

Notice of Meeting



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Western Area Planning Committee Wednesday 18 March 2026 at 6.30 pm in the Council Chamber Council Offices Market Street Newbury

This meeting will be streamed live here: [Link to Western Area Planning Committee broadcasts](#)

You can view all streamed Council meetings here: [Link to West Berkshire Council - Public Meetings](#)

If members of the public wish to make representations to the Committee on any of the planning applications being considered at this meeting, they can do so either remotely or in person. Members of the public who wish to make representations must notify the Planning Team by no later than 4.00pm on 17 March 2026 by emailing planningcommittee@westberks.gov.uk.

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 10 March 2026

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 or email planningcommittee@westberks.gov.uk.

Further information, Planning Applications and Minutes are also available on the Council's website at www.westberks.gov.uk

Any queries relating to the Committee should be directed to the Democratic Services Team by emailing executivecycle@westberks.gov.uk.



Agenda - Western Area Planning Committee to be held on Wednesday 18 March 2026
(continued)

- To:** Councillors Phil Barnett (Chairman), Clive Hooker (Vice-Chairman), Adrian Abbs, Antony Amirtharaj, Paul Dick, Nigel Foot, Denise Gaines, Tony Vickers and Howard Woollaston
- Substitutes:** Councillors Dennis Benneyworth, Martin Colston, Carlyne Culver, Billy Drummond and Stuart Gourley
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Agenda

Part I

Page No.

1. **Apologies for absence**
To receive apologies for inability to attend the meeting (if any).
 2. **Minutes** 5 - 22
To approve as a correct record the Minutes of the meeting of this Committee held on 18 February 2026.
To approve as a correct record the Minutes of the meeting of this Committee held on 10 September 2025.
 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) **25/02139/REG3 Faraday Road Football Ground Faraday Road Newbury RG14 2AD** 23 - 56
- Proposal:** Erection of floodlighting
- Location:** Faraday Road Football Ground Faraday Road Newbury RG14 2AD
- Applicant:** West Berkshire District Council
- Recommendation:** To DELEGATE to the Development Manager to GRANT PLANNING PERMISSION subject to conditions.
- (2) **25/00572/FUL 1 Bartholomew Street, Newbury, RG14 5LL** 57 - 70
- Proposal:** Installation of extract fan system to rear



Agenda - Western Area Planning Committee to be held on Wednesday 18 March 2026
(continued)

elevation
Location: 1 Bartholomew Street, Newbury, RG14
5LL
Applicant: Mr M Erturk
Recommendation: Conditional approval

Background Papers

1. The statutory development plan for West Berkshire. This comprises a suite of documents available online: <https://www.westberks.gov.uk/article/40121/Current-Development-Plan-for-West-Berkshire>
2. Other local planning policies, including supplementary planning documents: <https://www.westberks.gov.uk/planning-policy>
3. The National Planning Policy Framework: <https://www.gov.uk/government/publications/national-planning-policy-framework--2>
4. The Planning Practice Guidance: <https://www.gov.uk/government/collections/planning-practice-guidance>
5. The case file for the individual applications, comprising all plans, supporting documentation, consultation responses, and any representations received. A link is provided to the relevant file in each application report.
6. Any previous planning applications for the site: <https://publicaccess.westberks.gov.uk/online-applications>
7. Any other background information specifically mentioned in the application report

Sarah Clarke.

Sarah Clarke
Executive Director - Resources
West Berkshire District Council

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



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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 10 SEPTEMBER 2025**

Councillors Present: Clive Hooker (Vice-Chairman), Adrian Abbs, Antony Amirtharaj, Nigel Foot, Denise Gaines, Tony Vickers and Howard Woollaston

Also Present: Sharon Armour (Legal Services Manager), Paul Goddard (Team Leader - Highways Development Control) and Debra Inston (Principal Conservation & Design Officer), Bob Dray (Development Manager), Matthew Shepherd (Principal Planning Officer), Russell Davidson (Senior Public Protection Officer), Paul Bacchus (Principal Engineer), Thomas Radbourne (Clerk), Sam Chiverton (Zoom Host), Jenny Rae (Principal Waste Officer), Daniel Phelan (Economic Development Officer).

Apologies for inability to attend the meeting: Councillor Phil Barnett and Councillor Paul Dick

PART I**1. Declarations of Interest**

Councillor Billy Drummond declared an interest in Agenda Item 3(1) by virtue of the fact that he had discussed the application at Newbury Town Council. Although he had been present when the application was discussed, he indicated that he would consider the application afresh. As his interest was personal and not a prejudicial or a disclosable pecuniary interest, he determined to remain to take part in debate and vote on the matter.

Councillors Adrian Abbs, Nigel Foot, Howard Woollaston, Dennis Benneyworth, Denise Gaines, Antony Amirtharaj, and Clive Hooker, declared that they had been lobbied on item 3(1) on the agenda.

Councillor Nigel Foot declared an interest in Agenda Item 3(1) by virtue of the fact that he was a Newbury Town Councillor and the Heritage Champion for West Berkshire Council. As his interest was personal and not a prejudicial or a disclosable pecuniary interest, he determined to remain to take part in debate and vote on the matter.

Councillor Tony Vickers declared an interest in Agenda item 3(1) by virtue of the fact that he was a member of Newbury Town Council's Planning and Highways Committee. He had abstained from voting on the matter and indicated he would consider the application afresh. As his interest was personal and not a disclosable pecuniary interest, he determined to remain to take part in debate and vote on the matter.

The Committee suspended Standing Orders to extend speaking time to 10 minutes for each group of speakers.

2. Schedule of Planning Applications**(1) 25/00391/FULMAJ Newbury Town Council**

1. The Committee considered a report (Agenda Item 3(1)) concerning Planning Application 25/00391/FULMAJ in respect of Full planning permission for the

WESTERN AREA PLANNING COMMITTEE - 10 SEPTEMBER 2025 - MINUTES

redevelopment of the Kennet Centre comprising the partial demolition of the existing building on site and the development of new residential dwellings (Use Class C3) and resident's ancillary facilities; commercial floorspace (Class E (a, b, c, d, e, f, and g)); access, parking, and cycle parking; landscaping and open space; sustainable energy installations; associated works, and alterations to the retained Vue Cinema block and additional floor to multi storey car park. The Mall, The Kennet Centre, Newbury, RG14 5EN

2. Mr Matthew Shepherd, Principal 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 Development Manager be authorised to grant planning permission, subject to the conditions outlined in the main and update reports, and provided that a Section 106 Agreement had been completed within six months (or such longer period that may be authorised by the Development Manager, in consultation with the Chairman or Vice-Chairman of the Western Area Planning Committee).
3. Or, if the Section 106 Agreement was not completed, to delegate to the Development Manager to refuse planning permission.
4. The Chairman asked Mr Paul Goddard, Highways Development Control Team Leader, if he had any observations relating to the application.
5. Mr Goddard gave a presentation to the Committee, and highlighted the following points:
 - He raised no concerns regarding traffic generation, as traffic levels were expected to be lower than the historic peaks of the Kennet Centre. Construction traffic would be managed by a condition.
 - The proposal for 557 spaces (80 on-site and 477 in the multi-storey car park with an added floor) was compliant with standards and considered sufficient. Surveys from the previous application showed the existing car park was underutilised, and it was calculated that over 250 spaces would remain available on a busy Saturday.
 - A fire appliance could access all areas of the development within the required distances.
 - The application included new traffic signal junctions, resurfacing, a two-way cycle route on Bartholomew Street, a £70,000 contribution to improve pedestrian routes to the Market Street multi-storey car park as a precaution, and a comprehensive travel plan.
6. In accordance with the Council's Constitution, Mr Roger Hunneman, Town Council representative, Mr Richard Tait, objector, Mr Hugo Haig, Ms Sarah Ballantyne-Way and Mr Richard Farley, applicant/agent, and Councillor Louise Sturgess, Ward Member addressed the Committee on this application.

Parish/Town Council Representation

7. Mr Hunneman addressed the Committee. The full representation can be viewed here:

[Special Western Area Planning Committee 10 September 2025 – Recording](#)

Member Questions to the Parish/Town Council

8. Members did not have any questions of clarification.

Objector Representation

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9. Mr Tait addressed the Committee. The full representation can be viewed here:

[Special Western Area Planning Committee 10 September 2025 – Recording](#)

Member Questions to the Objector

10. Members asked questions of clarification and were given the following responses:

- Mr Tait clarified that the development would add a barrier for people travelling north-south through the town, where there was already an imbalance of footfall.

