

Notice of Meeting



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Western Area Planning Committee Wednesday 24 November 2021 at 6.30pm in the Council Chamber Council Offices Market Street Newbury

The Council will be live streaming its meetings.

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If members of the public wish to attend the Planning Committee they can do so either remotely or in person. Members of the public need to notify the Planning Team (planningcommittee@westberks.gov.uk) by no later than 4.00pm on Tuesday 23 November 2021, if they wish to attend the Planning Committee.

Please note that due to the current Coronavirus restrictions there is a limit on the number of people who can enter the Council Chamber. Remote attendance at the meeting is therefore encouraged at this time.

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.

Date of despatch of Agenda: Tuesday, 16 November 2021

Further information for members of the public

Plans and photographs relating to the Planning Applications to be considered at the meeting can be viewed by clicking on the link on the front page of the relevant report.

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: planningcommittee@westberks.gov.uk



**Agenda - Western Area Planning Committee to be held on Wednesday, 24 November
2021 (continued)**

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 Jenny Legge on (01635) 503043 Email: jenny.legge@westberks.gov.uk

Agenda - Western Area Planning Committee to be held on Wednesday, 24 November 2021 (continued)

- To:** Councillors Adrian Abbs, Phil Barnett, Dennis Benneyworth (Chairman), Jeff Cant, Hilary Cole, Carolyn Culver, Clive Hooker, Tony Vickers (Vice-Chairman) and Howard Woollaston
- Substitutes:** Councillors Jeff Beck, Lynne Doherty, David Marsh, Steve Masters, 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 - 42
To approve as a correct record the Minutes of the meeting of this Committee held on 13 October 2021. Minutes for the meeting held on 3 November 2021 will be considered at the next meeting of the Western Area Planning Committee.
 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: 20/01530/OUT, Newbury Football Club, Newbury Football Club, Faraday Road, Newbury** 43 - 66
- Proposal:** Outline permission for replacement of clubhouse and new spectator 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
- Recommendation:** To DELEGATE to the Service Director, Development and Regulation to GRANT PLANNING PERMISSION subject to the schedule of conditions

Agenda - Western Area Planning Committee to be held on Wednesday, 24 November 2021 (continued)

- (2) **Application No. and Parish: 20/01966/COMIND, Newbury Football Club, Newbury Football Club, Faraday Road, Newbury** 67 - 92
- Proposal:** Renewal and expansion of the existing football pitch to form a new 3G main pitch and a smaller 3G training / practice pitch.
- Location:** Newbury Football Club, Faraday Road, Newbury, RG14 2AD.
- Applicant:** Newbury Community Football Group
- Recommendation:** To DELEGATE to the Service Director, Development and Regulation to GRANT PLANNING PERMISSION subject to the schedule of conditions
- (3) **Application No. and Parish: 20/02062/COMIND, St Gabriels Farm, The Ridge, Cold Ash, Thatcham** 93 - 104
- Proposal:** A full planning application (submitted in parallel with the submission of a Class Q Prior Approval application) to facilitate limited works to: Establish an access way (including a turning head) which links the driveways of the new dwellings created under the parallel Class Q Prior approval application, to the existing approved driveway and access track at the St Gabriels Farm site. Regularise improved site parking arrangements. Achieve proportionate extensions to some of the limited residential curtilages established for the new dwellings being approved under the Class Q Prior Approval application. Add additional drainpipes to the dwellings being approved under the Class Q Prior Approval application. Site landscaping improvements. Demolition of a barn redundant following approval of the parallel Class Q Prior application. Creation of a paddock in place of the redundant barn being demolished. Filling in of three slurry pits ew0073.
- Location:** St Gabriels Farm.
- Applicant:** Rivar Ltd.
- Recommendation:** To delegate to the Service Director – Development and Regulation to advise the Inspector that had the Council had the opportunity to determine the application it would be REFUSED.

Background Papers

- (a) The West Berkshire Core Strategy 2006-2026.

Agenda - Western Area Planning Committee to be held on Wednesday, 24 November 2021 (continued)

- (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

Service Director (Strategy and Governance)

If you require this information in a different format or translation, please contact Stephen Chard on (01635) 519462.



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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, 13 OCTOBER 2021

Councillors Present: Adrian Abbs, Phil Barnett, Dennis Benneyworth (Chairman), Jeff Cant, Hilary Cole, Carolyne Culver, Clive Hooker, Andy Moore (Substitute) (In place of Tony Vickers) and Howard Woollaston

Also Present: Paul Goddard (Team Leader - Highways Development Control), Jack Karimi (Democratic Services Officer), Cheyanne Kirby (Planning Officer), Kim Maher, Masie Masiwa (Senior Planning Officer), Gordon Oliver (Principal Policy Officer) and Simon Till (Principal Planning Officer (Team Leader))

Apologies for inability to attend the meeting: Councillor Tony Vickers

PART I

In the absence of Councillor Tony Vickers, a temporary Vice Chairman was appointed for the duration of the meeting under Rule 7.6.2.

The Chairman proposed that Councillor Hilary Cole be elected as Vice Chairman. This was seconded by Councillor Clive Hooker, and approved.

20. Minutes

The Chairman noted that Councillor Lynne Doherty was not present at the meeting on 1 September 2021 but had been marked present. The amendment was accepted.

Subject to this amendment, the Minutes of the meeting held on 1 September 2021 and the Minutes of the meeting held on 22 September 2021 were approved as true and correct records and signed by the Chairman.

21. Declarations of Interest

Councillors Adrian Abbs, Phil Barnett and Andy Moore declared a personal interest in Agenda Item 4(2). As their interests were personal and not prejudicial or a disclosable pecuniary interest, they determined to remain to take part in the debate and vote on the matter.

22. Schedule of Planning Applications

(1) Application No. and Parish: 21/01519/FUL, Land West Of Pumping Station, Enborne Row, Wash Water, Enborne

(The Chairman declared that he had been lobbied on Agenda Item 4(1))

1. The Committee considered a report (Agenda Item 4(1)) concerning Planning Application 21/01519/FUL in respect of Land West of Pumping Station, Enborne Row, Wash Water, Enborne. Approval was sought for: 1. Construction of stabling and hard standing; 2. Change of use from agricultural to a mixed agricultural/equestrian use; 3. Soft landscaping scheme.

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- Miss Cheyanne Kirby, Planning Officer, 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 acceptable in planning terms and officers recommended that Subject to the receipt of satisfactory amended drainage information to delegate to the Service Director, Development and Regulation to GRANT PLANNING PERMISSION subject to the conditions listed below OR, in the event that satisfactory additional information on drainage is not provided within 3 months of the date of this meeting (or such longer period as to be agreed in writing by the Development control Manager in consultation with the Chairman of the Committee) to refuse the application for the following reason:

“The application is not accompanied by sufficient information to determine that drainage and flood risk on the site can be addressed through implementation of an adequate strategy of onsite drainage measures. Therefore the application fails to meet with the requirements of the National Planning Policy Framework, Policy CS16 of the West Berkshire local Plan Core Strategy 2006-2026, which requires development to be safe and not increase flood risk elsewhere and to manage surface water in a sustainable manner through the implementation of SuDS, and the recommendations of the West Berkshire Sustainable Drainage Systems (SuDS) Supplementary Planning Document (2018).”

- The Chairman asked Mr Paul Goddard, Team Leader (Highways Development Control), if he had any observations relating to the application. Mr Goddard noted that the application had been refused previously on Highways grounds, and that there was concern over vehicle speeds on the road. However, as the sight lines on the road were very good, there were no Highways concerns on this occasion.
- In accordance with the Council’s Constitution, Mr Sam Eachus, agent, addressed the Committee on this application. The Chairman noted that a representative of the Parish Council had wanted to address the committee on this application, but had missed the notification deadline. Also, he also noted that Ward Member, Councillor James Cole, was unable to attend the meeting.

Agent Representation

- Mr Sam Eachus in addressing the Committee raised the following points:
 - Mr Eachus was present on behalf of the applicant, Mr David Wood.
 - In regards to grazing needs, the guidelines were for horses, not for ponies, and were only guidelines. The size and health of the horse were factors, and the two ponies could get their nutritional needs on the land. Mr Eachus believed
 - In regards to highways, Mr Eachus noted the lack of objections, and that sightlines were very good. The Highway Code does not prohibit children from riding animals on B-roads, and drivers could safely navigate around them. Children would be wearing helmets, in high-visibility clothing, and in the presence of an adult.
 - The road in question was regularly used by equestrians, and it was not uncommon in rural areas.
 - Mr Eachus noted the visual quality of the land after it had been purchased by the applicant, and that the applicant was interested in keeping it visually attractive.

Member Questions to the Agent

- Councillor Andy Moore asked whether the applicant would be willing to accept a condition that limited them to solely keeping ponies on the land. Mr Eachus

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responded that he believed the land was large enough to manage grazing needs for horses as well as ponies, and so such a condition was unnecessary.

Ward Member Representation

7. The Chairman in addressing the Committee as Ward Member raised the following points:
 - The previous application was refused for reasons of overdevelopment of the site, but this had been adequately addressed by virtue of the application being for a larger area of land, and for grazing that was not year-round.
 - Highway safety remained an issue, with vehicles passing the site at speeds of up to the national speed limit, and as the ponies kept would be for children. It remained a primary concern.

Member Questions to the Ward Member

8. Councillor Phil Barnett recalled occasions where the River Enborne had risen to the highest point of the bank, and asked whether it had gone any higher in the vicinity of this site. The Chairman responded that he did not know. He noted that the Highways Drainage Officer had commented and the matter was mentioned in the update sheet.

Member Questions to Officers

9. Councillor Adrian Abbs noted mention of Policy CS15, but he did not know if there was any lighting on the development that would have carbon implications, and that he had not heard anything about biodiversity on the site. Mr Simon Till responded that the proposed development was not liable for BREEAM nor Zero Carbon under the policy. If the applicant was to propose sustainable energy generation then they would be accepted, but they could not be compelled to provide them. Councillor Abbs asked whether the application presented a shortcoming in Policy CS15, to which Mr Till agreed, noting that the policy was written in 2012, and there had been changes in national policy in the period since its adoption. He suggested that this could be addressed within the new Local Plan. Ms Cheyanne Kirby confirmed that Ecology had been consulted, but did not reply on this application. She did not feel that there was not enough in the application to warrant seeking significant biodiversity net gain, and clearing the site of rubbish was considered a benefit. She noted that there was a condition regarding external lighting due to its position on the edge of the AONB and its potential effect on bats.
10. Councillor Phil Barnett noted that the speed limit near to the development was 60 mph, and asked whether there were plans to change it. Mr Goddard confirmed that the national speed limit was in place past the site and had sight lines of 215 metres. He noted that a short distance to the east, the speed limit reduced to 30 mph. He was not aware of any planned changes.
11. Councillor Carlyne Culver asked if there were any concerns related to horse waste, and any arrangement or condition relating to dealing with it, citing concerns about nitrates in watercourses. Mr Till responded that there was a recommended condition in the update sheet relating to storage and disposal of horse waste.
12. Councillor Jeff Cant asked whether the Highways concern related to the safety of the site access rather than safety of riding on the road. Mr Goddard responded that Highways looked at both aspects and considered safety requirements to be met due to the good sight lines.

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13. Councillor Moore asked whether a condition limiting the site to ponies would be feasible. Mr Simon Till responded that he did not believe it was in the remit of Planning to limit which type of animal was kept, and would not be judged reasonable.

Debate

14. Councillor Adrian Abbs opened the debate by noting that Policy CS15 must be taken to account, and that all non-residential developments were required to achieve BREEAM 'Excellent' and be Zero Carbon. Councillor Abbs also questioned whether tidying up the land was beneficial for biodiversity, since undisturbed land brought benefits for wildlife. Mr Till stated that BREEAM did not apply to this building, since it was not designed to accommodate people.
15. Councillor Jeff Cant noted that this was a small rural business wishing to introduce a small change to its business model. He did not believe there was any reason to refuse the application.
16. Councillor Hilary Cole noted that her animal welfare concerns from the previous applications had been addressed by a doubling of the size of the site. She was satisfied with the explanations in relation to BREEAM. She felt that it would be an unreasonable condition to say that only ponies could be kept on the site. She was also content with the explanation from Highways on sight lines and felt that motorists needed to be cognisant of horses.
17. Councillor Phil Barnett agreed that previous concerns relating to animal welfare and the site access had been addressed.
18. Councillor Clive Hooker noted from the site visit that there had been a considerable improvement in the quality of the grass in the original paddock, and he felt that the larger site would be capable of taking two ponies, so his concerns had been addressed. Councillor Hooker noted that there had been a gate at the bottom of the field, which was closer to the bridleway to the west of the site, but Highways had asked for this to be closed off.
19. Councillor Jeff Cant proposed to accept Officer's recommendation and grant planning permission subject to the conditions listed in the main report and update report. This was seconded by Councillor Hilary Cole.
20. The Chairman invited Members of the Committee to vote on the proposal by Councillor Jeff Cant, seconded by Councillor Hilary Cole to grant planning permission. At the vote the motion was carried.

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

Conditions

1. Commencement of development

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

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).

2. Approved plans (updated)

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

Design and Access Statement dated May 2021 received 1st June 2021;

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Block Plan 2515/18 received on 12th July 2021;

Proposed Elevations and Floor Plan 2515/2 received 1st June 2021;

Fencing Details 2515/4 received 28th June 2021;

Location Plan 2515/6 received 22nd June 2021;

Section/Level 2515/5 received 1st June 2021;

Soft Landscaping 2515/38 received 12th July 2021;

Proposed Access Details 2515/7 received 5th August 2021;

Justification Statement KCC3134/pg received 30th September 2021;

Flood Risk Assessment and Drainage Strategy Issue 3 7751 Dated April 2021 received 1st June 2021 [to be updated to reflect additional drainage information once approved by drainage engineer].

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

3. Materials as Specified

The materials to be used in the development hereby permitted shall be as specified on the application form.

Reason: To ensure that the external materials are visually attractive and respond to local character. This condition is imposed in accordance with the National Planning Policy Framework, Policies CS14 and CS19 of the West Berkshire Core Strategy (2006-2026), and the Supplementary Planning Document Quality Design (June 2006).

4. Parking/turning in accord with plans

The use shall not commence until the vehicle parking have been surfaced, and provided in accordance with the approved plan(s). The parking shall thereafter be kept available for parking (of private motor cars and/or light goods vehicles) at all times.

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

5. Access Closure with reinstatement

The existing western vehicular access at the site shall be stopped up and abandoned immediately after the eastern access hereby approved has been brought into use.

The verge shall, at the same time as the stopping-up and abandonment, be reinstated to the satisfaction of the Local Planning Authority.

Reason: In the interest of road safety and highway maintenance. This condition is imposed in accordance with the National Planning Policy Framework and Policy CS13 of the West Berkshire Core Strategy (2006-2026).

6 Environment Agency

No drainage systems for the infiltration of surface water to the ground are permitted other than with the written consent of the local planning authority. Any proposals for

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such systems must be supported by an assessment of the risks to controlled waters. The development shall be carried out in accordance with the approved details.

Reason: To ensure that the development does not contribute to, and is not put at unacceptable risk from or adversely affected by, unacceptable levels of water pollution caused by mobilised contaminants. This is in line with paragraph 170 of the National Planning Policy Framework.

7. SUDS (Updated)

The development shall not be brought into use until drainage measures have been implemented in accordance with the details shown on drawing numbers [to be agreed by the drainage engineer prior to approval being granted]. The drainage measures shall be maintained and managed in accordance with the approved details thereafter.

Reason: To ensure that surface water will be managed in a sustainable manner. This condition is imposed in accordance with the National Planning Policy Framework, Policy CC1, CC2 and NRM4 of the South East Plan (May 2009), Policy CS16 of the West Berkshire Core Strategy (2006-2026), and Part 4 of Supplementary Planning Document Quality Design (June 2006).

8. Landscaping

All landscape works shall be completed in accordance with the submitted plans, ref: Soft landscaping –planting schedule ref: 2515/38 received on 12th July 2021. The approved landscaping plan shall be implemented within the first planting season following completion of development.

Any trees, shrubs or hedges planted in accordance with the approved scheme which are removed, die, or become diseased within five years from completion of this development shall be replaced within the next planting season by trees, shrubs or hedges of a similar size and species to that originally approved.

Reason: Required to safeguard and enhance the character and amenity of the area, to provide ecological, environmental and bio-diversity benefits and to maximise the quality and usability of open spaces within the development, and to enhance its setting within the immediate locality. This is to ensure the implementation of a satisfactory scheme of landscaping in accordance with the NPPF and Policies ADPP1, ADPP5, CS14, CS17, CS18 and CS19 of the West Berkshire Core Strategy 2006-2026.

9. Private equestrian use only

Irrespective of the provisions of the Town and Country Planning (Use Classes) Order 2015 (as amended) (or an order revoking and re-enacting that Order, with or without modification), the application site area permitted shall only be used for private recreational equestrian purposes and shall not be used for any other purpose including commercial riding, breeding, training or liveryes.

Reason: In the interests of amenity. This condition is imposed in accordance with the National Planning Policy Framework, Policies CS14 and CS19 of the West Berkshire Core Strategy (2006-2026), Policy ENV.29 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007) and the Supplementary Planning Document Quality Design (June 2006).

10. Number of horses

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No more than 2 horses shall be stabled on the site at any one time and additional horses shall not be bought onto the site at any one time.

Reason: To limit the level of activity on the site as a means to protect the rural character of the area due to the limit amount of land available. This condition is imposed in accordance with the National Planning Policy Framework, Policies CS14 and CS19 of the West Berkshire Core Strategy (2006-2026), and Policy ENV.29 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).

11. Use of stables

No trade, business or commercial use of any kind shall be carried out from the stables and parking area permitted in this scheme.

Reason: In the interests of amenity. This condition is imposed in accordance with the National Planning Policy Framework, Policies CS14 and CS19 of the West Berkshire Core Strategy (2006-2026), and Policy ENV.29 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).

12. Manure/waste skip (Additional)

The waste skip shall be kept covered at all times except to allow loading in order to prevent rainwater ingress so as to reduce risk of contaminated liquid leaking out.

Reason: To ensure that no contaminated liquid escapes in order to prevent pollution into the ground and nearby river. This condition is applied in accordance with the National Planning Policy Framework, Policies ADPP1 and CS16 and CS17 of the West Berkshire Core Strategy 2006-2026, and Sustainable Drainage Systems SPD (2018).

Informatives

1. DEC3 - This decision has been made in a positive way to foster the delivery of sustainable development having regard to Development Plan policies and available guidance to secure high quality appropriate development. In this application whilst there has been a need to balance conflicting considerations, the local planning authority has secured and accepted what is considered to be a development which improves the economic, social and environmental conditions of the area.
2. HI 3 - The attention of the applicant is drawn to the Berkshire Act, 1986, Part II, Clause 9, which enables the Highway Authority to recover the costs of repairing damage to the footway, cycleway or grass verge, arising during building operations.
3. HI 4 - The attention of the applicant is drawn to the Highways Act, 1980, which enables the Highway Authority to recover expenses due to extraordinary traffic.

(2) Application No. and Parish: 21/01038/HOUSE, 1 Croft Road, Newbury Wash Common

(Councillor Adrian Abbs declared a personal interest in Agenda Item 4(2) by virtue of the fact that it was situated within his ward. As his interest was personal and not prejudicial or a disclosable pecuniary interest, he determined to remain to take part in the debate and vote on the matter.)

(Councillors Phil Barnett and Andy Moore declared a personal interest in Agenda Item 4(2) by virtue of the fact that they were members of the Planning and Highways Committee on Newbury Town Council. As their interests were personal and not prejudicial or a disclosable pecuniary interest, they determined to remain to take part in the debate and vote on the matter.)

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(Councillors Adrian Abbs, Phil Barnett, Jeff Cant and Carlyne Culver declared that they had been lobbied on Agenda Item 4(2).)

21. The Committee considered a report (Agenda Item 4(2)) concerning Planning Application 21/01038/HOUSE in respect of 1 Croft Road, Newbury Wash Common. Approval was sought for a two storey extension to the side and a single storey extension to the rear.
22. Mr Masie Masiwa, Senior Planning Officer, 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 acceptable in planning terms and officers recommended that the Service Director – Development and Regulation be authorised to grant planning permission, subject to the conditions outlined in the main and update reports.
23. The Chairman asked Mr Paul Goddard, Team Leader (Highways Development Control), if he had any observations relating to the application. Mr Goddard stated that Highways were satisfied that the three car parking spaces in front of the property would be maintained.
24. In accordance with the Council's Constitution, Mr Nigel Foot, Newbury Town Council, Mr Graham Coldman and Mr Colin Gillah, objectors, Mr Jonathan Jarman, agent, and Mrs Karen Redford, applicant, addressed the Committee on this application.

Town Council Representation

25. Mr Nigel Foot, Newbury Town Council, in addressing the Committee raised the following points:
 - The application had come before the Town Council's Planning and Highways Committee on 1 June 2021. On that occasion, the Town Council did not comment on the application due to the conflicting information from the applicants and the neighbours, and felt that it should be decided by the Planning Officers, acknowledging the real concerns of neighbours.
 - He had attended the site visit on 7 October 2021. The main concern with the site was the topography. The properties at 37 and 39 Wendan Road were considerably lower than the property at 1 Croft Road.
 - The architect's model shown at the site visit had been useful in getting an impression of the mono-pitch roof.
 - The view of the Town Council was that the Planning Officers should decide. He noted that Officers had no objections, subject to the implementation of the stated conditions. However, Mr Foot believed that the proposed roof was too high, and should be reduced.

Member Questions to the Town Council

26. Councillor Adrian Abbs asked why the Town Council believed the roof was too high. Mr Foot responded that it was his perception from the site visit that it was too high, and that the light survey had not indicated cause for concern. He was particularly concerned about the view from 39 Wendan Road.
27. Councillor Hilary Cole noted that Mr Foot had expressed his personal views rather than those of the Town Council in relation to the height of the roof. Councillor Abbs responded that Mr Foot was present to express an opinion on behalf of the Town Council, and that was what he had said.

Objector Representation

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28. Mr Graham Coldman in addressing the Committee raised the following points:

- Mr Coldman had no objection to the owners of 1 Croft Road extending their home to meet their needs. However, he objected to the design of the proposed extension, which he believed did not follow the guidelines set out in the Supplementary Planning Guidance, and would adversely affect the lives of those in neighbouring properties.
- The rear extension was over seven metres long and he did not believe that it was not subservient to the main house, and it would unnecessarily endanger a mature tree at 39 Wendan Road.
- The mono-pitched roof was effectively a first floor extension, and was 4.8 metres tall with an effective height of 6m relative to his living room. It would project above the fence and would be overbearing on neighbouring properties.
- Proposed west-facing windows were far less than the 21 metres distance from neighbouring rear-facing windows, and may be over the fence line.
- He felt that amending the design to meet the SPG would not greatly hinder the provision of improved access on the ground floor as sought by the applicant.

29. Mr Colin Gillah in addressing the Committee raised the following points:

- He was a Fellow of the Royal Institution of Chartered Surveyors and had been practising in the area for over 25 years.
- The owners of 3 Croft Road were the closest neighbours, and would be most greatly affected by the development. He called on the Committee to refuse the application.
- The extension was over seven metres long, and was described as single-storey, but the design included a five metre long continuous glazing at first-floor level, facing 3 Croft Road. The extension height rose to 4.8m and the flat roof section was 2.8m high and just over 1m from the boundary fence with windows projecting above the fence. In the space between the extension and the boundary, a new window was proposed in the rear wall of the house, which would also be higher than the fence. The glazing would reduce privacy and add to light pollution, impacting on the residential amenity of the neighbours, as evidenced at the site meeting.
- The Supplementary Planning Guidance on house extensions appeared to have been ignored, specifically in relation to the effect on neighbouring properties and the lack of sunlight and daylight. A single storey extension should not project beyond a line drawn 60° from the middle of the neighbour's nearest ground floor window, but this extended to 70°. Due to the glazing at first floor level, the extension should be considered as two-storey, which would limit its projection to 45°, but the proposal extended to 48°. This meant that if failed to satisfy the requirements of the SPG on both ground and first floor levels.
- The applicant relied on a specialist's report, which argues there will be no significant loss of sunlight, but this report stated that there would be an 18% loss of sunlight, 20% in the winter. He considered this to be a significant figure, making the living room of the neighbouring property darker.
- The proposal to extend the fencing represented an increase of 20 inches, which would affect the residential amenity of the neighbouring property.

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- He also had other reservations about the design of the proposal and its dominating nature, and expressed concern about incorrect dimensions.
- He urged Members to refuse the application.

Member Questions to the Objectors

30. Councillor Abbs noted Mr Gillah's concerns about the height of the proposed extension and asked whether he would reach the same conclusion if there was a flat roof. Mr Gillah responded that the projection of the building, the proximity of the boundary and the height of the windows would still be very close to his client's property and would be dominating.

