

Notice of Meeting



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Western Area Planning Committee

Wednesday 26 February 2020 at 6.30pm

**in the Council Chamber Council Offices
Market Street Newbury**

Members Interests

Note: If you consider you may have an interest in any Planning Application included on this agenda then please seek early advice from the appropriate officers.

Further information for members of the public

Note: The Council broadcasts some of its meetings on the internet, known as webcasting. If this meeting is webcasted, please note that any speakers addressing this meeting could be filmed. If you are speaking at a meeting and do not wish to be filmed, please notify the Chairman before the meeting takes place. Please note however that you will be audio-recorded. **Those taking part in Public Speaking are reminded that speakers in each representation category are grouped and each group will have a maximum of 5 minutes to present its case.**

Plans relating to the Planning Applications to be considered at the meeting can be viewed in the Council Chamber, Market Street, Newbury between 5.30pm and 6.30pm on the day of the meeting.

No new information may be produced to Committee on the night (this does not prevent applicants or objectors raising new points verbally). If objectors or applicants wish to introduce new additional material they must provide such material to planning officers at least 5 clear working days before the meeting (in line with the Local Authorities (Access to Meetings and Documents) (Period of Notice) (England) Order 2002).

For further information about this Agenda, or to inspect any background documents referred to in Part I reports, please contact the Planning Team on (01635) 519148
Email: planapps@westberks.gov.uk Further information, Planning Applications and Minutes are also available on the Council's website at www.westberks.gov.uk

Any queries relating to the Committee should be directed to Rachel Craggs on (01635) 519441 Email: rachel.craggs@westberks.gov.uk

Date of despatch of Agenda: Tuesday, 18 February 2020



Agenda - Western Area Planning Committee to be held on Wednesday, 26 February 2020
(continued)

- To:** Councillors Adrian Abbs, Phil Barnett, Jeff Cant, Hilary Cole, Carolyn Culver, Clive Hooker (Chairman), Claire Rowles, Tony Vickers (Vice-Chairman) and Howard Woollaston
- Substitutes:** Councillors Jeff Beck, James Cole, David Marsh, Steve Masters, Andy Moore, Erik Pattenden, Garth Simpson and Martha Vickers
-

Agenda

Part I

Page No.

1. **Apologies**
To receive apologies for inability to attend the meeting (if any).
2. **Minutes** 7 - 22
To approve as a correct record the Minutes of the meeting of this Committee held on 26 February 2020.
3. **Declarations of Interest**
To remind Members of the need to record the existence and nature of any personal, disclosable pecuniary or other registrable interests in items on the agenda, in accordance with the Members' [Code of Conduct](#).
4. **Schedule of Planning Applications**
(Note: The Chairman, with the consent of the Committee, reserves the right to alter the order of business on this agenda based on public interest and participation in individual applications).
 - (1) **Application No. and Parish: 18/00603/COMIND, Newbury Football Club, Faraday Road, Newbury, RG14 2AD** 23 - 40

Proposal: Renewal and expansion of existing football pitch including artificial pitches

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

Applicant: Newbury Community Football Group (NCFG)

Recommendation: DELEGATE to the Head of Development and Planning to make representations at appeal that planning permission should be **refused**



Agenda - Western Area Planning Committee to be held on Wednesday, 26 February 2020
(continued)

- (2) **Application No. and Parish: 18/00604/OUT, Newbury Football Club, Faraday Road, Newbury, RG14 2AD** 41 - 58
- Proposal:** Outline permission for replacement of clubhouse and stand at Newbury Football Ground. Matters to be considered: Access and Layout
- Location:** Newbury Football Club, Faraday Road, Newbury, RG14 2AD
- Applicant:** Newbury Community Football Group (NCFG)
- Recommendation:** DELEGATE to the Head of Development and Planning to make representations at appeal that planning permission should be refused

Items for Information

5. **Appeal Decisions relating to Western Area Planning Committee**
Purpose: To inform Members of the results of recent appeal decisions relating to the Western Area Planning Committee.

Background Papers

- (a) The West Berkshire Core Strategy 2006-2026.
- (b) The West Berkshire District Local Plan (Saved Policies September 2007), the Replacement Minerals Local Plan for Berkshire, the Waste Local Plan for Berkshire and relevant Supplementary Planning Guidance and Documents.
- (c) Any previous planning applications for the site, together with correspondence and report(s) on those applications.
- (d) The case file for the current application comprising plans, application forms, correspondence and case officer's notes.
- (e) The Human Rights Act.

Sarah Clarke
Head of Legal and Strategic Support

If you require this information in a different format or translation, please contact Moira Fraser on telephone (01635) 519045.

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Agenda Item 2.

DRAFT

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

WESTERN AREA PLANNING COMMITTEE

MINUTES OF THE MEETING HELD ON WEDNESDAY, 5 FEBRUARY 2020

Councillors Present: Adrian Abbs, Phil Barnett, Hilary Cole, James Cole (Substitute) (In place of Howard Woollaston), Carlyne Culver, Clive Hooker (Chairman), Claire Rowles and Tony Vickers (Vice-Chairman)

Also Present: Sharon Armour (Solicitor), Derek Carnegie (Team Leader - Development Control), Paul Goddard (Team Leader - Highways Development Control) and Jenny Legge (Principal Performance, Research and Consultation Officer)

Apologies for inability to attend the meeting: Councillor Howard Woollaston

Councillor(s) Absent: Councillor Jeff Cant

PART I

9. Minutes

The Minutes of the meeting held on 18 December 2019 were approved as a true and correct record and signed by the Chairman, subject to the inclusion of the following amendments:

Item 1, page 13, paragraph 19: ‘...damage to the tower’ to be replaced with ‘damage to the tow-path’.

Item 1, page 15, Condition 7: ‘...a further waterway wall shall...’ to be amended to read ‘...a further waterway wall survey shall...’

Councillor Carlyne Culver queried if the enforcement action, mentioned in Item 1, page 10, paragraph 27, had been taken. Derek Carnegie explained that he had spoken to Planning Enforcement about the matter.

The Minutes of the meeting held on 15 January 2020 were approved as a true and correct record and signed by the Chairman, subject to the inclusion of the following at the beginning of Item 1, page 32:

(Councillor Tony Vickers, Deputy Leader, in the Chair)

10. Declarations of Interest

Councillors Carlyne Culver and James Cole declared an interest in Agenda Items (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.

Councillors Adrian Abbs, Phil Barnett and Tony Vickers declared an interest in Agenda Item(4) 2, 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.

All Councillors declared an interest in all Agenda Item(4) 4 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.

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The Chairman reminded Mr Smallman, the agent for Item(4) 4, that no new information should be introduced after the deadline of five clear working days before the meeting (in line with the Local Authorities (Access to Meetings and Documents) (Period of Notice) (England) Order 2002), as this would give an unfair advantage over the other speakers.

11. Schedule of Planning Applications

(1) Application No. and Parish: 19/02144/FULD, Inglewood Farm Cottage, Templeton Road , Kintbury

(Councillors Carolyn Culver and James Cole declared a personal interest in Agenda Item(4) 1 by virtue of the fact that they had been lobbied. 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.)

1. The Committee considered a report (Agenda Item 4(1)) concerning Planning Application 19/02144/FULD in respect of a Section 73: Variation of Condition 2 - 'Approved plans' of previously approved application 19/00277/FULD: Replacement dwelling.
2. In accordance with the Council's Constitution, Mr Anthony Stansfeld, supporter, and Mr Callan Powers (Fowler Architecture and Planning Ltd), agent, addressed the Committee on this application.
3. Sian Cutts introduced the report to Members, which took account of all the relevant policy considerations and other material planning considerations. In conclusion the report detailed that the proposal was unacceptable and a conditional approval was not justifiable. Officers recommended the Committee refuse planning permission.
4. Mr Stansfeld in addressing the Committee raised the following points:
 - Neither the Parish Council nor the District Councillor had objected to this proposal.
 - Three mansions had been built in Kintbury and West Woodhay in recent years, which made this proposal look like a small cottage.
 - It would be an unobtrusive house and would not be seen from the road.
 - Templeton Road was a private road.
 - Planning decisions needed to be consistent. He understood this was a large extension, but he could not see the harm in approving the application in this case.
 - He would have objected, as he had done in the past, if he felt the proposal was harmful.
 - As there were larger designs which had been approved in the area, he did not feel that this would be setting a precedent.
5. Mr Power in addressing the Committee raised the following points:
 - The applicants apologised for not being able to attend the meeting.
 - This proposal was in addition to the extant permission, to the rear of the property.
 - This would be the family home for the foreseeable future and was not disproportionate, in his view. Overall the visual effect of the extension would be neutral.
 - The design was of a fall-back position and would be shielded from the road. The plot was ample and the visual impact would be insignificant.

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- The applicant had offered a range of measures that would mitigate the carbon impact, which the Committee and officers had no means to compel.
 - West Berkshire Council had declared a Climate Emergency and the extra measures offered by the applicant should be given extra weight by Members in their decision, as they exceeded expected standards.
 - Approval should be given as this would be an improved, environmentally sustainable site.
 - The removal of trees for the third parking space was included in the extant permission. There had been no objection made by the Highways or Tree officers.
 - He asked that the Committee follow the lead of the Parish Council and approve this application.
6. Councillor Claire Rowles asked whether the existing outbuildings on the site would be removed. Mr Powers answered that the small building to the east of the house, and the metal shed to the south, would be removed, however the two bay garage would remain.
 7. Councillor Hilary Cole sought clarification as to why, when the original application had been approved in May 2019, that the amendments to the plan had been needed so soon. She conjectured that the applicant had always meant to build a house this size, but had felt that they would only get permission for the smaller design, and wanted two bites of the cherry.
 8. Mr Powers explained that plans change. The family was large and they had decided that they wanted to stay in the area.
 9. Councillor Tony Vickers inquired whether the applicant would agree to the extra measures towards reducing the buildings ecological footprint being conditioned, as a unilateral obligation. Mr Powers confirmed that the applicant was fully prepared to accept the Conditions.
 10. Councillor Adrian Abbs asked whether there had been a significant change in the size of the family in the three months since the last application. Mr Powers confirmed that he was not aware of a massive explosion in the number of members in the family.
 11. Councillor Abbs expressed his unease that Mr Powers had appeared to make a threat, that unless the Committee approved this design, the applicant would not make the same efforts towards energy efficiency for the extant permission, as they would do for the revised plans. Mr Powers observed that these measures were expensive and the applicant was under no obligation to include them in the building of the extant permission.
 12. Councillor James Cole in addressing the Committee, as Ward Member raised the following points:
 - He was embarrassed that it had taken so long for this application to progress.
 - He had heard lots of noise about the size of the proposal.
 - At the site meeting it had been discussed whether there were any other properties in the vicinity that had increased their foot print by a similar, or larger amount. Members had been able to recall examples in West Woodhay and in Kintbury.

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- He did not want to keep talking about percentage increases, but this proposal was about 250%, however the property at Hayward Green Farm had been granted permission for a 750% increase.
 - However, it was not about percentages. This was a reasonable building for the size of plot. It sat well in its location and had no adverse impact on its neighbours.
 - When 'urbanisation' had been mentioned to the applicants, they had recoiled in horror at the idea. They would plant more trees, and had offered a commitment to reduce the ecological impact.
 - As West Berkshire Council could not force the applicant to build an eco-friendly house, it seemed silly not to accept this proposal. It was a much better building than the one that had already been approved.
13. Councillor Vickers concurred that he too had wondered about the idea of urbanising the area. The proposed site was next to a gateway and the function of the property was to act as a gatehouse, which traditionally were modest houses, close to the road. Councillor Cole revealed that the new design would fulfil this function in a better way.
 14. Councillor Hilary Cole asked planning officers whether the outbuildings to be demolished had been used in the calculations for the percentage increase. Sian Cutts explained that they had not been included in the calculation for the amount of floor-space within the curtilage, but small buildings made small contributions. Councillor Cole noted that when officers were quoting percentages they should ensure they were accurate.
 15. Councillor Rowles enquired as to whether the proposed building was at a different height to that of the extant permission. Sian Cutts confirmed that the proposed unit would have a lower ridge height. Councillor Rowles posited that, as the ridge height was lower, it would not be visible from the road. Sian Cutts explained that the north elevation would be visible and the building would be extended across the length of the plot and therefore more impactful due to its size.
 16. Councillor Rowles noted that it had been previously agreed that three trees should be removed to allow for a third parking space. She questioned the Highways Officer about the need for a third parking space, when there was a two bay garage available. Paul Goddard explained that parking standards do not take garages into consideration.
 17. Sian Cutts further informed the Committee that the Tree Officer had not raised a formal objection regarding the loss of trees to create a parking space. However he had commented that the removal of the trees and tarmacking of the area would urbanise the space, as it opened up this element of the site. This could be overcome by redesigning the entrance.
 18. Councillor Vickers asked for confirmation as to whether Templeton Road was a public highway or a private road. Paul Goddard confirmed that it was public highway.
 19. Councillor Carlyne Culver sought clarification as to what constituted a disproportionate increase. Sian Cutts explained that usually anything more than 100% was considered disproportionate. The original application was granted as officers took into consideration the landscaping, and that the property had been moved away from the road. On balance the applicant had designed a modest house in a large plot. However, this further application, which increased the size of the property to 250% larger than the original house, was disproportionate. Councillor Culver noted that this was a subjective opinion, rather than policy.