Agent Representation

11. Mr Haig addressed the Committee. The full representation can be viewed here:

[Special Western Area Planning Committee 10 September 2025 – Recording](#)

Member Questions to the Agent

12. Members asked questions of clarification and were given the following responses:

- Mr Haig expressed disappointment on the loss of permeability due to 'secure by design' requirements, particularly with the required gate height of 1.8 metres, but explained the restrictions were mainly in the northern courtyards. He stated he would welcome a relaxation of the condition.
- He confirmed that the existing retail tenants in the Kennet Centre were on subsidised low rent.
- It was clarified that the current arrangement for The Globe public house to use the car park deck to store bins was informal and not a legal right, and that under the new scheme, they would have to place their bins in the street.
- Regarding a question on whether there was scope to reduce the height of the six-storey buildings on Market Street or set them back. Mr Haig explained the design rose in height towards the south in order to clad the car park and cinema, and that render had been used to break up the massing. He also confirmed that the large vertical lettering on the buildings could be altered.
- A private waste management system was designed from the outset as it was the only solution that would work with the heritage-led design and its constraints. Residents would pay for this via a service charge, which Mr Haig argued would be affordable due to the critical mass of residents.
- Heating would be provided by ground source heat pumps.
- Regarding a question on whether the service management could be handed over to a residents' association in the future, Mr Haig responded that, if they could, they would.
- Recycling would be provided by Veolia under a private commercial arrangement.

Ward Member Representation

13. Councillor Louise Sturgess addressed the Committee. The full representation can be viewed here:

[Special Western Area Planning Committee 10 September 2025 – Recording](#)

Member Questions to the Ward Member

14. Members asked questions of clarification and were given the following responses:

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- Given her concerns about the buildings' height and the Committee's inability to alter the plans, Councillor Sturgess stated it was a balanced decision for the Committee to make.

The Committee reinstated Standing orders.

Member Questions to Officers

15. Members asked questions of clarification and were given the following responses:

- It was acknowledged there would be negative impacts during construction, but Officers stated that the overall economic benefit from construction and operation was very significant.
- Regarding a question about the lack of public access to approximately half of the development, Officers explained that the current Kennet Centre was not accessible 24/7 and the proposed restrictions were based on advice from Thames Valley Police to prevent crime and anti-social behaviour. The Development Manager, Bob Dray, added that Condition 39 reserved the details of the Access Security Strategy, allowing for further exploration of the precise controls.
- Ground source heat pumps would be secured via the Section 106 agreement and conditions, and non-compliance would be subject to enforcement action.
- The Principal Drainage Engineer addressing SuDS confirmed that climate change had been considered, but the applicant had not met all the requirements he would expect.
- The statutory 10% Biodiversity Net Gain (BNG) was a legal requirement.
- Officers understood the agreement between the Globe and the Kennet Centre regarding bin storage was a private arrangement and was not a planning matter.
- Regarding a question on the £35,000 BID contribution, and whether more could be sought to mitigate impacts on surrounding businesses, Officers explained this figure was based on projects the BID had already identified for funding.
- All 557 spaces in the multi-storey car park would be available on a first-come, first-served basis. Extensive surveys showed that even on a busy Saturday, there would be a surplus of over 250 spaces for residents and shoppers, with improvements to the nearby Market Street car park acting as a fail-safe. Officers gave assurances that the multi-storey car park would remain largely operational during construction.
- In clarification to his objection to the drainage strategy, the Principal Drainage Engineer gave a detailed response, stating that the proposal failed to meet the new national standards for discharge rates from brownfield sites. He was disappointed that heritage considerations had "trumped" a technical requirement. He also expressed significant concern about the buildability of the proposed SuDS features, as the design was high-level and lacked detail, with many elements deferred to a later stage.
- In response to a question for examples of private waste collection on large developments, the Principal Waste Officer cited one development of 23 properties in Calcot, which was not of the scale of the proposed development. There had been no issues, but residents felt they were "double paying" through Council Tax and a service charge.
- Officers confirmed that the Construction Management Plan could be brought back to the Committee for consideration. The service management was a matter of

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private property law and could not be controlled by condition. On the impact on schools and medical infrastructure, officers confirmed this would be covered by the Community Infrastructure Levy (CIL) payment.

- Regarding a question on whether any further condition could alleviate the concerns raised by the Principal Drainage Engineer, Officers stated that the proposed drainage condition was as robust as it could be, but the Principal Drainage Engineer reiterated his concern that the proposed scheme might not be buildable.
- The Principal Drainage Engineer agreed that the proposal would be an improvement on the drainage on the existing site. He added that the alternative to meet the discharge rate would be a pumping station, which was a far less desirable solution.
- Officers acknowledged the conflict with Policy SP15 and the housing mix, but explained that in the planning balance, the proposed housing mix was considered acceptable due to factors of viability, the need for high density, and the constraints of the brownfield site.
- Regarding a question on whether there was available retail space in the town for the 20 tenants who would be displaced, Officers confirmed that a recent study showed 41 vacant units, 15 of which were under offer or undergoing maintenance in the town centre.
- Construction impact. There were conditions which would be used along with highways in order to phase the construction to keep the town as open as possible. These conditions could be referred to Committee at the appropriate time.
- The new development would be excluded from applying for residents' parking permits, as was correct under Policy DM44.
- Fire appliances and refuse vehicles could access much of the site, removal firms would have to use appropriately sized vehicles and some furniture might need to be carried over certain distances.
- The area-wide traffic model used for the traffic assessment was based on pre-COVID surveys and included all traffic on the network, including that associated with Parkway.

Debate

16. Councillor Abbs opened the debate. He expressed surprise at the number of objections that had been received on the application. While relieved the previous scheme had failed, he remained concerned about the economic impact on the town, the creation of a "good neighbour" relationship with existing businesses, and the poor housing mix. He stated he was leaning towards approval but felt extra conditions were needed to ensure the town was not negatively impacted.
17. Councillor Vickers stated that as a local resident, he had no problems with the conservation aspects or height. He welcomed the water reduction measures in Condition 49, which would help the foul water sewage system. He had no concerns about parking, believing the reduction in office workers was permanent and that the future of the town centre was in the service sector, not retail. His main issues were permeability and waste management, which he felt could be addressed through the noted conditions. He saw no reason to refuse the application.

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18. Councillor Amirtharaj described the development as a massive project that would change Newbury for the next 100 years. He commended the applicant's efforts and saw it as a good development overall, but with flaws that needed to be addressed through robust conditions, particularly regarding public access and ensuring the Construction Management Plan returned to the Committee. He stated he would support the application if these conditions were included.
19. Councillor Gaines felt the Kennet Centre was already "divorced" from the rest of the town and that this application would help enhance the recent regeneration of Bartholomew Street. She was concerned about the lack of affordable housing and the housing mix but was also concerned by the drainage officer's objection. However, she praised the structure, design, and greening of the scheme and was minded to support it.
20. Councillor Benneyworth believed that the Kennet Centre was a vital part of the town, and it was currently a sad remnant of what it once was. While he understood the officers' concerns regarding SuDS, refuse, and affordable housing, he felt the overall scheme was a vast improvement on the previous one and was minded to approve it.
21. Councillor Woollaston agreed that retail had changed and town centres needed to concentrate their offer. He felt the current shopping centre was "dead". He had supported the previous application thinking it was the best they would get but, on reflection, he believed this scheme was now the best they would ever get.
22. Councillor Foot noted that the Newbury Society broadly supported the scheme as a great improvement. He praised the degree of care in the design and believed that, if built out correctly, it could be an attraction for Newbury and would enhance the conservation area. He was minded to support the application.
23. Councillor Drummond agreed with most of the statements made by other Members of the Committee. He believed the application was better than the previous application and was minded to approve the application.
24. Councillor Howard Woollaston 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 Tony Vickers
25. The Chairman invited Members of the Committee to vote on the proposal by Councillor Woollaston, seconded by Councillor Vickers, to grant planning permission. At the vote the motion was carried.

Subject to the conditions listed in the main report and update report:

RESOLVED that the Development Manager be authorised to grant planning permission subject to the prior completion of a Section 106 planning obligation within six months of the date of the resolution (or a later date if agreed by the Development Manager in consultation with the Chairman and/or Vice-Chairman) to secure the planning obligations set out in the report, and subject to the conditions as set out in Section 8 of the report and the update sheet, with minor and inconsequential amendments to the conditions being authorised to be made by the Development Manager in consultation with the Chairman and/or Vice-Chairman of the Western Area Planning Committee.

In the event that the Section 106 planning obligation was not completed within the specified timeframe, the Development Manager be authorised to refuse the application for the reasons listed in the report.