Applicant and Agent Representation

31. Mrs Karen Redford, applicant, in addressing the Committee raised the following points:
- Mrs Redford explained that she had suffered from rheumatoid arthritis for 25 years and had undergone joint replacement surgery and had periods of wheelchair use.
 - When her family had moved into the house 6 years ago, they had noted that a number of extensions had been built on properties in the area, including the immediate neighbour. They had believed that if they needed an extension, it would be relatively simple since a precedent existed for a single-storey extension next-door.
 - She was now suffering with heart failure and needed to reorganise the ground floor of the property and create an accessible bathroom, since she found it extremely difficult to get upstairs to use the first floor bathroom.
 - She did not feel that they were asking for anything extraordinary or that had not already been done. She was simply seeking extra space to accommodate her current needs and improve her quality of life, as well as future-proofing the property to meet her anticipated health needs.
32. Mr Jonathan Jarman, agent, in addressing the Committee raised the following points:
- The proposed extension was a necessary improvement and was needed to secure Mrs Redford's health, safety and comfort.
 - No objection had been made to the principle of development and officers recommended approval.
 - Concerns had been raised in respect of design and amenity impacts.
 - The design of the proposed side-extension was similar to that of the adjoining house, it was in keeping with the local form, and benefitted the pair of semi-detached houses.
 - The proposed rear extension was less conventional due to its proposed roof form, but that was not the same as harm. It would project 7m from the back of the house and 6m from the rear of the kitchen. It would only be 1.7 metres beyond the neighbouring extension. It was stepped in from the shared boundary and at its closest point measured 2.8m in height, As such, it was only partially visible above the fence line and not to the extent that it would be harmful.
 - Concern had been raised about light-spill and overlooking from the side element of the roof towards 3 Croft Road, but the windows were above head height and could not reasonably be considered to have an impact.

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- Windows on the side elevation facing properties on Wendan Road were also stepped in from the boundary and the height of the windows would be 1.7m, so would be below the fence line. There was also separation between the property and 39 Wendan Road via the 10m garden.
- A professional report into impacts on daylight and sunlight amenity had been commissioned and concluded that there would be sufficient safeguarding of daylight and sunlight for neighbouring properties.
- In conclusion, the proposal would have an acceptable impact on the character of the area and would not have a significant adverse impact on residential amenity of neighbouring properties. Therefore, he urged the Committee to accept Officers' recommendation.

Member Questions to the Applicant and Agent

33. Councillor Howard Woollaston asked why the application had been made with such a high roof. He believed that the side extension itself would not raise objections and noted that it mirrored that of the neighbouring extension. He also felt that the rear extension was similar to others in the local area, but the height of the mono-pitch roof concerned him. Mrs Redford responded that the designer had been tasked with proposing something that was aesthetically beautiful, and that sunlight was needed in the extension, which would be difficult without the mono-pitch roof due to proximity of other windows to the boundary fence.
34. Councillor Abbs asked if the numbers in the light report were based on the present application. Mr Jarman responded that they were.

Ward Member Representation

35. Councillor David Marsh in addressing the Committee raised the following points:
- Councillor Marsh was supportive of the application.
 - He had visited nearby properties and listened to the concerns of neighbours, but, taking everything into account, believed that the application had adequately addressed the concerns raised.
 - He believed the design to be attractive, as well as addressing the long-term needs of the Redford family.
 - The proposal would lead to an improvement to the front aspect of the property, matching the extension of No. 3, while still retaining the required parking.
 - The rear extension was a subjective matter. Objectors did not like the design, but Councillor Marsh did like it and considered it an improvement on the existing garage. Windows that currently overlooked adjacent properties would be lost as part of the development. He did not consider it intrusive.
 - In terms of loss of sunlight and daylight, there would be a minimal effect on neighbouring properties.
 - Most of the features of the proposal had been designed to meet the needs of Mrs Redford and her family, including wheelchair access and an upgraded ceiling structure to enable a hoist to be installed.
 - Councillor Marsh believed that the Council should be proud to support such an imaginative design that would transform the lives of the Redford family, without having a significant adverse impact on amenity for adjacent properties.

Member Questions to the Ward Member

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36. Members did not have any questions of clarification.

Member Questions to Officers

37. Councillor Jeff Cant agreed that the principle of the extension was fine, but the roof was unusual in design and a matter of taste. He asked if there was any specific Planning grounds to refuse planning permission based on the design of the roof. Mr Masie Masiwa responded that the design was contemporary, but not unusual, and that it was functional in terms of allowing light into the space. The mono-pitch roof was considered better than an expansive flat roof extension. The maximum height of the roof would be 4.2m and the roof sloped away from the boundary with the properties on Wendan Road, so Planning did not consider there to be a significant adverse impact on the neighbouring properties that would warrant refusal of planning permission.
38. Councillor Carolyn Culver asked whether the foundations of the proposed extension would impact on the neighbouring fencing. Mr Simon Till responded that this was not a material planning consideration and was a matter that was covered by Party Wall Act and Building Regulations and so was outside of the remit of Planning.
39. Councillor Andy Moore asked if the fence to the west was part of the planning application, and if so was the fence height covered in the conditions. Mr Masie Masiwa responded that it was not part of the application, although there was a proposal to partly replace the fence to the east, and the applicant had proposed a new fence on their side of the boundary. Councillor Moore asked if maintenance of the fence between the property and neighbouring properties on Wendan Road could be the subject of a condition. Mr Masiwa confirmed that there would be no issue with overlooking so long as the fence was maintained and there was no reason to believe that the fence would be removed. Mr Simon Till responded that the owner of the neighbouring properties would have every right to maintain the boundary of their property.

Debate

40. Councillor Abbs opened the debate by stating that the Committee fully sympathised with Mrs Redford's position, but he was also mindful that there were concerns expressed by neighbours. He noted that one reason for the height of the roof was to let light into the extension, but suggested that there were other ways to achieve this, without introducing challenges for neighbours. He indicated that the style of the proposal was not in keeping with the area and there were other flat-roofed extensions in the area. He suggested that it was challenging to accept the application.
41. Councillor Hilary Cole stated that the design of the application could not be changed 'on the fly'. She stated that the Committee was being asked to arbitrate in a neighbour dispute, and that this could have been determined by officers. She liked the design, but acknowledged that this was subjective. From the front, she felt that the side extension would balance the properties. She considered that the issue of fencing was not relevant and owners could plant trees and shrubs that would grow higher than 2m.
42. Councillor Clive Hooker had no issue with the side extension. He acknowledged that the wall would be on the property boundary, but that was not a planning matter. He had some sympathy with the concerns of neighbours at No. 3 Croft Road regarding the roof and glazing. He also sympathised with the neighbour at No. 39 Wendan Road, which was much lower, and the roof of the proposed extension would cover most of their garden. He believed that it was an unnecessary elevation, and that it would cause harm to the neighbouring properties. He considered that options such

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as roof lanterns or setting the wall back from the boundary would help to address concerns. He felt that it would cause harm to neighbours at NO. 29 Wendan Road.

43. Councillor Phil Barnett noted that the second site meeting had allowed consideration of the impact of the proposed development on neighbouring properties, which put a different complexion on the application. Councillor Barnett believed that the neighbouring properties on Wendan Road would be affected by the closeness of the boundary and the sunlight impact. He did not consider there would be significant sunlight impacts on No. 3 Croft Road, but there would still be a visual impact. However, he also noted that there was a necessity for the application with clear benefits for the residents. He indicated that his vote was very much in the balance.
44. The Chairman appreciated that it was a subjective issue. He acknowledged the impact on neighbouring properties, but felt that the slope of the roof would reduce this.
45. Councillor Howard Woollaston did not believe this was the right place for modern architecture, and felt that the design had been proposed on a whim. He appreciated the applicant's medical issues and had no problem with the proposed footprint of the extensions, but he considered the roof to be unacceptable.
46. Councillor Jeff Cant reiterated the point made by Mr Masiwa, that officers saw no valid planning grounds to reject the application on design grounds. Councillor Cant asked that if the application was refused, valid planning reasons needed to be given.
47. Mr Till clarified that officers had given a view that the development would meet the requirements of the SPG and Policy CS14 in terms of quality design. If the Committee took an alternative view from the officers on this matter, design could be a material planning consideration for doing so.
48. The Chairman invited Members of the Committee to vote on the proposal by Councillor Hilary Cole, seconded by Councillor Jeff Cant to grant planning permission. At the vote the motion was carried.

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

Conditions

1. Commencement of development

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

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).

2. Approved Plans

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

Drawing numbers: 12; 13; 16; 18 received 14th April 2021

Amended Drawing numbers: 2A; 11; 14; 15; 17; received 30th July 2021

Plan with Fence Details received 14th April 2021

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

3. Materials

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The materials to be used in the development hereby permitted shall be as specified on the plans and the application form. Where stated that materials shall match the existing, those materials shall match those on the existing development in colour, size and texture.

Reason: To ensure that the external materials respect the character and appearance of the area. This condition is applied in accordance with the National Planning Policy Framework, Policy CS14 and CS19 of the West Berkshire Core Strategy (2006-2026), Supplementary Planning Guidance 04/2 House Extensions (July 2004), and Supplementary Planning Document Quality Design (June 2006).

4. No further openings on western elevation

Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking, reenacting or modifying that Order with or without modification), no windows or dormer windows (other than those expressly authorised by this permission) which would otherwise be permitted by Schedule 2, Part 1, Classes A, B and C of that Order shall be constructed above ground floor level on the western elevation of the extension hereby permitted, without planning permission being granted by the Local Planning Authority on an application made for that purpose.

Reason: To prevent overlooking of the neighbouring dwellings on Wendan Road, in the interests of safeguarding the privacy of the occupants. This condition is applied in accordance with the National Planning Policy Framework, Policy CS14 of the West Berkshire Core Strategy (2006-2026), Quality Design SPD (2006) and House Extensions SPG (July 2004).

5. Use of flat roof

The flat roof area of the rear extension hereby permitted shall not be used as a balcony, roof garden or similar amenity area.

Reason: To prevent the overlooking of the neighbouring property at 3 Croft Road, in the interests of safeguarding the privacy of the occupants. This condition is applied in accordance with the National Planning Policy Framework, Policy CS14 of the West Berkshire Core Strategy (2006-2026), Quality Design SPD (2006) and House Extensions SPG (July 2004).

6. Hours of work

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

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

8:30am to 1:00pm Saturdays;

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

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

Informatives

1. This decision has been made in a positive way to foster the delivery of sustainable development having regard to Development Plan policies and available guidance to secure high quality appropriate development. In this application whilst there has been a need to balance conflicting considerations, the local planning authority has secured

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- and accepted what is considered to be a development which improves the economic, social and environmental conditions of the area.
2. - To ensure that the trees, which are to be retained, are protected from damage, ensure that all works occur in a direction away from the trees.
 - In addition that no materials are stored within close proximity i.e. underneath the canopy of trees to be retained.
 - Ensure that all mixing of materials that could be harmful to tree roots is done well away from trees (outside the canopy drip line) and downhill of the trees if on a slope, to avoid contamination of the soil.
 - To ensure the above, erect chestnut pale fencing on a scaffold framework at least out to the canopy extent to preserve rooting areas from compaction, chemicals or other unnatural substances washing into the soil.
 - If this is not possible due to working room / access requirements The ground under the trees' canopies on the side of construction / access should be covered by 7.5cm of woodchip or a compressible material such as sharp sand, and covered with plywood sheets / scaffold boards to prevent compaction of the soil and roots. This could be underlain by a non permeable membrane to prevent lime based products / chemicals entering the soil.
 - If there are any existing roots in situ and the excavation is not to be immediately filled in, then they should be covered by loose soil or dry Hessian sacking to prevent desiccation or frost damage. If required, the minimum amount of root could be cut back to using a sharp knife.
 - If lime based products are to be used for strip foundations then any roots found should be protected by a non permeable membrane prior to the laying of concrete.
 3. You are reminded of your duties under the Party Wall Act 1996. You are legally required to tell your neighbour if you want to: (1) build on or at the boundary of your two properties, (2) work on an existing party wall or party structure, or (3) dig below and near to the foundation level of their property. Your neighbours can't stop you from making changes to your property that are within the law, but they can affect how and when your works are carried out. Procedures under this Act are separate from the need for planning permission and for building regulations approval. Further guidance is available at: <https://www.gov.uk/party-walls-building-works/work-tellyour-neighbour-about>

(3) **Application No. and Parish: 20/01264/FULMAJ, Fognam Farm, Upper Lambourn**

(The Chairman and Councillor Howard Woollaston declared that they had been lobbied on Agenda Item 4(3).)

49. The Committee considered a report (Agenda Item 4(3)) concerning Planning Application 20/01264/FULMAJ in respect of Fognam Farm, Upper Lambourn. Approval was sought for Equine pre-training, rest, rehabilitation and recuperation facility for racehorses, including removal of existing building, erection of new three bedroom managers house, garage store building with overnight/temporary accommodation above, conversion of existing building to form 28no. stables, new horse walker, new lunge pen, all weather turn out and canter track and associated parking and landscaping.
50. Mr Masie Masiwa, Senior Planning Officer, 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 acceptable in planning terms and officers recommended that the Service Director – Development

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and Regulation be authorised to grant planning permission, subject to the conditions outlined in the main and update reports.

51. The Chairman asked Mr Paul Goddard, Team Leader (Highways Development Control), if he had any observations relating to the application. Mr Goddard stated that the access was sufficiently wide, and sight lines on to the B-road were satisfactory. Speed surveys near the site access found that travel to the east required 126 metres of sight, and 123 were provided, and travel to the west required 118 metres of sight, and 110 were provided. This is considered insufficient, but not significant enough to cause an issue. Also, traffic generation was not considered significant enough to cause an issue.
52. In accordance with the Council's Constitution, Ms Vicky Rieunier, Hungerford Town Council, Mr Charles Lochrane, objector, and Mr James Fraser, agent, addressed the Committee on this application.

Parish Council Representation

53. Ms Vicky Rieunier, Lambourn Parish Council, in addressing the Committee raised the following points:
 - Lambourn Parish Council was objecting on the basis that there were not adequate protections in place for the North Wessex Downs AONB and the Fognam Chalk Quarry SSSI, and there was a lack of information regarding the site (e.g transport survey and design and access statements).
 - Natural England's consultation response stated that the AONB partnership or conservation board should be consulted. However, the document provided to the Committee did not contain any such consultation response, although she was aware that the AONB had had responded and raised concerns that had not been addressed.
 - The NPPF stated that great weight should be given to conserving landscape and scenic beauty in AONBs, and also that the Committee were required not only weigh all material considerations in a balanced manner, but to refuse an application unless there were exceptional circumstances and it can be demonstrated that despite giving great weight to conserving the landscape and scenic beauty in the AONB, the development was in the public interest.
 - The application should be considered a major development, and the, Parish Council believed that the policy tests relating to exceptional circumstances had not been satisfied, including assessment of alternative circumstances. Additionally, it had not been demonstrated that the development was in the public interest.
 - Substantial rationale should be provided in the event that the application was approved for development.
 - A previous application had been agreed, but was not developed. The Parish Council requested that a similar condition be imposed regarding temporary accommodation for staff and managers for a maximum of three years. The Parish Council asked that a similar condition be applied to this application in the event that it was approved.
 - A statement justifying the use of outdoor lighting for the intended purpose, and steps taken to reduce impact, should be provided considering the proposal of outdoor lighting in a Dark Skies area.
 - The Parish Council had a major concern in relation to the significant increase in traffic. This would be an issue due to poor visibility and blind bends, and large

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horse transporters would need to come almost to a stop to make the turn. Drivers take these bends quickly, and there was the potential for serious accidents.

- A pre-training yard was not for horses that were actively racing, but was designed to get young horses used to being saddled. It would not need access to specialist facilities, such as gallops, and so it could be located anywhere. There were no extenuating circumstances requiring it to be placed at this site in the AONB next to the SSSI.
- The Parish Council considered the development to be unsuitable and the harm done to the AONB was not outweighed by other considerations. They urged Members to reject the application.

Member Questions to the Parish Council

54. Councillor Hilary Cole noted that the Parish Council had put a lot of emphasis on the AONB and SSSI, but asked whether they had given consideration to Policy CS12. Ms Rieunier confirmed that they had.
55. Councillor Hilary Cole then asked whether the Parish Council was more supportive of the AONB than the horse racing industry. Ms Rieunier responded that the Parish Council had, and had taken a balanced approach. They felt in this case that the AONB should be an important consideration.
56. Councillor Hilary Cole indicated that she would be very surprised if the Planning Officers had neglected to report comments by the AONB, and it was not unusual for them not to comment on planning applications.

Objector Representation

57. Mr Charles Lochrane in addressing the Committee raised the following points:
 - Mr Lochrane explained that he was a Fellow of the Royal Institution of Chartered Surveyors specialising in commercial development for over 40 years.
 - He had highlighted many errors relating to the technical reports for this proposal.
 - The Transport Statement and Access Design were particularly concerning and Mr Lochrane regarded them to be dangerous. The document used 40 year old traffic movement assumptions, and traffic data from the middle of winter three years ago when speeds would be reduced. It produced an access design acknowledged to be inadequate, but was accepted by Highways due to the small number of traffic movements. This ignored the fact that, a significant number of these traffic movements would be slow-moving horse transports.
 - Visibility displays in the designs were acknowledged as inadequate, but had been accepted due to the flawed traffic data.
 - Compliance with Condition 17 relating to traffic would be impossible due to the fact that roads mentioned are either public highways or not under the ownership of the applicant.
 - The Transport Statement denied that Fognam Corner was a blind bend when it clearly was.
 - The agent's justification report had been redacted, and required a Freedom of Information request in order to extract the information. The pre-application advice had been that the application needed to be supported by a strong business case, demonstrating need, financial viability and justifying any accommodation. No strong business case had been made. The agent had made a strong equine

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management case but had failed to provide a justification for such a specialist equine management facility two miles outside of the village, when there were alternatives on the market within the village.

- The business projections were based on an assumption of 100% occupancy, and estimated a net profit of £35,000. However, there was no provision for cost of capital, site costs or an equity return, and it significantly underestimated the business rates and rental costs. These changes would eliminate any potential profits and would result in a substantial loss.
- Mr Lochrane had presented his own financial appraisal of the business case to Planning Officers. He estimated the cost of developing the facility to be £1.9 million. Taking the applicant's forecast at face value, the business would make a loss of £100,000 before any return on equity. Therefore the application had failed to provide a robust business case.
- He also highlighted errors and omissions in the Officer's recommendation. The report stated that that no comment had been received from the North Wessex Downs AONB, but they had confirmed that concerns had been raised by their team in relation to the position of the canter track, the level of the external lighting and the size of the manager's house. The report indicated that the house had been reduced in size as part of the redesign, but it had actually increased in size from 1,800 sq.ft to 2,200 sq.ft.
- Moving staff accommodation to the permanent flat over the garage had increased residential accommodation by over 45% and there was no mention of the existing asbestos issues and there were legal duties around its management and disposal. Existing conditions were inadequate in this respect and he proposed a separate condition to cover this.
- He suggested that Conditions 4 and 5 must be covered by a S106 Agreement.
- He noted that the applicant had indicated that all technical and design issues had been addressed sufficiently to satisfy policies, but many significant deficiencies remained and neighbours did not share Officers' confidence. Other objectors were concerned about an unwarranted and unjustified incursion into the AONB and the precedent this would set. There was no support for this application from the community.
- He suggested that Planning needed to balance economic desirability with other factors and planning policy was there to guide rather than regulate.

Member Questions to the Objector

58. Members did not have any questions of clarification.

Agent Representation

59. Mr James Fraser in addressing the Committee raised the following points:

- The application was a result of detailed discussions with Planning Officers, and significant work had been undertaken to address concerns that had been raised, resulting in significant changes from the original pre-application submission.
- Changes to the house design had been made to reflect comments and reduce impact on the North Wessex Downs AONB.
- Changes to the staff accommodation had been made, reducing the number of units on the site.

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- The canter track had been reoriented.
- A number of ecological and landscape improvements had been proposed to ensure a biodiversity net gain, including tree and hedgerow planting, bat and bird nesting boxes, and a wild meadow planting. This provided a one hectare buffer between the site and the SSSI.
- A detailed external lighting design had been provided to ensure compliance with the Dark Skies policies and retain dark corridors for wildlife. No lighting was proposed for the canter track.
- A revised surface water drainage scheme and strategy had been proposed to address concerns regarding ground water flooding and ensure that a robust SuDS scheme was provided.
- All aspects of the scheme had been reviewed by representatives of the Council, AONB, Natural England, Environment Agency and Thames Water. Following the changes, all consultees found the application acceptable.
- The number of local residents who had raised objections had reduced, with one direct neighbour withdrawing their objection.
- The proposal was supported by the Jockey Club and the Lambourn Racehorse Trainers' Association, since it supported the local racehorse industry in line with Policy CS12.
- Officers had proposed a significant number of conditions, which was not uncommon and provided the Council with necessary reassurance and control to ensure the scheme would be delivered as intended.
- During the site visit, a number of points had been made regarding ecology and sustainability. Working with the Council's Ecologist, a scope for ecology, landscape and habitat improvements that met or exceeded policy requirements. The development was not covered by existing Council policies on sustainability but the residential elements would be comply with the latest building standards to control energy consumption and generation. Elsewhere, an existing barn would be reused and this could potentially accommodate solar panels.
- The revised proposal was felt to be a better, more integrated scheme than the original.

Member Questions to the Agent

60. Councillor Adrian Abbs asked whether Policy CS15 had been addressed within the application. Mr Fraser responded that the commercial element did not fall within the scope of Policy CS15, but the residential element would comply with Policy CS15, and that they would be willing to achieve a Zero Carbon standard. Mr Simon Till noted that there is an absence of national policy requiring sustainable energy for minor residential development, and that the request made by Councillor Abbs went further than Policy CS15's requirements. Councillor Abbs accepted that, noting that he had merely asked the agent whether they were aware and willing to follow the intent of Policy CS15.

Ward Member Representation

61. Councillor Howard Woollaston in addressing the Committee raised the following points:

- He felt it to be a finely balanced decision.

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- He had been lobbied heavily by the applicant and local objectors, and sought to set out the advantages and disadvantages for the Committee.
- On advantages, Lambourn was the second most important racecourse training area in the UK, with 1,800 horses under training. It provided £25 million to the local economy, and was the ward's most significant employer. The existing semi-derelict barn was considered to be an eyesore, and the proposed development would improve its appearance. The access proposed would be greatly improved, and protected the SSSI.
- On disadvantages, there was not a proven business case, noting that the location of the development was some distance from the main training grounds. There would be a significant noise and appearance impact on local residents, and a danger of increased light pollution in a Dark Skies area and it was within the AONB.
- North Wessex Downs AONB Team was seriously under-resourced, and so the lack of a formal objection should not lead to the conclusion that there were no concerns.
- He was concerned about the sight line issue, noting that there were two blind bends in the road with high traffic speeds. A horse box turning in or out of the site could be extremely dangerous.
- The applicant had gone to great effort to address issues that have been raised with the application (e.g. run-off, odours, removal of horse dung and access issues).
- He expressed doubt about the business case and suggested that it may be a Trojan horse for residential development in the AONB. If the application was approved, he advocated stringent conditions to ensure the residential development was tied to the equestrian use, such that if the equestrian use cease, so should the residential use.
- He expressed his disappointment that set operating hours could not be secured.
- He concluded by noting that it was a highly controversial application.

Member Questions to the Ward Member

62. Members did not have any questions of clarification.

Member Questions to Officers

63. Councillor Carolyne Culver noted that economic benefits of planning applications would be considered, and asked whether officers were convinced that there was a proven business case and clear need for the facility. Mr Masiwa responded that they were convinced by the business case. The Jockey Club had been consulted and Lambourn Trainers' Association had written a letter of support. The applicant had agreed to publishing details of the business case, which justified the application and demonstrated the need for the facility. Officers had to consider the application in accordance with the Development Plan - the racehorse industry was covered by three policies. These indicated that this was an acceptable use within the AONB and Policy CS12 stated that Planning Officers should consider favourably any application that would support the industry.
64. The Chairman asked if the application stopped the land from being used as a working farm. Mr Masiwa responded that the farm could continue to be used, and noted that previous applications for equine uses had been approved, but had not

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been implemented. He also noted that Highways Officers were not concerned about the impacts of movements to and from the site, since existing uses and numbers of trips were similar.