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20. Derek Carnegie advised that officers had been generous in granting the first application, but this design was clearing breaching policy.
21. Councillor Cole questioned why the percentage increase was being discussed, as this criteria had been removed from the Housing Site Allocations Development Plan Document (DPD). Sian Cutts explained that using percentages helped to quantify the proportions. This was an application for a very large increase in the size of the property.
22. Councillor Abbs expressed the view that he was confused as some larger properties had already been approved, and yet other applications were considered disproportionate. He concurred with Councillor Hilary Cole that the small gap between the original application and the revision was odd, as the family's circumstances had not appeared to have changed.
23. Councillor Hilary Cole admitted that she was struggling with this application. Part of her role was to uphold policy. Members had agonised when writing the DPD about using the percentage proportion as a criteria, as opposed to how well the development sat within the site. She was irritated that the previous application had only been recently approved. She was disappointed that the AONB Board had not responded to the consultation, as they might have given the Committee some insight. West Berkshire Council had endeavoured to include a code for sustainable homes in the DPD, but government had put the code into Building Regulations, instead of Planning Policy.
24. Councillor Phil Barnett concurred with Councillors Cole and Abbs and did not want to beat about the bush. He could not see how the proposed development was going to have a great impact, and felt that it could enhance the area.
25. Councillor Barnett proposed to reject officer's recommendation and grant permission.
26. Councillor Rowles commented that in terms of the timings for the original and the revised applications, that family circumstances do change, and this should not mar the Committee's decision. She did not feel that the agent had threatened the Members, but had in good faith shown that the applicant would do their bit for ecology. The Committee should encourage applicants to develop eco-friendly properties, as this was not enforceable through planning Conditions. She had grown up in Kintbury and knew the area well. The property was well screened by foliage and would not be seen from the road.
27. Councillor Rowles seconded the proposal to reject officer's recommendation and grant permission.
28. Councillor Vickers felt that there would be no harm to the Area of Outstanding Natural Beauty or setting and that the site was 'oven-ready' with regards to screening. It would be a dereliction of duty to ignore the eco-friendly measures being offered and he was grateful for the applicant's commitment that went way beyond what policy asked for.
29. Councillor Cole read from the DPD, section 4.58, page 96 and quoted, "Similarly to the consideration of extensions to existing dwellings in the countryside; there are no rules that can be applied as to the acceptable size of a replacement dwelling. Any size increase has to be considered on the basis of the impact of a particular property in a particular location."
30. Derek Carnegie acknowledged that planning decisions were difficult and insisted that the depth of proportionality from the existing house was unacceptable in planning terms. As there was a clear breach of consistent approach and policy, if approved,

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this application would have to be referred to the District Planning Committee (DPC). He also noted that the green agenda was pursued through Building Regulations, not Planning Policy

31. Sharon Armour asked for Members to decide on Conditions before the vote. As the application was recommended for refusal, conditions had not been prepared by officers, but would be in place when it was submitted to the District Planning Committee. Paul Goddard suggested that Members might want to condition electric car-charging points, cycle storage and other eco-friendly measures relating to Highways. Sharon Armour suggested that a Section 106 could be used to enforce the environmental commitment. Derek Carnegie confirmed that officers would give the Conditions a more detailed examination before the proposal was submitted to the DPC.
32. Councillor James Cole asked that it be minuted, that he objected to what he considered to be a threat being made in advance of the vote that, if approved, the application would be referred to the DPC. Sharon Armour remarked that she did not consider the statement a threat, but rather that the officer was alerting the applicant that they had not yet been granted permission, as their application had to be re-considered by the DPC.
33. At the vote the motion was carried with five voting in favour, two against and one abstention.

RESOLVED that the Head of Development and Planning be authorised to refer the application to the District Planning Committee.

(2) Application No. and Parish: 19/02820/FULD, 67 Andover Road, Newbury

(Councillors Tony Vickers and Phil Barnett declared a personal and prejudicial interest in Agenda Item 4(2) by virtue of the fact that they were members of the Newbury Town Council and served on its Planning and Highways Committee. 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.)

(Councillor Adrian Abbs declared a personal interest in Agenda Item(4) 2 by virtue of the fact that he was Ward Member. 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.)

1. The Committee considered a report (Agenda Item 4(2)) concerning Planning Application 19/02820/FULD in respect of a new dwelling on land at 67 Andover Road, Newbury.
2. In accordance with the Council's Constitution, Mr Nigel Foot, Parish Council representative, Mr Anthony Pick and Ms Jackie Milsom, objector, and Mr John Kane and Ms Annika Hatchwell (Inspiration Chartered Architects), applicant/agent, addressed the Committee on this application.
3. Sian Cutts introduced the report to Members, which took account of all the relevant policy considerations and other material planning considerations. In conclusion the report detailed that the proposal was unacceptable and a conditional approval was not justifiable. Officers recommended the Committee refuse planning permission.
4. The Chairman thanked the planning officer for their presentation and invited the Highways officer to expound on his part of the report. Paul Goddard confirmed that he had no objections to the proposal.

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5. Mr Foot in addressing the Committee raised the following points:
 - The Town Council had listened to the arguments and considered the messages, and had voted to raise no objection.
 - They felt the distance between the terrace and the proposed development was sufficient, as it was less than the distance to the existing house to the left of the terrace.
 - The aspect from Andover Road was minimal, as only the gable end of the house would be seen. Compared to the house to the left of the terrace, this proposal was less obtrusive as it was set back and was hidden by shrubbery.
 - From the Erleigh Dene aspect, they did not feel there would be any impact on the street scene.
 - There had been adequate space left at the rear to safeguard the trees, and landscaping plans would provide for shrubbery to soften the view.
 - When the application had come before the Town Council they had felt that it might enhance the view from the Andover Road as the development would be set back, and the shrubbery currently masking the terrace would be reduced.
 - This was a passive house, which they supported in the light of the announced Climate Emergency.
6. Councillor Carolyn Culver asked for the Town Council's view on the materials being used and whether they were in keeping with the surroundings. Mr Foot remarked that this had been discussed. The Town Council were keen on the passive house design and the provision of shrubbery, and felt the scale of the design would not have an adverse impact. Councillor Culver questioned whether the shrubbery mitigated the visual harm caused by the use of the proposed materials. Mr Foot explained that it would be softened. They had been impressed by the passive house, and its provision required certain configurations.
7. Councillor Tony Vickers inquired, as this was a passive house, whether the applicant would be open to it being conditioned and therefore enforceable. Mr Foot replied that the applicant was very sensitive to the fact that a Climate Emergency had been called, and would do their best to build a passive house.
8. Ms Milsom and Mr Pick in addressing the Committee raised the following points:
 - Ms Milsom was resident at No.63 and was speaking on behalf of the other residents of the terrace and locality.
 - She had lived at No.63 for 30 years and understood how to look after a listed building. No.61 had recently been lovingly and carefully restored.
 - She had stood in the garden and considered it of a decent size for a four bedroomed house, but could not image how the curtilage could accommodate another three bedroomed house, and have space for two gardens. It was saddening and depressing.
 - It was the council's policy to retain heritage assets, and to conserve and enhance their setting.
 - This proposal would detrimentally impact on the terrace. The argument that it would have less impact than No.59, the chalet bungalow to the left of the terrace, was nonsensical. No.59 had been built two years before the terrace had become listed, was wholly behind the line of the terrace and had a lower ridge height. The

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proposed development was two metres behind the front wall and had a ridge height higher than the terrace. It would be dominating and block light for No.67.

- The distinctiveness of Andover Road, lay in that it was a garden suburb, gateway road. The two small gardens proposed would be completely out of keeping.
 - However desirable a passive house was, its design did not meet the National Planning Policy Framework (NPPF) or the Newbury Town Design Statement (NTDS). Protecting a heritage asset should not be neglected in favour of financial gain.
 - Mr Pick noted that the Newbury Society had offered a strong objection to the proposal. There were few, if any, eighteenth century properties in Newbury still used for residential purposes.
9. Councillor Tony Vickers queried whether the view of No.67 was obscured by shrubbery. Ms Milsom replied that there was a large laurel bush that obscured the ground level, but the upper level and roof were visible.
10. Councillor James Cole asked the objectors to explain more about the significance of the terrace as a heritage asset. Mr Pick observed that many properties built in the eighteenth century in Newbury were now used for commercial purposes. He was not aware of any others that were still occupied by residents. The terrace was of exceptional heritage value to the town, and this included the setting and curtilage.
11. Councillor Carolyne Culver noted that there had only been ten objections submitted to the Committee, but thirty members of the public had supported the application. Mr Pick explained that the objections were made by local people, but the supporters were not.
12. Ms Hatchwell and Mr Kane in addressing the Committee raised the following points:
- Ms Hatchwell explained that the application was in line with policy and was delivering an urban provision for new housing.
 - There would be no harm caused to the trees. This was a high quality design that was taking into account the Climate Emergency.
 - The objections raised were based on personal opinion, and no objection had been raised by the Town Council.
 - As this was a gateway road, any opinion of any resident of Newbury was just as valid as that of the neighbours.
 - There would be no loss of greenery and the leylandii trees would be replaced with a superior tree.
 - The development was set back by two metres and there would be no loss of symmetry to the terrace.
 - The materials being used would allow the terrace to stand out and would reflect the great range of architectural style of the surrounding houses.
 - Mr Kane continued that he and his wife were classically trained musicians who had lived in Newbury for 30 years. They had raised their children and been involved in the community.
 - They believed this to be a beautifully designed passive house, which would be built in their own garden.

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- They had cared for their own house and, although they respected their neighbours' views, they sincerely would not wish to detract from the terrace. They considered that this development would enhance the terrace.
 - They wanted to create a sustainable, town centre house for themselves in a wasted corner of their garden. It would not be overlooked or seen by neighbours.
13. Councillor Phil Barnett noted that the objectors had referred to the NTDS and wondered whether this had been taken into account. Ms Hatchwell confirmed that it had, but that the design came down to what was appropriate and what was a priority.
 14. Councillor Carolyne Culver inquired as to what would be used to replace the leylandii, and how long it would take to grow to the able to screen the property. Ms Hatchwell commented that this would be agreed with the Tree Officer. She also noted that the first application had been withdrawn to allow for more space to be made available for trees.
 15. Councillor Adrian Abbs in addressing the Committee as Ward Member raised the following points:
 - He was speaking on behalf of David Marsh, who had been unable to attend the meeting.
 - David Marsh had been open-minded and had given the application a fair hearing, but on-balance he would oppose the proposal.
 - It was in the wrong place and out of keeping, despite the environmental design.
 16. Councillor Abbs asked officers to clarify the distance between the terrace and the proposed development. Sian Cutts explained that the distance was 9m at the closest point, but front edge to front edge was 11.5m.
 17. Councillor Claire Rowles inquired as to the distance to the chalet bungalow to the left of the terrace. Sian Cutts explained it was 7.5m, but it was stepped back significantly, had a lower ridge height and was topographically at a lower level.
 18. Councillor Culver inquired as to the recommended amenity space for a property. Sian Cutts explained that it was 100 square metres for a three bedroomed house and that she was satisfied that there was space for both houses.
 19. Councillor James Cole remarked that he took every application on its own merits, even though he was the Heritage Champion. The eighteenth and, in part, nineteenth century residential terrace was in good shape. The debate was mostly about the setting. The chalet bungalow to the left of the terrace was set way back.
 20. The council had a duty to provide housing and the design may be good, but the development was in the wrong place. The heritage aspect trumped the environmental design. The council also had a duty to protect the heritage of the district.
 21. The new house would damage the setting and the proposed materials did not suit the setting.
 22. Councillor James Cole proposed to accept officer's recommendation and refuse planning permission.
 23. Councillor Vickers explained that he knew both the applicant and the next door neighbour and might therefore not be able to vote on this item. He did not think the decision was clear. This was an important heritage building and the setting would be affected. All over Newbury there were examples of modern buildings, built with distinct materials and design which fit in with older architecture. He did not consider that the harm would be significant. Originally, the terrace had been surrounded by

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farm land. He considered the quality of the design and applauded the commitment to go over and above with the energy efficient design.

24. Councillor Barnett informed that Committee that he had lived in Andover Road and had seen great changes, but recognised there should be a balance of properties. Some developments had changed the street scene for the better, some had not. However, the terrace was unique. On balance he would vote to follow officer recommendations.
25. Councillor Rowles recognised that the street scene had changed. She felt strongly that the residents of the terrace had fought long and hard to protect the heritage asset. The space for the development was not a massive garden and the property would be sited a lot further forward than the chalet bungalow on the opposing side.
26. Councillor Rowles seconded the proposal to accept officer's recommendations and refuse planning permission.
27. Councillor Abbs made it clear how much he supported people who went over and above to provide energy efficient homes, however this could not be taken into account as a planning consideration when other priorities overrode. If the proposal had been smaller and stepped back further, he may not have worried. However, the development had been shoe-horned into the space. He would accept officer's advice.
28. Councillor Hilary Cole described the design as a super, innovative passive house, which in other circumstances would have swayed her decision. However this proposal was in the wrong place and would spoil the integrity of the terrace.
29. Councillor Culver concurred with Councillors Cole and Abbs and supported sustainable housing, and would encourage everyone to embrace energy efficient design. However, this was not an excuse to agree to put something in an inappropriate place, and not in keeping with the heritage of the area.
30. At the vote the motion was carried with one abstention.

