considered the proposal and raises no objections subject to measures to protect retained trees and the provision of landscaping being secured via a recommended planning condition.
- 6.42 Overall it is therefore considered that the proposed development would conserve the trees within and adjacent to the site in compliance with Core Strategy Policy CS18 and NPPF

Flooding and drainage

- 6.43 Core Strategy Policy CS16 (Flooding) applies across the district and highlights the cumulative impacts of development on flooding within the district.
- 6.44 The application site is partly located within Flood Zone 2 and 3 of the Environment Agency's Flood Map, the site is therefore considered to have a high probability of flooding. The Environment Agency were consulted and they raise no objection, as the built footprint will be decreasing on the site through the demolished structures. Any impact on floodplain storage will be positive. The Environment Agency also concluded that while the site is at risk of flooding and lies partially in flood zone 3, the usage (parking and recreation) is unchanged from existing. Furthermore, a flood evacuation plan has been provided in the Flood Risk Assessment.
- 6.45 The Local Lead Flood Authority has requested that the applicant commissions a survey of the existing drainage system. The survey and any other investigations will include the existing surface water drainage system up to the discharge point into the Thames Water network, if this is the system adopted on the site. The Drainage Officer has indicated that there may be soakaways on the site, which would have managed the roof run-off from the clubhouse and stands. The presence and condition of the soakaways will need to be investigated through the survey and any upgrade or maintenance would then be required to ensure the drainage system remains sufficient and fit for purpose for the site. In addition, once demolition has occurred a full topographical survey of the relevant area should be undertaken of the resultant levels of any residual base structures, including for the old spectator stand area. A condition has been recommended requesting the submission of the drainage details.
- 6.46 The proposal could comply with the provisions of the Core Strategy Policy CS16, NPPF and Sustainable Drainage SPD (2017).

Biodiversity

- 6.47 Core Strategy Policy CS17 (Biodiversity and geodiversity) states that, in order to conserve and enhance the environmental capacity of the District, all new development should maximise opportunities to achieve net gains in biodiversity and geodiversity in accordance with the Berkshire Biodiversity Action Plan and the Berkshire Local Geodiversity Action Plan.
- 6.48 The Natural Environment and Rural Communities Act 2006 and Article 10 of the Habitats Directive stresses the importance of natural networks of linked corridors to allow movement of species between suitable habitats, and promote the expansion of biodiversity networks.
- 6.49 The proposal would be largely within the footprint of the existing playing pitch and facilities within the site and within proximity to the River Kennet SSSI. The applicant submitted an emergence bat survey, which was reviewed by the Council's ecologist

who raises no objection subject to conditions being attached. The structure would need to be deconstructed using a precautionary method statement submitted and approved by the Council's Ecologist and enacted in the presence of a licenced bat ecologist.

6.50 Natural England raise no objections, as the application will not have significant adverse impacts on the adjacent River Kennet Site of Special Scientific Interest (SSSI).

6.51 The proposed development could comply with the Conservation Regulations 2010, Wildlife and Countryside Act 1981, Natural Environment and Rural Communities Act 2006, NPPF and Policy CS17 of the West Berkshire Core Strategy 2012.

Representations

6.52 Members of the public have submitted written representations mainly expressing objections against the application. The relevant planning points raised in objection have been acknowledged and considered in this report and mainly focus on the significant value of the stadium site to the community.

6.53 The Newbury Town Council object to the proposal and state that the proposal fails to comply with Sport England policies and the Newbury Town Council Strategy. The Town Council further objected that the open space will have inadequate facilities and requested that the description must include the word "sport". On this particular point, the LPA can only consider the application as put forward by the applicant and it is outlined that the proposal is for the creation of a recreational open space. In addition Newbury Town Council also outline that the proposal would be contrary to the Council's asset of community value register. This has also been addressed in this report.