(The meeting commenced at 5.00 pm and closed at 8.10 pm)

WESTERN AREA PLANNING COMMITTEE - 10 SEPTEMBER 2025 - MINUTES

CHAIRMAN

Date of Signature

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WESTERN AREA PLANNING COMMITTEE

**MINUTES OF THE MEETING HELD ON
WEDNESDAY 18 FEBRUARY 2026**

Councillors Present: Phil Barnett (Chairman), Clive Hooker (Vice-Chairman), Adrian Abbs, Paul Dick, Nigel Foot, Denise Gaines, Tony Vickers and Howard Woollaston

Also Present: Debra Inston, Cheyanne Kirby, Sian Cutts, Paul Goddard, Sharon Armour, Harriet Allen, Paul Bacchus, Jodie Wilson, Rebecca Hawkes-Reynolds, Thomas Radbourne, Gordon Oliver

Apologies for inability to attend the meeting: Councillor Antony Amirtharaj

PART I

1. Minutes

The Minutes of the meeting held on 21 January 2026 were deferred until the next meeting on 18 March 2026.

2. Declarations of Interest

Councillor Nigel Foot declared that he had been lobbied on Agenda Item 4(1).

Councillors Howard Woollaston, Tony Vickers, Adrian Abbs, Martin Colston, and Denise Gaines declared that they had been lobbied on Agenda Item 4(2).

Councillors Tony Vickers declared that he had been lobbied on Agenda Item 4(3)

Councillor Nigel Foot declared an interest in Agenda Item 4(1) as he was a member of Newbury Town Council's Planning and Highways Committee where the application had been discussed. 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.

Councillor Tony Vickers declared an interest in Agenda Items 4(2) as he was a member of Newbury Town Council's Planning and Highways Committee where the application had been discussed. 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.

Councillor Phil Barnett declared an interest in Agenda Items 4(1) and 4(2) as a member of Newbury Town Council's Planning and Highways Committee and Greenham Parish Council where these items had been discussed. He confirmed he had abstained from voting on these applications at the town/parish council level. 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.

The Chairman stated that all three applications due to be discussed had been subject to site visits, although the visits had been "fragmented" because access on site depended on who the landowner allowed onto their land. The Chairman apologised to any individuals who had been unable to access the sites but emphasised that it was the landowners prerogative to decide who could go onto their land.

3. Schedule of Planning Applications

(1) 25/01669/FUL And 25/01670/LBC Hambridge Farm, Hambridge Road, RG14 2QG

1. The Committee considered a report (Agenda Item 4(1)) concerning Planning Application 25/01669/FUL & 25/01670/LBC in respect of conversion of buildings to form 3 residential dwellings, extension to garage and associated works. (Reconsideration of application reference 24/02422/FUL following the High Court Consent Order dated 9th July 2025).
2. Ms Harriet Allen (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 Development Manager be authorised to grant planning permission and listed building consent, subject to the conditions outlined in the main and update reports.
3. The Chairman asked Mr Paul Goddard (Principal Development Control Engineer) if he had any observations relating to the application.
 - The application followed a previous one that was quashed, but there were no highway issues with either application.
 - The access onto the B3421 and the sight lines were existing. While the sight lines to the south were not up to standard due to the bridge structure, the proposal would result in a substantial reduction in vehicle movements compared to the lawful office use.
 - This significant reduction in traffic would reduce the potential for harm and personal injury accidents, making it difficult to refuse the application on traffic and access grounds.
 - The construction management plan was sufficient for the scale of the proposed conversion works.
 - The site layout, car parking standards, cycle storage, and electric vehicle charging points were all compliant and satisfactory.
 - Highway Officers raised no objection to the application.
4. In accordance with the Council's Constitution, Mr Andy Moore, Town Council representative, Mr John Cole, objector, Mr Simon Pike and Ms Sharon Bovingdon, supporter, and Mr Fred Quartermain, solicitor for the Applicants, addressed the Committee on this application.

Town Council Representation

5. Mr Moore addressed the Committee. The full representation can be viewed here: [Western Area Planning Committee – Recording](#)

Member Questions to the Town Council

6. Members did not have any questions of clarification.

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Objector Representation

7. Mr John Cole addressed the Committee. The full representation can be viewed here:
[Western Area Planning Committee – Recording](#)

Member Questions to the Objector

8. Members asked questions of clarification and were given the following responses:
- The visibility splay to the south was 62m, which was below the recommended standard, whereas the northern exit was safer.
 - Mr Cole had not consulted directly with the Council's Conservation Officer.
 - Regarding a question on how the objector would prevent future residents from using his business's exit during opening hours. Mr Cole stated that if the application were approved, he would likely not police it in order to maintain good neighbourly relations.
 - He confirmed that there was water in the barn near the boiler

Supporter Representation

9. Mr Pike and Ms Bovingdon addressed the Committee. The full representation can be viewed here:
[Western Area Planning Committee – Recording](#)

Member Questions to the Supporter

10. Members did not have any questions of clarification.

Agent Representation

11. Mr Quartermain addressed the Committee. The full representation can be viewed here:
[Western Area Planning Committee - Recording](#)

Member Questions to the Applicant

12. Members asked questions of clarification and were given the following responses:
- Regarding the water seen during the site visit, Mr Quartermain stated that this was a localised issue caused by a problem with the boiler.

Member Questions to Officers

13. Members asked questions of clarification and were given the following responses:
- Officers explained that they had not given significant weight to the potential use of the northern access, as this was a private arrangement that could be withdrawn at any time. The assessment was based on the southern access being the sole access. The substantial reduction in traffic from the proposed residential use, compared to the lawful office use, made the access acceptable despite the less-than-ideal sight lines. Officers had concerns about the northern access as well, due to a nearby river bridge and a history of two personal injury accidents at that location. Regarding the gardens, officers did not consider the level of traffic to the neighbouring clothing warehouse to be prohibitive for residents needing to cross the access road.
 - Planning permission would not be granted until a satisfactory Flood Risk Assessment had been submitted and approved; it was not a matter that could be dealt with by a post-decision condition.

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- The Principal Drainage Engineer highlighted the omission of the pump from the FRA, which rendered it invalid. He required the FRA to be updated to formally document the pump's purpose and the implications of its removal.
- Regarding the ownership of the access road and if access rights could be withdrawn, officers confirmed this was a civil matter between landowners and not a planning consideration.
- Listed buildings had an exemption from standard Energy Performance Certificate (EPC) ratings. The proposal did not include roof insulation, but a condition had been added to ensure that if any insulation were installed in the future, it would be done in a way that would not harm the historic fabric of the building.

Debate

1. Councillor Vickers opened the debate, noting the unusual situation of reconsidering a previously approved application and stated he did not think there was a huge need for debate. He congratulated the officers on their very clear presentations. He felt that he did not have much to add but expressed regret that he had not been able to attend the site visit, though he was familiar with the site.
2. Councillor Dick stated that his personal concerns regarding the nature of the Grade II listed building, noise issues, potential highways issues, and flooding had been addressed. He confirmed he had listened very carefully to all that had been said and was relying on the professional reports. He indicated he was happy to propose that both applications be passed.
3. Councillor Abbs commented that he had nothing much to add, but felt the Committee was in a situation where "the normal hooks for objecting" did not exist. He stated that in reality, there was "nothing to hang a rejection on", and therefore the Committee had no choice but to approve the application. He confirmed he was happy to second Councillor Dick's proposal.
4. Councillor Hooker stated that based on the policies and submissions, he was not concerned about the external appearance of the proposal. He accepted the Highways Officer's point regarding highways, despite noting the access was "tricky". His main concern was ensuring the surface water drainage matters (SuDS) were resolved before any work could commence, expressing worry that work might begin before a conclusion on the flood risk was reached.
5. Officers clarified for Councillor Hooker that the recommendation was to delegate the granting of planning permission subject to the satisfactory resolution of the surface water drainage issue, meaning no consent would be issued until the matter was resolved.
6. Councillor Dick proposed to accept Officer's recommendation and grant planning permission subject to the conditions listed in the main report and update report for the reasons listed in the main report and update report for application 25/01669/FUL. This was seconded by Councillor Abbs.
7. The Chairman invited Members of the Committee to vote on the proposal by Councillor Dick, seconded by Councillor Abbs to grant planning permission for application 25/01669/FUL. At the vote the motion was carried
8. Councillor Dick proposed to accept Officer's recommendation and grant listed building consent subject to the conditions listed in the main report and update report for the reasons listed in the main report and update report for application 25/01670/LBC. This was seconded by Councillor Abbs.

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9. The Chairman invited Members of the Committee to vote on the proposal by Councillor Dick, seconded by Councillor Abbs to grant listed building consent for application 25/01670/LBC. At the vote the motion was carried

RESOLVED that the Development Manager be authorised to grant planning permission for application 25/01669/FUL subject to the conditions outlined in the main report and update report and the following conditions:

Conditions

For application 25/01669/FUL, the Development Manager be delegated to grant planning permission, subject to the satisfactory resolution of surface water drainage matters within six months (or a longer period as agreed) and the conditions listed in Section 8 of the agenda report, and any additional conditions required by the Lead Local Flood Authority. If these matters are not addressed within the agreed timescale, the Development Manager be delegated to refuse planning permission for the reason listed on the update sheet.