RESOLVED that the Head of Development and Planning be authorised to refuse planning permission for the following reasons:

Reasons:

1. Impact on listed building:

No. 67 Andover Road is part of a terrace containing Nos. 61 - 67 Andover Road. The terrace is a Grade II listed late eighteenth century building, with a symmetrical Georgian facade. The symmetry of the terrace is further enhanced by the open space either side of the building. This open space makes an important contribution to the setting of this Grade II listed building. The introduction of built form in this sensitive garden area, combined with the contemporary design of the new dwelling, and the use of visually competing materials, its forward location to the side road and corner, and the loss of verdant character of this part of the Andover Road street scene would seriously harm the setting of this listed building by unbalancing this symmetrical terrace. The application is therefore contrary to policy CS14 and CS19 of the Core Strategy (2006-2026) and the advice contained within the NPPF (20219).

2. Impact on the character and appearance of the area

No. 67 Andover Road is part of a terrace containing Nos. 61 - 67 Andover Road. The terrace is a Grade II listed late eighteenth century building, with a symmetrical Georgian facade. The symmetry of the terrace is further enhanced by the open space either side of the building. This open space makes an important contribution to the setting of this Grade II listed building, and the character and appearance of this part

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of Andover Road which is an important gateway to Newbury. The introduction of built form in this sensitive garden area, combined with the contemporary design of the new dwelling, and the use of visually competing materials, its forward location to the side road and corner, and the loss of verdant character of this part of the Andover Road street scene would seriously harm the character with the listed terrace and the dwellings within the immediate locality, and would be detrimental to the street scene, and the character and appearance of this important gateway to Newbury. The application is therefore contrary to policy CS14 and CS19 of the Core Strategy (2006-2026) and the Quality Design SPD (2006) and the Newbury Town Design Statement (2018).

(3) Application No. and Parish: 18/00797/OUTMAJ, Newspaper House and Units Q1 to Q6, Faraday Road, Newbury

The application was withdrawn and was not discussed at the Committee meeting.

(4) Application No. and Parish: 19/01281/OUTMAJ, Newspaper House, Plot Q and Units Q1 to Q6, Faraday Road, Newbury

(All Councillors declared a personal interest in Agenda Item(4) 4 by virtue of the fact that they had been lobbied. 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.)

1. The Committee considered a report (Agenda Item 4(4)) concerning Planning Application 19/01281/OUTMAJ in respect an outline application for demolition of existing Newspaper House and commercial buildings and redevelopment of the site for 71 flats and office accommodation together with parking and associated works. Matters to be considered: access, appearance, layout and scale.
2. In accordance with the Council's Constitution, Mr Nigel Foot, Parish Council representative, and Mr James Gurney (Newspaper House Holdings Ltd) and Mr Steven Smallman (Pro-Vision) applicant/agent, addressed the Committee on this application.
3. Lydia Mather introduced the report to Members, which took account of all the relevant policy considerations and other material planning considerations. In conclusion the report detailed that the proposal was unacceptable and a conditional approval was not justifiable. Officers recommended the Committee refuse planning permission.
4. The Chairman thanked the planning officer for their presentation and invited the Highways officer to expound on his part of the report. Paul Goddard noted that there had been concerns regarding an increase in congestion, with an estimated 45-47 additional movements. However, with the changes to Fleming Road and the access to Faraday Road, it was felt that traffic would be sufficiently dispersed. He was content with the layout of the site, and believed the shortfall in the number of parking spaces (39) could be mitigated through a Parking Management Plan, where commercial and residential properties would share the spaces.
5. Mr Foot in addressing the Committee raised the following points:
 - The Town Council had listened to the arguments and commented that they were concerned about the proximity of the development to the A339, and the air and noise pollution this would cause for the residents of the flats.

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- He was also concerned about the flood risk and would be interested to see the Committee's deliberations, as there were clearly some more explanations required.
6. Mr Smallman objected to the Chairman raising with him, at the beginning of the meeting, the submission deadline for information to the Committee. He was unaware of the rule that information had to be submitted at least five clear working days before the meeting, and took offence that he was being accused of repeated unfair behaviour. This rule was not the norm for councils and had not been made plain to him.
 7. The Chairman offered his apologies if he had been mistaken and asked the Legal Officer to clarify matters.
 8. Sharon Armour explained that the rule was contained within government legislation and applied to all local authorities, not just the council, and was printed on the front page of the agenda, third paragraph. Mrs Armour read out the relevant paragraph.
 9. The Chairman reiterated that any information should be sent to planapps@westberks.gov.uk so that it could be processed.
 10. Mr Smallman in addressing the Committee raised the following points:
 - The regeneration of the London Road Industrial Estate (LRIE) had been a key strategic objective for West Berkshire Council for the last ten years. It had been delayed by problems and legal challenges.
 - He believed the Committee should actively support the development of this key location. It was a mixed use development, which was highly sustainable due to its closeness to the town centre.
 - It would provide new homes, office accommodation, rejuvenate the LRIE and provide a contemporary, high quality key gateway to the town.
 - It was fully aligned with policy and was a sustainable, effective use of previously developed land.
 - The plans had been worked on since 2016 and had twice been redesigned to alter the height, mass and scale.
 - The development would provide much needed office space, which had been lost in the town centre and replace the Newbury Weekly News site with high quality accommodation.
 - There had been no objection to the current scheme and one would expect the Committee to welcome and support the design. However the planning officers were now recommending refusal in response to criticism of the sequential test results. Pro-vision had not seen the report and were unaware of the officers decision, until its publication five days prior to the meeting.
 - He believed the criticisms of the sequential test were ill-conceived, and that planning officers had given too much weight to the Environment Agency's view in making their decision.
 - There were no reasonable, available sites in areas of lower flood risk. He felt it was appropriate to conclude that this site had passed the sequential test.
 11. Councillor Hilary Cole noted that Mr Smallman had very clearly explained why the Committee should approve the planning application, however he had not explained why the site had not been put forward for inclusion in the Housing and Economic

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Land Availability Assessment (HEELA). The deadline for inclusion had been extended specifically for agents to put forward sites such as this. Mr Smallman explained that a HEELA was the evidence base for the Local Plan to record vacant brown-field sites which could be released for development in the future. This site was ready for development now. There was no point in including it in the HEELA, as it should be released now.

12. Councillor Hilary Cole noted that the site was not in the current Local Plan, and that this therefore negated his argument.
13. Councillor Hilary Cole further questioned whether the site would be fitted with sprinklers, as required by The Royal Berkshire Fire and Rescue Service (RBFRS). Mr Smallman replied that this would be decided in the more detailed plan.
14. Councillor Tony Vickers asked for clarification as to whether the agent was indicating that he had not submitted the site to the HEELA, as it would have delayed the process if the site had been included. Mr Smallman explained that it was not a site that had to be allocated, as it was already in the process of being designed. He and officers had been working on the scheme for the last two or three years, and it had reached the point where it was acceptable. He therefore saw no reason to promote it to the HEELA, and delay development.
15. Councillor Phil Barnett addressed the concerns regarding the proximity to the A339 and queried whether the apartments would be properly insulated against noise and pollution. Mr Smallman advised that there had been discussion with Environmental Health Officers, and that the flats would be suitably ventilated and insulated.
16. Councillor Abbs pointed out that there was an existing development on the A339. Mr Smallman advised that there was existing consent on Faraday Plaza.
17. Councillor Jeff Beck in addressing the Committee as Ward Member raised the following points:
 - He had great sympathy with the Canal and River Trust who felt that the visual aspect of the development would be in the eye of the beholder. He felt that the appearance of the development needed further consideration.
 - With regards to flooding, there was concern over the Environment Agency's view about the sequential test and the flood plain. Water did not stop at the red line on a plan. He understood this would impose severe restraints on developing the area.
 - He was concerned that the RBFRS had not resolved the issue of how residents would be rescued should there be a flood. Future residents and business owners might suffer difficulties in getting adequate or affordable insurance policies if this question were not resolved.
 - He endorsed the officer's recommendation for refusal.
18. Councillor Vickers asked if there had been any comment from the Civil Contingencies Officer on the Environment Agency's stance. Lydia Mather replied that she had requested additional comments from both the Civil Contingencies Officer and RBFRS, but had not yet received them.
19. Councillor Adrian Abbs queried whether any trees would be removed. Lydia Mather explained that this would be addressed by the Tree Officer as part of the Landscaping plan, should the application move to the next stage.
20. Councillor Claire Rowles requested clarification on the site parking and whether the Highways Officer had considered the consequences of the car park being flooded. Paul Goddard explained that the requirement for residents was 124 spaces, and for

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commercial use was 116, making a total of 240. However, there were only 201 spaces on the plan and therefore a shortfall of 39. If Members chose to approve the application, there would need to be a Parking Management Plan put in place. This would involve a shared parking, where commercial use would occur during the day and residential parking would use the spaces at night. Councillor Rowles commented that this plan was based on assumptions. Paul Goddard concurred that it would need to be controlled to be achievable. Councillor Rowles further averred that parking on the site was currently very tight, with no overspill facility. Paul Goddard noted that if Members saw parking as an area for concern, they could use it as a reason for refusal. He had not considered the consequences should the underground parking become flooded.

21. Councillor Rowles raised a concern that should the site flood, it would become an island and if the water was deep enough the vehicles would float and block emergency access.
22. Councillor Vickers advised that there was a stairway leading up out of the site. He conjectured that an emergency only bridge could be built to get residents away from the site.
23. Lydia Mather responded that there were suggested measures in place, however she had not received a response from the RBFRS.
24. Councillor Abbs inquired as to what was the delta between the existing number of vehicle movements, and the proposed development. Paul Goddard advised that there were 103 existing traffic flows and the increase would be 45-50 additional vehicle movements. He acknowledged this was an increase, however with the new road arrangements in the area, the traffic would be dispersed and the impact was not sufficient to raise an objection.
25. Councillor Abbs further questioned the level of flood protection provided by the flood alleviation schemes. Lydia Mather explained that due to the lifespan of the development, the Environment Agency advice was that where the development was being sited in Flood Zone 3, it therefore would have an annual probability of a 1 in 100 year flood.
26. Councillor Rowles asked for further explanation as to the affordable housing level. Lydia Mather explained that it was at a policy compliant level.
27. Councillor Hilary Cole expounded that the site would be assessed against the current Housing Site Allocations Development Plan Document (DPD) and had not been put forward for the HEELA as a brown-field site. There was nothing to prevent it being included so it could be considered properly. She was disappointed it had not been submitted as the consultation had been extended for this very reason. She did not accept that this site met the current policy requirements with regards to flooding, and could therefore not support it.
28. Councillor Abbs proposed to reject officer's recommendations and approve the application. He could not recall a better brown-field site in such a sustainable position, and did not consider the flooding objection as realistic.
29. Councillor Vickers seconded the proposal to reject officer's recommendation and approve permission. He felt that the sequential test explanation was too technical for Members, and considered the argument an unnecessary delay. He felt instinctively that this development was too strategic to refuse and would have enormous implications for Newbury.

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30. Sharon Armour asked the Committee what conditions it wished to include in addition to the Section 106, should they vote to approve the permission. Members answered that they were content with standard conditions, but noted conditions such as parking management, refuse storage management, noise mitigation and other matters would also need to be conditioned.
31. Councillor Rowles noted that the officer's recommendation to refuse was based on technical points and policy grounds, which were difficult to understand. She was nervous to go against recommendations on such a large scale development, when she did not fully understand the argument. She was finding this decision problematic as the development was great for housing, but she had concerns about policy and parking.
32. Councillor James Cole described how he was left feeling there was too much unanswered about flooding. He was loathe to vote against the application. He noted the concerns of the Canal and River Trust had not been addressed. He posited that as the design was not good enough, it should have been revisited.
33. Councillor Barnett noted that the location of the development meant that residents might not need to use a vehicle. However he had concerns that it was close to the A339 and would need adequate insulation. He thought that the car parking issue could be overcome and would be interested to see how this would be managed. In conclusion, he felt uneasy about the technical objections and was not prepared to vote against officer recommendation.
34. Councillor Culver was confused that flooding was only being discussed now, when this was a long term development. She concurred with fellow Members that, as this was a technical objection, she did not want to go against officer recommendations.
35. Councillor Abbs described that the flood diagram showed the site as an island, and either this situation had been mitigated, or it had not. He did not understand how the sequential test could indicate anything other than that the millions of pounds spent on flood defence mitigation, had resolved the risk of flooding in the area.
36. At the vote, the motion to reject officer's recommendations and grant planning permission was refused.
37. Councillor Hilary Cole proposed a further motion to accept officer's recommendation and refuse the application. Councillor James Cole seconded the motion. At the vote, the motion was carried.

RESOLVED that the Head of Development and Planning be authorised to **refuse** planning permission for the following reasons:

Reasons:

The proposed residential development fails to demonstrate that there are no suitable and available alternative sites at a lower risk of flooding. The search area and methodology of the submitted sequential test are not accepted. As such the proposed development fails the flooding sequential test with regard to residential development contrary to policy CS16 of the West Berkshire Core Strategy 2006-2026, the National Planning Policy Framework 2019, and the Planning Practice Guidance.