65. Councillor Hilary Cole asked whether any AONB representation had been received. Mr Masiwa responded that no formal representation had been received. Correspondence had been received from objecting residents, who had been in contact with the AONB Team. These suggested that the AONB Team had concerns, but a request for formal representation had not been answered.
66. Councillor Clive Hooker noted that applications to redevelop redundant farm land had conditions to maintain the barns, and asked why the proposal to knock down a barn on this site was being supported by Officers. Mr Till responded that there was a specific policy regarding re-use of redundant agricultural buildings, but there was a separate policy regarding delivery of horse riding, livery and facilities for the horseracing industry. As it was not solely a residential application, different considerations applied.
67. Councillor Phil Barnett asked if proper signage denoting the possibility of horse boxes or HGVs could be part of the conditions to address highway safety issue. Mr Paul Goddard responded that it was his view that signage was unnecessary, and advice would need to be taken from Traffic Management. He suggested that they would not be required because few vehicles were expected to turn in and out of the site, the site had previously been a farm which would potentially have had more associated movements, and the access to the site would be widened by the development. Councillor Barnett accepted Mr Goddard's recommendation.
68. Councillor Adrian Abbs asked if the residential portion of the development was larger or smaller than in the previous application. Mr Masiwa responded that it was smaller than when the application was originally submitted. Concern had been raised about the size of the original dwelling, and it had since been reduced.
69. Councillor Adrian Abbs asked if flood zone sequential testing was necessary. Mr Masiwa responded that it was in Flood Zone 1, and so sequential testing was not required - sites in Flood Zones 2 or 3 that were considered more vulnerable would be subject to sequential tests.
70. Councillor Adrian Abbs referred back to Policy CS15. He noted that the Code for Sustainable Homes had been abolished, but noted that the policy referred to an 'equivalent method' for ensuring that Zero Carbon was achieved. Mr Till responded that the advice for the Policy Officer was that the request could not be made for a single residential unit. Councillor Abbs responded that the proposal contained additional accommodation, and so should not be considered a single residential unit. Mr Till responded that it was not permanent residential accommodation, and so did not qualify.

Debate

71. Councillor Jeff Cant opened the debate by stating that it was a finely balanced report. He felt that a development which would improve the appearance of the area would not cause an issue with the AONB. He also believed that applications which improved the horse racing industry should be considered favourably. He considered that it was not for the Committee to judge a business case if the applicant was willing to put up money to deliver their business plan. He also did not believe it was a 'Trojan horse' for additional development, since there were sufficient constraints that would prevent the developer from using the accommodation for anyone other than an employee. As such, he was inclined to support the application.

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72. Councillor Adrian Abbs stated that the presentation from the Parish Council was very persuasive and showed clear understanding of the Council's policies. He also felt that the Objector had made a strong case. Councillor Abbs additionally believed that Policy CS15 was not being applied to the application due to a technicality, and that it should be tested at appeal. He noted that the applicant was unwilling to follow the spirit of Policy CS15. Councillor Abbs accepted the argument in terms of supporting jobs, but noted that there were alternative sites available. As a result, he was not prepared to support the application.
73. Councillor Carlyne Culver, noted the condition preventing construction of the accommodation until after the equestrian facilities were completed. However, she pointed out that accommodation was required for staff to care for the horses and asked if the condition was reasonable.
74. Councillor Hilary Cole indicated that she appreciated Councillor Abbs' commitment to Policy CS15, and accepted that applicants were encouraged to do their best in the spirit of the policy. However, applications could not be judged on policies that did not exist, and that the loss of the Code for Sustainable Homes made it untenable to use Policy CS15. She noted that additional weight was being given to social, economic and environmental considerations, and that a strong steer had been given to Officers to give more weight to economic aspects of developments to support recovery from Covid. She felt that this application addressed this point. She expressed surprise that Lambourn Parish Council opposed this development, since they had previously been supportive of the horse racing sector.
75. Councillor Abbs clarified that he was pushing for Policy CS15 because it still applied, as had been argued at the Sandford Inquiry. If officers were arguing on its behalf then the Committee had to do the same. Mr Till responded that arguments made on behalf of Policy CS15 for major residential developments did not similarly apply to minor residential developments in an unsustainable areas such as this one, and an appeal against a refusal on Policy CS15 grounds would be very different to that for Sandford. Mr Till did not believe Policy CS15 was viable as grounds for refusal. Councillor Adrian Abbs responded that this application had been categorised as a major development.
76. The Chairman invited Members of the Committee to vote on the proposal by Councillor Jeff Cant, seconded by Councillor Hilary Cole to grant planning permission. At the vote the motion was carried.

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

Conditions

1. Time Limit for commencement

The development hereby permitted shall be begun before the expiration of three years from the date of this permission. Reason: To comply with Section 91 of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).

2. Approved plans

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

- Heritage Statement received on 04 June 2020
- Applicant justification of uses received on 10 August 2020

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- Amended proposed main barn plans and elevations Received on 12 March 2021

Received on 28 July 2020:

- Applicant - Fognam Farm Instruction - Highways Automatic Traffic Counter
- Applicants Highway Technical note response to objections
- Phase 1 Land Contamination Assessment
- Applicant - Lynchets Instruction - Highways Automatic Traffic Counter
- Lynchets Automatic traffic counter Location
- Frognam Farm Automatic traffic counter Location

Received on 09 December 2020

Amended preliminary ecological assessment

- Amended Landscape and Visual Appraisal
- Amended drainage statement
- Amended Arboriculture Statement
- Amended Transport Statement
- Amended Enterprise Justification report
- Amended land contamination report
- Amended site plan
- Amended proposed lunge pen
- Amended horse walker plan and elevations
- Amended managers dwelling
- Amended Lighting Assessment
- Amended Residential receptor locations plan
- Amended Assessed Scheme of Lighting sheet 1
- Amended Assessed Scheme of Lighting sheet 2
- Amended light spill assessment sheet 1
- Amended scheme of Lighting sheet 2
- Amended light spill assessment sheet 2
- Amended ATC data Appendix 1
- Amended sight line splays

Received on 19 July 2021:

- Applicant response to LLFA
- Amended Flood Risk Assessment dated July 2021
- FRA Appendix A - Correspondence with EA
- FRA Appendix B1- Thames Water Response Email 01042021
- FRA Appendix B2- Thames water email 18062021

Received on 05 January 2021

- Amended Design and Access Statement
- Amended Proposed Outbuilding
- Amended Field View of the site

Received on 12 August 2021:

- Applicant response to LLFA - 12.08.2021
- Amended Ground Water details

Received on 26 August 2021:

- Amended Drainage Calculations
- Amended combined drainage plan

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

3. Schedule of the materials

The construction of the buildings and hard surfaced areas shall not take place until a schedule of the materials to be used in the construction of the external surfaces of the buildings and hard surfaced areas hereby permitted has been submitted to and approved in writing by the Local Planning Authority. This condition shall apply irrespective of any indications as to these matters which have been detailed in the current application. Samples of the materials shall be made available for inspection on request. Thereafter the development shall be carried out in accordance with the approved materials.

Reason: To ensure that the external materials are visually attractive and respond to local character. This condition is imposed in accordance with the National Planning Policy Framework, Policies CS14 and CS19 of the West Berkshire Core Strategy 2006-2026 and the Supplementary Planning Document Quality Design 2006.

4. Construction of the residential accommodation

The construction of the residential accommodation hereby permitted (Manager's Dwelling and temporary overnight accommodation) shall not commence until the rest of the equestrian yard facilities have been completed as the first phase of development. Thereafter the residential accommodation shall be used in the operation of the pre-training, rest and recuperation establishment for racehorses at Fognam Farm, Upper Lambourn, Hungerford.

Reason: To ensure the accommodation is constructed once the equestrian yard has been constructed. To protect against an isolated dwelling. The dwelling shall then be used in association with the needs of the pre-training, rest, rehabilitation recuperation yard for race horses. This condition is applied in accordance with the National Planning Policy Framework, Policies ADPP5, CS12 and CS14 of the West Berkshire Core Strategy 2006-2026, and Supplementary Planning Document Quality Design 2006.

5. Dwelling occupation

The occupation of the dwellings hereby permitted (Managers Dwelling and temporary overnight accommodation) shall be limited to a person solely or mainly working (or retired through old age or ill health) in the operation of a pre-training, rest, rehabilitation and recuperation facility for racehorses at Fognam Farm, Upper Lambourn, Hungerford, or a widow or widower of such a person and to any resident dependants.

Reason: A dwelling in this location is only acceptable because it provides essential accommodation for a rural worker in the locality. This condition is imposed in accordance with the National Planning Policy Framework, Policies ADPP5, CS1 and CS12 of the West Berkshire Core Strategy 2006-2026, and Policies C1 and C5 of the Housing Site Allocations DPD 2006-2026.

6. Site use

The whole site known as Fognam Farm, Upper Lambourn, Hungerford, including all buildings hereby permitted shall remain for use as a pre-training, rest, rehabilitation and recuperation facility in conjunction with the racehorse industry. The buildings shall not be used as a separate residential unit, offices or any other uses within Use Class E (Use Class Order 2020), sold/leased/rented or used as a separate unit or commercial yard, and no separate curtilage shall be created other than permitted in this approval shall be created.

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Reason: Any other use may not be acceptable on the site. This condition is imposed in accordance with the National Planning Policy Framework, Policies ADPP5, CS12, CS13, CS14 and CS19 of the West Berkshire Core Strategy 2006-2026, Policy TRANS.1 of the West Berkshire District Local Plan Saved Policies 2007 and Supplementary Planning Document Quality Design 2006.

7. Restriction on externally stored equestrian paraphernalia

No materials, goods, plant, machinery, equipment, storage containers, waste containers or other items of equestrian paraphernalia shall be stored, processed, repaired, operated or displayed in the open land on the site.

Reason: To ensure the scale and intensity of the development is appropriate to its location in the interests of visual amenity in AONB and highways safety. This condition is applied in accordance with the National Planning Policy Framework, Policies ADPP5, CS12, CS13, CS14 and CS19 of the West Berkshire Core Strategy (2006-2026), and Policy ENV.29 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).

8. Scheme for the protection of trees

No development shall take place (including site clearance and other preparatory works) until a scheme for the protection of trees to be retained has been submitted to and approved in writing by the Local Planning Authority. Such a scheme shall include a detailed plan showing the location of the protective fencing, and shall specify the type of protective fencing. All such fencing shall be erected prior to any development works taking place and at least 2 working days' notice shall be given to the Local Planning Authority that it has been erected. It shall be maintained and retained for the full duration of works or until such time as agreed in writing with the Local Planning Authority. No activities or storage of materials whatsoever shall take place within the protected areas without the prior written agreement of the Local Planning Authority.

Note: The protective fencing should be as specified at Chapter 6 and detailed in figure 2 of B.S.5837:2012.

Reason: To ensure the enhancement of the development by the retention of existing trees and natural features during the construction phase in accordance with the objectives of the National Planning Policy Framework and Policies CS14, CS18 and CS19 of West Berkshire Core Strategy 2006-2026.

9. Scheme of landscaping

No development shall take place (including site clearance and other preparatory works) until a detailed scheme of hard and soft landscaping for the site has been submitted to and approved in writing by the Local Planning Authority. The details shall include schedules of plants noting species, plant sizes and proposed numbers/densities, an implementation program and details of written specifications including cultivation and other operations involving tree, shrub and grass establishment. The scheme shall ensure:

a) Completion of the approved landscaping scheme within the first planting season following completion of development.

b) Any trees, shrubs or plants that die or become seriously damaged within five years of the completion of this development shall be replaced in the next planting season by plants of the same size and species.

Thereafter the approved scheme shall be implemented in full.

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Reason: To ensure the implementation of a satisfactory scheme of landscaping. This condition is imposed in accordance with the National Planning Policy Framework, Policies ADPP5, CS14 and CS19 of the West Berkshire Core Strategy 2006-2026, and Supplementary Planning Document Quality Design 2006.

10. Boundary treatments details

No development shall take place until details, to include a plan, indicating the positions, design, materials and type of boundary treatments to be erected has been submitted to and approved in writing by the Local Planning Authority. The boundary treatment shall be completed in accordance with the approved scheme before the use hereby permitted is commenced. The approved boundary treatments shall thereafter be retained.

Reason: The boundary treatment is an essential element in the detailed design of this development and the application is not accompanied by sufficient details to enable the Local Planning Authority to give proper consideration to these matters.

This condition is imposed in accordance with the National Planning Policy Framework, Policies ADPP5, CS14 and CS19 of the West Berkshire Core Strategy 2006-2026 and Supplementary Planning Document Quality Design 2006.

11. Sustainable drainage measures

The use hereby permitted shall not commence until the sustainable drainage measures have been implemented in accordance with the details identified in the following documents:

Received on 19 July 2021:

- Applicant response to LLFA
- Amended Flood Risk Assessment dated July 2021
- FRA Appendix A - Correspondence with EA
- FRA Appendix B1- Thames Water Response Email 01042021
- FRA Appendix B2- Thames water email 18062021

Received on 12 August 2021:

- Applicant response to LLFA - 12.08.2021
- Amended Ground Water details

Received on 26 August 2021:

- Amended Drainage Calculations
- Amended combined drainage plan

The sustainable drainage measures shall be implemented in full, maintained, retained and managed in accordance with the approved details thereafter.

Reason: To ensure that surface water will be managed in a sustainable manner in accordance with the details approved by the Local Lead Flood Authority. This condition is imposed in accordance with the National Planning Policy Framework, Policy CS16 of the West Berkshire Core Strategy (2006-2026), and Part 4 of Supplementary Planning Document Quality Design (June 2006).

12 Infiltration testing and groundwater monitoring

No development shall take place until details of infiltration testing and groundwater monitoring undertaken throughout the winter months in the location of the proposed SuDS features have been submitted and approved in writing with the Local Planning

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Authority. Thereafter the sustainable drainage measures shall be maintained and managed in accordance with the approved details thereafter.

Reason: To ensure that surface water will be managed in a sustainable manner and to prevent the increased risk of flooding; to improve and protect water quality, habitat and amenity and ensure future maintenance of the surface water drainage system can be, and is carried out in an appropriate and efficient manner. Insufficient details have been submitted with regard to infiltration testing and groundwater monitoring. This condition is applied in accordance with the National Planning Policy Framework, Policy CS16 of the West Berkshire Core Strategy 2006-2026, and Part 4 of Supplementary Planning Document Quality Design 2006.

13 Unforeseen Contamination and remediation (water pollution)

If unforeseen contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until a remediation strategy detailing how this contamination will be dealt with has been submitted to, and approved in writing by, the local planning authority. The remediation strategy shall thereafter be implemented in accordance with the approved details.

Reason: To ensure that the development does not contribute to, and is not put at unacceptable risk from or adversely affected by, unacceptable levels of water pollution from previously unidentified contamination sources at the development site.

This condition is imposed in accordance with the National Planning Policy Framework, Policy CS16 of the West Berkshire Core Strategy 2006-2026, Part 4 of Supplementary Planning Document Quality Design 2006 and Policy OVS.5 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).

14. Spoil management

No development shall take place until full details of how all spoil arising from the development will be used and/or disposed have been submitted to and approved in writing by the Local Planning Authority. These details shall:

- (a) Show where any spoil to remain on the site will be deposited;
- (b) Show the resultant ground levels for spoil deposited on the site (compared to existing ground levels);
- (c) Include measures to remove all spoil (not to be deposited) from the site;
- (d) Include timescales for the depositing/removal of spoil.

All spoil arising from the development shall be used and/or disposed of in accordance with the approved details.

Reason: To ensure appropriate disposal of spoil from the development and to ensure that ground levels are not raised in order to protect the character and amenity of the AONB area. This condition is imposed in accordance with the National Planning Policy Framework, Policies ADPP5, CS14 and CS19 of the West Berkshire Core Strategy 2006-2026 and Supplementary Planning Document Quality Design 2006.

15. Method of manure removal

The development shall not be first brought into use until full details of the method of storage of manure and its removal has been submitted to and approved in writing by the Local Planning Authority. Thereafter the methods of storage of manure shall be implemented in accordance with the approved details.

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Reason: To prevent the proliferation of manure which would detract from the quality of the AONB and in the interests of amenity and to avoid any possible water/land contamination. This condition is imposed in accordance with the National Planning Policy Framework, Policies ADPP5, CS14 and CS19 of the West Berkshire Core Strategy 2006-2026 and Policy OVS5 of the West Berkshire District Local Plan 2007.

16. Plant, machinery and equipment

All plant, machinery and equipment installed or operated in connection with the carrying out of the development hereby approved shall be so enclosed and attenuated that noise therefrom does not exceed at any time a level of 5dB[A] below the existing background noise level, or 10dB[A] if there is a particular tonal quality when measured in accordance with BS4142:2014 at a point one metre external to the nearest residential or noise sensitive property.

Reason: To protect the occupants of nearby residential properties from noise. This condition is applied in accordance with the National Planning Policy Framework, Policy CS14 of the West Berkshire Core Strategy (2006-2026), and Policies OVS.5 and OVS.6 of the West Berkshire Local Plan 1991-2006 (Saved Policies 2007).

17. Access and visibility splays before occupation

The use shall not commence until the access has been provided and the visibility splays at the access have been provided in accordance with drawing number 01/20 dated 28/01/20. The land within these visibility splays shall thereafter be kept free of all obstructions to visibility over a height of 0.6 metres above the carriageway level.

Reason: In the interests of road safety. This condition is imposed in accordance with the National Planning Policy Framework and Policy CS13 of the West Berkshire Core Strategy (2006-2026).

18. Parking and turning in accord with plans

The use shall not commence until the vehicle parking and turning space have been surfaced, marked out and provided in accordance with the approved plans. The parking and turning space shall thereafter be kept available for parking (of private motor cars and/or light goods vehicles) at all times.

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

19. Construction Method Statement

No development shall take place until a Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details. The statement shall provide for:

- (a) The parking of vehicles of site operatives and visitors
- (b) Loading and unloading of plant and materials
- (c) Storage of plant and materials used in constructing the development
- (d) The erection and maintenance of security hoarding including decorative displays and facilities for public viewing

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- (e) Wheel washing facilities
- (f) Measures to control the emission of dust and dirt during construction
- (g) A scheme for recycling/disposing of waste resulting from demolition and construction works
- (h) A site set-up plan during the works

Reason: To safeguard the amenity of adjoining land uses and occupiers and in the interests of highway safety. This condition is imposed in accordance with the National Planning Policy Framework, Policies CS5 and CS13 of the West Berkshire Core Strategy (2006-2026), Policy TRANS 1 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).

20. Electric Charging Point

The development shall not be first brought into use until details of an electric vehicle charging point have been submitted to and approved in writing by the Local Planning Authority. The use shall not commence until the electric vehicle charging point has been provided in accordance with the approved details. The charging point shall thereafter be retained and kept available for the charging of electric vehicles.

Reason: To promote the use of electric vehicle. This condition is imposed in accordance with the National Planning Policy Framework, Policies CS13 and CS14 of the West Berkshire Core Strategy (2006-2026), Policy P1 of the Housing Site Allocation DPD and Policy TRANS1 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).

21. Landscape and Ecological Management Plan

No development shall take place on the site until a Landscape and Ecological Management Plan (LEMP) has been submitted to and approved in writing by the local planning authority. The LEMP should be based on the Ecological Assessments by Ethos Environmental Planning dated September 2020 received on 07 October 2020 and the approved SuDS and Landscaping documents and plans. Such a Plan shall include:

- a) Detailed habitat creation and management prescriptions (including costings) for the retained and newly created habitats meeting all the needs of biodiversity net gain timeframes, monitoring and reviews.
- b) Provision of features for protected and priority fauna as outlined within the Amended Ecological Assessment by John Wenman Ecological Consultancy dated November 2020 received on 19 December 2020 and deliver the recommendations of this Assessment to ensure the appropriate protection and conservation of protected habitats and species.
- c) Include (but not necessarily be limited to) details of management, maintenance and long-term protection of the hard and soft landscaping, and ecological mitigation area.
- d) Submit a green phasing plan to interact with the CEMP and LEMP. Include the planting list, hard and soft infrastructure shown and boundary treatments and species and habitat enhancements and protections.
- e) May incorporate any/all mitigation measures secured by other planning conditions attached to this permission, including SuDS and Landscaping.

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

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Reason: The LEMP is necessary to ensure the adequate protection and conservation of protected species and habitats on the site, and to achieve the specific recommendations of the submitted Ecological Assessment. A comprehensive LEMP will also ensure that interrelated landscape and ecological proposals are delivered and managed in a holistic manner. To ensure that habitats are protected and enhanced in the best way possible and that the planting can become as established as possible. The detailed LEMP is required before commencement of development because insufficiently detailed information has been submitted at the application stage, and it may include measures that require implementation during the construction phase. This condition is applied in accordance with the NPPF, Policies CS14, CS17, CS18 and CS19 of the West Berkshire Core Strategy (2006-2026).

22 Construction Environmental Management Plan (CEMP)

No development shall take place (including ground works, vegetation clearance) until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the local planning authority. The CEMP shall include the following;

- (a) A risk assessment of potentially damaging construction activities
- (b) Identification of biodiversity protection zones and a green phasing plan
- (c) Practical measures to avoid and reduce impacts during construction
- (d) The location and timing of sensitive works to avoid harm to biodiversity features including protected species and tree protection measures
- (e) The times during construction when specialist ecologists need to be present on site to oversee works
- (f) Responsible persons and lines of communication
- (g) The role and responsibilities of the ecological clerk of works or similarly competent person
- (h) Use of protective fences, exclusion barriers and warning signs
- (i) Any temporary lighting that will be used during construction
- (j) A scheme of works or such other steps to minimise the effects of dust during construction
- (k) The implementation of these measures prior to the commencement of each phase.

The development shall not be constructed otherwise than in accordance with the approved CEMP.

Reason: To ensure the conservation and enhancement of the biodiversity assets of the site, including the protection of species and habitats. A pre-condition is required because insufficient information accompanies the application. This condition is applied in accordance with the National Planning Policy Framework, and Policy CS17 of the West Berkshire Core Strategy 2006-2026.

23. Updated Ecological Appraisal

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

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Appraisal. The updated surveys shall be used to inform the mitigation measures for this development.

Reason: If the development has not been commenced by November 2023 the ecological appraisal should be updated. This is because the latest ecology assessment report was dated November 2020 and many of the species considered during the current survey are highly mobile and the ecology of the site is likely to change over this period. This condition is applied in accordance with the statutory provisions relating to the protected species and habitats on the site, the National Planning Policy Framework, and Policy CS17 of the West Berkshire Core Strategy (2006-2026).

24. Biodiversity Monitoring construction and post works

The proposed development shall not be brought into use until a report has been submitted outlining progress made in achieving biodiversity establishment and management objectives as agreed within other conditions listed in this permission. Thereafter further monitoring reports by a licenced Ecologist must be provided at years 1, 3, 5, 10, 15, 20, 25, 30 of the management plan as per Biodiversity Net Gain (BNG) requirements.

Reason: To ensure the adequate protection and conservation of protected species and habitats on the site, and to achieve the specific recommendations of the submitted Ecological Assessment and to ensure the net gains are achieved as projected in the long term. This condition is applied in accordance with the statutory provisions relating to the protected species and habitats on the site, the National Planning Policy Framework, and Policy CS17 of the West Berkshire Core Strategy (2006-2026).

25. Site of Special Scientific Interest (SSSI)

No development shall commence until a statement outlining the mitigation measures to protect the interest features of the Fognam Chalk Quarry Site of Special Scientific Interest (SSSI) during construction has been submitted and approved in writing by the Local Planning Authority. Thereafter the development shall proceed in accordance with the approved SSSI mitigation measures. The mitigation measures shall include:

- 1) Protection from pollution, dust, disturbance and other impacts upon the site.
- 2) No materials, machinery or work should encroach onto the SSSI either before, during or after demolition, construction or ongoing use; and
- 3) No pollution from demolition or construction of the development must adversely affect the SSSI.

All works must then proceed in accordance with the approved statement with any future amendments agreed and approved in writing by the Local Planning Authority in consultation with Natural England.

Reason: The construction of the development so close to the SSSI boundary could cause pollution, dust, disturbance and other impacts upon the SSSI site. Measures are required to ensure the SSI features are protected. This condition is applied in accordance with the National Planning Policy Framework, Policy CS17 and CS19 of the West Berkshire Core Strategy 2006-2026.

26. Habitats enhancements

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No development shall take place until details of habitat enhancements have been submitted to and approved in writing by the Local Planning Authority. The submitted details must include:

- 1) A barn owl nest cavity and bat bricks or tiles to be included within the new constructions.
- 2) Measures to ensure the SSSI experiences some controlled disturbance such as grazing, control of weeds, some scrub management and creation of bare chalk (e.g. where there are currently weeds or nettles).
- 3) Details of how the SSSI will be fenced off from horses as unregulated grazing could cause harm to the SSSI.

Reason: To ensure the protection and enhancement of protected species and their habitats. This condition is applied in accordance with the statutory provisions relating to the protected species and habitats on the site, the National Planning Policy Framework, and Policy CS17 of the West Berkshire Core Strategy (2006-2026).