6.54 References have also been made to the Appeal Inspector's flooding comments under application 19/01281/OUTMAJ at the adjacent Newspaper House. The Inspector concluded that the effect of the development on flood risk was the primary determinative issue. The proposal at Newspaper House was for a residential use, which is classified as a "more vulnerable" use in terms of flooding than the proposed recreational open space, which is classified as a "water-compatible development". The planning practice guidance requires that for residential uses a sequential test approach is implemented to steer new residential development to areas with the lowest risk of flooding. Officers consider that the flooding merits of the Newspaper application will therefore not be applicable to this application.

7. Planning Balance and Conclusion

7.1 This decision has been considered using the relevant policies related to the proposal as outlined in the report.

7.2 Planning applications must result in sustainable development with consideration being given to the economic, social and environmental sustainability aspects of the proposal. Officers consider that the proposal will make a limited contribution to the wider economic dimensions of sustainable development.

7.3 With regard to the environmental role of fundamentally contributing to protecting and enhancing our natural, built and historic environment, the impact on the character and appearance of the surrounding area, flood risk, impact on trees and biodiversity protection have been fully assessed using expert advice as outlined in this report. Officers consider that the final amended plans sufficiently preserve and enhance the

existing natural environment on the site. 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 objection if a Unilateral Undertaking is not signed. Officers have also considered the submitted justification for the demolition of the clubhouse on public health and safety grounds. 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.

- 7.4 Having taken account of all the relevant development plan policy considerations and the other material considerations referred to in this report and the expert consultation provided, officers consider that the development proposed is acceptable and is recommended to members for approval.

8. Full Recommendation

- 8.1 To **DELEGATE** to the Head of Development and Planning to **GRANT PLANNING PERMISSION** subject to the schedule of conditions (Section 8.2 of the report)

AND

Subject to a referral to the National Planning Casework Unit as the Local Planning Authority is minded to grant planning permission for an application on land owned by the Council, despite receiving an objection from Sport England.

8.2 Schedule of Conditions

1.	<p>Time Limit for commencement</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>Approved plans</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"> • Pre demo audit • Demolition Method and Risk Assessment • Newbury Football Ground Demolition Works • Condition Survey Report • WBC Highways Pavement Construction Detail • Flood Risk Assessment and Drainage Statement <p>Received on 09 December 2020:</p>

	<ul style="list-style-type: none"> • Amended planning statement <p>Received on 08 July 2021:</p> <ul style="list-style-type: none"> • Applicant additional comment on building condition and health & safety • Statement from West Berkshire Leisure on the replacement stadium facility <p>Received on 12 July 2021:</p> <ul style="list-style-type: none"> • Amended site plan <p>Reason: For the avoidance of doubt and in the interest of proper planning.</p>
3	<p>Parking and turning in accordance with plans</p> <p>The use shall not commence until the vehicle parking and turning space 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>Updated Ecological Appraisal</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>Precautionary method statement (Ecology)</p> <p>No development shall take place (including any demolition, ground works, site clearance) until a precautionary method statement has been submitted to and approved in writing by the local planning authority. The content of the method statement shall include :</p> <ul style="list-style-type: none"> a) suitable methods of protecting the water environment of the River Kennet are in place throughout demolition. b) purpose and objectives for the proposed works; c) detailed working methods necessary to achieve stated objectives; d) extent and location of proposed demolition works shown on appropriate scale maps and plans;

- e) timetable for implementation;
- f) ecological persons responsible for implementing the works and monitoring;
- g) initial aftercare and long-term maintenance (where relevant);
- h) disposal of any wastes arising from works.

Thereafter the works shall be carried out strictly in accordance with the approved details.

Reason: To ensure the conservation and enhancement of the biodiversity assets of the site, including the protection of species and habitats during demolition operations. A pre-commencement condition is required because the precautionary method statement must be adhered to during all demolition and site clearance operations. 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).

6 Drainage measures

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:

- No increase in built footprint overall - built footprint to be reduced as per section 2.13 in the Flood Risk Assessment.