The application fails to provide a planning obligation to deliver affordable housing. The application is therefore contrary to the policy CS6 of the West Berkshire Core Strategy 2006-2026, The Planning Obligations Supplementary Planning Document and the National Planning Policy Framework 2019.

12. **Appeal Decisions relating to Western Area Planning Committee**

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Members noted the outcome of appeal decisions relating to the Western Area.

(The meeting commenced at 6.30 pm and closed at 9.40 pm)

CHAIRMAN

Date of Signature

Agenda Item 4.(1)

Item No.	Application No. and Parish	Statutory Target Date	Proposal, Location, Applicant
(1)	18/00603/COMIND Newbury Clay Hill	3 July 2018	Renewal and expansion of existing football pitch including artificial pitches. Newbury Football Club, Faraday Road, Newbury, RG14 2AD Newbury Community Football Group (NCFG)

To view the plans and drawings relating to this application click the following link:
<http://planning.westberks.gov.uk/rpp/index.asp?caseref=18/00603/COMIND>

Recommendation Summary: **DELEGATE** to the Head of Development and Planning to make representations at appeal that planning **permission should be refused.**

Ward Member(s): Councillor Jeff Cant
Councillor Jeff Beck

Reason for Committee Determination: New material considerations raised by the Environment Agency on the 20 January 2020.
Significant public interest and the proposal affects Council owned land

Committee Site Visit: 9th January 2020

Contact Officer Details

Name: Jay Singh
Job Title: Consultant Planner
Tel No: 01635 519111
Email: Jay.singh1@westberks.gov.uk

1. Introduction

- 1.1 **Background** – This application, currently the subject of a planning appeal against non-determination, was previously reported to Western Area Planning Committee (WAP) on the 15 January 2020 where, on the basis of the information available at that time, the committee resolved to delegate to the Head of Planning & Countryside to make representations at planning appeal that planning permission should be granted subject to the imposition of relevant planning conditions.
- 1.2 Following the above resolution by WAP, the Environment Agency, on 20 January 2020, raised objections to the application on grounds relating to flood risk and ecology (considered in more detail further below). These objections raised materially new issues and therefore it is necessary for the application to be reported back to WAP for reconsideration which would then re-determine the Council's stance for the planning appeal going forward.
- 1.3 **Proposal** - Full planning permission for the redevelopment of an existing leisure facility which includes a single playing pitch to make provision for two 3G/4G artificial playing pitches. These pitches provide an all-weather durable surface for practise and match-play. One pitch would be senior size measuring 100m in length x 64m in width (with 3m run off) located to the southern part of the site. The second pitch would be a junior size measuring 82m in length x 50m in width (with 3m run off) and would be located to the northern part of the site.
- 1.4 A new clubhouse, changing rooms, spectator stands and revised car parking area are also proposed in conjunction with the new playing pitches. These elements are the subject of a separate planning application reference 18/00604/OUT.
- 1.5 The full supporting documentation can be viewed on the council's website.
- 1.6 **Site description** - The application site 'Newbury Football Ground' is an existing recreational facility covering some 1.47 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. The pitch is enclosed by timber and chain link fencing of varying height.
- 1.7 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, to the south-east approx. 50m beyond the Kennet Canal are residential properties, to the south are trees within grassed areas beyond which the southern edge of the site falls within a Conservation Area. Further south are footpaths and a Public Right of Way (NEWB/28/7) beyond which is the Kennet and Avon Canal, which contains narrow boat moorings, and the River Kennet, which is a chalk river of national importance, being designated as a SSSI. To the west of playing pitch is an existing car parking area. The existing vehicular access into the site is through the industrial estate to the north.
- 1.8 According to the Environment Agency, the site is understood to be located over a Principal Aquifer, where geological strata exhibit high permeability and usually provide a high level of water storage. The site is also located in a Source Protection Zone (SPZ) 3.
- 1.9 The site falls within flood zones 2 (medium risk) and 3 (high risk) according to Environment Agency Flood Mapping.
- 1.10 The football ground is currently registered as an Asset of Community Value (ACV).

2. Planning History

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

Application	Proposal	Decision / Date
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)	Subject to planning appeal
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	Pending consideration (at the time of writing this report)
18/02046/DEMO	Application for prior notification for demolition of spectator stand	Approved/further details not required for approval - 14.09.2018
94/45314/FUL	Stands (standing only) - 8no units; 3m high north boundary fence.	Approved - 18.10.1994
93/43408/ADD	Replacement of existing floodlights & stands.	Approved – 12.10.1993
93/42876/ADD	Renovation of clubhouse & new building for entrance shop toilets & groundsman store.	Approved - 28.06.1993
93/42875/ADD	Replacement grandstand & additional car parking.	Approved - 28.06.1993
89/35983/ADD	Day time car park for racial vodafone evening and weekend training area for football club	Refused – 06.12.1989
82/18107/ADD	Small 100 seater grandstand	Approved - 08.11.1982
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 - 06.03.1979
77/07234/ADD	Non illuminated hoarding	Approved - 23.11.1977
77/06859/ADD	Extension to clubhouse	Approved - 23.09.1977
75/03793/ADD	Extension to provide changing rooms	Approved -

		11.02.1976
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3. Procedural Matters

- 3.1 The application has been screened in accordance with the Town and Country Planning (Environmental Impact Assessment) Regulations 2017, which concluded that the proposed development is not “EIA development” and therefore an Environmental Statement is not required.
- 3.2 The application has been publicised in accordance with the legal requirements of the Town and Country Planning (Development Management Procedure) Order 2015, and the Council’s Statement of Community Involvement. This has involved the display of site notices and press notices being advertised in the Newbury Chronicle. In addition, the applicant has served notices on the Council to confirm the proposal affects Council owned land.
- 3.3 The proposed development would not would require any financial contributions to be made in respect of the Councils Adopted CIL Charging Schedule.

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.

Ward Member:	No comments received
Newbury Town Council:	Objection/comments: 1) A transport statement should have been provided. We support the objection of the Highways Officer on grounds of reduced parking capacity. 2) We were advised that issues of parking and improved facilities for players are covered by a second planning application which is still being validated. We consider that the present planning application should only be considered jointly with this second one, in order to understand the complete range of facilities being proposed for players.
WBC Highways:	No objection subject to conditions
WBC Property:	West Berkshire Council is the freeholder of the land upon which the application (18/00603/COMIND and 18/00604/OUT) has been submitted. The Council’s status as the land owner is not material to determining this application. However, for the avoidance of doubt, West Berkshire Council as land owner wishes it recorded that the applicant has not been encouraged to make this application and where proposals run counter to the Council’s own proposals for

	<p>regeneration of the site.</p> <p>The Council's regeneration proposals for the whole of the London Road Industrial Estate, of which the proposed development site forms a critical part, are publicly known. The Council, as land owner, feels that planning documentation should record the above position and that the agent acting for the applicant is duty bound to inform the applicant of the land owner's position and that any potential consent will not influence how the Council proceeds with future regeneration proposals.</p>
WBC Conservation:	No objection
WBC Leisure:	No comments received
WBC Landscape:	No objection subject to conditions
WBC Archaeology:	No objection subject to conditions
WBC Public Rights of Way:	No comments received
WBC Environmental Health:	No objection subject to conditions
WBC Ecology:	<p>Objection on the grounds of insufficient information as to:</p> <ul style="list-style-type: none"> • how the development could affect the adjacent SSSI. • how the development could affect nocturnal protected species fauna. • how the development could affect aquatic fauna. • how the development could affect water quality and hydrology. • how the loss of mature trees will be compensated for. • whether the tree removal works will lead to river bank destabilisation, and • whether and what mitigation and/or compensation is needed for the above impacts.
Environment Agency (EA):	<p>Objection on 3 main grounds:</p> <ul style="list-style-type: none"> • Lack of Flood Risk Assessment (FRA) • Works within 8 metres of a main river - there is inadequate buffer zone to the River Kennet Site of Special Scientific Interest (SSSI) • No assessment of the risks to nature conservation has been provided.
WBC Drainage:	No objection subject to conditions - this view is dependent on the proposals not changing the pitch levels, as indicated, and the pitches will be constructed on a permeable subbase. However, a FRA has not been submitted and, as raised by the EA, this is an omission. Whilst the EA see this as a reason for refusal, I am content for the submission of an FRA to be resolved through a pre-commencement planning condition. The FRA should support the proposal and show that even with the area already benefitting from

	<p>the existing EA flood defence scheme, the proposal would not adversely affect the surrounding area. Runoff from any proposed building, structure, hardstanding or other impermeable surface should be directed to a suitable SuDS scheme.</p> <p>The issue of the proposal being located above Principle Aquifer and Source Protection Zone 3 (SPZ3) and the connection with the previous landfill site is possibly of concern and this matter should also be covered in any future FRA.</p>
Canals and River Trust	No comment
Kennet and Avon Canal Trust	No comments received
Historic England	No comments received
Newbury Society	Support
Natural England	No comments
Sport England	No objection

Public representations

4.2 An electronic petition with approx. 1800 signatories and a hard copy with approx. 259 signatures has been submitted in support of the application. The petition includes supporting comments which may be viewed within the application documents on the Council's website using the link at the start of this report. In summary the supporting comments indicate:

- West Berkshire Council are requested to grant permission which is crucial to the provision of much needed community football facilities in Newbury.
- The development will enhance Newbury's premier ground and clubhouse which is an essential facility for senior and junior football, particularly because it delivers a vital succession opportunity thereby encouraging young players to participate in the sport. This goes to the heart of enhancing fitness, health and wellbeing in accordance with the social objectives of the council's planning policies.
- It is essential for the health and wellbeing of young people in particular that we have facilities that encourage community participation and bring all ages of the community together.
- The proposal addresses a shortfall of such sports facilities within the district including lack of 3g and 4g pitches which allow use all year round including by local schools.
- The proposal supports a football team/community organisation for Newbury and retains them within in a sustainable edge of town centre location reducing the need to travel to alternative facilities further afield.

- The use of the facilities for sport is more beneficial to the community than redevelopment for housing, coupled with there being more suitable brownfield sites for housing elsewhere within the town.
- Once this essential leisure infrastructure/facility is lost to housing, it is unlikely the Council would provide compensatory facilities elsewhere.
- The redevelopment of the site for housing would harm the character and appearance of the area including the setting of the canal
- The proposal would reduce existing anti-social behaviour associated with the site currently being unused
- The Newbury Town F.C. football stadium has provided opportunities for players of all ages and abilities to play at a local enclosed stadium which has been in the past and should be in the future a credit to the Newbury community. The stadium has hosted many finals for all competitions for all groups, in particular the Newbury & District Primary Schools annual finals, the Newbury & District Association squad in annual matches against Jersey and Guernsey and for many seasons the English Schools' Football Association under 18 England trials. In addition, there are many players who have played at the stadium which was their first experience of playing in such a venue before progressing to play in the Premier League - Theo Walcott now at Everton and Charlie Austin, now at Southampton. David Gent President Newbury & District Primary Schools Football Association
- In light of the social benefits and strength of community support, the retention of these sports facilities should be supported by the council and its councillors.

5. Planning Policy

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

- Policies ADPP1, 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)
- WBC Quality Design SPD (2006)
- Newbury Town Design Statement (2018)
- Sport England 'Playing fields policy and guidance' (2018)
- Newbury Vision 2026 and 2036

6. Appraisal

6.1 The main issues for consideration in this application are:

- Principle of development;
- Biodiversity;
- Flood risk and sustainable drainage;
- Highways matters;
- Character and appearance (including design);
- Heritage assets;
- Residential amenity;
- Trees and woodland.

Principle of development

- 6.2 Planning law requires that applications for planning permission be determined in accordance with the development plan unless material considerations indicate otherwise.
- 6.3 Policies ADPP1, ADPP5, and CS18 of the West Berkshire Core Strategy (2006-2026) are key policies relevant to the principle of proposed development. There are also other development plan policies that relate to specific issues and these are considered further on in this report.
- 6.4 Policies ADPP1 and ADPP2 comprise the spatial strategy for the district. New development will be located in accordance with the settlement hierarchy (ADPP1) and area delivery plan policies (ADPP2). According to Core Strategy Policy ADPP1, the scale and density of development will be related to the site's current or proposed accessibility, character and surroundings. Significant intensification of use will be avoided within areas which lack sufficient supporting infrastructure, facilities or services or where opportunities to access them by public transport, cycling and walking are limited. Newbury is included on the first tier of the settlement hierarchy. It is thereby the focus for development within the district.
- 6.5 Policy ADPP2 indicates 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 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.
- 6.6 Policy CS18 sets out The District's green infrastructure (which includes outdoor sports 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.
- 6.7 The supporting text to the policy recognises the multi-functional nature of GI 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.
- 6.8 The Newbury Vision 2026 and 2036 sets out the Councils 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 Districts open space.