RESOLVED that the Development Manager be authorised to grant listed building consent for application 25/01670/LBC subject to the conditions listed in Section 9 of the agenda report and the additional condition listed in the update report.

(2) 25/01630/FUL Pound Street, RG14 6AA

The Committee considered a report (Agenda Item 4(2)) concerning Planning Application 25/01630/FUL in respect of change of use of 2 Pound Court from commercial (Use Class E) to a Place of Worship (Use Class F1), Pound Court, Pound Street, Newbury, RG14 6AA.

1. Ms Sian Cutts (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 Development Manager be authorised to grant planning permission, subject to the conditions outlined in the main and update reports.
2. The Chairman asked Mr Paul Goddard (Principal Development Control Engineer) if he had any observations relating to the application.
 - The site was observed during Friday lunchtime prayers. There was a steady arrival of worshippers, with on-street parking on Pound Street becoming full. Some vehicles circled to find parking and some drop-offs occurred on the carriageway. The number of worshippers observed was around 50, which aligned with the applicant's data.
 - The existing traffic and parking issues would continue even if the application was refused, as the current mosque had been in the street for 25 years.
 - The introduction of Use Class E meant that the building could be used for other intensive purposes like a convenience store, restaurant, or nursery without needing planning permission. This made it very difficult to object to the proposed use on traffic generation grounds.
 - To mitigate concerns, he had worked with the applicant on a Parking and Allocation Management Plan. This would utilise the on-site car park for staff (two spaces) and for the drop-off and collection of worshippers, which should be sufficient based on his

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observations. The plan would be enforced by on-site stewards, with CCTV and clear instructions provided to worshippers to use public car parks.

- On balance, the Local Highway Authority raised no objection, subject to conditions to finalise the car park layout.
- 3. In accordance with the Council's Constitution, Mr Andy Moore, Town Council representative, Ms Clare Struthers-Semple, objector, Mr Mohammed Hussain, supporter, Mr Alban Henderson, agent, addressed the Committee on this application.

Town Council Representation

- 4. Mr Moore addressed the Committee. The full representation can be viewed here:

[Western Area Planning Committee – Recording](#)

Member Questions to the Town Council

- 5. Members did not have any questions of clarification.

Objector Representation

- 6. Ms Struthers-Semple addressed the Committee. The full representation can be viewed here:

[Western Area Planning Committee - Recording](#)

Member Questions to the Objector

- 7. Members asked questions of clarification and were given the following responses:
 - Observations had been conducted on two separate occasions, counting 258 and 273 attendees respectively.
 - The pre-application advice had asked the applicant to demonstrate that vehicles could enter and exit in forward gear and provide tracking plots, which had not been carried out.
 - The objector estimated that the two mosques would have a capacity of 700, based on the current mosque's stated capacity of 300 on its website, plus an assumed capacity of 400 for the new, larger site.
 - The objector had not collected data on how worshippers travelled to the mosque but noted the applicant's own transport report concluded that 32.4% would arrive by car.
 - The entrance was not wide enough for simultaneous entry and exit of modern vehicles and she highlighted that minibuses were being used to transport worshippers.

Supporter Representation

- 8. Mr Hussain addressed the Committee. The full representation can be viewed here:

[Western Area Planning Committee - Recording](#)

Member Questions to the Supporter

- 9. Members asked questions of clarification and were given the following responses:
 - The existing mosque would be closed once the lease ended. The applicant could not afford to run two mosques.
 - The new building was larger than the existing mosque as it had two floors, but the supporter deferred to the agent regarding details about its specific size and capacity.

Agent Representation

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10. Mr Henderson addressed the Committee. The full representation can be viewed here:

[Western Area Planning Committee – Recording](#)

Member Questions to the Agent

11. Members asked questions of clarification and were given the following responses:

- The agent did not have a breakdown of attendees' travel methods with him, but he reiterated that the new site was in a more sustainable location.
- As a "place of worship", the planning use class, could apply to any faith's building. He did not have the specific capacity numbers.
- The agent had not seen a traffic swept path analysis produced for the car park, but he noted that the car park operated for the existing office use.

Member Questions to Officers

12. Members asked questions of clarification and were given the following responses:

- He confirmed that the two staff car parking spaces could be relocated. This could be addressed through Condition three, which required a final parking layout plan to be submitted and approved.
- The parking management and enforcement would be secured through Condition Two. If conditions could not be discharged, the development could not take place.
- Officers advised that the "Keep Clear" road marking could not be upgraded to a yellow box junction, as they were reserved for junctions, not private accesses, but the existing marking could be repainted.
- Swept path diagrams had not been produced, but they would be required as part of the submission for Condition three.
- Officers maintained that the 4.5m width was sufficient for two cars to pass according to the Manual for Streets, the use was already in the area, and the Class E fallback was a critical consideration. The proposed application, with a managed car park, was considered to be a suitable improvement over an uncontrolled Class E use.
- Ancillary food provision for worshippers was considered to be acceptable, but commercial cooking would likely require a separate planning application.

Debate

13. Councillor Paul Dick opened the debate. He felt that the key issues were traffic and parking. Having visited the site again, he was reassured there was capacity. He was confident in the professional advice from officers that the parking could be properly managed through conditions and was keen to propose the application.
14. Councillor Nigel Foot agreed. He drew a comparison with St Nicolas's Church in Newbury, which had no dedicated car parking and whose attendees walked or parked elsewhere. He noted that he often saw worshippers walking to the current mosque. He was happy to second the proposal for approval.
15. Councillor Adrian Abbs spoke against the proposal. He stated his concerns were purely on planning matters, not the nature of the use. He argued that the new location was worse due to its proximity to the traffic lights and being on the busier side of the road. He believed the 4.5m entrance was inadequate for safe two-way traffic and pedestrian access, and that relying on a future condition did not provide

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certainty. He cited the NPPF's requirement to consider cumulative traffic effects and felt the proposal would have a negative impact on the wider area.

16. Councillor Tony Vickers indicated that he lived near to the application site, and had never noticed any traffic problems from the existing mosque in 25 years. He had observed 21 free on-street parking spaces in the vicinity of the site during Friday prayers the previous week. He referenced the Equalities Act and the need to support a growing faith community. He expressed faith in the Highways Officer's ability to secure a workable solution through the conditions and indicated that he supported the proposal.
17. Councillor Martin Colston agreed that traffic was the key issue. However, he noted the officer's point about the Class E fallback position. He argued that this application provided an opportunity to improve and control the situation with an enforceable management plan, which would not be possible with an uncontrolled Class E use. He indicated that he supported the application.
18. Councillor Dick 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 Foot
19. The Chairman invited Members of the Committee to vote on the proposal by Councillor Dick, seconded by Councillor Foot to grant planning permission. At the vote the motion was carried.

RESOLVED that the Development Manager be authorised to grant planning permission subject to the conditions outlined in the main report and update report.

Continuation of meeting

In accordance with the Council's Constitution point 7.13.5, the Committee supported the Chairman's motion that the remaining business could be concluded by 10.30pm, and therefore continued with Agenda Item 4(3)

4. 25/01921/HOUSE Western Lodge, West Woodhay, RG20 0BH

20. The Committee considered a report (Agenda Item 4(3)) concerning Planning Application 25/01921/HOUSE in respect of elevation adjustments, minor alterations to Western Lodge and rebuilding of the garage annex, to provide a cohesive architectural design to the whole building, now part of the broader Lake House Estate, Western Lodge, West Woodhay, RG20 0BH.
21. Ms Cheyanne Kirby (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 Development Manager be authorised to grant planning permission, subject to the conditions outlined in the main and update reports.
22. In accordance with the Council's Constitution, Mr Robert MacDonald Parish Council representative, Mr Simon Hayes, objector, and Mr Ian Blake, agent, addressed the Committee on this application.

Parish Council Representation

23. Mr MacDonald addressed the Committee. The full representation can be viewed here:

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[Western Area Planning Committee - Recording](#)

Member Questions to the Parish Council

24. Members did not have any questions of clarification.

Objector Representation

25. Mr Hayes addressed the Committee. The full representation can be viewed here:

[Western Area Planning Committee - Recording](#)

Member Questions to the Objector

26. Members did not have any questions of clarification.

Agent Representation

27. Mr Blake addressed the Committee. The full representation can be viewed here:

[Western Area Planning Committee – Recording](#)

Member Questions to the Agent

28. Members asked questions of clarification and were given the following responses:

- The Agent did not know when the Pond had been filled. Officers clarified that planning permission was not required to fill in a pond that was not protected.
- In response to a question about the annex works being described as a "modest change", Mr Blake clarified that as the garage doors were being relocated, the building had to be demolished and rebuilt on the same footprint, since it could not be physically turned.