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).

7 Surface water drainage survey

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:

- 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 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

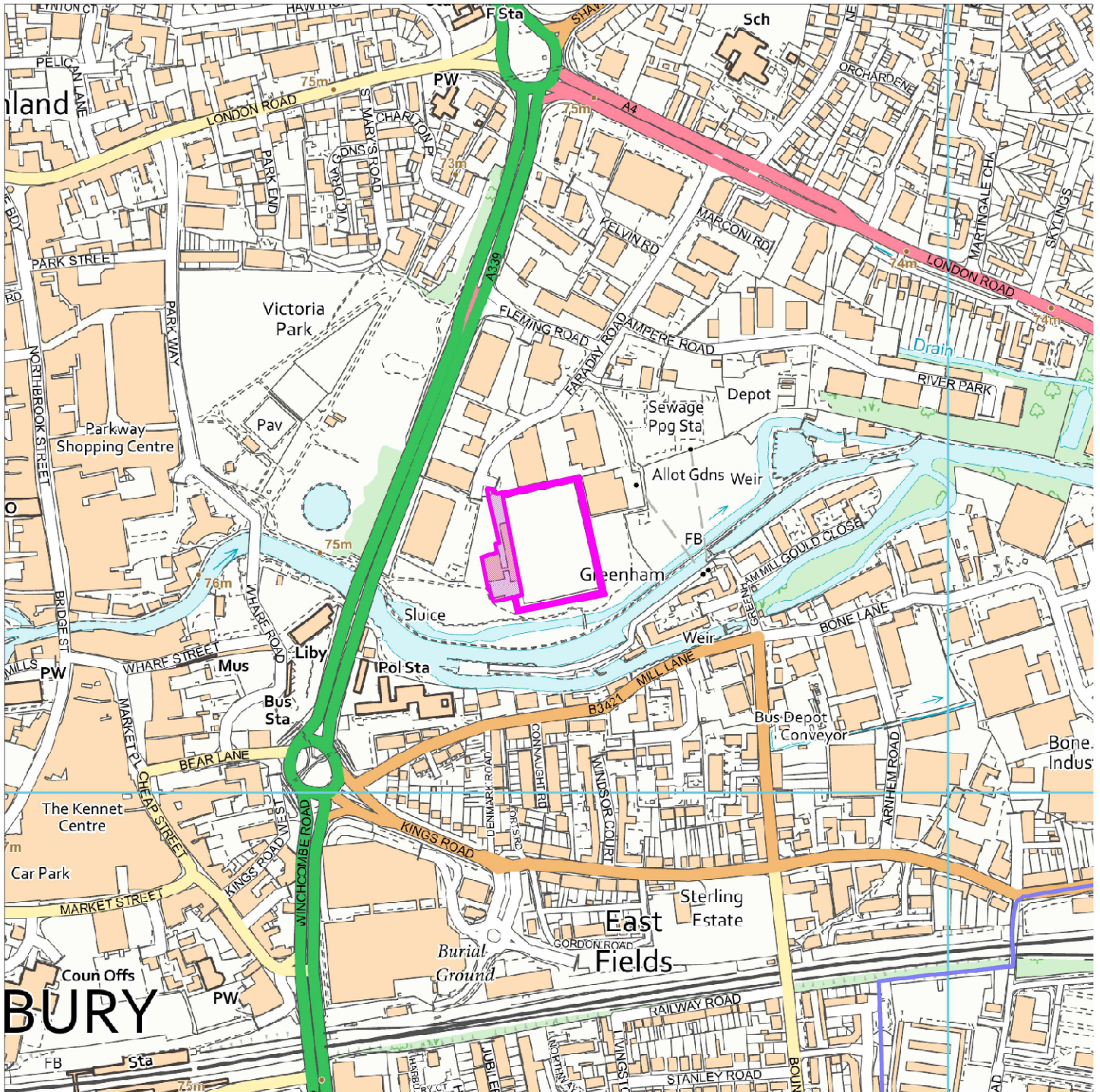
	<p>downstream watercourse. The volume of run-off shall be calculated for a 1 in 100 year storm event plus an additional 40% for climate change;</p> <p>b) a full topographic survey following demolition of any buildings and structures of the area formerly occupied by buildings (including spectator stands) has been carried out;</p> <p>c) cross sections and construction details of the proposed car park have been submitted for approval.</p> <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>
8	<p>Programme of archaeological work</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>
9	<p>Scheme of landscaping</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> <p>a) Completion of the approved landscape scheme within the first planting season following completion of development.</p> <p>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.</p> <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>
10	<p>Landscape Management Plan</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</p>