27. External lighting

Irrespective of the submitted lighting details, no external lighting shall be installed until further details of the assessment and mitigation of potential lighting impacts on biodiversity and proposed biodiversity mitigation has been submitted to and approved in writing by the Local Planning Authority. The assessment and mitigation shall:

- (a) Identify those areas on the site that are particularly sensitive for identified protected species that are likely to cause disturbance.
- (b) Show how and where external lighting will be installed so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species from accessing commuting and foraging pathways.
- (c) Include an isolux diagram of the proposed lighting in relation to any biodiversity mitigation secured in the planning permission.
- (d) Demonstrate and ensure all lighting levels are designed within the limitations of Environmental Lighting Zone 1, as described by the Institute of Lighting Engineers.

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

Reason: To ensure the conservation and enhancement of the biodiversity assets of the site, including the protection of species and habitats. Bats are sensitive to light pollution. The introduction of artificial light might mean such species are disturbed or discouraged from using their breeding and resting places, established flyways or foraging areas. This condition is applied in accordance with the National Planning Policy Framework, the North Wessex Downs AONB Management Plan 2019-24, and Policies ADPP5, CS14, CS17 and CS19 of the West Berkshire Core Strategy (2006-2026).

28. Thames Water - Source Protection Strategy

No development shall take place until a Source Protection Strategy detailing, how the developer intends to ensure the water abstraction source is not detrimentally affected by the proposed development both during and after its construction has been

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submitted to and approved by, the local planning authority in consultation with the water undertaker (Thames Water). Thereafter the development shall be constructed and implemented in accordance with the recommendations of the approved strategy.

Reason: To ensure that the groundwater resource is not detrimentally affected by the development. This condition is applied in accordance with the National Planning Policy Framework, Policy CS5 and CS16 of the West Berkshire Core Strategy 2006-2026, Part 4 of Supplementary Planning Document Quality Design 2006 and Policy OVS.5 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).

29. Programme of archaeological work

No demolition, site clearance or other development shall take place within the application area until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall incorporate and be undertaken in accordance with the approved statement.

Reason: To ensure that any significant archaeological remains that are found are adequately recorded. The condition is imposed in accordance with the National Planning Policy Framework and Policy CS19 of the West Berkshire Local Plan (2006-2026).

30. PD Removal – extensions, outbuildings

Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any order revoking, re-enacting or modifying that Order), no extensions, alterations, buildings or other development to the residential buildings hereby approved, which would otherwise be permitted by Schedule 2, Part 1, Classes A, B, C and E of that Order shall be carried out, without planning permission being granted by the Local Planning Authority on an application made for that purpose.

Reason: To prevent the overdevelopment of the site and in the interests of respecting the character and appearance of the surrounding AONB area. This condition is imposed in accordance with the National Planning Policy Framework, Policies ADPP5, CS14 and CS19 of the West Berkshire Core Strategy 2006-2026 and Supplementary Planning Document Quality Design 2006.

Informatives

1. Approval - Objections/Support received

This decision has been made in a positive way to foster the delivery of sustainable development having regard to Development Plan policies and available guidance to secure high quality appropriate development. In this application whilst there has been a need to balance conflicting considerations, the local planning authority has secured and accepted what is considered to be a development which improves the economic, social and environmental conditions of the area.

2. Access construction

The Highways Manager, West Berkshire District Council, Transport & Countryside, Council Offices, Market Street, Newbury, RG14 5LD, telephone number 01635 519887, should be contacted to agree the access construction details and to grant a licence before any work is carried out within the highway. A formal application should be made, allowing at least four (4) weeks' notice, to obtain details of underground services on the applicant's behalf.

3. Damage to footways, cycleways and verges

The attention of the applicant is drawn to the Berkshire Act, 1986, Part II, Clause 9, which enables the Highway Authority to recover the costs of repairing damage to the footway, cycleway or grass verge, arising during building operations.

4. Damage to the carriageway

The attention of the applicant is drawn to the Highways Act, 1980, which enables the Highway Authority to recover expenses due to extraordinary traffic.

5. Thames Water - discharging groundwater permit

A Groundwater Risk Management Permit from Thames Water will be required for discharging groundwater into a public sewer. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. We would expect the developer to demonstrate what measures he will undertake to minimise groundwater discharges into the public sewer. Permit enquiries should be directed to Thames Water's Risk Management Team by telephoning 020 3577 9483 or by emailing trade.effluent@thameswater.co.uk.

Application forms should be completed on line via www.thameswater.co.uk.

Please refer to the Wholesale; Business customers; Groundwater discharges section.

6. Thames Water - discharge to a public sewer

Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. Should you require further information please refer to our website.

<https://developers.thameswater.co.uk/Developing-a-large-site/Apply-and-pay-for-services/Wastewater-services>

7. Thames Water - existing water mains

There are water mains crossing or close to your development. Thames Water do NOT permit the building over or construction within 3m of water mains. If you're planning significant works near our mains (within 3m) we'll need to check that your development doesn't reduce capacity, limit repair or maintenance activities during and after construction, or inhibit the services we provide in any other way. The applicant is advised to read our guide working near or diverting our pipes.

<https://developers.thameswater.co.uk/Developing-a-large-site/Planningyourdevelopment/Working-near-or-diverting-our-pipes>

The proposed development is located within 15m of Thames Waters underground assets, as such the development could cause the assets to fail if appropriate measures are not taken. Please read our guide 'working near our assets' to ensure your workings are in line with the necessary processes you need to follow if you're considering working above or near our pipes or other structures.

<https://developers.thameswater.co.uk/Developing-a-large-site/Planning-your-development/Working-near-or-diverting-our-pipes>.

Should you require further information please contact Thames Water. Email: developer.services@thameswater.co.uk

8. Thames Water - Water supply capacity

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Thames Water will aim to provide customers with a minimum pressure of 10m head (approx 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames Waters pipes. The developer should take account of this minimum pressure in the design of the proposed development.

Mains water for construction

If the developer is planning on using mains water for construction purposes, it's important you let Thames Water know before you start using it, to avoid potential fines for improper usage. More information and how to apply can be found online at thameswater.co.uk/building_water.

9. Thames Water - Source Protection Zone

The applicant is advised that their development boundary falls within a Source Protection Zone for groundwater abstraction. These zones may be at particular risk from polluting activities on or below the land surface. To prevent pollution, the Environment Agency and Thames Water (or other local water undertaker) will use a tiered, risk-based approach to regulate activities that may impact groundwater resources. The applicant is encouraged to read the Environment Agency's approach to groundwater protection (available at <https://www.gov.uk/government/publications/groundwater-protection-positionstatements>)

and may wish to discuss the implication for their development with a suitably qualified environmental consultant.

10. Thames Water - easements and wayleaves

There are easements and wayleaves running through the site. These are Thames Water Assets. The company will seek assurances that it will not be affected by the proposed development. On the Map (previously sent with comments) yellow dashed lines show the easements and wayleaves and the proposed development area is identified by a red outlined box.

11. Environment Agency - Groundwater protection

The applicant is encouraged to read the Environment Agency's approach to groundwater protection (available at

<https://www.gov.uk/government/publications/groundwater-protection-positionstatements>) and may wish to discuss the implication for their development with a suitably qualified environmental consultant.

The proposed development must fully comply with the terms of The Water Resources (Control of Pollution) (Silage, Slurry and Agricultural Fuel Oil) (England) (SSAFO) Regulations 2010 and as amended 2013. Environmental good practice advice is available in The Code of Good Agricultural Practice (COGAP) for the protection of water, soil and air (produced by DEFRA). The applicant is advised to review the existing on-farm slurry and manure storage and ensure compliance with the SSAFO Regulations.

12. Environment Agency - Slurry and manure storage

The applicant is advised to review the existing on-farm slurry and manure storage and ensure compliance with the SSAFO Regulations. You must inform the Environment Agency, verbally (Tel: 03708 506 506) or in writing, of a new, reconstructed or enlarged slurry store, silage clamp or fuel stores at least 14 days before starting any construction work. The notification must include the type of

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structure, the proposed design and construction, and once an agreed proposal has been constructed we will ask you to send us a completed WQE3 notification form before you start using the facility. Further guidance is available:

<https://www.gov.uk/guidance/storing-silage-slurry-and-agricultural-fuel-oil>

<https://www.gov.uk/government/publications/protecting-our-water-soil-and-air>

13. Construction noise

The attention of the applicant is drawn to the requirements of Section 60 of the Control of Pollution Act 1974 in respect of the minimisation of noise on construction and demolition sites. Application under Section 61 of the Act, for prior consent to the works, can be made to West Berkshire Environmental Health.

For more information: email ehadvice@westberks.gov.uk, call 01635 519192, or visit <http://info.westberks.gov.uk/environmentalhealth>.

14. Royal Berkshire Fire and Rescue Service

The development will need to be designed and built in accordance with the functional requirements of current Building Regulation requirements. Full assessment of the proposed development in respect of 'Building Control' matters will be undertaken during the formal statutory Building Regulations consultation. For more information, the applicant is referred to the following web link:

<https://www.gov.uk/government/publications/fire-safety-approved-document-b>

(The meeting commenced at Time Not Specified and closed at Time Not Specified)

CHAIRMAN

Date of Signature

Agenda Item 4.(1)

Item No.	Application No. and Parish	Statutory Date	Target	Proposal, Location, Applicant
(1)	20/01530/OUT Newbury Town Council	08 October 2020*		Outline permission for replacement of clubhouse and new spectator stand at Newbury Football Ground. Matters to be considered: Access and Layout. Newbury Football Club, Faraday Road, Newbury, RG14 2AD Newbury Community Football Group

*Extension of time agreed until 25 November 2021

The application can be viewed on the Council's website at the following link:
<http://planning.westberks.gov.uk/rpp/index.asp?caseref=20/01530/OUT>

Recommendation Summary: To **DELEGATE** to the Service Director, Development and Regulation to **GRANT PLANNING PERMISSION** subject to the schedule of conditions

Ward Members: Councillor Jeff Cant
Councillor Jeff Beck

Reason for Committee determination: Referred to Committee by the Development Control Manager due to the significant public interest and due to the proposal affecting Council owned land.

Committee Site Visit: 18 November 2021

Contact Officer Details

Name: Masie Masiwa
Job Title: Senior Planning Officer
Tel No: 01635 519111
Email: Masie.Masiwa@westberks.gov.uk

1. Introduction

- 1.1 This application seeks outline planning permission for the replacement of the existing clubhouse and the construction of a new spectator stand at Newbury Football Stadium, Faraday Road, Newbury.
- 1.2 The outline planning application presents the Matters to be considered as: Access and Layout only with all other matters (Appearance, Landscaping, and Scale) being considered under Reserve Matters.
- 1.3 A separate planning application is also submitted for the renewal and expansion of the existing football pitch to form a new 3G main pitch and a smaller 3G training / practice pitch. These elements are the subject of a separate planning application reference 20/01966/COMIND.

Background to proposal

- 1.4 Previous planning application for a similar proposal was the subject of a planning appeal against non-determination application reference 18/00604/OUT. The application was previously reported to Western Area Planning Committee (WAP Committee) on the 15th January 2020 where, on the basis of the information available at that time, the committee resolved to delegate to the Head of Planning and Countryside to make representations at planning appeal that planning permission should be granted subject to the imposition of relevant planning conditions.
- 1.5 Following the above resolution by WAP Committee, the Environment Agency, on 20th January 2020, raised objections to the application on two grounds relating to flood risk and ecology. The application (as a live planning appeal) was reported back to WAP for reconsideration to re-determine the Council's position for the planning appeal going forward. The planning appeal was subsequently withdrawn.
- 1.6 A recent planning application by West Berkshire Council on the same site was recently withdrawn. The application reference and details are outlined below:
 - *20/02402/REG3: Provision of new car parking spaces, provision of timber bollards and provision of fencing. Part retrospective demolition of the football clubhouse.*
- 1.7 The Council application (20/02402/REG3) was considered by the WAP Committee on 21st July 2021, however since the committee meeting the clubhouse was partially destroyed by fire and subsequently partially demolished to leave the concrete floor slab.
- 1.8 West Berkshire Council as the landowner confirmed to the Local Planning Authority that the building was demolished on the advice of West Berkshire Building Control as a dangerous structure.
- 1.9 It is submitted that the footprint of the proposed clubhouse would be similar to that of the former clubhouse building on site. Whilst the scale is not being considered at outline stage, the applicant has stated that the proposed building will be in keeping with the surrounding built form of the London Road Industrial Estate when the Reserved Matters are considered. London Road Industrial Estate largely consists of one and two storey buildings.

- 1.10 The new clubhouse will provide changing rooms, toilets, office, conference room and other ancillary uses on the ground and a bar/ café viewing area on the first floor.
- 1.11 The application site 'Newbury Football Ground' is an existing recreational facility (Football Ground) covering some 1.5 hectares to the east of Newbury Town Centre. The facilities comprises a single grass playing pitch, single storey clubhouse (recently damaged by fire) and the slab for a spectator stand that was dismantled and taken off site. The site contained external flood lighting (now removed) mounted on masts around the football pitch. The pitch is enclosed by temporary fencing, timber and chain link fencing of varying height.
- 1.12 To the north of the site is the London Road industrial estate with a variety of uses, and to the east there are landscaped areas including trees and allotments. The south-east of the site is associated with residential properties approximately 50 metres beyond the Kennet Canal and to the south there 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 Rights of Way (NEWB/28/7) beyond which is the Kennet and Avon Canal, which contains narrow boat moorings. The River Kennet is also located further south, with the river being designated as a SSSI in its entirety. 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 onto Faraday Road.
- 1.13 The site falls within Flood Zones 2 and 3 according to Environment Agency Flood Mapping.
- 1.14 The football ground is also currently registered as an Asset of Community Value (ACV).

2. Relevant Planning History

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

Application	Proposal	Decision / Date
21/01575/CERTE	Confirmation of lawful use of land as a football ground under use Class F2 of the Use Classes Order (Amendment 2020) Applicant: Newbury Community Football Group (NCFG)	Approved
20/02402/REG3	Creation of open space for public recreation including demolition of former football ground clubhouse; delivery of new parking spaces and erection of timber bollards and new fencing generally. Applicant: West Berkshire Council	Withdrawn
20/01966/COMIND	Renewal and expansion of the existing football pitch to form a new 3G main pitch and a smaller 3G training / practice pitch. Applicant: Newbury Community Football	Pending consideration

	Group (NCFG)	
19/00814/FUL	Creation of 4 x multi-use games areas with replacement gates and new fencing; 8 x new floodlights (replacing existing 6 x floodlights) Applicant: West Berkshire Council	Withdrawn
18/02046/DEMO	Application for prior notification for demolition of spectator stand	Approved/further details not required for approval
18/00604/OUT	Outline permission for replacement of clubhouse and stand at Newbury Football Ground. Matters to be considered: Access and Layout. Applicant: Newbury Community Football Group (NCFG)	Appeal Withdrawn (Non-Determination)
18/00603/COMIND	Renewal and expansion of existing football pitch including artificial pitches. Applicant: Newbury Community Football Group (NCFG)	Appeal Withdrawn (Non-Determination)
94/45314/FUL	Stands (standing only) - 8no units; 3m high north boundary fence.	Approved
93/43408/ADD	Replacement of existing floodlights and stands.	Approved
93/42876/ADD	Renovation of clubhouse and new building for entrance shop toilets and groundsman store.	Approved
93/42875/ADD	Replacement grandstand and additional car parking.	Approved
89/35983/ADD	Day time car park for racial vodafone evening and weekend training area for football club	Refused
82/18107/ADD	Small 100 seater grandstand	Approved
81/16061/ADD	Erection of grand stand for spectators	Approved
79/10044/ADD	Proposed new pavilion and change of use to football ground	Approved
77/07234/ADD	Non illuminated hoarding	Approved
77/06859/ADD	Extension to clubhouse	Approved
75/03793/ADD	Extension to provide changing rooms	Approved

3. Procedural Matters

- 3.1 The latest proposed development falls within the column 1 description at paragraph 10 (b) (Urban development projects – sports stadium) of Schedule 2 of the Town and Country Planning (Environmental Impact Assessment) (EIA) Regulations 2017. The local planning authority has taken into account the selection criteria in Schedule 3 of the 2017 EIA Regulations. An EIA screening exercise has been completed in accordance with the Regulations and a consideration of the existing use. It is concluded that the proposed development, is not “EIA development” according to the 2017 EIA Regulations and an Environmental Statement is not required.
- 3.2 A site notice was displayed on 23 October 2020 and the deadline for representations expired on 13 November 2020. Press notices were advertised in the Newbury Weekly.
- 3.3 Community Infrastructure Levy (CIL) is a levy charged on most new development to pay for new infrastructure required as a result of the new development. CIL is only charged on residential and retail development. Under the CIL regulations, CIL is not sought at the Outline stage of applications and will be calculated at the reserve matters stage.
- 3.4 More information is available at www.westberks.gov.uk/cil

4. Consultation

Statutory and non-statutory consultation

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

Newbury Town Council:	Support
WBC Highways Officer:	No objection subject to conditions
WBC Drainage Officer:	No objection, subject to Flood Risk Assessment and EA comments
WBC Conservation:	No objection.
WBC Ecology Officer:	No objection subject to conditions
WBC Property Services:	Objection: West Berkshire Council as landowner state that the application runs counter to the Council’s own proposals for regeneration of the site.
WBC Trees Officer:	No objection subject to condition

WBC Archaeology:	No objection subject to condition
WBC Environmental Health:	No objection subject to condition
Sport England	No objection subject to condition
Environment Agency:	No objection, subject to conditions.
Canal and River Trust	No comments to make response received
Newbury Society	No comments received

Public representations

- 4.2 Representations have been received from 3 contributions in support of the application. Two of the submissions include an online petition with approximately 151 entries and the other includes an online petition with approximately 1,972 signatures. The third submission is from a member of the public
- 4.3 The full responses may be viewed with the application documents on the Council's website, using the link at the start of this report. In summary, the following planning related points have been raised:
- Football is an important part of the community
 - Football brings people of all ages together
 - Need more sports facilities for our children
 - There is evidence of need for a quality football pitch in WBC's Playing Pitch and Leisure Strategies Newbury community needs a football ground
 - We need to look after our grass roots teams
 - We need to keep this facility to allow all of the community access to sports
 - There is lack of decent Astro/3G/4g facilities in Newbury
 - It is essential for the health and wellbeing of young people
 - Newbury football ground has its infrastructure in place already
 - Town planning is not just about housing
 - Newbury need a football club for the community
 - The Newbury area is severely lacking good facilities not just for football
 - The town needs accessible sporting facilities
 - The football ground means so much to my family
 - The stadium has provided opportunities for players of all ages and abilities to play at a local enclosed stadium
 - Support for Newbury Community Football Group's campaign to save Newbury Football Ground and transform it into a proper stadium again.

5. Planning Policy

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

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

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

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

6. Appraisal

6.1 The main issues for consideration in this application are:

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

Principle of development

6.2 Policy ADPP1 identifies the District Settlement Hierarchy where new development will be focused, primarily on previously developed land.

6.3 According to 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.

- 6.4 Policy CS18 sets out that the District's green infrastructure. For the purposes of the Core Strategy and Policy CS18, the definition of green infrastructure includes all outdoor sports facilities. Policy CS18 states that all 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 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.
- 6.5 The supporting text to the policy recognises that the multi-functional nature of green infrastructure in the District is important for many reasons. It contributes significantly to the quality of life for residents, workers and visitors, in terms of both visual amenity and for sport and recreation purposes.
- 6.6 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 District's open spaces.

Asset of Community Value

- 6.7 West Berkshire Council awarded Faraday Road Football Ground an Asset of Community Value status (ACV). An ACV status is a material planning consideration when it comes to the loss of the ACV as a community facility. The ACV designation provides the community with a Community Right to Bid when the ACV is proposed for sale. The Non-statutory advice note for local authorities October 2012 advises that local planning authorities can consider whether listing as an ACV is a material consideration in determining a planning application, taking into account all of the circumstances of the case.

Wider Regeneration Proposals for London Road Industrial Estate

- 6.8 The applicants do not own, lease or rent the site and notice has been served on West Berkshire Council as landowner. West Berkshire Council Property Services have submitted a letter objecting to the outline proposal. West Berkshire Council as the landowner state that the application runs counter to the Council's own proposals for regeneration of the site, as such the Council opposes the proposed development. 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. The objection by the Council is acknowledged, however the planning application is required to be considered on its individual planning merits. It will be between the applicant and the landowner to agree on any implementation and delivery of the development.
- 6.9 In 2020, the Council adopted its own Playing Pitch Strategy, which amongst other matters addresses the anticipated loss of the Faraday Road stadium site and the provision of ancillary facilities.

- 6.10 In addressing Sport England planning policy exception E1, the West Berkshire Council Playing Pitch Strategy (2020) at page 32 proposes the
- “Relocation of the single adult sized grass pitch at Faraday Road, together with changing accommodation and the other necessary league requirements to create a step 6 facility on a site which will be no more than 20 minutes’ drive time away, and upgrade the current grass pitch to a 3G pitch with the ability to develop it to a step 5 facility. This site will be available before any construction work starts at Faraday road. “*
- 6.11 In addressing Sport England planning policy exception E4, The West Berkshire Council Playing Pitch Strategy (2020) also states at page 33 that:
- “The Council also believes that Sport England Policy Exception E4 applies in part, namely:; The playing field or playing fields, which would be lost as a result of the proposed development, would be replaced by a playing field or playing fields of an equivalent or better quality and of equivalent or greater quantity, in a suitable location and subject to equivalent or better management arrangements, prior to the commencement of development”*
- 6.12 The Council has submitted a planning application for a replacement facility at Newbury Rugby Football Club, Monks Lane, Newbury, which will be referred to the WAP Committee for consideration and determination once all matters have been resolved. The planning application reference and proposal details are outlined below:
- Planning application reference: 21/02173/COMIND***
- Proposal:*** *The proposed development is for a single storey sports pavilion building and car park providing facilities and social space to support a proposed artificial turf pitch, F2(C). The proposed artificial turf pitch forms part of this application and includes fencing, storage, spectator seating and artificial lighting. The building will provide approximately 400m² of internal floor space of use class F2 (B).*
- 6.13 The Playing Pitch Strategy (2020) also outlines that the replacement site for Faraday Road stadium would “have the ability to host competitive play and training to at least the same level as required now i.e. Step 6 with the potential to move to Step 5”.
- 6.14 The Newbury Community Football Group (NCFG) submitted their indicative business plan in principle based on obtaining the freehold or long leasehold (25 years minimum) of the site. The business plan outlines the proposed funding, community use and the ongoing operation and management of the facility.
- 6.15 Sport England (SE) have assessed the proposal and are satisfied that the proposed development would meet exception 2 of its playing fields policy, in that 'The proposed development is for ancillary facilities (clubhouse and stand) 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 have raised no objections.
- 6.16 Whilst officers acknowledge there is a replacement facility being proposed by West Berkshire Council, there is no planning justification against the retention of the football ground and facilities in planning terms. SE raise no objection to the proposal and indicate that if the site is to be retained the business plan could be adjusted. Officers consider that further details could be secured by a condition. This would ensure the development meets the Sport England’s planning policy E5 and the National Planning Policy Framework.
- 6.17 SE also considered that decisions on future development can change and should the site be retained as a football stadium, then in reality the proposed scheme, with some

amendments to the business plan at reserved matters, could be delivered and this would meet Sport England's planning policy E5 and the National Planning Policy Framework. Conversely, if the facilities are relocated, the proposals would still satisfy the National Planning Policy Framework and Sport England's planning policy exception E4.

- 6.18 This proposed development of ancillary facilities would be in keeping with the Faraday Road ground's status and will improve the offer of recreational and sporting facilities and thereby health and wellbeing. As well as regular matches and practice sessions by children's, youth and adult teams, the ground and clubhouse will host community events.
- 6.19 The proposal would therefore accord with the overall aims and objectives of Policies ADDP1, ADDP2 and CS18 and guidance within the Newbury Vision 2026 and 2036 through the renewal and expansion of existing sports facilities within a sustainable location that forms part of the Districts green infrastructure.
- 6.20 In conclusion, the principle of development is acceptable in accordance with the policies discussed above. The wider development plan policies and other material planning considerations are further considered below.

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

- 6.21 According to Core Strategy Policy CS14, new development must demonstrate high quality and sustainable design that respects and enhances the character and appearance of the area. Considerations of design and layout must be informed by the wider context, having regard not just to the immediate area, but also to the wider locality. Development shall contribute positively to local distinctiveness and sense of place.
- 6.22 Part 1 of the Quality Design SPD indicates new 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 outlines that design of new development in the Faraday Road industrial area should contribute to the visual enhancement of the area.
- 6.23 The Planning (Listed Buildings and Conservation Areas) Act 1990 provides that with respect to any buildings or other land in a conservation area, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.
- 6.24 Policy CS.19 of the Core Strategy seeks the conservation and, where appropriate, enhancement of heritage assets and their settings including Conservation Areas. The NPPF seeks to protect heritage assets and that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal.
- 6.25 The southern boundary of the site falls within a conservation area. The proposal has been assessed by the Council's Conservation Officer. The surrounding built form has a variety of architectural design and form, of varying quality. The contemporary designs proposed can be further assessed at Reserve Matters stage when scale and appearance are considered. The Council's Conservation Officer has indicated that careful consideration will need to be given to the scale, form, and design of any replacement clubhouse to ensure that it does not cause any harm to the setting of the conservation area. Overall, the outline proposal is not considered to cause any adverse 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.