- 6.9 The proposal would accord with the overall aims and objectives of Policies ADDP1, ADDP2 and CS18 and guidance within the Newbury Vision 2026 and 2036 in so far as they support the renewal and expansion of an existing sports facilities within a sustainable location that form part of the Districts green infrastructure.
- 6.10 *Impact on the Existing Playing Field*
- 6.11 As the proposal affects an existing playing field Sport England (SE) has considered the application in the context of the National Planning Policy Framework and its own playing fields policy which indicates 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 all or any part of a playing field, or land which has been used as a playing field and remains undeveloped, or land allocated for use as a playing field unless, in the judgement of Sport England, the development as a whole meets with one or more of five specific exceptions.
- 6.12 This application relates to the provision of a new indoor/outdoor sports facility or facilities on the existing playing field at the above site. It therefore needs to be considered against exception 5 of the above policy, which indicates 'The proposed development is for an indoor or outdoor facility for sport, the provision of which would be of sufficient benefit to the development of sport as to outweigh the detriment caused by the loss, or prejudice to the use, of the area of playing field.'
- 6.13 SE have therefore assessed the existing and proposed playing fields against the above policy to determine whether the proposals meet exception 5. SE recognise that the proposed replacement full size artificial pitch and adjacent junior are proposed to benefit community football in Newbury. Berks & Bucks FA has confirmed that there is an existing need for a full size artificial pitch in Newbury and this new pitch will meet an identified local need for this type of facility. Berks & Bucks FA/the Football Foundation also confirm that they are fully supportive of the applicant in their plans to develop and improve these football facilities. In addition, SE advise the location of these facilities close to Newbury town centre means that the facility is accessible by alternative transport modes to the car and ensure that this is an appropriate location for this community football facility.
- 6.14 SE raise no objection to the proposal as it is considered to meet exception 5 of their policy guidance subject to planning conditions relating to the final design and specification of the pitches, phasing of the development (including the re-provision of the replacement stand and clubhouse) and maintenance/management scheme going forward.
- 6.15 For these reasons the impact on the existing playing field is considered acceptable.
- 6.16 *Wider Regeneration Proposals for London Road Industrial Estate*
- 6.17 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, they can only be afforded limited weight at this stage.
- 6.18 *Asset of Community Value*
- 6.19 It is recognised that the application site is registered as an Asset of Community Value. However, the proposal would not affect this status.
- 6.20 For these reasons, whilst the principle of the renewal and expansion of an existing sports facilities within the site would accord with the above mentioned policies, as considered further below, there is insufficient information to demonstrate the proposal would not have an adverse ecological impact, and therefore the proposal, based on its current

form and the information available to the council at this time, is not considered acceptable.

Biodiversity

- 6.21 Core Strategy Policy CS 17 states that Habitats designated or proposed for designation as important for biodiversity or geodiversity at an international or national level or which support protected, rare or endangered species, will be protected and enhanced. Development which may harm, either directly or indirectly, habitats or species of principal importance for the purpose of conserving biodiversity, will only be permitted if there are no reasonable alternatives and there are clear demonstrable social or economic benefits of regional or national importance that outweigh the need to safeguard the site or species and that adequate compensation and mitigation measures are provided when damage to biodiversity/geodiversity interests are unavoidable.
- 6.22 Policy CS18 indicates that the District's green infrastructure will be protected and enhanced. This includes river corridors, and 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.
- 6.23 NPPF Paragraphs 170 to 177 relate to biodiversity and conserving the natural environment. Paragraph 170 states that decisions should contribute to and enhance the natural and local environment by protecting sites of biodiversity or geological value. It also states that the planning system provide net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures.
- 6.24 Paragraph 175 states that if significant harm to biodiversity resulting from development cannot be avoided, adequately mitigated, or as a last resort compensated for, then planning permission should be refused. In addition, development on land within or outside a Site of Special Scientific Interest, and which is likely to have an adverse effect on it, should not normally be permitted. Opportunities to incorporate biodiversity improvements in and around developments should be encouraged, especially where this can secure measurable net gains for biodiversity.
- 6.25 The EA have advised the location of the senior football pitch, alongside the River Kennet SSSI, is not appropriate as it encroaches within the minimum 8 metres of the bank top of the river, which is the minimum width of undeveloped buffer zones that the EA require. Buffer zones to watercourses are indicated to be important for a number of reasons including:
- to provide an unobstructed wildlife corridor for species to move between linked habitats;
 - to provide for the terrestrial life stages of aquatic insects, for nesting of water related bird species, and for bank dwelling small mammals;
 - to allow for the maintenance of a zone of natural character with vegetation that gives rise to a range of conditions of light and shade in the watercourse itself;
 - to reduce the risk of accidental pollution from run-off.
- 6.26 The EA indicate The River Kennet in this location is a chalk river of national importance, being designated as a SSSI. This means that the ecology of the river is particularly sensitive to direct and indirect impacts of new developments.
- 6.27 The EA have further advised that if the proposed pitch is moved back to provide a minimum 8 metre wide buffer zone measured from the river bank top, then it would be possible to remove their objection. The buffer zone would need to be free from all built

development including lighting that could impact on the behaviour of nocturnal animals such as bats.

6.28 The EA have also advised in accordance with NPPF paragraphs 170 and 175, the planning system should conserve and enhance the natural environment by minimising impacts on and providing net gains for biodiversity. Taking into account the site's location adjacent to the River Kennet SSSI, the EA require an ecological assessment to be undertaken at the site to be able to determine ecological value present at the site. Since no assessment has been submitted to date, the EA maintain an objection to the application until this has satisfactorily been overcome. The ecological assessment should include the potential impacts on the existing habitats adjacent to the river in addition to the SSSI itself. The assessment should:

- identify any rare, declining, protected or otherwise important flora, fauna or habitats within and adjacent to the site;
- assess the importance of the above features at a local, regional and national level;
- identify the impacts of the scheme on those features;
- demonstrate how the development will avoid adverse impacts;
- propose mitigation for any adverse ecological impacts or compensation for loss;
- propose wildlife/habitat enhancement measures.

6.29 The Councils Ecologist has carefully considered the proposal and supports the approach taken by the EA. It is therefore considered, taking into account the proposed development is in close proximity to a statutory main river, the River Kennet, which is also a SSSI where the proposed football pitch would encroach within the minimum 8 metre buffer zone for this main river, the proposal could impact on the sensitive ecology and the chalk stream, which is of national importance. Furthermore, given the adjacent ecological designation, taking into account no ecological assessment has been submitted in support of the proposal, it is considered that insufficient information is available to identify the potential impact that the proposal would have on the biodiversity of the area including a SSSI. Officers do not consider this matter can be adequately mitigated through the imposition of relevant planning conditions at this stage.

6.30 For these reasons, insufficient information has been provided to demonstrate that the proposal would not have an adverse ecological impact including on a SSSI contrary to provisions of Core Strategy Policy CS17 of the West Berkshire Core Strategy and paragraphs 170 and 175 of the National Planning Policy Framework.

6.31 *Negotiations with the Environment Agency*

6.32 It is also noted that the appellant is currently seeking to negotiate with the Environment Agency in consultation with WBC officers in order to seek to address the new material issues. Further updates will be provided to WAP Members within the late committee update papers when available.

Flood risk and Sustainable Drainage

6.33 Core Strategy Policy CS16 states that when development has to be located in flood risk areas, it should be safe and not increase flood risk elsewhere, reducing the risk where possible and taking into account climate change. Proposed development will require a flood risk assessment for sites in Flood Zone 2 or 3, critical drainage areas, areas with historic records of groundwater and/or surface water flooding, areas near the Kennet and Avon Canal that may overtop, sites where access would be affected during a flood and areas behind flood defences, amongst other areas.

- 6.34 Leisure and recreational facilities such as football clubs are classified in flood risk terms as 'less vulnerable' development as identified in Table 2: Flood Risk Vulnerability Classification, paragraph 066, Reference ID 7-066- 20140306 of the Planning Practice Guidance (PPG). Table 3: Flood risk vulnerability and flood zone 'compatibility' paragraph 067, reference ID 7-067-20140306 of the PPG indicates that less vulnerable development is appropriate within Flood Zone 2 and Flood Zone 3a.
- 6.35 Paragraphs 155 to 165 of the NPPF are key paragraphs relating to flood risk. Paragraph 155 states that 'inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk. Paragraph 163 notes that 'local planning authorities should ensure that flood risk is not increased elsewhere'. In particular, paragraph 163 of the NPPF states that 'when determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere. Where appropriate, applications should be supported by a site-specific flood risk assessment'. Footnote 50 goes on to state that a site-specific flood risk assessment should be provided for all development in Flood Zones 2 and 3.
- 6.36 The Environment Agency (EA) have advised, although they have no objection in principle to the proposal in terms of flood risk, taking into account the sites location in Flood Zones 2 and 3, the proposal requires the submission of an Flood Risk Assessment (FRA). In the absence of an FRA, the EA maintain an objection to this application.
- 6.37 The Lead Local Flood Authority Officers (LLFA) have carefully considered the proposal and advise the proposal does not appear to have an adverse effect on flood risk on the basis there is no change in levels for the football pitches, and that the pitches would be constructed on a fully permeable subbase. However, a FRA has not been submitted and, as raised by the EA, this is an omission by the applicant. Whilst the EA see this as a reason for refusal, LLFA Officers are content for the submission of an FRA to be provided by way of a planning condition in these particular circumstances. The FRA would need to support the development and show that, even with the area already benefitting from the existing EA flood defence scheme, the development would not adversely affect the surrounding area. Runoff from any proposed building, structure, hardstanding or other impermeable surface would need to be directed to a suitable SuDS scheme.
- 6.38 Following further review of the EA objection by LLFA Officers, the issue of the development being located above Principle Aquifer and Source Protection Zone 3 (SPZ3) and the connection with the previous landfill site is a potential concern and therefore, the LLFA officers consider this matter should also be covered in the FRA secured via planning condition.
- 6.39 Taking into account the comments of the LLFA officers, on balance, it is considered that subject to the imposition of planning conditions requiring the submission of satisfactory FRA before development commences, the proposal would not have an adverse impact on flooding within the site or locality in accordance with the provisions of Core Strategy Policy CS16, the NPPF and PPG.

Highways Matters

- 6.40 According to Core Strategy Policy CS13, development that generates a transport impact will be required to (amongst others): reduce the need to travel; improve and promote opportunities for healthy and safe travel; and demonstrate good access to key services and facilities.
- 6.41 The application site is within a sustainable location within walking distance of the town centre. The proposal would utilise the existing vehicular access arrangement and would incorporate a revised car parking layout (considered under application 18/00604/OUT).

- 6.42 The proposal has been carefully considered by the Highways Team who consider subject to the imposition of relevant planning conditions, the proposal is considered acceptable in terms of highways impact.
- 6.43 In terms of refuse storage and parking provision, the supporting plans demonstrates the site would have sufficient capacity to meet the refuse storage, off-road cycle and car parking provision requirements of development.
- 6.44 For the above reasons, taking into account any cumulative impacts, the proposal would not have an adverse impact on highway safety and the free flow of traffic within the local highways infrastructure, and would provide satisfactory off cycle and car provision to meet the needs of future users of the facility in accordance with the provisions of Policy CS13, and the National Planning Policy Framework.

Character and Appearance (including design)

- 6.45 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 to the wider locality. Development shall contribute positively to local distinctiveness and sense of place. Development proposals will be expected to (amongst others) make efficient use of land whilst respecting density, character, landscape and biodiversity of the surrounding area.
- 6.46 Part 1 of the Quality Design SPD indicates new development should begin with an understanding of the area's existing character and context and its design should evolve from West Berkshire's rich landscape and built heritage. Development should seek to complement and enhance existing areas, using architectural distinctiveness (through construction materials and techniques) and high quality urban design, to reinforce local identity and to create a sense of place. The Town Design Statement echoes the above design considerations.
- 6.47 The surrounding built form has a variety of architectural design and form, of varying quality. In this context, the modern leisure development proposed which largely uses the existing playing pitch footprint would harmonise with the surroundings subject to the finer details such as external materials, boundary treatment, hard landscaping and external flood lighting with external masts being carefully considered.
- 6.48 The proposal would have some adverse impact on views for users of the PROW and the canal way to the south of the site. However, taking into account the existing structures within the site and subject to appropriate boundary treatment and new soft landscaping being secured, on balance, the harm would not be considered to be significant.
- 6.49 Overall, the proposal would harmonise with the surroundings and would have an acceptable impact on the character and appearance of the area.

6.50 Historic Environment

- 6.51 Section 72 subsection (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 is a comparable requirement relating to Conservation areas and provides "In the exercise, 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."
- 6.52 Policy CS.19 of the Core Strategy seeks the conservation and, where appropriate, enhancement of heritage assets and their settings including Listed Buildings, Scheduled monuments, Conservation Areas. Paragraphs 184 - 192 of the NPPF seek to protect

heritage assets. Paragraph 196 indicates 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.

- 6.53 As indicated above, the southern boundary of the application site falls within a conservation area. The proposal has been assessed by the Council's Conservation Officer who advises there is one large football pitch currently covering much of the site with the proposal to increase this to 2 pitches. The proposal is not considered to cause any additional impact on the setting or character of the conservation area, over and above what already exists and therefore the conservation officer raises no objections to the proposal.
- 6.54 In terms of archaeological impact, The Council's Archaeological Officer has reviewed the application using the approach set down in the NPPF and has checked the proposed development against the information the Council currently holds regarding the heritage assets and historic land uses in this area. The officer has advised subject to planning conditions securing a written scheme of archaeological investigation, the proposal would have an acceptable impact on features of potential archaeological significance within the site.
- 6.55 For these reasons, the proposal complies with Core Strategy Policy CS19 and the National Planning Policy Framework in terms of conserving the historic environment.