	<p>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>
11	<p>Arboricultural Programme of Works</p> <p>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>
12	<p>Tree protection scheme</p> <p>No development (including site clearance and any other preparatory works) shall commence on site until a scheme for the protection of trees to be retained is submitted to and approved in writing by the Local Planning Authority. 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>
13	<p>Arboricultural Method Statement</p> <p>No development (including site clearance and any other preparatory works) 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</p>

	to be undertaken throughout the construction phase and so it is necessary to approve these details before any development takes place.
14	<p>External lighting</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> <p>(a) Identify those areas on the site that are particularly sensitive for bats and that are likely to cause disturbance.</p> <p>(b) Show how and where external lighting will be installed so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species.</p> <p>(c) Include and isolux diagram of the proposed lighting.</p> <p>(d) Ensure all lighting levels are designed within the limitations of Environmental Lighting Zone 1, as described by the Institute of Lighting Engineers.</p> <p>No external lighting shall be installed 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>

Informatives

1.	<p>Approach of the LPA</p> <p>This decision has been made in a positive way to foster the delivery of sustainable development having regard to Development Plan policies and available guidance to secure high quality appropriate development. 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 a development, which improves the economic, social and environmental conditions of the area.</p>
2.	<p>Pre-conditions</p> <p>Conditions nos. [5; 12 and 13] impose requirements which must be met prior to commencement of the development. Failure to observe these requirements could result in the Local Planning Authority taking enforcement action, or may invalidate the planning permission and render the whole of the development unlawful</p>
3	<p>Construction noise</p> <p>The attention of the applicant is drawn to the requirements of Section 60 of the Control of Pollution Act 1974 in respect of the minimisation of noise on construction and demolition sites. Application under Section 61 of the Act, for prior consent to the works, can be made to West Berkshire Environmental Health. For more information: email ehadvice@westberks.gov.uk, call 01635 519192, or visit http://info.westberks.gov.uk/environmentalhealth.</p>



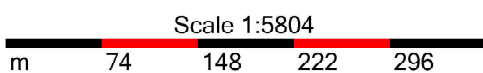
Map Centre Coordinates :

Scale : 1:5803

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Organisation	West Berkshire Council
Department	
Comments	Not Set
Date	08 July 2021
SLA Number	0100024151



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Newbury Football Club,
Faraday Road, Newbury,
RG14 2AD

Photographs for Western Area Planning Committee
Application 20/02402/REG3



Photo showing the stadium access and car park from Faraday Road



View of the clubhouse and existing parking, viewed from the site access



View of the clubhouse entrance and outbuilding from the south



View of the turnstiles to be demolished



View of the clubhouse within the car park from the west looking east



Another view of the clubhouse and the car park from the west looking east



View of the clubhouse from the playing pitch looking towards the west. Also shows the hardstanding area left following the removal of the stands.



View of the playing pitch and the hardstanding area left following the removal of the stands.