Member Questions to Officers

29. Members asked questions of clarification and were given the following responses:

- The track to West Woodhay Road was outside the red line and subject to separate enforcement matters. Other lines on the plan were landscaping/mown tracks not requiring permission. An informative proposed on the update sheet clarified that nothing outside the red line was approved by this application. Unlike a previous case, the red line for this application was contiguous with the residential curtilage and would not validate the track's existence at a later stage.
- A construction management plan had not been requested as it was assumed the lawful access would be used, and any use of the unauthorised track would be subject to enforcement action.
- As the pond was not part of the proposal, and as it had already been removed, a condition to reinstate it would not meet the legal tests.

Debate

30. Councillor Clive Hooker opened the debate. He stated he had no objection to the alterations to the house, which he considered a great improvement. However, he was surprised at the acceptance of the annex's cladding design, which he did not feel was in character with the existing house.

31. Councillor Tony Vickers explained that he had called in the application due to the perceived harm to the national landscape from the change of agricultural land to domestic use. While noting that officers did not agree with this reason, he stated that he would not be supporting the approval.

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- 32. Councillor Denise Gaines stated that while she thought the plans for the house and annex were positive, she was disappointed by the applicant's lack of consideration for local people regarding lighting in a dark sky area. However, on the basis of the plans being considered, he had no problems with the application itself.
- 33. Councillor Howard Woollaston asked if lighting of trees and gates could be controlled. Officers confirmed that domestic lighting did not require planning permission.
- 34. Councillor Hooker 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 Woollaston
- 35. The Chairman invited Members of the Committee to vote on the proposal by Councillor Hooker, seconded by Councillor Woollaston to grant planning permission. At the vote the motion was carried.

RESOLVED that the Development Manager be authorised to grant planning permission subject to the conditions outlined in the main report and update report.

(The meeting commenced at 6.30 pm and closed at 10.27 pm)

CHAIRMAN

Date of Signature

Agenda Item 4.(1)

Item No.	Application No. and Parish	Statutory Target Date	Proposal, Location, Applicant
(1)	25/02139/REG3 Newbury	27/11/2026 ¹	Erection of floodlighting Faraday Road Football Ground Faraday Road Newbury RG14 2AD West Berkshire District Council

¹ Extension of time agreed with applicant until 20/03/2026

The application can be viewed on the Council's website at the following link:

<https://publicaccess.westberks.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=T2S6MNRDM4M00>

Recommendation Summary: To DELEGATE to the Development Manager to GRANT PLANNING PERMISSION subject to conditions.

Ward Member(s): Councillor Nigel Foot
Councillor Stuart Gourley

Reason for Committee Determination: The application is presented to planning committee as the application is submitted on behalf of West Berkshire District Council and has received 5+ letters of objection.

Committee Site Visit: 12/03/2026

Contact Officer Details

Name: Mr. Matthew Shepherd
Job Title: Principal Planning Officer
Tel No: 01635 519111
Email: Matthew.Shepherd@Westberks.gov.uk

1. Introduction

- 1.1 The purpose of this report is for the Committee to consider the proposed development against the policies of the development plan and the relevant material considerations, and to make a decision as to whether to approve or refuse the application.
- 1.2 This application seeks planning permission for the construction of floodlighting at the sports ground known as Faraday Road Football Ground, Faraday Road, Newbury, RG14 2AD.
- 1.3 The application was initially submitted with a proposal to replace the existing football pitch with a new 3G surface and associated fencing. However, during the assessment of the application, concerns were raised regarding the potential for microplastics from the proposed 3G pitch to enter the nearby River Kennet SSSI. Consequently, this part of the proposal was withdrawn to allow the applicant further time to consider and address the issue. The fencing originally included within the proposal would not exceed 4 metres in height and therefore qualifies as permitted development under Schedule 2, Part 12 of the GPDO. As it falls within permitted development rights, the fencing does not require planning permission and does not need to form part of this application.
- 1.4 This report therefore considers only the proposed floodlighting and assesses the consultation responses relevant to this aspect of the scheme.
- 1.5 For the purposes of this report the applicant will be referred to as West Berkshire Council (WBC) and the decision maker will be referred to as the Local Planning Authority (LPA). In planning law, the LPA is a separate entity to WBC as the applicant.
- 1.6 The application is submitted by WBC which submits the red line around just the area required for development i.e. the sports pitch and area immediately adjacent to the sports pitch for the floodlights.
- 1.7 The application includes 6 floodlights proposed around the football pitch to the east and west of the pitch. These will be integrated into the existing fence line in places and, according to documentation, have been submitted to accord with safety regulations for the runoff areas of the pitch. The pitch and floodlights are proposed to be used between 08:00 and 22:00 Monday to Friday and 08:00 and 20:00 Saturday and Sunday.
- 1.8 The existing temporary buildings on site do not form part of this application.

2. Planning History

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

Application	Proposal	Decision / Date
18/00603/COMIND	Renewal and expansion of existing football pitch including artificial pitches.	Appeal against non-determination. Appeal withdrawn
18/00604/OUT	Outline permission for replacement of clubhouse and stand at Newbury Football Ground. Matters to be considered: Access and Layout.	

18/02046/DEMO	Application for prior notification for demolition of spectator stand	Application not required 14.09.2018.
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)	Withdrawn 27.02.2020.
20/01530/OUT	Outline permission for replacement of clubhouse and new spectator stand at Newbury Football Ground. Matters to be considered: Access and Layout.	Approved 25.11.2021.
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	Approved 25.11.2021.
20/02402/REG3	Provision of new car parking spaces, provision of timber bollards and provision of fencing. Part retrospective demolition of the football clubhouse.	Withdrawn 08.10.2021.
21/01575/CERTE	Confirmation of lawful use of land as a football ground under use Class F2 of the Use Classes Order (Amendment 2020)	Approved 24.09.2021.
22/02443/CERTP	Temporary metal container that consists of changing room and toilet facilities.	Refused 03.02.2023.
23/01818/REG3	The construction of an 8m high 'goal catch' fence constructed of a nylon weave netting on the north and south boundary spanning 46m at each end of the grass pitch area (92m total) to aid in the protection of local land users adjacent to the field while it is in operation.	Approved 21.11.2023.

3. Legal and Procedural Matters

- 3.1 **Environmental Impact Assessments (EIA):** Given the nature, scale and location 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 **Publicity:** Publicity has been undertaken in accordance with Article 15 of the Town and Country Planning (Development Management Procedure) (England) Order 2015, and the Council's Statement of Community Involvement. The site notice was displayed on 07.10.2025 at the entrance to the site, with a deadline for representations of 28.10.2025. A public notice was displayed in the Newbury Weekly News on 09.10.2025; with a deadline for representations of 23.10.2025. Notification letters were sent to the nearest neighbouring properties to the site with an expiration date of the 24.10.2025.

- 3.3 During the course of the application amended documents were submitted in December 2025 and earlier January 2026. Statutory consultees and those who made representations were re-consulted on these documents providing them with an opportunity to comment.
- 3.4 As noted earlier, during the course of the application concerns were raised regarding the proposed replacement 3G pitch, specifically relating to the potential for microplastics to enter the nearby River Kennet. Consequently, this element of the scheme has been removed to allow the applicant further time to consider and address the issue. The associated fencing falls within permitted development due to its height and location, and therefore does not require planning permission. The LPA has already consulted on the proposed floodlighting and will assess all representations that relate to this aspect of the scheme. Letters 'For information only' advising contributors, neighbouring properties, the Town Council, and Ward Members of the changes to the application were sent on 6 March 2026.
- 3.5 The LPA is satisfied that all relevant parties were consulted on a broader scheme than the one now before the authority. As such, the reduction in the scope of the proposed development is not considered to disadvantage or prejudice any interested party, given that the removed elements formed part of the earlier consultation and no additional impacts arise from their omission.
- 3.6 **Local Financial Considerations:** Section 70(2) of the Town and Country Planning Act 1990 (as amended) provides that a local planning authority must have regard to a local finance consideration as far as it is material. Whether or not a 'local finance consideration' is material to a particular decision will depend on whether it could help to make the development acceptable in planning terms. It would not be appropriate to make a decision based on the potential for the development to raise money for a local authority or other government body. No local financial considerations are material to this application.
- 3.7 **Community Infrastructure Levy (CIL):** Community Infrastructure Levy (CIL) is a levy charged on most new development within an authority area. The money is used to pay for new infrastructure, supporting the development of an area by funding the provision, replacement, operation or maintenance of infrastructure. CIL will be used to fund roads and other transport facilities, schools and other educational facilities, flood defences, medical facilities, open spaces, and sports and recreational areas. Subject to the application of any applicable exemptions, CIL will be charged on residential (Use Classes C3 and C4) and retail (former Use Classes A1 – A5) development at a rate per square metre (based on Gross Internal Area) on new development of more than 100 square metres of gross internal area (including extensions) or when a new dwelling is created (even if it is less than 100 square metres). CIL liability, and the application of any exemptions, will be formally confirmed by the CIL Charging Authority under separate cover following any grant of planning permission. More information is available at <https://www.westberks.gov.uk/community-infrastructure-levy>
- 3.8 **Public Sector Equality Duty (PSED):** In determining this application the Council is required to have due regard to its obligations under the Equality Act 2010. The Council must have due regard to the need to achieve the following objectives:
- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Equality Act 2010;
 - (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
 - (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