Residential Amenity

- 6.56 According to paragraph 127 of the NPPF, planning decisions should ensure that developments create places with a high standard of amenity for existing and future occupiers. According to Core Strategy Policy CS14, new development must make a positive contribution to the quality of life in West Berkshire. As such, the impacts on neighbouring living conditions in terms of any loss of light, loss of privacy, loss of outlook, any overbearing impacts, or any significant noise and disturbance, are material considerations. The Council's adopted Quality Design SPD and House Extensions SPG provide guidance on such matters that may be applicable to all development proposals
- 6.57 The layout plans demonstrate the proposal would maintain adequate separation distances from existing housing ensuring no material impact on neighbouring residential amenity by way of loss of light, outlook or privacy, or result in any overbearing impact. Planning conditions can also be imposed to control the type of external flooding lighting and hours of use in order to reduce any excessive light pollution/nuisance to neighbouring properties.
- 6.58 The proposal would intensify the use of the site and increase traffic movements within the industrial estate. However, the overall increase in use and the level of traffic movements would not be so significant such that it would materially harm neighbouring residential amenity in terms of increased noise and disturbance.
- 6.59 Any short term impacts associated with the construction process can be controlled through the implementation of a construction environmental management plan (CEMP) secured via planning condition. The CEMP can control matters such as dust suppression, hours of work and deliveries.
- 6.60 In respect of land contamination, potential risks can be adequately managed through remediation where required through the use of planning conditions. In addition, no objections have been received from the Council's Environmental Health Team.
- 6.61 For these reasons, the proposal would have an acceptable impact on neighbouring residential amenity.

Trees and Woodland

- 6.62 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 being secured via planning condition. In addition, it is noted that the supporting plans demonstrate sufficient areas are retained for new tree planting where required to off-set any loss of trees and ensure a net gain in tree planting within the site overall.
- 6.63 For these reasons, it is considered that retained trees would be adequately safeguarded from any potential adverse effects and a net gain in trees planting would be achieved within the site to off-set any removed trees in accordance with the provisions of policy CS18 and the NPPF.

7. Planning Balance and Conclusion

- 7.1 Having taken account of all the relevant planning policy considerations and other material considerations set out above, it is considered that the proposed development does not comply with the development plan when considered as a whole and is therefore not considered acceptable.

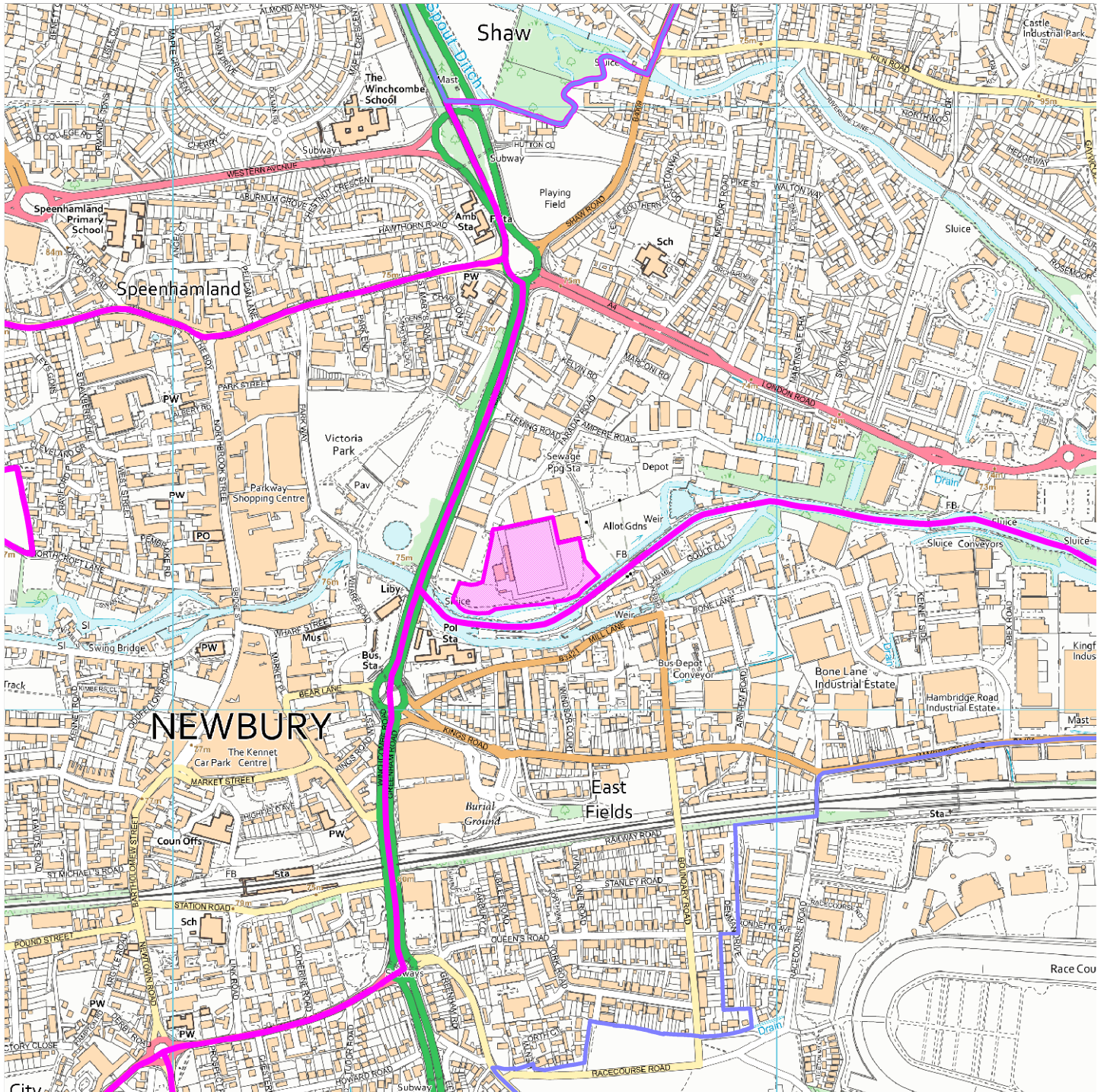
8. Full Recommendation

- 8.1 The purpose of this item for decision is not to determine the planning application, but to determine the Council's position at the appeal. For the reasons detailed above, it is recommended that the appeal is defended.
- 8.2 Irrespective of its position on the planning merits, the Council will provide a list of suggested conditions on a 'without prejudice' basis. Council Officers will negotiate with the Appellant on the wording on the suggested conditions.
- 8.3 The full recommendation is as follows:
- 8.4 To **DELEGATE** to the Head of Development and Planning to make representations at appeal that planning **permission should be refused** for the following reason:
- 8.5 Insufficient information is provided to demonstrate the proposal would not have an adverse impact on biodiversity/ecology including a SSSI contrary to the provisions of Core Strategy Policy CS17, paragraphs 170 and 175 of the National Planning Policy Framework 2019 and the Natural Environment and Rural Communities Act 2006.

AND

- 8.6 To **DELEGATE** to the Head of Development and Planning, where satisfactory ecological information is provided during the course of the planning appeal to address the above reason for refusal, to amend the councils position to make representations at appeal that planning permission be approved subject to planning conditions.

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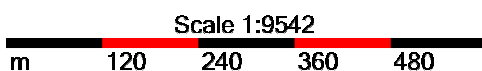
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Organisation	West Berkshire Council
Department	
Comments	Not Set
Date	03 January 2020
SLA Number	0100024151



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Agenda Item 4.(2)

Item No.	Application No. and Parish	Statutory Target Date	Proposal, Location, Applicant
(2)	18/00604/OUT Newbury Clay Hill	13 September 2019	Outline permission for replacement of clubhouse and stand at Newbury Football Ground. Matters to be considered: Access and Layout. Newbury Football Club, Faraday Road, Newbury, RG14 2AD Newbury Community Football Group (NCFG)

To view the plans and drawings relating to this application click the following link:
<http://planning.westberks.gov.uk/rpp/index.asp?caseref=18/00604/OUT>

Recommendation Summary: **DELEGATE** to the Head of Development and Planning to make representations at appeal that planning **permission should be refused.**

Ward Member(s): Councillor Jeff Cant
Councillor Jeff Beck

Reason for Committee Determination: New material considerations raised by the Environment Agency on the 20 January 2020. Significant public interest and the proposal affects Council owned land

Committee Site Visit: 9th January 2020

Contact Officer Details

Name: Jay Singh
Job Title: Consultant Planner
Tel No: 01635 519111
Email: Jay.singh1@westberks.gov.uk

1. Introduction

- 1.1 **Background** – This application, currently the subject of a planning appeal against non-determination, was previously reported to Western Area Planning Committee (WAP) on the 15 January 2020 where, on the basis of the information available at that time, the committee resolved to delegate to the Head of Planning & Countryside to make representations at planning appeal that planning permission should be granted subject to the imposition of relevant planning conditions.
- 1.2 Following the above resolution by WAP, the Environment Agency, on 20 January 2020, raised objections to the application on grounds relating to flood risk and ecology (considered in more detail further below). These objections raised materially new issues and therefore it is necessary for the application to be reported back to WAP for reconsideration which would then re-determine the Council's stance for the planning appeal going forward.
- 1.3 **Proposal** – Outline planning permission is sought for a replacement clubhouse (including changing rooms) and a new spectator stand with associated car parking at Newbury Football Ground. Matters to be considered: Access and Layout.
- 1.4 The proposed changing rooms and club house would measure approx. 35m in width x 10m in depth and would be located at the western end of the senior playing pitch. Whilst scale is not for determination at this stage, the supporting plans suggest the clubhouse would be a two-storey building. The proposed spectator stand would measure approx. 15m in width x 6m in depth and would be located to the south of the senior playing pitch. The revised car parking area will be located to the western boundary of the site and would include 44 off road car parking spaces and 16 cycle spaces.
- 1.5 An application to enhance and expand the football pitches within the site is subject to a separate planning application 18/00603/COMIND.
- 1.6 The full supporting documentation can be viewed on the council's website.
- 1.7 **Site description** - The application site covers 0.2 hectares and forms part of the wider 'Newbury Football Ground' which is an existing recreational facility covering some 1.47 hectares to the east of Newbury Town Centre. The application site forms part of the western portion of the football ground site which is currently occupied by a clubhouse, car parking area and up until recently a spectator stand (that has been dismantled and taken off site).
- 1.8 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, to the south-east approx. 50m beyond the Kennet Canal are residential properties, to the south are trees within grassed areas beyond which the southern edge of the site falls within a Conservation Area. Further south are footpaths and a Public Right of Way (NEWB/28/7) beyond which is the Kennet and Avon Canal, which contains narrow boat moorings, and the River Kennet, which is a chalk river of national importance, being designated as a SSSI. To the west of playing pitch is an existing car parking area. The existing vehicular access into the site is through the industrial estate to the north.
- 1.9 According to the Environment Agency, the site is understood to be located over a Principal Aquifer, where geological strata exhibit high permeability and usually provide a high level of water storage. The site is also located in a Source Protection Zone (SPZ) 3.
- 1.10 The site falls within flood zones 2 (medium risk) and 3 (high risk) according to Environment Agency Flood Mapping.

1.11 The football ground is currently registered as an Asset of Community Value (ACV).

2. Planning History

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

Application	Proposal	Decision / Date
18/00603/COMIND	Renewal and expansion of existing football pitch including artificial pitches Applicant: Newbury Community Football Group (NCFG)	Subject to planning appeal
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	Pending consideration (at the time of writing this report)
18/02046/DEMO	Application for prior notification for demolition of spectator stand	Approved/further details not required for approval - 14.09.2018
94/45314/FUL	Stands (standing only) - 8no units; 3m high north boundary fence.	Approved - 18.10.1994
93/43408/ADD	Replacement of existing floodlights & stands.	Approved – 12.10.1993
93/42876/ADD	Renovation of clubhouse & new building for entrance shop toilets & groundsman store.	Approved - 28.06.1993
93/42875/ADD	Replacement grandstand & additional car parking.	Approved - 28.06.1993
89/35983/ADD	Day time car park for racial vodafone evening and weekend training area for football club	Refused – 06.12.1989
82/18107/ADD	Small 100 seater grandstand	Approved - 08.11.1982
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 - 06.03.1979
77/07234/ADD	Non illuminated hoarding	Approved - 23.11.1977
77/06859/ADD	Extension to clubhouse	Approved - 23.09.1977

75/03793/ADD	Extension to provide changing rooms	Approved - 11.02.1976
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3. Procedural Matters

- 3.1 The application has been screened in accordance with the Town and Country Planning (Environmental Impact Assessment) Regulations 2017, which concluded that the proposed development is not “EIA development” and therefore an Environmental Statement is not required.
- 3.2 The application has been publicised in accordance with the legal requirements of the Town and Country Planning (Development Management Procedure) Order 2015, and the Council’s Statement of Community Involvement. This has involved the display of site notices and press notices being advertised in the Newbury Chronicle. In addition, the applicant has served notices on the Council to confirm the proposal affects Council owned land.
- 3.3 The proposed development would not would require any financial contributions to be made in respect of the Councils Adopted CIL Charging Schedule.