- 6.26 The Council's Archaeological Officer has reviewed the application and has advised that they have no objection to the proposal, subject to planning a condition requesting the submission of a written scheme of archaeological investigation. Deposit modelling carried out by Wessex Archaeology and the University of Reading showed that there could be surviving remains and environmental deposits in this part of the Kennet Valley, predominantly those from the Mesolithic (Middle Stone Age). The condition is therefore considered reasonable and necessary.
- 6.27 The proposal would likely impact on the views through the site from the Public Rights of Way (NEWB/28/7) and the canal way to the south of the site. These matters can be assessed at Reserve Matters, when the impact of the proposed structures with regard to scale and appearance can be assessed against the existing structures adjacent to the site. Subject to the inclusion of appropriate boundary treatment and landscaping any harm would not be considered to be significant.
- 6.28 The proposal is considered to comply with Core Strategy Policy CS19 and the National Planning Policy Framework in terms of conserving the historic environment. Overall, the proposal would have an acceptable impact on the character and appearance of the area. The proposal would comply with Policies ADPP2, CS14 and CS19 of the West Berkshire Core Strategy 2006-2026. The proposal also complies with the West Berkshire Supplementary Planning Document Series: Quality Design, and the Newbury Town Design Statement

Impact on neighbouring amenity and quality of life

- 6.29 Planning Policies CS14 and CS19 of the West Berkshire Core Strategy are of importance with regard to the potential impact upon neighbouring amenity.
- 6.30 The proposal would maintain adequate separation distances from existing residential properties ensuring no material impact on neighbouring residential amenity in terms of loss of light, outlook or privacy, or result in any overbearing impact.
- 6.31 Any potential light pollution can be reduced by limiting the amount and type of lighting. A condition can be recommended to secure the submission of lighting details.
- 6.32 Noise generated by the use of the site and traffic generation could impact on local residents, however these considerations are in line with the existing use of the site. Given the similar scale of the redevelopment, it is considered that the levels of noise and traffic would be acceptably at similar current levels.
- 6.33 The Environment Agency has stated that the site is located close to a former closed landfill site, therefore there is potential for gas to migrate into the proposed buildings. A landfill gas risk assessment is required and can be secured by condition.
- 6.34 Overall, the impact on neighbouring amenity and future occupiers from the proposed development is considered minimal and would not have a materially harmful negative impact on nearby residents. The proposal therefore accords with policy CS14 and the SPD on Quality Design.

Highway safety

- 6.35 Road safety in West Berkshire is a key consideration for all development in accordance with Core Strategy Policy CS13. Policies CS13 of the Core Strategy and TRANS.1 of the Saved Policies of the Local Plan relate to highways.
- 6.36 The application site is within a sustainable location within walking distance of the town centre. The existing vehicular access into the site is through the industrial estate to the north onto Faraday Road. The proposal would utilise the existing vehicular access arrangement and includes the addition of 4 private parking spaces alongside the existing public car park that is adjacent to the site. The proposal has been considered by the Highway Authority who consider that subject to planning conditions, the proposal is considered acceptable.
- 6.37 Overall, it is considered that the proposed development would not have a material impact on highway safety. The application is therefore considered to comply with Core Strategy Policy CS13 and TRANS.1 of the Saved Policies of the Local Plan.

Trees and Landscaping

- 6.38 Policy CS19 of the WBCS concerns the historic environment and landscape character. It seeks to ensure that the diversity and local distinctiveness of the landscape character of the district is conserved and enhanced.
- 6.39 The proposal has been considered by the Tree Officer who identifies there are some significant trees on the West Berkshire owned land surrounding the proposal, which will require protection to minimise any impact from the development. Sufficient areas are retained that can accommodate new tree planting to ensure a net gain in tree planting within the site. Conditions have been recommended requesting a more detailed landscaping scheme around the site as enhancements.
- 6.40 Overall, it is therefore considered that the proposed development would conserve the trees within the site in compliance with the advice contained within the NPPF, and Policy CS19 of the WBCS.

Flooding and drainage

- 6.41 Core Strategy Policy CS16 (Flooding) applies across the district and highlights the cumulative impacts of development on flooding within the district.
- 6.42 The Local Lead Flood Authority agreed with the Environment Agency's request for a flood risk assessment for the site. Groundwater and surface water is sensitive at the site being adjacent to the River Kennet and within source protection zone 3. A flood risk assessment was submitted and has been reviewed.
- 6.43 The application site is partly located within Flood Zone 2 and 3 of the Environment Agency's Flood Map, the site is therefore considered to have a high probability of flooding. The finished floor levels of the proposed clubhouse have been assessed by the Environment Agency and are considered to be set at an acceptable level. The applicant has confirmed that the finished ground floor level (FFL) for the clubhouse will be set at least 600mm above the 1 in 100-year flood level. The underside of the floor

slab will be placed 300mm above flood level and built on stilts to avoid flood storage displacement. The spectator stand will also be designed to be floodable / open to flood water so as to avoid flood storage displacement (capacity will be provided beneath the first tier of the proposed seating). These levels can be considered when sale is considered at reserve matters.

- 6.44 Overall the Environment Agency have outlined that they have no objection to the outline application subject to recommended conditions.
- 6.45 The proposal could achieve compliance with the provisions of the NPPF, Core Strategy Policy CS16 and Sustainable Drainage SPD (2017).

Biodiversity

- 6.46 Core Strategy Policy CS17 (Biodiversity and geodiversity) states that, in order to conserve and enhance the environmental capacity of the District, all new development should maximise opportunities to achieve net gains in biodiversity and geodiversity in accordance with the Berkshire Biodiversity Action Plan and the Berkshire Local Geodiversity Action Plan.
- 6.47 The Natural Environment and Rural Communities Act 2006 and Article 10 of the Habitats Directive stresses the importance of natural networks of linked corridors to allow movement of species between suitable habitats, and promote the expansion of biodiversity networks.
- 6.48 The applicant submitted a preliminary ecological appraisal. The applicant would be required to incorporate recommended biodiversity enhancements as part of the proposed structures. These elements can also be secured at Reserve Matters when scale and appearance are considered.
- 6.49 The Environment Agency considers that the recommended ecological enhancements in the ecological appraisal should be implemented to contribute towards a biodiversity net gain for the development.
- 6.50 Any short-term environment 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. In addition a landscape environment management plan (LEMP) can be attached to ensure the sustainable management of the biodiversity enhancements within and adjacent to the site.
- 6.51 Given the above, the ecological matters could achieve compliance with the Conservation Regulations 2010, Wildlife and Countryside Act 1981, Natural Environment and Rural Communities Act 2006, NPPF and Policy CS 17 of the West Berkshire Core Strategy 2012.

Representations

- 6.52 Members of the public have written representations in support of the application. The points raised in support have been acknowledged in this report and mainly focus on the significant value of the football ground to the community.

7. Planning Balance and Conclusion

- 7.1 Having taken account of all the relevant development plan policy considerations and the other material considerations referred to in this report and the expert consultation provided, officers consider that the outline development proposed is acceptable and is recommended to members for approval as set out in Section 8 of the report.
- 7.2 This decision has been considered using the relevant policies related to the proposal as outlined in the report.

8. Full Recommendation

- 8.1 **DELEGATE** to the Service Director, Development and Regulation to **GRANT PLANNING PERMISSION** subject to the schedule of conditions:

8.2 Schedule of Conditions

1	<p>Approval of reserved matters</p> <p>Details of the appearance, landscaping and scale (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development takes place. The development shall be carried out in accordance with the approved details.</p> <p>Reason: To comply with Section 92 of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).</p>
2	<p>Time limit for reserved matters</p> <p>Application(s) for approval of the reserved matters shall be made to the local planning authority not later than three years from the date of this permission.</p> <p>Reason: To comply with Section 92 of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).</p>
3	<p>Commencement of development (Outline)</p> <p>The development hereby permitted shall take place not later than two years from the date of approval of the last of the reserved matters to be approved.</p> <p>Reason: To comply with Section 92 of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).</p>
4	<p>Approved plans</p> <p>The development hereby permitted shall be carried out in accordance with the following approved documents and plans:</p> <ul style="list-style-type: none">• Parking Survey received on 06 July 2020• Design and access statement received on 06 July 2020• Preliminary Ecological Appraisal received on 06 July 2020• Amended proposed block plan received on 27 September 2020

	<ul style="list-style-type: none"> • NCFG response to Sport England received on 11 December 2020 • NCFG Indicative Business Plan received on 11 January 2021 • Flood Risk Assessment received on 13 August 2021 • Applicant's email response to Environment Agency received on 13 September 2021 <p>Reason: For the avoidance of doubt and in the interest of proper planning.</p>
5	<p>External Materials</p> <p>Prior to above foundation level works commencing, details of the materials for the external surfaces of the development shall have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with approved details.</p> <p>Reason: To ensure the satisfactory appearance of the development and in order to protect the character and amenity of the area. This condition is applied in accordance with the National Planning Policy Framework, Policies ADPP2, CS14 and CS19 of the West Berkshire Core Strategy (2006-2026), the Quality Design SPD (June 2006) and the Newbury Town Design Statement</p>
6	<p>Means of Enclosure</p> <p>Notwithstanding the provisions of the plans hereby approved, the development hereby permitted shall not be first used until full details have been submitted to and approved in writing in respect of means of enclosure or boundary treatments on site, to include a plan indicating the positions, design, materials and type of boundary treatment and gates to be erected within the site. The boundary treatments shall be completed in accordance with the approved scheme before the development hereby permitted is first occupied. The boundary treatment shall thereafter be retained in accordance with the approved details.</p> <p>Reason In the interest of visual amenity and to ensure the satisfactory appearance of the development. This condition is applied in accordance with the National Planning Policy Framework, Policies ADPP2, CS14 and CS19 of the West Berkshire Core Strategy (2006-2026), the Quality Design SPD (June 2006) and the Newbury Town Design Statement.</p>
7	<p>Parking and turning in accord with plans</p> <p>The use shall not commence until the vehicle parking and turning space have been surfaced, marked out and provided in accordance with the approved plan(s). The parking and/or turning space shall thereafter be kept available for parking (of private motor cars and light goods vehicles) at all times.</p> <p>Reason: To ensure the development is provided with adequate parking facilities, in order to reduce the likelihood of roadside parking that would adversely affect road safety and the flow of traffic. This condition is imposed in accordance with the National Planning Policy Framework, Policy CS13 of the West Berkshire Core Strategy (2006-2026) and Policy TRANS1 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).</p>
8	<p>Cycle parking</p> <p>The use shall not commence until the cycle parking has been provided in accordance with the approved drawings and this area shall thereafter be kept available for the parking of cycles at all times.</p>

	<p>Reason: To ensure the development reduces reliance on private motor vehicles and assists with the parking, storage and security of cycles. This condition is imposed in accordance with the National Planning Policy Framework, Policy CS13 of the West Berkshire Core Strategy (2006-2026) and Policy TRANS1 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).</p>
9	<p>Updated Ecological Appraisal</p> <p>In the event that development has not commenced 3 years from the date of this permission, no development shall take place until an updated Ecological Appraisal has been submitted to and approved in writing by the Local Planning Authority, together with any additional surveys recommended by the updated Ecological Appraisal. The updated surveys shall be used to inform the mitigation measures for this development.</p> <p>Reason: If the development has not been commenced the ecological appraisal should be updated. This is because the ecology of the site is likely to change over time. This condition is applied in accordance with the statutory provisions relating to the protected species and habitats on the site, the National Planning Policy Framework, and Policy CS17 of the West Berkshire Core Strategy (2006-2026).</p>
10	<p>Landscape and Ecological Management Plan</p> <p>No development shall take place on the site until a Landscape and Ecological Management Plan (LEMP) has been submitted to and approved in writing by the local planning authority. The LEMP should be based on the Preliminary Ecological Appraisal by CGO Ecology Ltd dated June 2020 received on 06 July 2020 and the approved SuDS and Landscaping documents and plans. Such a Plan shall include:</p> <ol style="list-style-type: none"> a) Detailed habitat creation and management prescriptions (including costings) for the retained and newly created habitats meeting all the needs of biodiversity net gain timeframes, monitoring and reviews. b) Provision of features for protected and priority fauna as outlined within the Preliminary Ecological Appraisal by CGO Ecology Ltd dated June 2020 received on 06 July 2020 and deliver the recommendations of this Assessment to ensure the appropriate protection and conservation of protected habitats and species. c) Include (but not necessarily be limited to) details of management, maintenance and long-term protection of the hard and soft landscaping, and ecological mitigation area. d) Submit a green phasing plan to interact with the CEMP and LEMP. Include the planting list, hard and soft infrastructure shown and boundary treatments and species and habitat enhancements and protections. e) May incorporate any/all mitigation measures secured by other planning conditions attached to this permission, including SuDS and Landscaping. <p>The approved LEMP shall be implemented in full upon commencement of development.</p> <p>Reason: The LEMP is necessary to ensure the adequate protection and conservation of protected species and habitats on the site, and to achieve the specific recommendations of the submitted Ecological Assessment. A comprehensive LEMP will also ensure that interrelated landscape and ecological proposals are delivered and managed in a holistic manner. To ensure that habitats are protected and enhanced in the best way possible and that the planting can become as established as possible. The detailed LEMP is required before</p>

	<p>commencement of development because insufficiently detailed information has been submitted at the application stage, and it may include measures that require implementation during the construction phase. This condition is applied in accordance with the NPPF, Policies CS14, CS17, CS18 and CS19 of the West Berkshire Core Strategy (2006-2026).</p>
11	<p>Construction Environmental Management Plan (CEMP)</p> <p>No development shall take place (including ground works, vegetation clearance) until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the local planning authority. The CEMP shall include the following;</p> <ul style="list-style-type: none"> (a) A risk assessment of potentially damaging construction activities (b) Identification of biodiversity protection zones and a green phasing plan (c) Practical measures to avoid and reduce impacts during construction (d) The location and timing of sensitive works to avoid harm to biodiversity features including protected species and tree protection measures (e) The times during construction when specialist ecologists need to be present on site to oversee works (f) Responsible persons and lines of communication (g) The role and responsibilities of the ecological clerk of works or similarly competent person (h) Use of protective fences, exclusion barriers and warning signs (i) Any temporary lighting that will be used during construction (j) A scheme of works or such other steps to minimise the effects of dust during construction (k) The implementation of these measures prior to the commencement of each phase. <p>The development shall not be constructed otherwise than in accordance with the approved CEMP.</p> <p>Reason: To ensure the conservation and enhancement of the biodiversity assets of the site, including the protection of species and habitats. A pre-condition is required because insufficient information accompanies the application. This condition is applied in accordance with the National Planning Policy Framework, and Policy CS17 of the West Berkshire Core Strategy 2006-2026.</p>
12	<p>Gas protection measures</p> <p>Unless a landfill gas risk assessment is undertaken which indicates there is no risk, the proposed development shall be built with Characteristic Gas Situation 2 gas protection measures in accordance with BS 8485:2015 +A1:2019</p> <p>'Code of practice for the design of protective measures for methane and carbon dioxide ground gases for new buildings'. Following installation of the measures, a verification report shall be submitted to the Local Planning Authority prior to occupation of the site.</p> <p>Reason: To protect future occupiers of the site from the risks associated with the migration of toxic and flammable gasses. This condition is applied in accordance with the National Planning Policy Framework, Policy CS14 of the West Berkshire Core Strategy (2006-2026), and Policy OVS.5 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).</p>

13	<p>Clubhouse and spectator stand design and layout</p> <p>No development shall commence until details of the design and layout of club house and spectator stand have been submitted to and approved in writing by the Local Planning Authority (after consultation with Sport England). The clubhouse and spectator stand shall not be constructed other than in accordance with the approved details.</p> <p>Reason: To ensure the development is fit for purpose and sustainable and to accord with Development Plan Policy. This condition is applied in accordance with the National Planning Policy Framework, Policies CS14 and CS18 of the West Berkshire Core Strategy (2006-2026), Supplementary Planning Document Quality Design (June 2006), the Newbury Town Design Statement and the West Berkshire Council Playing Pitch Strategy (2020).</p>
14	<p>Drainage measures</p> <p>The development shall be carried out in accordance with the submitted flood risk assessment (ref August 2021/3366 v.1/Brighton Consulting Engineers Limited and email '20/01966/COMIND and 20/01530/OUT: Newbury Football Club' dated 13/09/2021) and the following mitigation measures it details:</p> <ol style="list-style-type: none"> 1. There will be a reduction in the floor area of the clubhouse from 450sqm to 300sqm. 2. The spectator stand will be designed to be floodable/open to flood water. 3. The finished ground floor level (FFL) will be set at least 600mm above the 1 in 100-year flood level (76.65mAOD). The underside of the floor slab will be placed 300mm above flood level and built on stilts to avoid flood storage displacement <p>Reason: To ensure that surface water will be managed in a sustainable manner. This condition is imposed in accordance with the National Planning Policy Framework, Policy CS16 of the West Berkshire Core Strategy (2006-2026), and Part 4 of Supplementary Planning Document Quality Design (June 2006).</p>
15	<p>Programme of archaeological work</p> <p>No development shall take place within the application area until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall incorporate and be undertaken in accordance with the approved statement.</p> <p>Reason: To ensure that any significant archaeological remains that are found are adequately recorded. This condition is applied in accordance with the National Planning Policy Framework, Policies CS14 and CS19 of the West Berkshire Core Strategy (2006-2026), and Supplementary Planning Document Quality Design (June 2006).</p>
16	<p>Landscaping</p> <p>The development shall not be occupied until a detailed scheme of landscaping for the site is submitted to and approved in writing by the Local Planning Authority. The details shall include schedules of trees and plants noting species, plant sizes and proposed numbers/densities, an implementation programme and details of written</p>

	<p>specifications including cultivation and other operations involving tree, shrub and grass establishment.</p> <p>The scheme shall ensure;</p> <p>a) Completion of the approved landscape scheme within the first planting season following completion of development.</p> <p>b) Any trees shrubs or plants that die or become seriously damaged within five years of this development shall be replaced in the following year by plants of the same size and species.</p> <p>Reason: To ensure the implementation of a satisfactory scheme of landscaping in accordance with the NPPF and Policies CS14, CS18 and CS19 of the West Berkshire Core Strategy 2006-2026.</p>
17	<p>Landscape Management Plan</p> <p>No development or other operations shall commence on site until a landscape management plan including long-term design objectives, management responsibilities and maintenance schedules for a minimum period of 10 years has been submitted to and approved in writing by the Local Planning Authority. The plan shall include any areas of existing landscaping, proposed wildlife areas, new tree planting and any areas of proposed landscaping other than areas</p> <p>Reason: To ensure the long term management of existing and proposed landscaping in accordance with the objectives of the NPPF and Policies CS14, CS18 and CS19 of the West Berkshire Core Strategy 2006-2026.</p>
18	<p>Arboricultural Programme of Works</p> <p>No development or other operations shall commence on site until a detailed schedule of tree works including timing and phasing of operations has been submitted and approved in writing by the Local Planning Authority.</p> <p>Reason: To ensure the enhancement of the development by the retention of existing trees and natural features during the construction phase in accordance with the objectives of the NPPF and Policies CS14, CS18 and CS19 of West Berkshire Core Strategy 2006-2026.</p>
19	<p>Tree protection scheme</p> <p>No development (including site clearance and any other preparatory works) shall commence on site until a scheme for the protection of trees to be retained is submitted to and approved in writing by the Local Planning Authority. Such a scheme shall include a plan showing the location of the protective fencing, and shall specify the type of protective fencing. All such fencing shall be erected prior to any development works taking place and at least 2 working days notice shall be given to the Local Planning Authority that it has been erected. It shall be maintained and retained for the full duration of works or until such time as agreed in writing with the Local Planning Authority. No activities or storage of materials whatsoever shall take place within the protected areas without the prior written agreement of the Local Planning Authority.</p> <p>Note: The protective fencing should be as specified at Chapter 6 and detailed in figure 2 of B.S.5837:2012.</p>

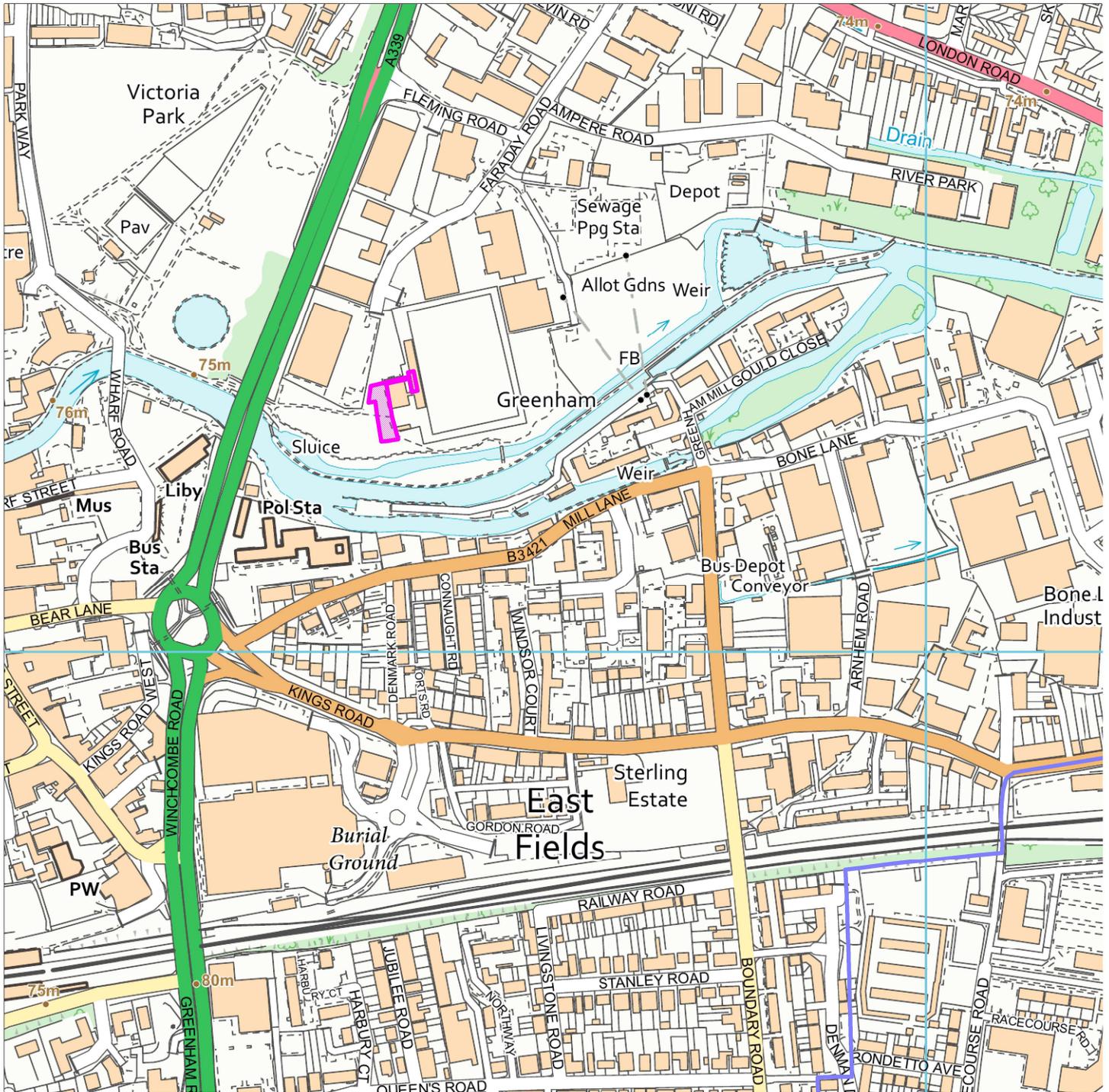
	Reason: To ensure the enhancement of the development by the retention of existing trees and natural features during the construction phase in accordance with the objectives of the NPPF and Policies CS14, CS18 and CS19 of West Berkshire Core Strategy 2006-2026.
20	<p>Arboricultural Method Statement</p> <p>No development or other operations shall commence on site until an arboricultural method statement has been submitted to and approved in writing by the Local Planning Authority and shall include details of the implementation, supervision and monitoring of all temporary tree protection and any special construction works within any defined tree protection area.</p> <p>Reason: To ensure the protection of trees identified for retention at the site in accordance with the objectives of the NPPF and Policies CS14, CS18 and CS19 of the West Berkshire Core Strategy 2006-2026.</p>
21	<p>External lighting</p> <p>No external lighting shall be installed until a lighting strategy has been submitted to and approved in writing by the Local Planning Authority. The strategy shall:</p> <ul style="list-style-type: none"> (a) Identify those areas on the site that are particularly sensitive for bats and that are likely to cause disturbance. (b) Show how and where external lighting will be installed so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species. (c) Include and isolux diagram of the proposed lighting. (d) Ensure all lighting levels are designed within the limitations of Environmental Lighting Zone 1, as described by the Institute of Lighting Engineers. <p>Notwithstanding the provisions of Article 3 and Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015, no external lighting shall be installed except in accordance with the specifications and locations set out in the strategy and these shall be maintained thereafter in accordance with the strategy. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.</p> <p>Reason: Firstly, to ensure the conservation and enhancement of the biodiversity assets of the site, including the protection of species and habitats. This condition is applied in accordance with the National Planning Policy Framework, and Policies CS14, CS17 and CS19 of the West Berkshire Core Strategy (2006-2026).</p>

Informatives

1.	<p>Approach of the LPA</p> <p>This decision has been made in a positive way to foster the delivery of sustainable development having regard to Development Plan policies and available guidance to secure high quality appropriate development. In this application whilst there has been a need to balance conflicting considerations, the local planning authority has worked proactively with the applicant to secure and accept what is considered a development, which improves the economic, social and environmental conditions of the area.</p>
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2.	<p>CIL</p> <p>The development hereby approved results in a requirement to make payments to the Council as part of the Community Infrastructure Levy (CIL) procedure. A Liability Notice setting out further details, and including the amount of CIL payable will be sent out separately from the Decision Notice. You are advised to read the Liability Notice and ensure that a Commencement Notice is submitted to the authority prior to the commencement of the development. Failure to submit the Commencement Notice will result in the loss of any exemptions claimed, and the loss of any right to pay by instalments, and additional costs to you in the form of surcharges. For further details see the website at www.westberks.gov.uk/cil</p>
3	<p>Ground grading requirements</p> <p>The applicants' attention is drawn to league requirements for ground grading and the associated requirements for internal spaces to play in a particular league.</p>

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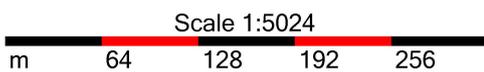
Map Centre Coordinates :

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Organisation	West Berkshire Council
Department	
Comments	Not Set
Date	11 November 2021
SLA Number	0100024151



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Agenda Item 4.(2)

Item No.	Application No. and Parish	Statutory Date	Target	Proposal, Location, Applicant
(2)	20/01966/COMIND Newbury Town Council	01 December 2020*		Renewal and expansion of the existing football pitch to form a new 3G main pitch and a smaller 3G training / practice pitch Newbury Football Club, Faraday Road, Newbury, RG14 2AD Newbury Community Football Group

*Extension of time agreed until 25 November 2021

The application can be viewed on the Council's website at the following link:
<http://planning.westberks.gov.uk/rpp/index.asp?caseref=20/01966/COMIND>

Recommendation Summary:

To **DELEGATE** to the Service Director, Development and Regulation to **GRANT PLANNING PERMISSION** subject to the schedule of conditions

Ward Members:

Councillor Jeff Cant
Councillor Jeff Beck

Reason for Committee determination:

Referred to Committee by the Development Control Manager due to the significant public interest and due to the proposal affecting Council owned land.