- 3.9 Having due regard to the need to advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it involves having due regard, in particular, to the need to—
- (a) remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic;
 - (b) take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it;
 - (c) encourage persons who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.
- 3.10 There is no indication or evidence (including from consultation on the application) that persons with protected characteristics as identified by the Act have or will have different needs, experiences, issues and priorities in relation to this particular planning application and there would be no significant adverse impacts as a result of the development.
- 3.11 **Human Rights Act:** The development has been assessed against the provisions of the Human Rights Act, including Article 1 of the First Protocol (Protection of property), Article 6 (Right to a fair trial) and Article 8 (Right to respect for private and family life and home) of the Act itself. The consideration of the application in accordance with the Council procedures will ensure that views of all those interested are taken into account. All comments from interested parties have been considered and reported in summary in this report, with full text available via the Council's website.
- 3.12 Any interference with property rights is in the public interest and in accordance with the Town and Country Planning Act 1990 regime for controlling the development of land. This recommendation is based on the consideration of the proposal against adopted Development Plan policies, the application of which does not prejudice the Human Rights of the applicant or any third party.
- 3.13 **Listed building setting:** Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special regard must be had to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses. Section 16(2) has the same requirement for proposals for listed building consent. The site does not contain any listed buildings, and the closest Listed buildings are west of the A339. The separation distance is sufficient that the proposed development would not impact these listed buildings.
- 3.14 **Conservation areas:** Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of a conservation area. The Kennet and Avon Canal East Conservation Area is located immediately to the south of the site, whilst the Newbury Town Centre Conservation is to the west, separated by the A339 and the industrial buildings. Considerations regarding the proposed development's impact on the character of the conservation area is considered in other sections of this report.

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:	<p>11/11/2025: No objection, comment requires explanation as to how micro plastics will be prevented from entering the River Kennet.</p> <p>Town Council consulted on the 18/12/2025. No response provided.</p> <p>Town Council consulted on the 15/01/2026. No response provided.</p>
WBC Highways:	<p>No objections</p> <p>The site has a long history of a football pitch being on this site including what was a Newbury football club building.</p> <p>The use would be busiest during weekday evenings and at weekends during an afternoon when training and matches would be played. During such times I consider that there should be adequate car parking in the Faraday Road area including the adjacent public car park.</p> <p>The site is also reasonably close to the town centre where further car parking is available. The Local Highway Authority therefore has no objection to this planning application / proposal.</p> <p>Highways further responded on the 02/01/2026 with no further comments.</p> <p>Highways further responded on the 16/01/2026 with no further comments.</p>
Sport England:	<p>1st Response 16/10/25</p> <p>No objection to this application as it is considered to meet exception 5 of our Playing Fields Policy and to accord with Paragraph 104 of the National Planning Policy Framework (NPPF), subject to conditions as set out in their response. Comments raised are as follows:</p> <ul style="list-style-type: none"> - Artificial Pitches have a limited life span and needed to be renewed/replaced every 10 years and a sinking fund is normally created to ensure this happens. No details of this are present with this application. - Concern is raised in regard to materials entering the water system from the pitch.

	<ul style="list-style-type: none"> - Sport England agree on the strategic needs for sports lit 3G pitch within West Berkshire. - Concern in regard to lack of specific detail in some areas of the application such as floodlighting. - Need for a community use agreement which can be secured by condition. - The pitch design is unusual in that there are no goal recesses proposed and the markings for the small pitches are incomplete. - No storage areas are proposed to support the AGP or toilet provision. - Errors in the planning application and lack of attention to detail in the drawings. Misunderstanding of Sport England policy exceptions in the application. <p>Despite the above issues Sport England raised no objections subject to conditions.</p> <p>2nd Response 23/12/25</p> <p>“We have reviewed the documentation, and we are pleased see the concerns which we raised and then had requested conditions to address the concerns in our response dated 16th October have been appropriately addressed.</p> <p>Therefore, we have omitted two of the conditions we have previously requested.”</p> <p>3rd Response 15/01/26</p> <p><i>“No further comment to make on the revised drainage documentation and have no comments to make beyond those made on the 23rd December 2025. They clarified their position as Sport England raises no objection to the application because it is considered in principle to accord with exception 5 of our Playing Fields Policy and paragraph 104 of the NPPF and confirmed the required conditions.”</i></p> <p>4th Response 06/03/26</p> <p>No objection to the application because it is considered to accord with exception 2 of our Playing Fields Policy and paragraph 104 of the NPPF.</p>
WBC Ecology:	<p>1st Response 15/12/25</p> <p>No objections subject to conditions.</p> <p>We have reviewed the ecological information submitted in support of this planning application and advise that sufficient information has been provided. If planning permission is granted, we advise that the following conditions securing ecological</p>

avoidance and mitigation measures and the implementation of ecological enhancements are attached.

Biodiversity net gain:

A sum of 1.82 Biodiversity units is needed to meet the statutory requirement; this will require a S.106 agreement as no method of meeting this has yet been identified.

Drainage design:

The current drainage layout includes a silt trap manhole cover. This is required in order to prevent microplastics from contaminating the local network and River Kennet SSSI and degrading the protected habitat. Any changes to the drainage layout must maintain measures to prevent any debris from the artificial field from entering any watercourse and include measures for flood events and preventing pollution from surface runoff.

Ecology officers then updated their response on the 29/01/2026. Ecology objects to the proposal on the grounds of significant effects on the River Kennet SSSI.

Ecology holds objection until suitable detailed drainage design provides certainty that there will be no likelihood of negative impacts from the introduction of rubber crumb, microplastics, synthetic fibres and chemical contamination of surface water.

This objection may also be overcome by a suitably worded Grampian condition preventing operation of the site until these plans are provided, subject to Natural England's agreement on the use of a condition.

This is to ensure the adequate safeguarding of protected species and habitats in accordance with the National Planning Policy Framework, and Policy SP11 of the West Berkshire Local Plan Review 2023-2041.

2nd Response 09/03/26

Following the removal of the 3G pitch Ecology have confirmed that they have no objections:

"The current scheme removes all proposals barring the floodlighting and thus, this will be the only proposal assessed under this application.

The Lux Lighting plan demonstrates the boundary vegetation will be impacted by only 5 lux (moonlight is 3.0-3.5). This is consistent with the sharp cutoff and directional values of the LED lighting, which were very well displayed by the case studies provided on the supplier's website.

The lighting is acceptable in principle, but due regard should be made to the River Kennet Site of Special Scientific Interest and its protected status and ability to host European protected species such as Bats, among other species such as otters and water voles.

	<p>Given this consideration, I deem it acceptable to suggest a condition controlling the hours of lighting use to mitigate any negative impacts and prevent any possible long term disturbance from artificial lighting at night. Any breach of these hours will then also be enforceable to prevent negative impacts to the associated SSSI.</p> <p>Biodiversity net gain: The amended scheme has removed all proposals for new surfacing and therefore now qualifies for the de minimis exemption due to the lighting bollards being placed on an artificial sealed surface of no habitat value.</p> <p>The agreed baseline is now irrelevant, and statutory Biodiversity Net Gain does not apply to the proposal.</p> <p>Previous comments: It has been highlighted that my previous comments dated 29th January 2026 used out-of-date imagery to assess the fencing and boundary vegetation. These have been taken into consideration, and my new comments reflect the removal of close board fencing and replacement with a 3-5m permeable fence and a more open boundary structure of vegetation.</p> <p>The boundary vegetation will restrict light spill onto the Kennet and Avon Canal, and this will be further mitigated by the restrictions on lighting hours. I understand this is true for the summer months, and the deciduous species on the boundary will lose leaves and much of the screening effect during the winter months. The restrictions on lighting hours of use will mitigate impacts to non-hibernating/torpor species still present in the area, and European Protected species under the Habitats Regulations (bats) will not be affected during these months due to their torpor phase.”</p>
WBC Archaeology:	No objections subject to conditions.
WBC Conservation:	Responses of the 23/10/2025 and 22/12/2025 recorded no objections. These changes will not impact the nearby conservation areas.
The Canal and Rivers Trust:	<p>1st Response 20/10/25</p> <p>Raised concerns over the Light spill map which finishes at the boundary. This means it is not possible to understand the impact on protected species which use the adjacent land. Ideally a revised plan to show light levels beyond the site boundary should be provided, or alternatively a condition ensuring suitable levels at the nearest watercourse.</p> <p>It is noted that the proposal is for a synthetic pitch. The ecological appraisal states’ Avoid as far as possible letting storm drains and gutters drain near the path around the pitch, so that microplastic does not spread unnecessarily to the aquatic environment;</p> <p>It is not clear whether the drainage proposal is suitably designed to prevent microplastics entering into the water environment.</p>