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.

Ward Member:	No comments received
Newbury Town Council:	No objection. The Committee’s decision is based solely on planning considerations with regard to the site.
WBC Highways:	No objection subject to conditions
WBC Property:	<p>West Berkshire Council is the freeholder of the land upon which the application (18/00603/COMIND and 18/00604/OUT) has been submitted.</p> <p>The Council’s status as the land owner is not material to determining this application. However, for the avoidance of doubt, West Berkshire Council as land owner wishes it recorded that the applicant has not been encouraged to make this application and where proposals run counter to the Council’s own proposals for regeneration of the site.</p> <p>The Council’s regeneration proposals for the whole of the London Road Industrial Estate, of which the proposed development site forms a critical part, are publicly known. The Council, as land owner, feels that planning documentation should record the above position and that the agent acting for the applicant is duty bound</p>

	to inform the applicant of the land owner's position and that any potential consent will not influence how the Council proceeds with future regeneration proposals.
WBC Conservation:	No objection
WBC Leisure:	No comments received
WBC Landscape:	No objection subject to conditions
WBC Archaeology:	No objection subject to conditions
WBC Public Rights of Way:	No comments received
WBC Environmental Health:	No objection
WBC Ecology:	<p>Objection on the grounds of insufficient information as to:</p> <ul style="list-style-type: none"> • how the development could affect the adjacent SSSI. • how the development could affect nocturnal protected species fauna. • how the development could affect aquatic fauna. • how the development could affect water quality and hydrology. • whether and what mitigation and/or compensation is needed for the above impacts.
Environment Agency:	<p>Objection on 3 main grounds:</p> <ul style="list-style-type: none"> • Lack of Flood Risk Assessment (FRA). • Works within 8 metres of a main river - there is inadequate buffer zone to the River Kennet Site of Special Scientific Interest (SSSI). • No assessment of the risks to nature conservation has been provided.
WBC Drainage:	<p>No objection subject to conditions. However, a FRA has not been submitted and, as raised by the EA, this is an omission. Whilst the EA see this as a reason for refusal, I am content for the submission of an FRA to be resolved through a pre-commencement planning condition. The FRA should support the proposal and show that even with the area already benefitting from the existing EA flood defence scheme, the proposal would not adversely affect the surrounding area. Runoff from any proposed building, structure, hardstanding or other impermeable surface should be directed to a suitable SuDS scheme.</p> <p>The issue of the proposal being located above Principle Aquifer and Source Protection Zone 3 (SPZ3) and the connection with the previous landfill site is possibly of concern and this matter should also be covered in any future FRA.</p>
Canals and River Trust	No comment

Ramblers Association:	No comments received
Kennet and Avon Canal Trust	No comments received
Newbury Society	Support
Sport England	No objection

Public representations

4.2 An electronic petition with approx. 1800 signatories and a hard copy with approx. 259 signatures has been submitted in support of the application. The petition includes supporting comments which may be viewed within the application documents on the Council's website using the link at the start of this report. In summary the supporting comments indicate:

- West Berkshire Council are requested to grant permission which is crucial to the provision of much needed community football facilities in Newbury.
- The development will enhance Newbury's premier ground and clubhouse which is an essential facility for senior and junior football, particularly because it delivers a vital succession opportunity thereby encouraging young players to participate in the sport. This goes to the heart of enhancing fitness, health and wellbeing in accordance with the social objectives of the council's planning policies.
- It is essential for the health and wellbeing of young people in particular that we have facilities that encourage community participation and bring all ages of the community together.
- The proposal addresses a shortfall of such sports facilities within the district including lack of 3g and 4g pitches which allow use all year round including by local schools.
- The proposal supports a football team/community organisation for Newbury and retains them within in a sustainable edge of town centre location reducing the need to travel to alternative facilities further afield.
- The use of the facilities for sport is more beneficial to the community than redevelopment for housing, coupled with there being more suitable brownfield sites for housing elsewhere within the town.
- Once this essential leisure infrastructure/facility is lost to housing, it is unlikely the Council would provide compensatory facilities elsewhere.
- The redevelopment of the site for housing would harm the character and appearance of the area including the setting of the canal
- The proposal would reduce existing anti-social behaviour associated with the site currently being unused

- The Newbury Town F.C. football stadium has provided opportunities for players of all ages and abilities to play at a local enclosed stadium which has been in the past and should be in the future a credit to the Newbury community. The stadium has hosted many finals for all competitions for all groups, in particular the Newbury & District Primary Schools annual finals, the Newbury & District Association squad in annual matches against Jersey and Guernsey and for many seasons the English Schools' Football Association under 18 England trials. In addition, there are many players who have played at the stadium which was their first experience of playing in such a venue before progressing to play in the Premier League - Theo Walcott now at Everton and Charlie Austin, now at Southampton. David Gent President Newbury & District Primary Schools Football Association
- In light of the social benefits and strength of community support, the retention of these sports facilities should be supported by the council and its councillors.

5. Planning Policy

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

- Policies ADPP1, 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)
- WBC Quality Design SPD (2006)
- Newbury Town Design Statement (2018)
- Sport England 'Playing fields policy and guidance' (2018)
- Newbury Vision 2026 and 2036

6. Appraisal

6.1 The main issues for consideration in this application are:

- Principle of development;
- Biodiversity;
- Flood risk and sustainable drainage;
- Highways matters;
- Character and appearance (including design);
- Heritage assets;
- Residential amenity;
- Trees and woodland.

Principle of development

- 6.2 Planning law requires that applications for planning permission be determined in accordance with the development plan unless material considerations indicate otherwise.
- 6.3 Policies ADPP1, ADPP5, and CS18 of the West Berkshire Core Strategy (2006-2026) are key policies relevant to the principle of proposed development. There are also other development plan policies that relate to specific issues and these are considered further on in this report.
- 6.4 Policies ADPP1 and ADPP2 comprise the spatial strategy for the district. New development will be located in accordance with the settlement hierarchy (ADPP1) and area delivery plan policies (ADPP2). According to Core Strategy Policy ADPP1, the scale and density of development will be related to the site's current or proposed accessibility, character and surroundings. Significant intensification of use will be avoided within areas which lack sufficient supporting infrastructure, facilities or services or where opportunities to access them by public transport, cycling and walking are limited. Newbury is included on the first tier of the settlement hierarchy. It is thereby the focus for development within the district.
- 6.5 Policy ADPP2 indicates 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 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.
- 6.6 Policy CS18 sets out The District's green infrastructure (which includes outdoor sports 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.
- 6.7 The supporting text to the policy recognises the multi-functional nature of GI 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.
- 6.8 The Newbury Vision 2026 and 2036 sets out the Councils 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 Districts open space.
- 6.9 The proposal would accord with the overall aims and objectives of Policies ADDP1, ADDP2 and CS18 and guidance within the Newbury Vision 2026 and 2036 in so far as they support the renewal and expansion of an existing sports facilities within a sustainable location that form part of the Districts green infrastructure.
- 6.10 *Sport England*
- 6.11 Sport England have assessed the proposal and is satisfied that the proposed development would meet exception 2 of its playing fields policy, in that 'The proposed development is for ancillary facilities supporting the principal use of the site as a playing

field, and does not affect the quantity or quality of playing pitches or otherwise adversely affect their use'. Accordingly, Sport England are supportive of the proposal.

6.12 *Wider Regeneration Proposals for London Road Industrial Estate*

6.13 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, they can only be afforded limited weight at this stage.

6.14 *Asset of Community Value*

6.15 It is recognised that the application site is registered as an Asset of Community Value. However, the proposal would not affect this status.

6.16 For these reasons, whilst the principle of the renewal and expansion of an existing sports facilities within the site would accord with the above mentioned policies, as considered further below, there is insufficient information to demonstrate the proposal would not have an adverse ecological impact, and therefore the proposal, based on its current form and the information available to the council at this time, is not considered acceptable.

Biodiversity

6.17 Core Strategy Policy CS 17 states that Habitats designated or proposed for designation as important for biodiversity or geodiversity at an international or national level or which support protected, rare or endangered species, will be protected and enhanced. Development which may harm, either directly or indirectly, habitats or species of principal importance for the purpose of conserving biodiversity, will only be permitted if there are no reasonable alternatives and there are clear demonstrable social or economic benefits of regional or national importance that outweigh the need to safeguard the site or species and that adequate compensation and mitigation measures are provided when damage to biodiversity/geodiversity interests are unavoidable.

6.18 Policy CS18 indicates that the District's green infrastructure will be protected and enhanced. This includes river corridors, and 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.

6.19 NPPF Paragraphs 170 to 177 relate to biodiversity and conserving the natural environment. Paragraph 170 states that decisions should contribute to and enhance the natural and local environment by protecting sites of biodiversity or geological value. It also states that the planning system provide net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures.

6.20 Paragraph 175 states that if significant harm to biodiversity resulting from development cannot be avoided, adequately mitigated, or as a last resort compensated for, then planning permission should be refused. In addition, development on land within or outside a Site of Special Scientific Interest, and which is likely to have an adverse effect on it, should not normally be permitted. Opportunities to incorporate biodiversity improvements in and around developments should be encouraged, especially where this can secure measurable net gains for biodiversity.

6.21 The EA have advised the location of the new stand, alongside the River Kennet SSSI, is not appropriate as it encroaches within the minimum 8 metres of the bank top of the river, which is the minimum width of undeveloped buffer zones that the EA require. Buffer zones to watercourses are indicated to be important for a number of reasons including:

- to provide an unobstructed wildlife corridor for species to move between linked habitats;
- to provide for the terrestrial life stages of aquatic insects, for nesting of water related bird species, and for bank dwelling small mammals;
- to allow for the maintenance of a zone of natural character with vegetation that gives rise to a range of conditions of light and shade in the watercourse itself;
- to reduce the risk of accidental pollution from run-off.

6.22 The EA indicate The River Kennet in this location is a chalk river of national importance, being designated as a SSSI. This means that the ecology of the river is particularly sensitive to direct and indirect impacts of new developments.

6.23 The EA have further advised that if the proposed stand is moved back to provide a minimum 8 metre wide buffer zone measured from the river bank top, then it would be possible to remove their objection. The buffer zone would need to be free from all built development including lighting that could impact on the behaviour of nocturnal animals such as bats.

6.24 The EA have also advised in accordance with NPPF paragraphs 170 and 175, the planning system should conserve and enhance the natural environment by minimising impacts on and providing net gains for biodiversity. Taking into account the site's location adjacent to the River Kennet SSSI, the EA require an ecological assessment to be undertaken at the site to be able to determine ecological value present at the site. Since no assessment has been submitted to date, the EA maintain an objection to the application until this has satisfactorily been overcome. The ecological assessment should include the potential impacts on the existing habitats adjacent to the river in addition to the SSSI itself. The assessment should:

- identify any rare, declining, protected or otherwise important flora, fauna or habitats within and adjacent to the site;
- assess the importance of the above features at a local, regional and national level;
- identify the impacts of the scheme on those features;
- demonstrate how the development will avoid adverse impacts;
- propose mitigation for any adverse ecological impacts or compensation for loss;
- propose wildlife/habitat enhancement measures.

6.25 The Councils Ecologist has carefully considered the proposal and supports the approach taken by the EA. It is therefore considered, taking into account the proposed development is in close proximity to a statutory main river, the River Kennet, which is also a SSSI where the proposed stand would encroach within the minimum 8 metre buffer zone for this main river, the proposal could impact on the sensitive ecology and the chalk stream, which is of national importance. Furthermore, given the adjacent ecological designation, taking into account no ecological assessment has been submitted in support of the proposal, it is considered that insufficient information is available to identify the potential impact that the proposal would have on the biodiversity of the area. Officers do not consider this matter can be adequately mitigated through the imposition of relevant planning conditions at this stage.

6.26 For these reasons, insufficient information has been provided to demonstrate that the proposal would not have an adverse ecological impact including on a SSSI contrary to provisions of Core Strategy Policy CS17 of the West Berkshire Core Strategy and paragraphs 170 and 175 of the National Planning Policy Framework.

6.27 *Negotiations with the Environment Agency*

- 6.28 It is also noted that the appellant is currently seeking to negotiate with the Environment Agency in consultation with WBC officers in order to seek to address the new material issues. Further updates will be provided to WAP Members within the late committee update papers when available.