Committee Site Visit:

18 November 2021

Contact Officer Details

Name: Masie Masiwa
Job Title: Senior Planning Officer
Tel No: 01635 519111
Email: Masie.Masiwa@westberks.gov.uk

1. Introduction

- 1.1 This application seeks full planning permission for the renewal and expansion of the existing football pitch to form a new 3G main pitch and a smaller 3G training / practice pitch at the Newbury Football Stadium, Faraday Road, Newbury.
- 1.2 A separate planning application is also submitted for the replacement of the existing clubhouse in conjunction with the construction of a new spectator stand. These elements are the subject of outline planning application reference 20/01530/OUT.

Background to proposal

- 1.3 A previous planning application for a similar proposal was the subject of a planning appeal against non-determination under application reference 18/00603/COMIND. The application was previously reported to Western Area Planning Committee (WAP Committee) on the 15th January 2020 where, based on the information available at that time, the committee resolved to delegate to the Head of Planning and Countryside to make representations at planning appeal that planning permission should be granted subject to the imposition of relevant planning conditions.
- 1.4 Following the above resolution by WAP Committee, the Environment Agency, on 20th January 2020, raised objections to the application on two grounds relating to flood risk and ecology. The application (as a live planning appeal) was reported back to WAP Committee for reconsideration to re-determine the Council's position for the planning appeal going forward. The planning appeal was subsequently withdrawn.
- 1.5 The latest proposal is to create a main 3G football pitch that can be used for organised training and matches throughout the year by all age groups and teams from both genders. A small training / practice pitch is also proposed, adjacent to the main pitch. The pitch sizes are outlined below:
- Main pitch: 110 metres X 80 metres
 - Training / practice pitch: 53 metres X 26 metres
- 1.6 The proposed 3G artificial grass pitch will consist of a pile height of between 40 mm and 60 mm. The carpet is in-filled with a mixture of sports-grade sand and rubber to provide the required shock absorbency and playing characteristics. Carpets with pile heights below 50mm are laid onto a shock pad.
- 1.7 A recent planning application by West Berkshire Council on the same site was recently withdrawn. The application reference and details are outlined below:
- *20/02402/REG3: Provision of new car parking spaces, provision of timber bollards and provision of fencing. Part retrospective demolition of the football clubhouse.*
- 1.8 The application site 'Newbury Football Ground' is an existing recreational facility (Football Ground) covering some 1.5 hectares to the east of Newbury Town Centre. The facilities comprises a single grass playing pitch, single storey clubhouse (recently damaged by fire) and the slab for a spectator stand that was dismantled and taken off site. The site contained external flood lighting (now removed) mounted on masts around the football pitch. The pitch is enclosed by temporary fencing, timber and chain link fencing of varying height.

- 1.9 To the north of the site is the London Road industrial estate with a variety of uses, and to the east there are landscaped areas including trees and allotments. The south-east of the site is associated with residential properties approximately 50 metres beyond the Kennet Canal and to the south there 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 Rights of Way (NEWB/28/7) beyond which is the Kennet and Avon Canal, which contains narrow boat moorings. The River Kennet is also located further south, with the river being designated as a SSSI in its entirety. 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 onto Faraday Road.
- 1.10 The site falls within Flood Zones 2 and 3 according to Environment Agency Flood Mapping.
- 1.11 The football ground is also currently registered as an Asset of Community Value (ACV).

2. Relevant Planning History

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

Application	Proposal	Decision / Date
21/01575/CERTE	Confirmation of lawful use of land as a football ground under use Class F2 of the Use Classes Order (Amendment 2020) Applicant: Newbury Community Football Group (NCFG)	Approved
20/02402/REG3	Creation of open space for public recreation including demolition of former football ground clubhouse; delivery of new parking spaces and erection of timber bollards and new fencing generally. Applicant: West Berkshire Council	Withdrawn
20/01530/OUT	Outline permission for replacement of clubhouse and new spectator stand at Newbury Football Ground. Matters to be considered: Access and Layout. Applicant: Newbury Community Football Group (NCFG)	Pending consideration
19/00814/FUL	Creation of 4 x multi-use games areas with replacement gates and new fencing; 8 x new floodlights (replacing existing 6 x floodlights) Applicant: West Berkshire Council	Withdrawn
18/02046/DEMO	Application for prior notification for demolition of spectator stand	Approved/further details not required for

		approval
18/00604/OUT	Outline permission for replacement of clubhouse and stand at Newbury Football Ground. Matters to be considered: Access and Layout. Applicant: Newbury Community Football Group (NCFG)	Appeal Withdrawn (Non-Determination)
18/00603/COMIND	Renewal and expansion of existing football pitch including artificial pitches. Applicant: Newbury Community Football Group (NCFG)	Appeal Withdrawn (Non-Determination)
94/45314/FUL	Stands (standing only) - 8no units; 3m high north boundary fence.	Approved
93/43408/ADD	Replacement of existing floodlights & stands.	Approved
93/42876/ADD	Renovation of clubhouse & new building for entrance shop toilets & groundsman store.	Approved
93/42875/ADD	Replacement grandstand & additional car parking.	Approved
89/35983/ADD	Day time car park for racial vodafone evening and weekend training area for football club	Refused
82/18107/ADD	Small 100 seater grandstand	Approved
81/16061/ADD	Erection of grand stand for spectators	04.11.1981
79/10044/ADD	Proposed new pavilion & change of use to football ground	Approved
77/07234/ADD	Non illuminated hoarding	Approved
77/06859/ADD	Extension to clubhouse	Approved
75/03793/ADD	Extension to provide changing rooms	Approved

3. Procedural Matters

- 3.1 The latest proposed development falls within the column 1 description at paragraph 10 (b) (Urban development projects – sports stadium) of Schedule 2 of the Town and Country Planning (Environmental Impact Assessment) (EIA) Regulations 2017. The local planning authority has taken into account the selection criteria in Schedule 3 of the 2017 EIA Regulations. An EIA screening exercise has been completed in accordance with the Regulations and a consideration of the existing use. It is

concluded that the proposed development, is not “EIA development” according to the 2017 EIA Regulations and an Environmental Statement is not required.

- 3.2 A site notice was displayed on 23 October 2020 and the deadline for representations expired on 13 November 2020. Press notices were advertised in the Newbury Weekly.
- 3.3 Community Infrastructure Levy (CIL) is a levy charged on most new development to pay for new infrastructure required as a result of the new development. CIL is only charged on residential and retail development floor space. The proposed development would not require any financial contributions to be made in respect of the Councils Adopted CIL Charging Schedule
- 3.4 More information is available at www.westberks.gov.uk/cil

4. Consultation

Statutory and non-statutory consultation

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

Newbury Town Council:	Support
WBC Highways Officer:	No objection subject to conditions
WBC Drainage Officer:	No objection, subject to Flood Risk Assessment and EA comments
WBC Conservation:	No objection.
WBC Ecology Officer:	No objection subject to condition
WBC Trees Officer:	No objection subject to condition
WBC Archaeology:	No objection subject to condition
WBC Housing Development	No comments to make response received
WBC Environmental Health:	No objection
Sport England	No objection subject to conditions

Environment Agency:	No objection subject to conditions
Canal and River Trust	No comments to make response received
Natural England	No objection

Public representations

4.2 Representations have been received from 3 contributions in support of the application. Two of the submissions include an online petition with approximately 151 entries and the other includes an online petition with approximately 1,972 signatures. The third submission is from a member of the public.

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

- Football is an important part of the community
- Football brings people of all ages together
- Need more sports faculties for our children
- There is evidence of need for a quality football pitch in WBC's Playing Pitch and Leisure Strategies Newbury community needs a football ground
- We need to look after our grass roots teams
- We need to keep this facility to allow all of the community access to sports
- There is lack of decent Astro/3G/4g facilities in Newbury
- It is essential for the health and wellbeing of young people
- Newbury football ground has its infrastructure in place already
- Town planning is not just about housing
- Newbury need a football club for the community
- The Newbury area is severely lacking good facilities not just for football
- The town needs accessible sporting facilities
- The football ground means so much to my family
- The stadium has provided opportunities for players of all ages and abilities to play at a local enclosed stadium
- Support for Newbury Community Football Group's campaign to save Newbury Football Ground and transform it into a proper stadium again.

5. Planning Policy

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

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

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

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

6. Appraisal

6.1 The main issues for consideration in this application are:

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

Principle of development

6.2 Policy ADPP1 identifies the District Settlement Hierarchy where new development will be focused, primarily on previously developed land.

6.3 According to 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.

6.4 Policy CS18 sets out that the District's green infrastructure (GI). For the purposes of the Core Strategy and Policy CS18, the definition of green infrastructure includes all outdoor sports facilities. Policy CS18 states that all 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 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.

- 6.5 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.
- 6.6 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 District's open spaces.

Asset of Community Value

- 6.7 The proposed improvements to the Football Ground will revitalise a major sporting asset providing much needed facilities for the community in Newbury. The proposal is to greatly improve the quality, design and area of the ground for football and other ancillary community facilities.
- 6.8 West Berkshire Council awarded Faraday Road Football Ground an Asset of Community Value status (ACV). An ACV status is a material planning consideration when it comes to the loss of the ACV as a community facility. The ACV designation provides the community with a Community Right to Bid when the ACV is proposed for sale. The Non-statutory advice note for local authorities October 2012 advises that local planning authorities can consider whether listing as an ACV is a material consideration in determining a planning application, taking into account all of the circumstances of the case.

Wider Regeneration Proposals for London Road Industrial Estate

- 6.9 The applicants do not own, lease or rent the site and notice has been served on West Berkshire Council as landowner. It is recognised that the Council has aspirations for the future 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.
- 6.10 In 2020, the Council adopted its own Playing Pitch Strategy, which amongst other matters addresses the anticipated loss of the Faraday Road stadium site.
- 6.11 In addressing Sport England planning policy exception E1, the West Berkshire Council Playing Pitch Strategy (2020) at page 32 proposes:

“Relocation of the single adult sized grass pitch at Faraday Road, together with changing accommodation and the other necessary league requirements to create a step 6 facility on a site which will be no more than 20 minutes’ drive time away, and upgrade the current grass pitch to a 3G pitch with the ability to develop it to a step 5 facility. This site will be available before any construction work starts at Faraday road.”
- 6.12 In addressing Sport England planning policy exception E4, The West Berkshire Council Playing Pitch Strategy (2020) also states at page 33 that:

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

- 6.13 The Council has submitted a planning application for a replacement facility at Newbury Rugby Football Club, Monks Lane, Newbury, which will be referred to the WAP Committee for consideration and determination once all matters have been resolved. The planning application reference and proposal details are outlined below:

Planning application reference: 21/02173/COMIND

Proposal: *The proposed development is for a single storey sports pavilion building and car park providing facilities and social space to support a proposed artificial turf pitch, F2(C). The proposed artificial turf pitch forms part of this application and includes fencing, storage, spectator seating and artificial lighting. The building will provide approximately 400m² of internal floor space of use class F2 (B).*

Existing Grass Playing Field

- 6.14 As the proposal under the application subject of this report (20/01966/COMIND) affects an existing grass, 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.
- 6.15 The proposal is to improve the quality, design and area of the ground for football.
- 6.16 Sport England were consulted and in turn they consulted the Football Association and the Football Foundation who raised no objection in principle. Sport England’s concern regardless of land ownership is to ensure that the proposal is robust and strategically justified. The site is currently a football stadium and within the adopted West Berkshire Playing Pitch Strategy, it states in table 4.1 that the site is part of a future development and therefore the site is to be relocated elsewhere within a 20 minutes’ drive time, and provision made as a step 6 facility with the provision expanded to a step 5 in the future. (The steps are different ground gradings within the football pyramid’s league structure).
- 6.17 The relocation of the facility would comply the NPPF and Sport England’s planning policy exception E4, but the relocation can only be afforded weight when a relocated facility is completed and made available as outlined within the West Berkshire Playing Pitch Strategy.
- 6.18 The Newbury Community Football Group (NCFG) submitted their indicative business plan in principle based on obtaining the freehold or long leasehold (25 years minimum) of the site. The business plan outlines the proposed funding, community use and the ongoing operation and management of the facility.

- 6.19 It is submitted that the business plan combines and supports the need for two established needs:
- 1) A first class, FA accredited, FIFA quality, 3G football pitch for Newbury based football teams (men's and women's teams).
 - 2) A new community facility that will help to address the shortage of 3G Football Turf Pitch (FTP) pitches in the area
- 6.20 Sport England (SE) have therefore assessed the existing and proposed playing fields against the above policy to determine whether the proposals meet policy exception 5. SE recognise that the proposed replacement full size artificial pitch and adjacent junior pitch are proposed to benefit community football in Newbury.
- 6.21 SE raise no objection to the proposal as it is considered that a 3G Artificial Grass Pitch (AGP) would meet exception 5 of their policy guidance. If the facilities are to be relocated as proposed by West Berkshire Council, this will also satisfy the National Planning Policy Framework and Sport England's planning policy exception E4. There is no requirement for a replacement pitch to be 3G AGP, however the 3G pitch is accepted by Sport England. The final design and layout of the 3G AGP will be secured by condition as recommended by Sport England. In addition, the submission of details for a community use agreement prepared in consultation with Sport England, a Management and Maintenance Scheme for the facility including management responsibilities, a maintenance schedule and a mechanism for review of the maintenance will also be secured by condition as recommended by Sport England. If members were minded to amend these conditions, officers would be required to discuss any amendments with Sport England even when the conditions will achieve the same objectives.
- 6.22 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 through the renewal and expansion of an existing sports facilities within a sustainable location that form part of the district's green infrastructure.
- 6.23 In conclusion, the principle of development is acceptable in accordance with the policies discussed above. The wider development plan policies and other material planning considerations are further considered below.

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

- 6.24 According to Core Strategy Policy CS14, new development must demonstrate high quality and sustainable design that respects and enhances the character and appearance of the area. Considerations of design and layout must be informed by the wider context, having regard not just to the immediate area, but also to the wider locality. Development shall contribute positively to local distinctiveness and sense of place.
- 6.25 Part 1 of the Quality Design SPD indicates new 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 Newbury Town Design Statement outlines that design of new development in the Faraday Road industrial area should contribute to the visual enhancement of the area.
- 6.26 The Planning (Listed Buildings and Conservation Areas) Act 1990 provides that with respect to any buildings or other land in a conservation area, special attention shall be

paid to the desirability of preserving or enhancing the character or appearance of that area.

- 6.27 Policy CS.19 of the Core Strategy seeks the conservation and, where appropriate, enhancement of heritage assets and their settings including Conservation Areas. The NPPF seeks to protect heritage assets and that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal.
- 6.28 The southern boundary of the site falls within a conservation area. The proposal has been assessed by the Council's conservation officer. 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.
- 6.29 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 area around Newbury Football Club is of high archaeological potential, particularly for the Mesolithic (Middle Stone Age) period. The Archaeological Officer has advised that the submitted documents do not include any assessment of the ground disturbance from this proposal, but an old land surface with many Mesolithic flints was encountered in a test pit in Victoria Park at less than 0.5m deep. An excavation revealing an intact Mesolithic deposit with flint and animal bone was also carried out at the former West Berkshire Council Offices at nearby Faraday Road in 1997, as such these sites are of national if not international significance.
- 6.30 It is recommended that the applicants commission a programme of archaeological work starting with a desk-based assessment but very likely including some targeted test-pitting, and if necessary some excavation. This can be secured by applying a condition.
- 6.31 The proposal could comply with Core Strategy Policy CS19 and the National Planning Policy Framework in terms of conserving the historic environment. Overall, the proposal would have an acceptable level of impact on the character and appearance of the area. The proposal would comply with Policies ADPP2, CS14 and CS19 of the West Berkshire Core Strategy 2006-2026. The proposal also complies with the West Berkshire Supplementary Planning Document Series: Quality Design, and the Newbury Town Design Statement

Impact on neighbouring amenity and quality of life

- 6.32 Planning Policies CS14 and CS19 of the West Berkshire Core Strategy are of importance with regard to the potential impact upon neighbouring amenity.
- 6.33 The proposal would maintain adequate separation distances from existing residential properties ensuring no material impact on neighbouring residential amenity.
- 6.34 The Environmental Health Officer has raised no objection with regard to potential impact from noise and lighting. The use is existing and established for this area. Any potential light pollution associated with such uses can be reduced by limiting the amount and type of flood lighting used. No floodlighting is proposed with the application, as such a condition can be recommended to secure the submission of potential lighting details for approval.

- 6.35 Noise generated by the use of the site and increased traffic generation would impact on local residents, however these considerations are in line with the existing use of the site. Given the similar scale of the redevelopment it is considered that the levels of noise and traffic would be acceptably at similar current existing use levels.
- 6.36 Overall, the impact on neighbouring amenity from the proposed development is considered minimal and would not have a materially harmful negative impact on nearby residents. The proposal therefore accords with policy CS14 and the SPD on Quality Design.

Highway safety

- 6.37 Policies CS13 of the Core Strategy and TRANS.1 of the Saved Policies of the Local Plan relate to highways. Road safety in West Berkshire is a key consideration for all development in accordance with Core Strategy Policy CS13.
- 6.38 The application site is within a sustainable location within walking distance of the town centre. The existing vehicular access into the site is through the industrial estate to the north onto Faraday Road. The proposal would utilise this existing vehicular access arrangement and would incorporate a revised car-parking layout. The proposal has been carefully considered by the Highways Authority who consider subject to the imposition of relevant planning conditions, the proposal is considered acceptable in terms of highway safety.
- 6.39 Overall, it is considered that the proposed development would not have a material impact on highway safety. The application is therefore considered to comply with Core Strategy Policy CS13 and TRANS.1 of the Saved Policies of the Local Plan.

Trees and Landscaping

- 6.40 Policy CS19 of the WBCS concerns the historic environment and landscape character. It seeks to ensure that the diversity and local distinctiveness of the landscape character of the district is conserved and enhanced.
- 6.41 The proposal has been considered by the Tree Officer who identifies there are some significant trees on the West Berkshire owned land surrounding the proposal, which will require protection to minimise any impact from the development. Sufficient areas are retained that can accommodate new tree planting to ensure a net gain in tree planting within the site. Some of the trees including sycamore and elders growing between the fences will be removed and are considered poor quality trees by the Tree Officer. Conditions can be attached requesting a more detailed landscaping scheme around the site as an enhancement.
- 6.42 Overall, it is therefore considered that the proposed development would conserve the trees within the site in compliance with the advice contained within the NPPF, and Policy CS19 of the WBCS.

Flooding and drainage

- 6.43 Core Strategy Policy CS16 (Flooding) applies across the district and highlights the cumulative impacts of development on flooding within the district.

- 6.44 The application site is partly located within Flood Zone 2 and 3 of the Environment Agency's Flood Map, the site is therefore considered to have a high probability of flooding. The site is also located over a Principal Aquifer and within a Groundwater Source Protection Zone (SPZ) 3. The EA describe the geological strata as one that exhibits high permeability and usually provides a high level of water storage. The Environment Agency (EA) were consulted and they initially objected due to the lack of a site-specific flood risk assessment (FRA), however the applicant subsequently submitted a FRA. The FRA provides an appropriate assessment of climate change allowances and the applicant has confirmed that there will be no ground level raising occurring within the 1% annual exceedance probability (AEP) flood extent from the proposed changes to the football pitch.
- 6.45 Overall the EA has raised no objection to the application subject to conditions that the development is in accordance with the submitted flood documents.
- 6.46 The proposal could comply with the provisions of the NPPF, Core Strategy Policy CS16 and Sustainable Drainage SPD (2017).

Biodiversity

- 6.47 Core Strategy Policy CS17 (Biodiversity and geodiversity) states that, in order to conserve and enhance the environmental capacity of the District, all new development should maximise opportunities to achieve net gains in biodiversity and geodiversity in accordance with the Berkshire Biodiversity Action Plan and the Berkshire Local Geodiversity Action Plan.
- 6.48 The Natural Environment and Rural Communities Act 2006 and Article 10 of the Habitats Directive stresses the importance of natural networks of linked corridors to allow movement of species between suitable habitats, and promote the expansion of biodiversity networks.
- 6.49 The site is within proximity to the statutory Main River, the River Kennet Site of Special Scientific Interest (SSSI), which is a chalk river of national importance with a significant nature conservation value. The River Kennet Site is a migratory route for protected species. The proposed new senior football pitch encroaches closer to the river than the existing pitch resulting in the loss of semi-natural habitats within the river corridor.
- 6.50 The Council's Ecologist and the Environment Agency have both stated that the release of plastics and in particular micro-plastics or non-biodegradable plastics into the environment is a current area of concern both nationally and internationally. Artificial sports pitches are one example of a potential source of micro-plastics. The 3G pitch infilled with rubber could cause micro-plastics to be released into the River Kennet SSSI. The EA consider that 10 metres is the minimum width required of undeveloped buffer zones to SSSI Rivers to provide an unobstructed wildlife corridor for species. The buffer would be maintained as a zone of natural character and to reduce the risk of accidental pollution from run-off. The proposed development will therefore be acceptable if a planning condition is included requiring a scheme to be agreed to protect a minimum 10 metre wide buffer zone along the bank top of the River Kennet SSSI. Officers also consider that the concerns with regard to micro-plastics could be addressed as part of a condition that requires the submission of details to reduce and mitigate the release of micro-plastics into this sensitive environment.
- 6.51 The Council's Ecologist has indicated that any short term impacts associated with the construction process can be controlled through the implementation of a construction environmental management plan (CEMP) secured via a planning condition. The

CEMP can control matters such as dust suppression, hours of work and deliveries. In addition a landscape environment management plan (LEMP) can be attached to ensure a sustainable management of the biodiversity within and adjacent to the site. The LEMP condition will also request some additional enhancements to the river corridor, particularly on the bank top of the river and adjacent land, which is within the red line boundary of the development.