	<p>Please can this matter be considered by the Council 's ecologist and further information on methods to prevent this occurring be provided if necessary.</p> <p>2nd Response 07/01/26</p> <p>Amended plans showing the extended light spill plans and further drainage information were received. However, the Canal and River Trust maintained their comments dated 07/01/2026.</p> <p>“Our comments remain unchanged. We have been contacted by a member of the public, who has noted our concern regarding the possibility of microplastics entering the water environment. I note that the Council’s Ecologist has been consulted on the application but that no response is published on your website as yet. Any microplastics which, however indirectly, enter the River Kennet will also affect the canal and so the Trust would be grateful if the Council Ecologist could consider this aspect of the proposal.”</p> <p>3rd Response 26/01/26</p> <p>They note that had no further comments beyond those noted on the 20/10/2025.</p> <p>4th Response 23/02/26</p> <p>“We are pleased to note that the proposal now includes an interceptor. However, the revised strategy and plans lack the required detail to satisfy our concerns, and those of Natural England too, regarding the potential pollution from microplastics and metals.</p> <p>For example: there is no comparison between current and proposed infiltration rates, or assessment of proposed infiltration and rainfall rates, to confirm no surface water flooding or the potential amount of surface water that could runoff;</p> <p>There is no specification for the proposed filter material to confirm it will trap microplastics or its maintenance regime (i.e. how often it will be replaced/cleaned); there is no assessment to confirm that filtration alone will remove dissolved metals; the strategy describes details such as kickboards around the perimeter to prevent surface runoff, yet these are not shown on the plan, and the lack of infiltration v rainfall assessment means there is no assessment of surface runoff.</p> <p>There are also errant references to the Natural Resources Wales website for data sourced from the Environment Agency.”</p>
<p>WBC Environmental Health:</p>	<p>No objections subject to conditions</p> <p>Noise: The proposed hours are 7 days a week until 10pm. This could possibly cause noise disturbance. This was discussed with the case officer who considered the existing hours and nature of use of the site and a noise management plan condition was decided upon.</p>

	<p>Lighting: The floodlighting details submitted by Halliday Lighting is acceptable and demonstrates that light spillage from the floodlighting is within acceptable limits.</p> <p>Contaminated Land: The site is close to a former landfill site. As the development consists of removing soil from the existing pitch to enable the new 3G surface a watching brief should be undertaken to ensure that any contamination found is dealt with appropriately.</p> <p>A CMS and hours of work are required in order to control any possible disturbance from the development.</p>
<p>Environment Agency:</p>	<p>1st Response 27/10/25</p> <p>No objections subject to a condition in relation to the ground levels according with the submitted documents.</p> <p>2nd Response 07/01/26</p> <p>No objections subject to a condition in relation to the ground levels according with the submitted documents.</p> <p>3rd Response 02/02/26</p> <p>No objections subject to a condition in relation to the ground levels according with the submitted documents.</p>
<p>WBC Lead Local Flood Authority:</p>	<p>1st Response 07/01/26</p> <p>Object due to insufficient or inadequate information</p> <p>The applicant has provided clear site and location information, an accurate description of development proposals, and correctly classified the vulnerability as water-compatible. Flood zones have been correctly identified, surface water flood risk has been assessed appropriately, and we agree that no flood compensation or flood resilience measures are required. The development does not increase flood risk, and sequential/exception tests do not apply. Infiltration is not viable, and while SuDS options are limited, the proposed pitch and filter drainage/perforated pipe system is recognised as a form of SuDS. Existing discharge values appear high, but the methodology is acceptable. Safe access/egress details are incomplete, but the risk to users is considered very low due to the nature of the site; this should be acknowledged in the FRA with potential incorporation of a policy restricting access during flood warnings.</p> <p>However, the submission contains gaps in the Flood Risk Assessment and Drainage Strategy. Key issues include inadequate groundwater and sewer flood risk assessments, lack of analysis, and insufficient safe access/egress planning. The drainage strategy lacks details such as existing drainage arrangements, outfall location, maintenance access, attenuation volumes, and appropriate supporting calculations. The design does not comply with current standards, and modelling is in need of an update. There is some concern over the details and</p>

whether they can be implemented with the proposed subbase and lack of impermeable liner (especially if there are high groundwater levels on site).

A revised submission addressing these deficiencies is required before the proposal can be considered acceptable – or elimination of issues through dialogue. The primary issues are:

- Safe access egress.
- Clarity on groundwater levels.
- Construction details and use of type 1 as a subbase for a porous system for attenuation/avoiding using an impermeable liner.
- Clarity regarding point of discharge into the river/levels assessment.
- Calculations and maintenance information.

2nd Response 06/03/2026

No objection - While the submission requires further refinement, the information provided is adequate to support a conditional approval at this stage.

I have reviewed the following updated information:

- Proposed Artificial Grass Pitch Faraday Road Football Centre – Flood Risk Assessment Rev A 13.01.26
- 3316-SL-DR-200-DL-R01 Drainage Layout – Rev 1 01.26
- Sportslabconsult Drainage Strategy - Rev 1 01/26

Concerning the main issues highlighted previously:

Safe Access and Egress – Partially Addressed

The applicant has introduced Section 2.7.2, recommending that site managers register with the Environment Agency's Flood warnings service so that site access can be suspended during flood warnings. Discussions with West Berkshire Council officers indicate that this is considered a practical and implementable measure.

Groundwater Levels – Addressed

Section 3.3.3 now provides clearer information on groundwater levels, confirming that readings ranged between 1.27 m and 2 m below ground level, with JPP recording no groundwater shallower than 1.5 m below ground level. These levels are not high enough to present a risk to the proposed subbase drainage.

Construction Details and Use of Type 1 Subbase in a Porous System – Partially Addressed

The applicant has added statements in Sections 4.3.2 and 4.1.2 noting the use of reduced-fines material and modifications to support drainage. During the meeting, the applicant agreed to

	<p>provide a formal specification for this material; however, this has not been included in the submission.</p> <p>Discharge Point and Level Assessment – Partially Addressed The location of the proposed discharge point to the river has been shown. The applicant notes that the outfall level still requires survey confirmation.</p> <p>Outstanding Matters</p> <ul style="list-style-type: none"> • The hydraulic calculations do not appear to have been updated using FEH rainfall data. • Several issues remain within the drawings, including fundamental design aspects such as inappropriate use or understanding of access chambers and rodding eyes. <p>Despite this, the overall concept demonstrates that a viable drainage solution is achievable and the outstanding matters can be conditioned.</p> <p>Maintenance Information Some updates have been made; however, the maintenance strategy remains insufficiently detailed for long-term management. This can be addressed via condition.</p> <p>3rd Response 06/03/2026</p> <p>No objections</p> <p>Having been notified of the applicants’ intention to withdraw all elements of the pitch proposal apart from the sports lighting, the matters raised previously with regards to drainage are no longer relevant. The only remaining relevant matter was safe access and egress (which was addressed via dialogue with WBC staff):</p> <p>Safe Access and Egress The applicant has introduced Section 2.7.2, recommending that site managers register with the Environment Agency’s Flood warnings service so that site access can be suspended during flood warnings. Discussions with West Berkshire Council officers indicate that this is considered a practical and implementable measure.</p>
<p>Natural England:</p>	<p>1st Response – 21/10/25</p> <p>NO OBJECTION - SUBJECT TO APPROPRIATE MITIGATION BEING SECURED</p> <p>Natural England considers that without appropriate mitigation the application would:</p> <ul style="list-style-type: none"> - damage or destroy the interest features for which the River Kennet Site of Special Scientific Interest has been notified.

In order to mitigate these adverse effects and make the development acceptable, the following mitigation measures are required / or the following mitigation options should be secured:

- Sustainable Urban Drainage System
- Construction, Environment Management Plan

We advise that an appropriate planning condition or obligation is attached to any planning permission to secure these measures.

Following this response the LPA provided further Drainage information.

2nd Response – 22/01/26

FURTHER INFORMATION REQUIRED TO DETERMINE IMPACTS ON DESIGNATED SITES

As submitted, the application could have potential significant effects on the River Kennet Site of Special Scientific Interest. Natural England requires further information in order to determine the significance of these impacts and the scope for mitigation.