Image shows cracks to the building and its general condition



Image showing the condition of the building and its tiled roof



Image showing the internal condition of the building - image 1



Image showing the internal condition of the building - image 2



Image showing the internal condition of the building - image 3



Image showing the internal condition of the building - image 4



Image showing the internal condition of the building - image 5

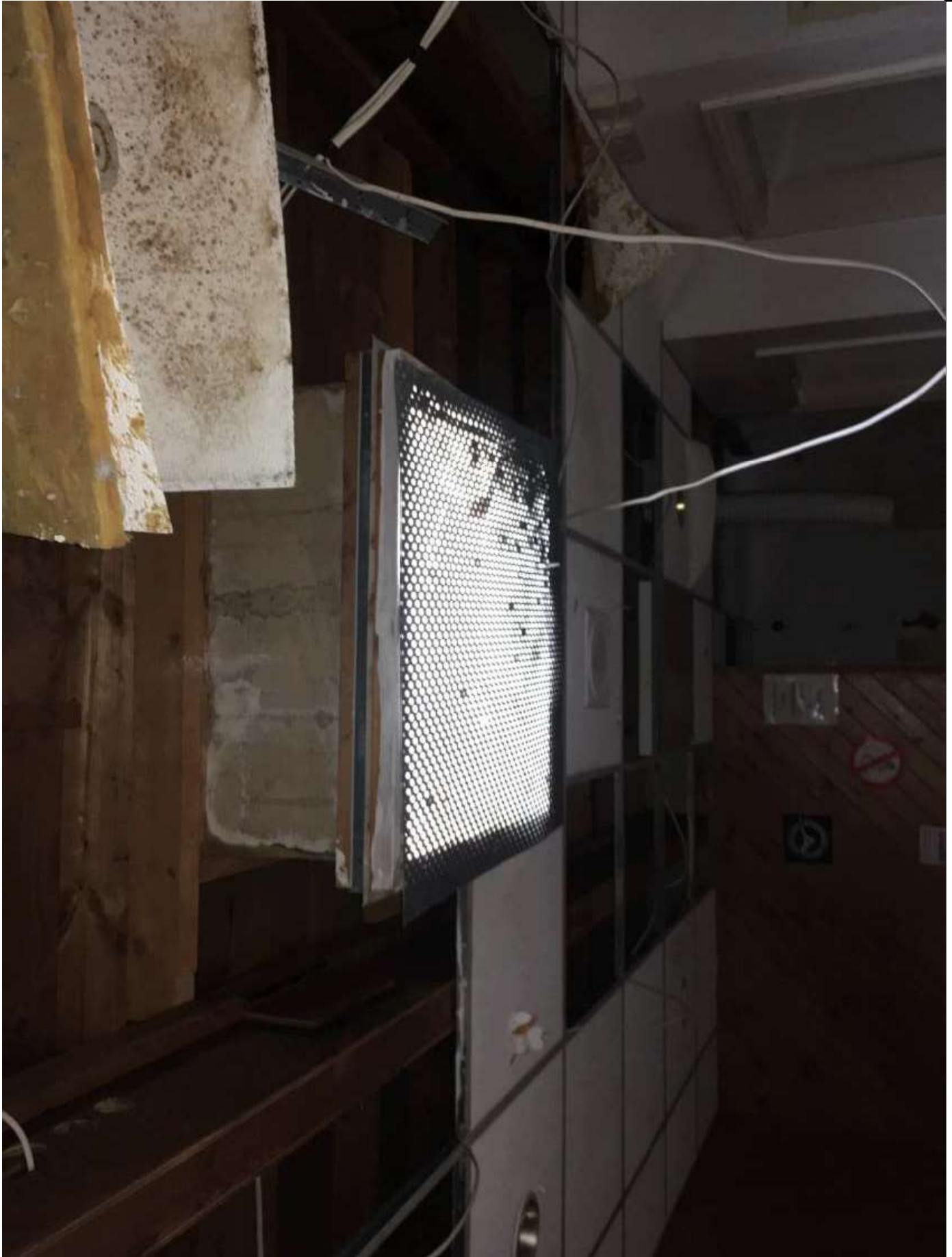


Image showing the internal condition of the building - image 6



Image showing the internal condition of the building - image 7