- 6.52 The EA also welcome the recommended ecological enhancements in the ecological appraisal and these should be implemented to contribute towards a biodiversity net gain for the development.
- 6.53 The proposed development could comply with the Conservation Regulations 2010, Wildlife and Countryside Act 1981, Natural Environment and Rural Communities Act 2006, NPPF and Policy CS 17 of the West Berkshire Core Strategy 2012.

Representations

- 6.54 Members of the public have written representations in support of the application. The points raised in support have been acknowledged in this report and mainly focus on the significant value of the football ground site to the community.

7. Planning Balance and Conclusion

- 7.1 Planning applications must result in sustainable development with consideration being given to the economic, social and environmental sustainability aspects of the proposal. Officers consider that the proposal will contribute to the wider economic dimensions of sustainable development and will support provision of a leisure facility. There are benefits arising from the development of the whole site, including provision for open space and leisure facilities. With regard to the environmental role of fundamentally contributing to protecting and enhancing our natural, built and historic environment, the impact on the character and appearance of the surrounding area, flooding risk and biodiversity protection have been fully assessed using expert advice as outlined in this report. Officers consider that the proposed plans preserve and enhance the existing natural environment on the site.
- 7.2 Having taken account of all the relevant development plan policy considerations and the other material considerations referred to in this report and the expert consultation provided, officers consider that the development proposed is acceptable and is recommended to members for approval, subject to conditions.
- 7.3 This decision has been considered using the relevant policies related to the proposal as outlined in the report.

8. Full Recommendation

- 8.1 **DELEGATE** to the Service Director, Development and Regulation to **GRANT PLANNING PERMISSION** subject to the schedule of conditions:

8.2 Schedule of Conditions

1.	<p>Time Limit for commencement</p> <p>The development hereby permitted shall be begun before the expiration of three years from the date of this permission.</p> <p>Reason: To comply with Section 91 of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).</p>
2.	<p>Approved plans</p> <p>The development hereby permitted shall be carried out in accordance with the following approved documents and plans:</p> <ul style="list-style-type: none">• Proposed block plan received on 25 August 2020• Parking Survey received on 25 August 2020• Preliminary Ecology Survey received on 25 August 2020• Amended Design and access statement received on 27 September 2020• NCFG response to Sport England received on 11 December 2020• NCFG Indicative Business Plan received on 11 January 2021• Flood Risk Assessment received on 13 August 2021• Applicant email response to Environment Agency received on 20 October 2021 <p>Reason: For the avoidance of doubt and in the interest of proper planning.</p>
3	<p>External Materials</p> <p>Prior to above foundation level works commencing, details of all the materials for the external surfaces of the development shall have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with approved details.</p> <p>Reason: To ensure the satisfactory appearance of the development and in order to protect the character and amenity of the area. This condition is applied in accordance with the National Planning Policy Framework, Policies ADPP2, CS14 and CS19 of the West Berkshire Core Strategy (2006-2026), the Quality Design SPD (June 2006) and the Newbury Town Design Statement.</p>
4	<p>Means of Enclosure</p> <p>Notwithstanding the provisions of the plans hereby approved, the development hereby permitted shall not be first used until full details have been submitted to and approved in writing in respect of means of enclosure or boundary treatments on the site, to include a plan indicating the positions, design, materials and type of boundary treatment and gates to be erected within the site. The boundary treatments shall be completed in accordance with the approved scheme before the development hereby permitted is first used. The boundary treatment shall thereafter be retained in accordance with the approved details.</p> <p>Reason In the interest of visual amenity and to ensure the satisfactory appearance of the development. This condition is applied in accordance with the National Planning Policy Framework, Policies ADPP2, CS14 and CS19 of the West Berkshire Core Strategy (2006-2026), the Quality Design SPD (June 2006) and the Newbury Town Design Statement.</p>

5	<p>Parking and turning in accordance with plans</p> <p>The use shall not commence until the vehicle parking and turning space have been surfaced, marked out and provided in accordance with the approved plan(s). The parking and turning space shall thereafter be kept available for parking (of private motor cars and light goods vehicles) at all times.</p> <p>Reason: To ensure the development is provided with adequate parking facilities, in order to reduce the likelihood of roadside parking that would adversely affect road safety and the flow of traffic. This condition is imposed in accordance with the National Planning Policy Framework, Policy CS13 of the West Berkshire Core Strategy (2006-2026) and Policy TRANS1 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).</p>
6	<p>Cycle parking</p> <p>The use shall not commence until the cycle parking has been provided in accordance with the approved drawings and this area shall thereafter be kept available for the parking of cycles at all times.</p> <p>Reason: To ensure the development reduces reliance on private motor vehicles and assists with the parking, storage and security of cycles. This condition is imposed in accordance with the National Planning Policy Framework, Policy CS13 of the West Berkshire Core Strategy (2006-2026) and Policy TRANS1 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).</p>
7	<p>Updated Ecological Appraisal</p> <p>In the event that development has not commenced 3 years from the date of this permission, no development shall take place until an updated Ecological Appraisal has been submitted to and approved in writing by the Local Planning Authority, together with any additional surveys recommended by the updated Ecological Appraisal. The updated surveys shall be used to inform the mitigation measures for this development.</p> <p>Reason: If the development has not been commenced the ecological appraisal should be updated. This is because the ecology of the site is likely to change over time. This condition is applied in accordance with the statutory provisions relating to the protected species and habitats on the site, the National Planning Policy Framework, and Policy CS17 of the West Berkshire Core Strategy (2006-2026).</p>
8	<p>Landscape and Ecological Management Plan</p> <p>No development shall take place on the site until a Landscape and Ecological Management Plan (LEMP) has been submitted to and approved in writing by the local planning authority. The LEMP should be based on the Preliminary Ecological Appraisal by CGO Ecology Ltd dated June 2020 received on 06 July 2020 and the approved SuDS and Landscaping documents and plans. Such a Plan shall include:</p> <ul style="list-style-type: none"> a) Detailed habitat creation and management prescriptions (including costings) for the retained and newly created habitats meeting all the needs of biodiversity net gain timeframes, monitoring and reviews. b) Provision of features for protected and priority fauna as outlined within the Preliminary Ecological Appraisal by CGO Ecology Ltd dated June 2020 received on 06 July 2020 and deliver the recommendations of this Assessment to ensure the appropriate protection and conservation of protected habitats and species.

	<ul style="list-style-type: none"> c) Include (but not necessarily be limited to) details of management, maintenance and long-term protection of the hard and soft landscaping, and ecological mitigation area. d) Submit a green phasing plan to interact with the CEMP and LEMP. Include the planting list, hard and soft infrastructure and boundary treatments and species and habitat enhancements and protections. e) May incorporate any/all mitigation measures secured by other planning conditions attached to this permission, including SuDS and Landscaping. <p>The approved LEMP shall be implemented in full upon commencement of development.</p> <p>Reason: The LEMP is necessary to ensure the adequate protection and conservation of protected species and habitats on the site, and to achieve the specific recommendations of the submitted Ecological Assessment. A comprehensive LEMP will also ensure that interrelated landscape and ecological proposals are delivered and managed in a holistic manner. To ensure that habitats are protected and enhanced in the best way possible and that the planting can become as established as possible. The detailed LEMP is required before commencement of development because insufficiently detailed information has been submitted at the application stage, and it may include measures that require implementation during the construction phase. This condition is applied in accordance with the NPPF, Policies CS14, CS17, CS18 and CS19 of the West Berkshire Core Strategy (2006-2026).</p>
9	<p>Construction Environmental Management Plan (CEMP)</p> <p>No development shall take place (including ground works, vegetation clearance) until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the local planning authority. The CEMP shall include the following;</p> <ul style="list-style-type: none"> (a) A risk assessment of potentially damaging construction activities (b) Identification of biodiversity protection zones and a green phasing plan (c) Practical measures to avoid and reduce impacts during construction (d) The location and timing of sensitive works to avoid harm to biodiversity features including protected species and tree protection measures (e) The times during construction when specialist ecologists need to be present on site to oversee works (f) Responsible persons and lines of communication (g) The role and responsibilities of the ecological clerk of works or similarly competent person (h) Use of protective fences, exclusion barriers and warning signs (i) Any temporary lighting that will be used during construction (j) A scheme of works or such other steps to minimise the effects of dust during construction (k) The implementation of these measures prior to the commencement of each phase. <p>The development shall not be constructed otherwise than in accordance with the approved CEMP.</p> <p>Reason: To ensure the conservation and enhancement of the biodiversity assets of the site, including the protection of species and habitats. A pre-condition is required because insufficient information accompanies the application. This condition is applied in accordance with the National Planning Policy Framework, and Policy CS17 of the West Berkshire Core Strategy 2006-2026.</p>

10	<p>3G Artificial Grass Pitch design and layout</p> <p>No development shall commence until details of the design and layout of 3G Artificial Grass Pitch have been submitted to and approved in writing by the Local Planning Authority (after consultation with Sport England). The 3G Artificial Grass Pitch shall not be constructed other than in accordance with the approved details.</p> <p>Reason: To ensure the development is fit for purpose and sustainable and to accord with Development Plan Policy. This condition is applied in accordance with the National Planning Policy Framework, Policies CS14 and CS18 of the West Berkshire Core Strategy (2006-2026), Supplementary Planning Document Quality Design (June 2006), the Newbury Town Design Statement and the West Berkshire Council Playing Pitch Strategy (2020).</p>
11	<p>Community use agreement</p> <p>Within 3 months of work commencing on site, a community use agreement prepared in consultation with Sport England shall be submitted to and approved in writing by the Local Planning Authority, and a copy of the completed approved agreement has been provided to the Local Planning Authority. The agreement shall apply to the stadium site and include details of pricing policy, hours of use, access by non-members, management responsibilities and a mechanism for review. The development shall not be used otherwise than in strict compliance with the approved agreement.</p> <p>Reason: To secure well managed safe community access to the sports facility/facilities, to ensure sufficient benefit to the development of sport. This condition is applied in accordance with the National Planning Policy Framework, Policies CS14 and CS18 of the West Berkshire Core Strategy (2006-2026), Supplementary Planning Document Quality Design (June 2006), the Newbury Town Design Statement and the West Berkshire Council Playing Pitch Strategy (2020).</p>
12	<p>Management and Maintenance Scheme</p> <p>Before the 3G Artificial Grass Pitch is brought into use, a Management and Maintenance Scheme for the facility including management responsibilities, a maintenance schedule and a mechanism for review shall be submitted to and approved in writing by the Local Planning Authority after consultation with Sport England. This should measures to ensure the replacement of the Artificial Grass Pitch within the manufacturer's specified period. The measures set out in the approved scheme shall be complied with in full, with effect from commencement of use of the Artificial Grass Pitch.</p> <p>Reason: To ensure that a new facility is capable of being managed and maintained to deliver a facility which is fit for purpose, sustainable and to ensure sufficient benefit of the development to sport. This condition is applied in accordance with the National Planning Policy Framework, Policies CS14 and CS18 of the West Berkshire Core Strategy (2006-2026), Supplementary Planning Document Quality Design (June 2006), the Newbury Town Design Statement and the West Berkshire Council Playing Pitch Strategy (2020).</p>
13	<p>Micro plastics and nature conservation measures</p> <p>Before the 3G, Artificial Grass Pitch is brought into use, a Management and Mitigation Plan for the prevention of the release of plastics and in particular micro-plastics into the environment shall be submitted to and approved in writing by the Local Planning Authority. The details shall include:</p>

	<p>a) Details of the substrate type to be used on the pitches</p> <p>The measures set out in the approved plan shall be complied with in full, with effect from commencement of use of the Artificial Grass Pitch.</p> <p>Reason: To ensure that the release of plastics and in particular micro-plastics into the environment is mitigated to safeguard the River Kennet Site of Special Scientific Interest (SSSI), which is a chalk river of national importance with a significant nature conservation value. This condition is applied in accordance with the statutory provisions relating to the protected species and habitats on the site, the National Planning Policy Framework, and Policy CS17 of the West Berkshire Core Strategy (2006-2026).</p>
14	<p>Flood Risk</p> <p>The development shall be carried out in accordance with the submitted flood risk assessment (ref 12/08/2021/3366/ by Brighton Consulting Engineers Limited and email from the applicant dated 20/10/2021) and the following mitigation measures it details:</p> <p>a) There shall be no raising of existing ground levels on the site.</p> <p>These mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the scheme's timing/phasing arrangements. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.</p> <p>Reason: To prevent the increased risk of flooding due to impedance of flood flows and reduction of flood storage capacity. This condition is imposed in accordance with the National Planning Policy Framework, Policy CS16 of the West Berkshire Core Strategy (2006-2026), and Part 4 of Supplementary Planning Document Quality Design (June 2006).</p>
15	<p>River buffer zone</p> <p>No development shall take place until a scheme for the provision and management of a minimum 10-metre wide buffer zone alongside the River Kennet Site of Special Scientific Interest (SSSI) has been submitted to, and approved in writing by, the local planning authority. Thereafter, the development shall be carried out in accordance with the approved scheme. Any subsequent variations shall be agreed in writing by the local planning authority, in which case the development shall be carried out in accordance with the amended scheme. The buffer zone scheme shall be free from built development including lighting and formal landscaping. The scheme shall include:</p> <ol style="list-style-type: none"> 1) Plans showing the extent and layout of the buffer zone including the distances between the development and the bank top of the river. 2) Details demonstrating how the buffer zone and river will be protected during development from damage, disturbance and contamination/pollution. This should be in the form of a Construction Environment Management Plan (CEMP) and should include such measures as: <ul style="list-style-type: none"> • Temporary fencing to prevent any vehicle movements or storage within the buffer zone. • Pollution prevention measures, particularly from surface water run-off.

	<ul style="list-style-type: none"> • An environmental risk assessment. <p>3) Details of any proposed footpaths, fencing, lighting, etc. Please note that there should be no light spill into the river corridor as this could affect the behaviour of nocturnal animals such as bats. To reduce light spill into the river corridor from outside the buffer zone, all artificial lighting should be directional and focused with cowlings. For more information see the Institution of Lighting Professionals guidance:</p> <p>https://www.theilp.org.uk/documents/obtrusive-light/ https://www.theilp.org.uk/documents/guidance-note-8-bats-and-artificial-lighting/</p> <p>4) Details of ecological enhancements to the buffer zone including any proposed planting. This could include the removal of any non-native plant species and sympathetic tree works of native trees to allow more light into the channel and hence encourage more in-channel vegetation. It could also include additional planting of native species only. This could include native shrubs typical of the area such as grey willow, goat willow, alder, oak and aspen.</p> <p>5) Details of how the buffer zone vegetation will be managed over the longer term including adequate financial provision and named body responsible for management. If a Landscape Management Plan is required for the site, the management of the buffer zone could be incorporated into the management plan.</p> <p>Reason: Land alongside watercourses is particularly valuable for wildlife and it is essential that it is protected. For this development, it is particularly important to protect and enhance the river corridor of the River Kennet SSSI. This condition is applied in accordance with the statutory provisions relating to the protected species and habitats on the site, the National Planning Policy Framework, and Policy CS17 of the West Berkshire Core Strategy (2006-2026).</p>
16	<p>Drainage measures</p> <p>No drainage systems for the infiltration of surface water to the ground are permitted other than with the written consent of the local planning authority. Any proposals for such systems must be supported by an assessment of the risks to controlled waters. The development shall be carried out in accordance with the approved details.</p> <p>Reason: To ensure that the development does not contribute to, and is not put at unacceptable risk from or adversely affected by, unacceptable levels of water pollution caused by mobilised contaminants. This condition is imposed in accordance with the National Planning Policy Framework, Policy CS16 of the West Berkshire Core Strategy (2006-2026), and Part 4 of Supplementary Planning Document Quality Design (June 2006).</p>
17	<p>Contamination</p> <p>No development approved by this planning permission shall commence until a remediation strategy to deal with the risks associated with contamination of the site in respect of the development hereby permitted, has been submitted to, and approved in writing by, the local planning authority. This strategy will include the following components:</p> <p>1. A preliminary risk assessment which has identified:</p>

	<ul style="list-style-type: none"> • all previous uses • potential contaminants associated with those uses • a conceptual model of the site indicating sources, pathways and receptors • potentially unacceptable risks arising from contamination at the site <p>2. A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off-site.</p> <p>3. The results of the site investigation and the detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.</p> <p>4. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.</p> <p>Any changes to these components require the written consent of the local planning authority. The scheme shall be implemented as approved.</p> <p>Reasons: To ensure that the development does not contribute to, and is not put at unacceptable risk from or adversely affected by, unacceptable levels of water pollution. This condition is applied in accordance with the National Planning Policy Framework, Policy CS14 of the West Berkshire Core Strategy (2006-2026), and Policy OVS.5 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).</p>
18	<p>Programme of archaeological work</p> <p>No development shall take place within the application area until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation, which has been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall incorporate and be undertaken in accordance with the approved statement.</p> <p>Reason: To ensure that any significant archaeological remains that are found are adequately recorded. This condition is applied in accordance with the National Planning Policy Framework, Policies CS14 and CS19 of the West Berkshire Core Strategy (2006-2026), and Supplementary Planning Document Quality Design (June 2006).</p>
19	<p>Scheme of Landscaping</p> <p>The development shall not be occupied until a detailed scheme of landscaping for the site is submitted to and approved in writing by the Local Planning Authority. The details shall include schedules of trees and plants noting species, plant sizes and proposed numbers/densities, an implementation programme and details of written specifications including cultivation and other operations involving tree, shrub and grass establishment.</p> <p>The scheme shall ensure;</p> <p>a) Completion of the approved landscape scheme within the first planting season following completion of development.</p>

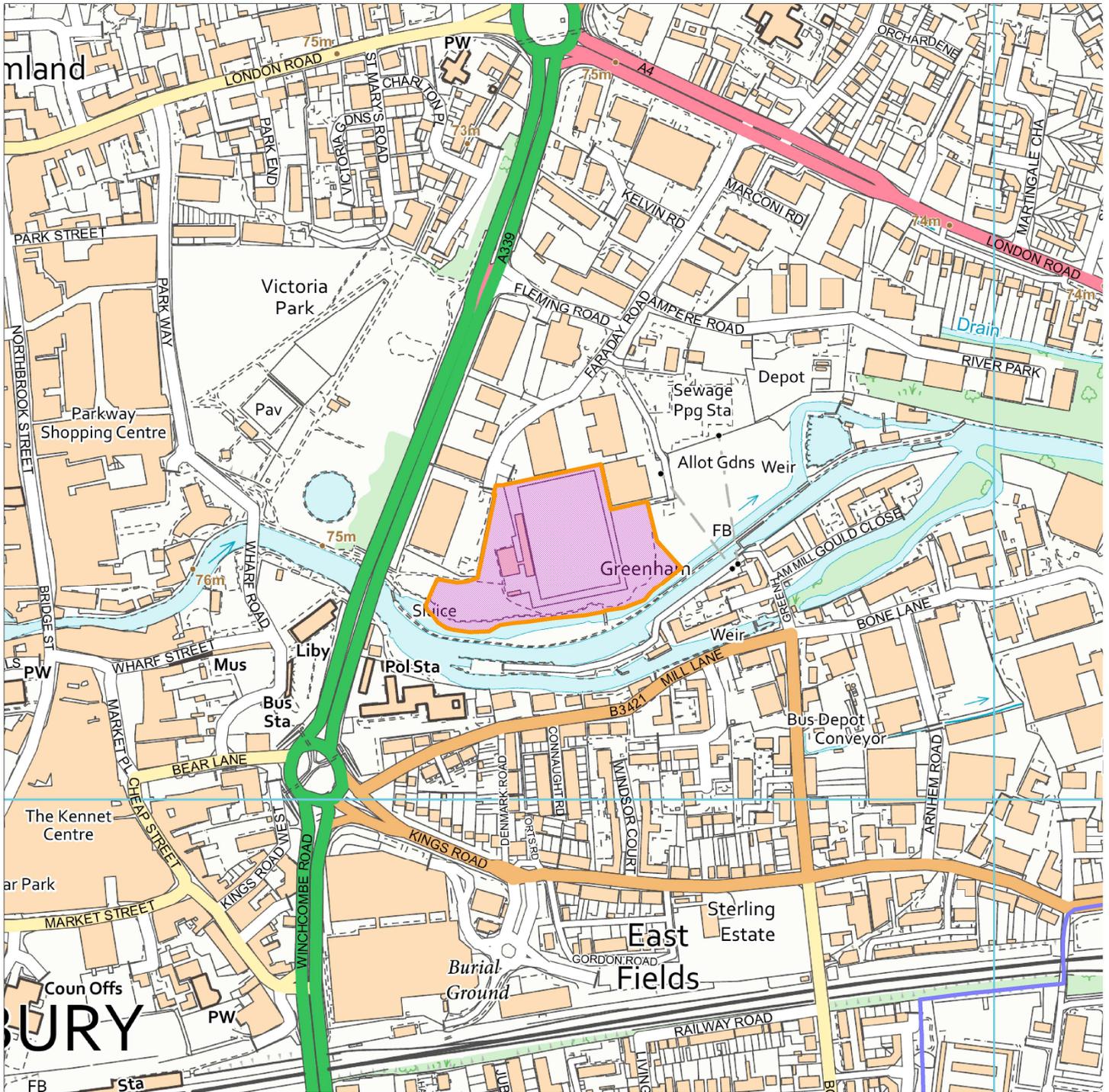
	<p>b) Any trees shrubs or plants that die or become seriously damaged within five years of this development shall be replaced in the following year by plants of the same size and species.</p> <p>Reason: To ensure the implementation of a satisfactory scheme of landscaping in accordance with the NPPF and Policies CS14, CS18 and CS19 of the West Berkshire Core Strategy 2006-2026.</p>
20	<p>Landscape Management Plan</p> <p>No development or other operations shall commence on site until a landscape management plan including long-term design objectives, management responsibilities and maintenance schedules for a minimum period of 10 years has been submitted to and approved in writing by the Local Planning Authority. The plan shall include any areas of existing landscaping, proposed wildlife areas, new tree planting and any areas of proposed landscaping other than areas</p> <p>Reason: To ensure the long term management of existing and proposed landscaping in accordance with the objectives of the NPPF and Policies CS14, CS18 and CS19 of the West Berkshire Core Strategy 2006-2026.</p>
21	<p>Arboricultural Programme of Works</p> <p>No development or other operations shall commence on site until a detailed schedule of tree works including timing and phasing of operations has been submitted and approved in writing by the Local Planning Authority.</p> <p>Reason: To ensure the enhancement of the development by the retention of existing trees and natural features during the construction phase in accordance with the objectives of the NPPF and Policies CS14, CS18 and CS19 of West Berkshire Core Strategy 2006-2026.</p>
22	<p>Tree protection scheme</p> <p>No development (including site clearance and any other preparatory works) shall commence on site until a scheme for the protection of trees to be retained is submitted to and approved in writing by the Local Planning Authority. Such a scheme shall include a plan showing the location of the protective fencing, and shall specify the type of protective fencing. All such fencing shall be erected prior to any development works taking place and at least 2 working days notice shall be given to the Local Planning Authority that it has been erected. It shall be maintained and retained for the full duration of works or until such time as agreed in writing with the Local Planning Authority. No activities or storage of materials whatsoever shall take place within the protected areas without the prior written agreement of the Local Planning Authority.</p> <p>Note: The protective fencing should be as specified at Chapter 6 and detailed in figure 2 of B.S.5837:2012.</p> <p>Reason: To ensure the enhancement of the development by the retention of existing trees and natural features during the construction phase in accordance with the objectives of the NPPF and Policies CS14, CS18 and CS19 of West Berkshire Core Strategy 2006-2026.</p>
23	<p>Arboricultural Method Statement</p> <p>No development or other operations shall commence on site until an arboricultural</p>

	<p>method statement has been submitted to and approved in writing by the Local Planning Authority and shall include details of the implementation, supervision and monitoring of all temporary tree protection and any special construction works within any defined tree protection area.</p> <p>Reason: To ensure the protection of trees identified for retention at the site in accordance with the objectives of the NPPF and Policies CS14, CS18 and CS19 of the West Berkshire Core Strategy 2006-2026.</p>
24	<p>External lighting</p> <p>No external lighting shall be installed until a lighting strategy has been submitted to and approved in writing by the Local Planning Authority. The strategy shall:</p> <ul style="list-style-type: none"> (a) Identify those areas on the site that are particularly sensitive for bats and that are likely to cause disturbance. (b) Show how and where external lighting will be installed so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species. (c) Show how and where external lighting will be installed so that it can be clearly demonstrated that areas to be lit will not have an adverse impact on neighbouring amenity (d) Include and isolux diagram of the proposed lighting. (e) Ensure all lighting levels are designed within the limitations of Environmental Lighting Zone 1, as described by the Institute of Lighting Engineers. <p>Notwithstanding the provisions of Article 3 and Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015, no external lighting shall be installed except in accordance with the specifications and locations set out in the strategy and these shall be maintained thereafter in accordance with the strategy. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.</p> <p>Reason: To ensure the conservation and enhancement of the biodiversity assets of the site, including the protection of species and habitats. To ensure the protection of neighbouring residential amenity. This condition is applied in accordance with the National Planning Policy Framework, and Policies CS14, CS17 and CS19 of the West Berkshire Core Strategy (2006-2026)</p>