Flood risk and Sustainable Drainage

- 6.29 Core Strategy Policy CS16 states that when development has to be located in flood risk areas, it should be safe and not increase flood risk elsewhere, reducing the risk where possible and taking into account climate change. Proposed development will require a flood risk assessment for sites in Flood Zone 2 or 3, critical drainage areas, areas with historic records of groundwater and/or surface water flooding, areas near the Kennet and Avon Canal that may overtop, sites where access would be affected during a flood and areas behind flood defences, amongst other areas.
- 6.30 Leisure and recreational facilities such as football clubs are classified in flood risk terms as 'less vulnerable' development as identified in Table 2: Flood Risk Vulnerability Classification, paragraph 066, Reference ID 7-066- 20140306 of the Planning Practice Guidance (PPG). Table 3: Flood risk vulnerability and flood zone 'compatibility' paragraph 067, reference ID 7-067-20140306 of the PPG indicates that less vulnerable development is appropriate within Flood Zone 2 and Flood Zone 3a.
- 6.31 Paragraphs 155 to 165 of the NPPF are key paragraphs relating to flood risk. Paragraph 155 states that 'inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk. Paragraph 163 notes that 'local planning authorities should ensure that flood risk is not increased elsewhere'. In particular, paragraph 163 of the NPPF states that 'when determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere. Where appropriate, applications should be supported by a site-specific flood risk assessment'. Footnote 50 goes on to state that a site-specific flood risk assessment should be provided for all development in Flood Zones 2 and 3.
- 6.32 The Environment Agency (EA) have advised, although they have no objection in principle to the proposal in terms of flood risk, taking into account the sites location in Flood Zones 2 and 3, the proposal requires the submission of an Flood Risk Assessment (FRA). In the absence of an FRA, the EA raise an objection to this application.
- 6.33 The Lead Local Flood Authority Officers (LLFA) have carefully considered the proposal and advise the proposal does not appear to have an adverse effect on flood risk on the basis there is no change in levels and would be in a reduction in built form within the site (the new clubhouse would be some 300m² smaller than the existing clubhouse). However, a FRA has not been submitted and, as raised by the EA, this is an omission by the applicant. Whilst the EA see this as a reason for refusal, LLFA Officers are content for the submission of an FRA to be provided by way of a planning condition in these particular circumstances. The FRA would support the development and show that, even with the area already benefitting from the existing EA flood defence scheme, the development would not adversely affect the surrounding area. Runoff from any proposed building, structure, hardstanding or other impermeable surface should be directed to a suitable SuDS scheme.
- 6.34 Following further review of the EA objection, the issue of the development being located above Principle Aquifer and Source Protection Zone 3 (SPZ3) and the connection with the previous landfill site is a potential concern and therefore, the LLFA officers consider this matter should also be covered in the FRA secured via planning condition.
- 6.35 Taking into account the comments of the LLFA officers, on balance, it is considered that subject to the imposition of planning conditions requiring the submission of satisfactory FRA before development commences, the proposal would not have an adverse impact

on flooding within the site or locality in accordance with the provisions of Core Strategy Policy CS16, the NPPF and PPG.

Highways Matters

- 6.36 According to Core Strategy Policy CS13, development that generates a transport impact will be required to (amongst others): reduce the need to travel; improve and promote opportunities for healthy and safe travel; and demonstrate good access to key services and facilities.
- 6.37 The application site is within a sustainable location within walking distance of the town centre. The proposal would utilise the existing vehicular access arrangement and would incorporate a revised car parking layout. The revised parking layout would result in the reduction of existing car parking provision within the site to 44 spaces but would provide 16 cycle spaces. The application is supported by a parking survey that has assessed car parking capacity within the locality.
- 6.38 The proposal has been carefully considered by the Highways Team who confirm the parking survey demonstrates sufficient car parking capacity is available nearby as such the reduction in on-site car parking provision would not have an adverse impact on the local highways infrastructure. Overall, the Highways Team confirm that subject to the imposition of relevant planning conditions, the proposal is considered acceptable in terms of highways impact.
- 6.39 In terms of refuse storage and cycle parking provision, the supporting plans demonstrate the site would have sufficient capacity to meet the refuse storage and off-road cycle requirements of the development.
- 6.40 For the above reasons, taking into account any cumulative impacts, the proposal would not have an adverse impact on highway safety and the free flow of traffic within the local highways infrastructure, and would provide satisfactory off cycle and car provision to meet the needs of future users of the facility in accordance with the provisions of Policy CS13, and the National Planning Policy Framework.

Character and Appearance (including design)

- 6.41 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 to the wider locality. Development shall contribute positively to local distinctiveness and sense of place. Development proposals will be expected to (amongst others) make efficient use of land whilst respecting density, character, landscape and biodiversity of the surrounding area.
- 6.42 Part 1 of the Quality Design SPD indicates new development should begin with an understanding of the area's existing character and context and its design should evolve from West Berkshire's rich landscape and built heritage. Development should seek to complement and enhance existing areas, using architectural distinctiveness (through construction materials and techniques) and high quality urban design, to reinforce local identity and to create a sense of place. The Town Design Statement echoes the above design considerations.
- 6.43 The surrounding built form has a variety of architectural design and form, of varying quality. In this context, the modern leisure development proposed which largely occupies the existing footprint of the facilities within the site would harmonise with the surroundings subject to details of scale, appearance (including external materials and boundary treatment) and landscaping being carefully considered at the reserved matters stage.

- 6.44 The proposal would have some adverse impact on views for users of the PROW and the canal way to the south of the site. However, taking into account the existing structures within the site and subject to appropriate boundary treatment and new soft landscaping being secured, on balance, the harm would not be considered to be significant.
- 6.45 Overall, the proposal would harmonise with the surroundings and would have an acceptable impact on the character and appearance of the area.
- 6.46 **Historic Environment**
- 6.47 Section 72 subsection (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 is a comparable requirement relating to Conservation areas and provides “In the exercise, 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.”
- 6.48 Policy CS.19 of the Core Strategy seeks the conservation and, where appropriate, enhancement of heritage assets and their settings including Listed Buildings, Scheduled monuments, Conservation Areas. Paragraphs 184 - 192 of the NPPF seek to protect heritage assets. Paragraph 196 indicates 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.
- 6.49 As indicated above, the southern boundary of the application site falls within a conservation area. The proposal has been assessed by the Councils Conservation Officer who advises the development is not considered to cause any additional impact on the setting or character of the conservation area, over and above what already exists and therefore the Conservation Officer raises no objections to the proposal.
- 6.50 In terms of archaeological impact, The Council’s Archaeological Officer has reviewed the application using the approach set down in the NPPF and has checked the proposed development against the information the Council currently holds regarding the heritage assets and historic land uses in this area. The officer has advised subject to planning conditions securing a written scheme of archaeological investigation, the proposal would have an acceptable impact on features of potential archaeological significance within the site.
- 6.51 For these reasons, the proposal complies with Core Strategy Policy CS19 and the National Planning Policy Framework in terms of conserving the historic environment.

Residential Amenity

- 6.52 According to paragraph 127 of the NPPF, planning decisions should ensure that developments create places with a high standard of amenity for existing and future occupiers. According to Core Strategy Policy CS14, new development must make a positive contribution to the quality of life in West Berkshire. As such, the impacts on neighbouring living conditions in terms of any loss of light, loss of privacy, loss of outlook, any overbearing impacts, or any significant noise and disturbance, are material considerations. The Council’s adopted Quality Design SPD and House Extensions SPG provide guidance on such matters that may be applicable to all development proposals
- 6.53 The layout plans demonstrate the proposal would maintain adequate separation distances from existing housing ensuring no material impact on neighbouring residential amenity by way of loss of light, outlook or privacy, or result in any overbearing impact. Planning conditions can also be imposed to control the hours of use of the clubhouse e.g. for late night events, in order to further reduce any potential nuisance to neighbouring properties.

- 6.54 The proposal would intensify the use of the site and increase traffic movements within the industrial estate. However, the overall increase in use and the level of traffic movements would not be so significant such that it would materially harm neighbouring residential amenity in terms of increased noise and disturbance.
- 6.55 Any short term impacts associated with the construction process can be controlled through the implementation of a construction environmental management plan (CEMP) secured via planning condition. The CEMP can control matters such as dust suppression, hours of work and deliveries.
- 6.56 In respect of land contamination, potential risks can be adequately managed through remediation where required through the use of planning conditions. In addition, no objections have been received from the Councils Environmental Health Team.
- 6.57 For these reasons, the proposal would have an acceptable impact on neighbouring residential amenity.

Trees and Woodland

- 6.58 There are 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 being secured via planning condition. In addition, it is noted that the supporting plans demonstrate sufficient areas are retained for new tree planting where required to off-set any loss of trees and ensure a net gain in tree planting within the site overall.
- 6.59 For these reasons, it is considered that retained trees would be adequately safeguarded from any potential adverse effects and a net gain in trees planting would be achieved within the site to off-set any removed trees in accordance with the provisions of policy CS18 and the NPPF.

7. Planning Balance and Conclusion

- 7.1 Having taken account of all the relevant planning policy considerations and other material considerations set out above, it is considered that the proposed development does not comply with the development plan when considered as a whole and is therefore not considered acceptable.

8. Full Recommendation

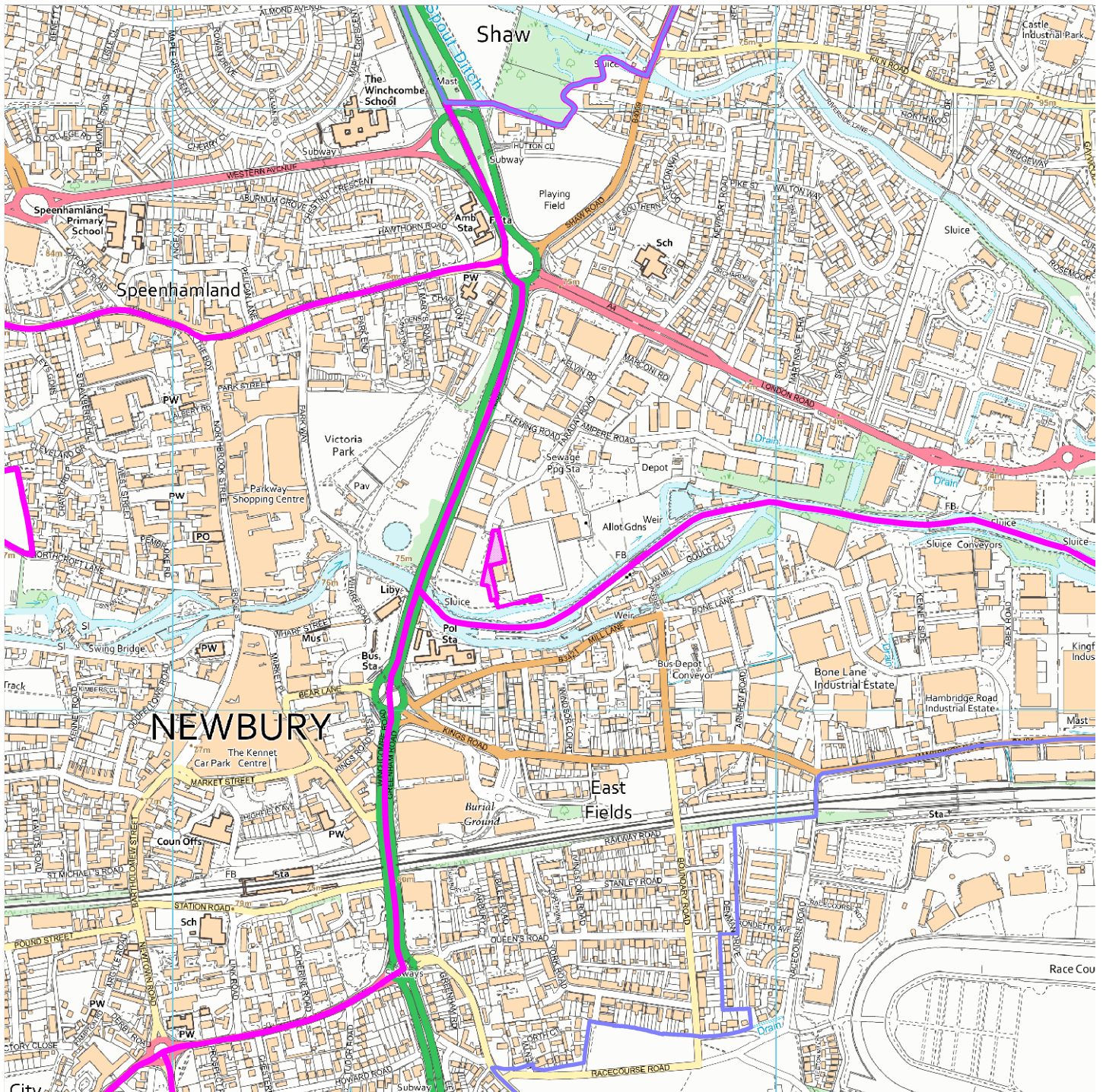
- 8.1 The purpose of this item for decision is not to determine the planning application, but to determine the Council's position at the appeal. For the reasons detailed above, it is recommended that the appeal is defended.
- 8.2 Irrespective of its position on the planning merits, the Council will provide a list of suggested conditions on a 'without prejudice' basis. Council Officers will negotiate with the Appellant on the wording on the suggested conditions.
- 8.3 The full recommendation is as follows:
- 8.4 To **DELEGATE** to the Head of Development and Planning to make representations at appeal that planning **permission should be refused** for the following reason:
- 8.5 Insufficient information is provided to demonstrate the proposal would not have an adverse impact on biodiversity/ecology including a SSSI contrary to the provisions of

Core Strategy Policy CS17, paragraphs 170 and 175 of the National Planning Policy Framework 2019 and the Natural Environment and Rural Communities Act 2006.

AND

- 8.6 To **DELEGATE** to the Head of Development and Planning, where satisfactory ecological information is provided during the course of the planning appeal to address the above reason for refusal, to amend the councils position to make representations at appeal that planning permission be approved subject to planning conditions.

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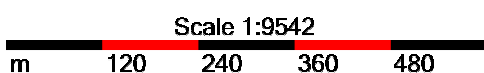
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Department	
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