Informatives

1.	<p>Approach of the LPA</p> <p>This decision has been made in a positive way to foster the delivery of sustainable development having regard to Development Plan policies and available guidance to secure high quality appropriate development. In this application whilst there has been a need to balance conflicting considerations, the local planning authority has worked proactively with the applicant to secure and accept what is considered a development, which improves the economic, social and environmental conditions of the area.</p>
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2.	<p>3G Artificial Grass Pitch design</p> <p>The applicant is advised that the design and layout of the 3G Artificial Grass Pitch should comply with the relevant industry Technical Design Guidance, including guidance published by Sport England, Football Foundation.</p>
3	<p>FIFA Quality Concept for Football Turf</p> <p>(artificial grass pitches for Steps 1 to 6 of the FA's National League System)</p> <p>– The applicant is advised that pitches to be used for Step 1 and Step 2 level football matches should be built in accordance with FIFA Quality Concept for Football Turf - FIFA Quality Pro and Steps 3 to 6 should be built in accordance with FIFA Quality as a minimum and tested annually as per league rules.</p>
4	<p>Environmental permit</p> <p>The Environmental Permitting (England & Wales) Regulations 2010 make it an offence to cause or knowingly permit a groundwater activity unless authorised by an Environmental Permit which we will issue. A groundwater activity includes any discharge that will result in the input of pollutants to groundwater.</p> <p>Environmental permit - advice to applicant</p> <p>The Environmental Permitting (England and Wales) Regulations 2016 require a permit or exemption to be obtained for any activities which will take place:</p> <ul style="list-style-type: none"> • on or within 8 metres of a main river (16 metres if tidal) • on or within 8 metres of a flood defence structure or culverted main river (16 metres if tidal) • on or within 16 metres of a sea defence • involving quarrying or excavation within 16 metres of any main river, flood defence (including a remote defence) or culvert • in a floodplain more than 8 metres from the river bank, culvert or flood defence structure (16 metres if it's a tidal main river) and you don't already have planning permission <p>For further guidance please visit https://www.gov.uk/guidance/flood-risk-activities-environmental-permits or contact our National Customer Contact Centre on 03708 506 506 (Monday to Friday, 8am to 6pm) or by emailing enquiries@environment-agency.gov.uk.</p> <p>The applicant should not assume that a permit will automatically be forthcoming once planning permission has been granted, and we advise them to consult with us at the earliest opportunity.</p>



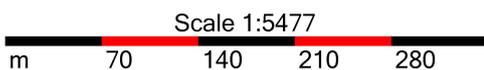
Map Centre Coordinates :

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Organisation	West Berkshire Council
Department	
Comments	Not Set
Date	11 November 2021
SLA Number	0100024151



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Agenda Item 4.(3)

Item No.	Application No. and Parish	Statutory Target Date	Proposal, Location, Applicant
(3)	20/02062/COMIND Cold Ash	9 th December 2021 ¹	<p>A full planning application (submitted in parallel with the submission of a Class Q Prior Approval application) to facilitate limited works to: Establish an access way (including a turning head) which links the driveways of the new dwellings created under the parallel Class Q Prior approval application, to the existing approved driveway and access track at the St Gabriels Farm site. Regularise improved site parking arrangements. Achieve proportionate extensions to some of the limited residential curtilages established for the new dwellings being approved under the Class Q Prior Approval application. Add additional drainpipes to the dwellings being approved under the Class Q Prior Approval application. Site landscaping improvements. Demolition of a barn redundant following approval of the parallel Class Q Prior application. Creation of a paddock in place of the redundant barn being demolished. Filling in of three slurry pits ew0073</p> <p>St Gabriels Farm</p> <p>Rivar Ltd</p>
<p>¹ Extension of time agreed with applicant until 2nd July 2021</p>			

The application can be viewed on the Council's website at the following link:
<http://planning.westberks.gov.uk/rpp/index.asp?caseref=20/02062/COMIND>

Recommendation Summary: To delegate to the Service Director – Development and Regulation to advise the Inspector that had the Council had the opportunity to determine the application it would be **REFUSED**

Ward Member(s): Councillor Garth Simpson
Councillor Hilary Cole

Reason for Committee Determination: More than 10 Letters of Objection, and previously deferred by the Committee, and a non-determination appeal submitted.

Committee Site Visit: 3rd June 2021

Contact Officer Details

Name:	Sian Cutts
Job Title:	Senior Planning Officer
Tel No:	01635 519111
Email:	Sian.cutts@westberks.gov.uk

1. Introduction

- 1.1 This application seeks planning permission for works associated with a parallel application for prior approval (20/02026/PACOU) for the conversion of agricultural buildings to 5 dwellings. That application was refused, and an appeal has been submitted. This application is proposing an access way and turning head to link the driveways of the dwellings created in the prior approval application, to the access track; to create larger curtilages for the approved dwellings; to add drainpipes to the buildings; landscaping improvements; demolish a barn and reinstate a paddock, and to infill slurry pits.
- 1.2 This application was brought to the Western Area Planning Committee for determination on 9th June 2021, where the application was recommended for approval. However, following the Committee resolution to refuse the prior approval application 20/02026/PACOU, consideration of the current application was deferred, because the two applications were dependent upon each other, and to give the applicant the opportunity to respond. An appeal has been submitted against the refusal of 20/02026/PACOU, and a connected appeal has been submitted against the non-determination of this application, and so a resolution is sought on what decision Members would have reached if they had the opportunity to determine the application.
- 1.3 The site is located adjacent to but outside of the Cold Ash settlement boundary, to its south and therefore within the countryside. The site forms part of the open, rural setting to Cold Ash and the site and other surrounding land separates the village from Thatcham to the south. The site falls outside of but contributes to the setting of the North Wessex Downs AONB which lies to the east. The site is part of a farm yard, with a barn, open barn, old dairy, sludge/slurry lagoons and concrete hard surface with soil bund around and open farmland. An existing dwelling The Bungalow lies to the southeast. This dwelling along with Cedar Haven to the north are accessed via a farm track from The Ridge. The application site is accessed off The Ridge partly along an existing PROW (Bridleway COLD20/1), and from an agricultural access to the south west to Cold Ash Hill.
- 1.4 The former uses on site as a dairy farm and for heifer breeding have ceased. The buildings are currently used for limited agricultural storage.
- 1.5 The application has been submitted in association with the application for prior approval for the change of use of the buildings. This application seeks approval for works associated with those dwellings, to infill slurry pits, and provide larger residential curtilages, and to provide drainpipes for the building. The application also includes the demolition of a barn, and reinstatement of the land to a paddock, and landscaping around the site. The vehicular access to the site is via the existing track from Cold Ash Hill, with a pedestrian link to the north-east towards The Ridge.

2. Planning History

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

Application	Proposal	Decision / Date
74/00179/ADD	Temporary mobile home for agricultural worker	Approved 04.02.1974
79/10699/ADD	House and feed unit for 120 dairy cows and slurry store agricultural use	Approved 06.06.1979
02/00666/FUL	To provide a new access to serve the farm to replace the existing.	Approved 11/09/2002
16/00051/FULMAJ	Demolition of existing farm buildings and the erection of 4 new dwellings with garages, landscaping and associated works.	Refused 05/04/2016 Appeal Dismissed 22/12/2016
19/02334/AGRIC	Proposed new road	Application not required 24/10/2019
20/02026/PACOU	Prior approval of change of use of agricultural buildings to 5 dwellings.	Refused 14/06/2021 Appeal Submitted

3. Procedural Matters

- 3.1 Given the nature and scale of this development, it is not considered to fall within the description of any development listed in Schedule 2 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017. As such, EIA screening is not required.
- 3.2 Site notice displayed on 25th September 2020 at gate entrance on Cold Ash Hill; the deadline for representations expired on 19th October 2020.
- 3.3 The change of use of the buildings to dwellings is being dealt with under 20/02026/PACOU and so the liability for the payment of the Community Infrastructure Levy (CIL) is being confirmed through that appeal

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.

Cold Ash Parish Council:	<p>Object. Size of Development, and extension to residential curtilage</p> <p>Farm track being changed to a residential road. The farm track floods, further improvements would change the rural nature of the picturesque fields on the lower slopes</p> <p>Excessive parking spaces</p> <p>Paddock should not be developed in the future</p> <p>The proposed entrance on Cold Ash Hill has minimal use, it crosses a WBC verge and queries the right to use it, this was built after 2013 despite the submission statement.</p> <p>Outside the settlement boundary.</p> <p>Negative impact on wildlife</p> <p>Loss of agricultural land</p> <p>Negative impact on neighbouring residents</p> <p>Impact on flooding, alterations to paving will affect flooding</p> <p>Style and appearance of buildings out of keeping with the area</p>
WBC Highways:	No objection, am content with the site layout and parking provision, request if cycle storage and electric vehicle charging points can be provided
West Berkshire Spokes:	No comments to make
WBC Housing:	No comments to make
WBC Archaeology:	There are no archaeological implications to this proposal.
WBC Trees:	<p>Additional information is required about hedgerow remediation. Landscaping proposal would need to include trees and hedges planted either side of the access road, and details of tree protection should be provided.</p> <p>No objections subject to conditions</p>
Lead Local Flood Authority:	1st Response: Requested a drainage strategy.

	<p>2nd Response: Foul and surface water can be dealt with as a pre-commencement condition.</p> <p>3rd Response: Having reviewed the Additional Drainage Information Technical Note (Glanville Consultants report reference: 006_8200125_SH_Additional_Drainage_Info_TN), we are content with the revised drainage layout and calculations, and recommend a condition ensuing these measures are provided.</p>
WBC Ecology:	Recommend conditions
Environment Agency:	No response received
Environmental Health:	A Phase 1 Geo-environmental study has been submitted which I have reviewed. The conclusion recommends an intrusive investigation into potential contaminative sources on site. I agree with this recommendation, and suggest conditions.
Access Officer:	No response received
Thames Water Utilities:	No response received

Public representations

4.2 Representations have been received from 37 contributors, 1 of which support, and 36 of which object to the proposal.

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

4.4 In support of the application

- The old barns are an eyesore and are unusable, and the buildings will be an improvement
- It will enable people to stay in the village
- The road is well thought of, taking traffic out of the village

4.5 Objections to the application

- Increase in traffic, 20 additional vehicle movements a day and a material change in the type of traffic, congestion on Cold Ash Hill, poor visibility.
- Danger to pedestrians and cyclist as the road is not suitable for street lighting
- Presence of speed cameras on Cold Ash Hill indicates the view of the police that speeding is a safety issue on this road
- Lack of enforcement of speed controls
- There will be an increase in noise to neighbouring residences from traffic on the track
- Access should be from The Ridge
- The previous appeal was dismissed in 2016 due to unacceptable impacts on the character and appearance of the area; access to services;

protected species; waste collection; sustainability. Little has changed since then

- Previous application was for four large houses, new application is for two large and three small barn conversion dwellings of horrendous appearance
- Appearance of the development, and impact on the AONB, the buildings can be seen from Cold Ash Hill, and the open setting should be protected.
- Impact on wildlife and protected species, pets using the field and horses, close to breeding grounds for newts
- Impact on privacy from the track
- Loss of sleep from vehicle lights shining into bedrooms
- Impact on drainage from the access track, disruption to natural drainage, increased flood risk
- The existing track is not used, there is an existing access from The Ridge
- The track crossing several fields making it harder to contain livestock, affecting the agricultural use
- The track was approved as an agricultural access
- The track is not suitable for saloon cars
- Excessive number of parking spaces
- The hedgerow bordering Cold Ash Hill should be cut, for nearby residents to have better views
- The buildings are not suitable for conversion
- Design is not in keeping with other housing in the area, building A would be steel framed with metal roofs, and building C would be timber framed with metal roofs and timber cladding
- The buildings may be structurally sound enough to be converted, but they are not suitable.
- Outside the settlement boundary
- Impact the gap between Cold Ash and Thatcham, and impact rural appearance of the village, could open it up for development
- Over development in Cold Ash in recent years
- Increase in noise, air and light pollution
- The site is in an elevated position and can be seen from many locations
- Not a sustainable location
- Loss of views
- Impact on local services and infrastructure
- Lack of affordable housing
- Previous objections from the fire service and refuse service
- Is contrary to policies ENV19 and ENV20, the NPPF, West Berkshire Core Strategy and policies and the Cold Ash and Ashmore Green Village Design Statement
- Similarities to dismissed appeal at Pound Cottage, Cold Ash Hill
- Impacts on archaeology

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, ADPP3, CS1, CS4, CS13, CS14, CS16, CS17, CS18, CS19 of the West Berkshire Core Strategy 2006-2026 (WBCS).

- Policies C1, C3, C4, C8, P1 of the Housing Site Allocations Development Plan Document 2006-2026 (HSA DPD).
- Policies OVS5, OVS6 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)
- Sustainable Drainage Systems SPD (2018)
- Cold Ash and Ashmore Green Village Design Statement (2002)
- WBC Cycle and Motorcycle Advice and Standards for New Development (2014)

6. Appraisal

6.1 The main issues for consideration in this application are:

- The principle of the development
- Impact on the character and appearance of the area
- Highway safety
- Flood Risk
- Ecology

Principle of development

6.2 The principle of the proposed conversion of the agricultural buildings to residential use, was considered through the prior approval application 20/02026/PACOU. This was refused as the proposal was not considered to be permitted development by virtue of the Town and Country Planning (General Permitted Development) (England) Order 2015 Part 3 Class Q. This application is proposing an access way for the residential dwellings, parking areas, extensions to the residential curtilages, drainpipes to the buildings, landscaping improvements, demolition of a barn, reinstatement of land and the infilling of slurry pits. The principle of the conversion under this procedure has not been accepted, and is the subject of an appeal.

6.3 Policy C1 has a presumption against residential development in the countryside other than for specified exceptions. This list does not include new parking areas and new residential curtilages. Policy C8 provides criteria for permitting extensions to existing residential curtilages, where an existing residential curtilage is proposed to be extended this is only permitted if it is required to provide parking and/or to realign a garden boundary or extend a garden to achieve a similar level of provision to other dwellings on the immediate area. Given that there is no planning permission by virtue of a planning application or under permitted development rights, there is no existing residential curtilage to be extended. In addition the creation of additional parking areas and turning head to serve a use which has not been given permission would not fall within the circumstances for permitting an extension to the residential curtilage. Given that there is no authorised residential use of the site, the proposed residential curtilages are not considered to be permitted under policies C1 and C8 of the Housing Site Allocations DPD.

6.4 The proposed demolition of the barn could be dealt with through a separate application for prior approval. The infilling of the slurry pits, alterations such as the drainpipes and

the landscaping improvements should be considered in accordance with the following matters.

Character and appearance

- 6.5 Policies CS14 and CS19 require new development to demonstrate a high standard of design that respects and enhances the character of the area, and that particular regard will be given to the sensitivity of the area to change and ensuring that development is appropriate in terms of the location, scale and design in the context of the existing settlement form, pattern and character. Policy C8 says that in the circumstances where extensions to existing residential curtilages are considered, they will only be permitted where it can be shown that there is no adverse impact on the character and local distinctiveness of the rural area, or the setting of the property in the wider landscape.
- 6.6 The application as referred to above is proposing residential curtilages where there is no residential use, and as such the proposed use would have an adverse impact on the setting and appearance of the agricultural buildings within the wider countryside setting. In addition there would be a suburbanising of the appearance of the site through the creation of a formal parking area, in an area which is designed for and used by larger agricultural vehicles. This would be detrimental to the overall appearance of the site, and would not be visually sensitive or appropriate to the agricultural appearance of the site and would not enhance the character of the area.
- 6.7 This application includes proposal for the infilling of the slurry pits to the north of Building C on the site layout plans. This infilling of the slurry pits in themselves would not be harmful to the character and appearance of the site, however the use of the land as residential curtilage, without a residential use of the building would be harmful as already discussed.
- 6.8 The previous application on the site, which proposed the redevelopment of the farm buildings for dwellings also proposed an access across the field from the access gate on Cold Ash Hill. The Inspector also dismissed the appeal due to the visual impact of that track. However since that appeal was dismissed the track has now been completed through fully implementing the 2002 permission (02/00666/FUL). This application does not include any proposals to widen or resurface the track, and so there will be no further visual impacts as a result of these proposals on the appearance of the fields between Cold Ash Hill and the site. However the Tree Officer has recommended that a landscaping scheme is submitted for approval which included additional planting along the route of the track.
- 6.9 The application also proposes the creation of new landscaping in the form of wildflower planting and hedges, to the west of the site. This is considered to be an appropriate location for such planting, and would create a visual buffer between the farm complex and the open fields to the south of the site. Subject to a condition with regards to a detailed landscaping scheme, this would be a visual enhancement to the appearance of the site.

Highway Safety

- 6.10 Policy CS13 refers to development which has an impact on the highway network, and policy P1 sets out the parking requirements for new residential development. There have been objections raised to the traffic which would be generated from this development, and the use of the access on Cold Ash Hill. These are matters of the principle of the development and are dealt with in the concurrent prior approval application. This application includes details of a turning head within the site, and parking provision for the dwellings. The Highways Officer is satisfied with the layout which is proposed, and the number of parking spaces accords with policy P1. Whilst

the principle of the need for the parking spaces has not been established, the space which has been proposed accords with the relevant policies.

Ecology

- 6.11 Policy CS17 requires the biodiversity and geodiversity assets across the District to be conserved and enhanced. The site has the potential for some use by bats, and replacement bat boxes can be sought through conditions. The application also includes biodiversity enhancements through the wildflower meadow planting and the retention of a pond in the north-east of the site. The Ecologist has reviewed the application, and is satisfied with the proposals, however conditions with regards to the submission of a Landscape Environment Management Plan, and a Construction Environmental Management Plan are sought. A condition requiring the water quality tests from the package sewage treatment plant is also sought to monitor levels of nitrate, phosphate and biological oxygen being discharged, and to protect the soil and water courses. Through the implementation of these measures the proposal is considered to be in accord with policy CS17.

Other Matters

- 6.12 The objections which have been raised to the application have also included concerns about the impact on the privacy of the dwellings from the use of the track, and additional noise which will be generated, and other impacts on the living conditions of those properties. These matters relate to the conversion of the buildings to residential use which are dealt with in the prior approval appeal, and do not refer to the matters under consideration within this application.
- 6.13 The Environmental Health Officer has also suggested conditions with regards to potential land contamination. However these are matters which are dealt with in the prior approval appeal.

7. Planning Balance and Conclusion

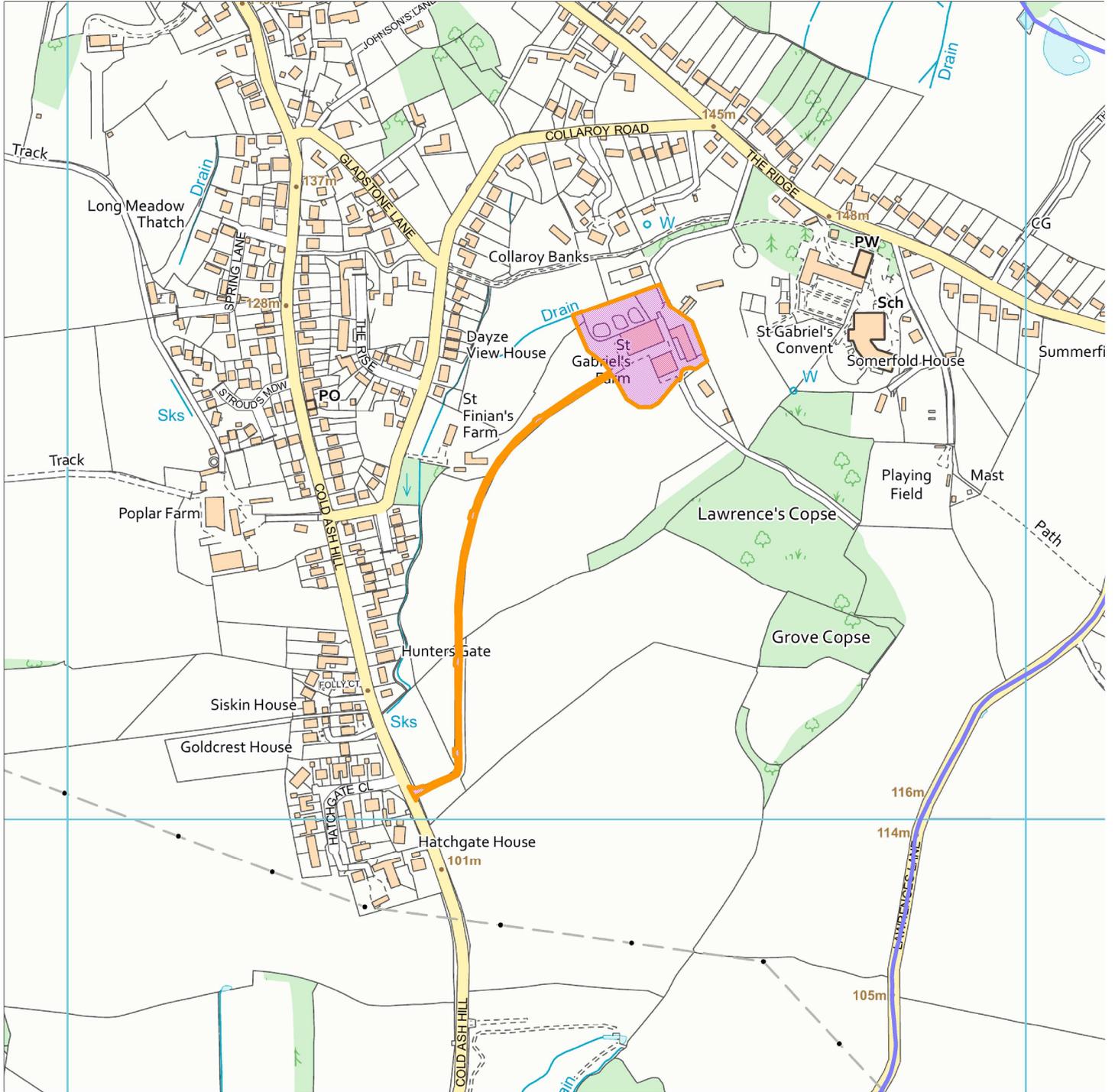
- 7.1 The principle of the conversion of the buildings to residential use is being established through the appeal against the refusal of the prior approval application. This application proposes the infilling of slurry pits, the installation of guttering, and the provision of residential amenity space and the demolition of a barn and reinstatement to a paddock and the additional landscaping around the site. Whilst the infilling of the slurry pits will not have a negative impact on the surrounding countryside, the creation of additional parking spaces and a residential curtilage, where there are no residential dwellings, would not accord with the provision of policy C1 which only allows for residential development in limited circumstances, or policy C8 which only allows for the extension of an existing residential curtilage. Whilst the proposal includes the demolition of an agricultural barn, and restoration of the land to agricultural use, these could also be achieved through utilisation of permitted development rights. Whilst the infilling of the slurry pits, would not be harmful to the rural character of the site, the creation of a residential curtilage and additional parking will result in a development which is unconnected to the associated agricultural buildings, which would be harmful to the rural and agricultural character of the site, this does not outweigh the visual benefits of the infilling of the slurry pit, the wildflower planting, or the demolition of the barn. It is considered that the developments which are proposed without the benefit of a permission for residential use, would result in developments which are unconnected to the use of the agricultural buildings, and would have an adverse suburbanising impact on the setting and appearance of the agricultural buildings within the wider countryside setting and would be contrary to policies CS14, CS19, of the Core Strategy and policies C1 and C8 of the Housing Site Allocations DPD.

8. Full Recommendation

- 8.1 To delegate to the Service Director – Development and Regulation to advise the Inspector that had the Council had the opportunity to determine the application it would be REFUSED for the reason listed below.

Refusal Reasons

1.	<p>Impact on the Character and Appearance of the Area</p> <p>The application is proposing the provision of residential amenity space and parking and turning areas on a site where there is no authorised residential use. This is contrary to policies C1 and C8 of the Housing Site Allocations DPD (2006-2026), which set out the limited exceptions for residential development in the open countryside, and the permitted circumstances for extended residential curtilages. The proposed use of the land for residential purposes and parking will result in residential curtilages and parking area and turning heads which are unconnected to the use of the agricultural buildings, and would have an adverse suburbanising impact on the setting and appearance of the agricultural buildings within the wider countryside setting and would be contrary to policies CS14, CS19, of the Core Strategy (2006-2026) and policies C1 and C8 of the Housing Site Allocations DPD (2006-2026).</p>
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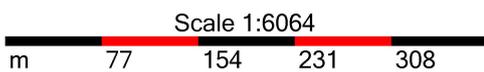
Map Centre Coordinates :

Scale : 1:6063

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Organisation	West Berkshire Council
Department	
Comments	Not Set
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