The following information is required:

- Information to demonstrate that surface water runoff from the proposed 3G pitch will not result in pollution or adverse effects on the adjacent SSSI.

Without this information, Natural England may need to object to the proposal.

3rd Response – 13/02/26

Following the submission of further drainage information NE maintained their original objection.

FURTHER INFORMATION REQUIRED TO DETERMINE IMPACTS ON DESIGNATED SITES

As submitted, the application could have potential significant effects on the River Kennet Site of

Special Scientific Interest. Natural England requires further information in order to determine

the significance of these impacts and the scope for mitigation.

The following information is required:

- Information in relation to the Water Quality treatment performance of the proposed SuDS system.

Without this information, Natural England may need to object to the proposal.

	<p>Please re-consult Natural England once this information has been obtained.</p> <p>As per paragraph 4.1.4 of the amended Drainage Strategy issued February 2026, we note that the applicant has included a surface water filter media chamber into the design of the SuDS system to remove fine total suspended solids and dissolved metals. We understand that filter media chambers have a variety of ratings some of which are effective at removing suspended solids and some particulate bound metals but may have limited effectiveness in relation to dissolved metals, polycyclic aromatic hydrocarbons (PAH) and microplastic capture.</p> <p>For discharge to a SSSI we will require demonstrable treatment performance and evidence of pollutant removal efficiency for the selected filtration system. The Drainage Strategy should include the pollution hazard indices for the pitch and mitigation indices for each treatment stage as per the CIRIA SuDS manual (C753). The Simple Index approach does not account for microplastics or PAH therefore we require additional evidence of particle size capture for those pollutants.</p> <p>We advise your authority to request additional information from the applicant in relation to the above. We will be happy to provide further advice to you in due course once this is received.</p> <p>Step 3 under Section 26.7.1 of the SuDS manual (C753) outlines that the requirement for extra treatment should be considered in relation to discharge to environmentally protected sites. It states that ‘an additional treatment component (i.e. over and above that required for standard discharges), or other equivalent protection, is required that provides environmental protection in the event of an unexpected pollution event or poor system performance’.</p> <p>Please note that if your authority is minded to grant planning permission contrary to the advice in this letter, you are required under Section 28I (6) of the Wildlife and Countryside Act 1981 (as amended) to notify Natural England of the permission, the terms on which it is proposed to grant it and how, if at all, your authority has taken account of Natural England’s advice. You must also allow a further period of 21 days before the operation can commence.</p>
WBC Tree Officer:	No objections.
WBC Transport Policy:	No response within the 21-day consultation period.
WBC Environments:	No response within the 21-day consultation period for any of the consultation.

Public representations

- 4.2 Representations have been received from 11 contributors, 5 of which support, and 6 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:

Support

- There is a long history of football at this location, and this application will continue to support that.
- There is a need for artificial pitches in the area, and the proposed changes ensure sport can be played by more people of all ages in the local area
- The playing surface proposed would all year round use regardless of weather conditions.
- The site has good accessibility from the Town centre and is away from neighbouring residences.
- The changes would benefit all ages health and wellbeing.
- A previously conducted petition collected 2,675 signatures to support the provision of a 3G pitch at this location.
- The current Playing Pitch Strategy (PPS) highlights Faraday Road as a top priority football ground for development and that West Berkshire is up to 8 full size 3G pitches short, demonstrating the desperate need for this community facility.
- Provision of floodlighted football ground would enable increased participation encouraging all ages and genders to play sports.

Objection

- The application is poorly presented by the Council
- No boundaries are identified on the application for the entire football ground.
- Concern with how far the site extends towards the SSSI towards the south.
- Concern about the lack clarity in regard to the extent of the football ground, no blue line of adjacent site ownership has been provided.
- Objection to drawing the site outline around just the football pitch.
- Concern that adjacent hardstanding and portacabins have not been included in this application.
- The lack of including all the land at the football ground does not show a strategic approach which is needed to maximise opportunities and attract growth.
- Confusion about changes to adjacent Designated Employment Zone names.
- Objection to the Surface Water Drainage Systems leading into the River Kennet SSSI as the contents of Plastic Pitches are acknowledged to degenerate into small particulate matter to the extent it will need replacing in 10 years.
- DEFRA Magic Maps show that one of the River Kennet SSSI Impact Risk Zone runs across the pitch.
- Concern about documents referencing old policies.
- The site could be close to areas of Historic Landfill and concern is raised in regard to contamination.
- Concern about the lack of specific validation requirements for REG3 applications and the resultant lack of documentation submitted as part of this application.
- Concern the lack of accompanying improvements to the supporting infrastructure at the football ground and a site wide comprehensive redevelopment of the site.
- Concern about the lack of full Flood Risk Assessment
- Confusion over whether pre application advice was sought.
- Concern about the lack of information on the impacts to the adjacent SSSI River Kennet from the proposed development.

- Lack of compliance with local plan policies.
- Lack of proposed supporting facilities including toilets, changing areas, spectator areas and storage which would be expected for a facility of this size and importance to the community. Incomplete pitch design with lack of goal recesses and unfinished markings as identified by Sport England.
- Lack of technical detail to demonstrate that the proposal would adequately mitigate impacts on ecology and watercourses in accordance with local and national planning policy.
- Lack of detail regarding the proposed management and maintenance of the site.
- Lack of detail regarding community use arrangements, contrary to local and national policy.
- Concern about the adequacy of the sustainable drainage strategy.
- The application is premature in the absence of a comprehensive masterplan for Bond Riverside and a strategic approach to flooding in the area.
- The application does not address the need for a stadium at the football ground and wider redevelopment of the site.
- No financial viability assessment has been submitted. Concern is raised that this is not an appropriate use of public funds. Objection raised to business case.
- The lack of comprehensive application mean statutory consultees cannot respond fully.
- Concern about the modular buildings on the site not benefiting from planning permission. These would be used to support the proposed replacement pitch and should be considered as part of this application. Retrospective permission needs to be sought for these aspects as part of a newly submitted planning application.
- The application incorrectly identifies the scope and nature of the development.
- The proposed development seeks to discharge surface water into an existing public sewer network which subsequently outfalls into Northbrook stream a functional floodplain downstream. The additional outflows would add to flooding on the floodplain which could lead to more flooding of properties downstream.
- The FRA has not considered the impact on the functional floodplain.
- Concern about microplastics entering the water system not addressed.
- Concern about leaving any issue to planning condition would mean it is not fully considered as part of this application.
- The application fails to provide on-site biodiversity net gains.
- No comprehensive catchment study has been undertaken.
- Lack of Landscape Visual Impact Assessment.
- Lack of Noise Impact Assessment.
- No document identifying the carbon footprint and the creation of plastic pitch. The sustainability statement does not adequately cover these aspects.
- The DAS does not represent the latest position on the use of 3G pitches.
- Lack of containment measures in the pitch design.
- Lack of consideration for migration of plastic on football players
- Concern about fencing and security of the pitch and floodlights.
- Not enough consideration has been given to ecology and the proximity of the proposed development to the river.

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.

Development Plan Document	Relevant Policies
<u>West Berkshire Local Plan Review 2023-2041</u>	<p>Strategic Policies</p> <ul style="list-style-type: none"> • Policy SP1 The Spatial Strategy • Policy SP3 Settlement Hierarchy • Policy SP5 Responding to Climate Change • Policy SP6 Flood Risk • Policy SP7 Design Quality • Policy SP8 Landscape Character • Policy SP9 Historic Environment • Policy SP10 Green Infrastructure • Policy SP11 Biodiversity & Geodiversity • Policy SP19 Transport • Policy SP20 Infrastructure Requirements & Delivery <p>Development Management Policies</p> <ul style="list-style-type: none"> • Policy DM2 Separation of Settlements Around Newbury & Thatcham • Policy DM3 Health & Wellbeing • Policy DM4 Building Sustainable Homes & Businesses • Policy DM5 Environmental Nuisance & Pollution Control • Policy DM6 Water Quality • Policy DM7 Water Resources & Waste Water • Policy DM8 Air Quality • Policy DM9 Conservation Areas • Policy DM10 Listed Buildings • Policy DM14 Assets of Archaeological Importance • Policy DM15 Trees, Woodland & Hedgerows • Policy DM30 Residential Amenity • Policy DM31 Designated Employment Areas • Policy DM39 Local Community Facilities • Policy DM40 Public Open Space • Policy DM44 Parking • Policy DM45 Travel Planning

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

- The National Planning Policy Framework (NPPF)
- The Planning Practice Guidance (PPG)
- National Design Guide
- Quality Design SPD (2006)
- Planning Obligations SPD (2014)
- Sustainable Drainage Systems SPD (2018)

6. Appraisal

Principle of development

- 6.1 The application site is an existing sports facility. The proposed development seeks to add 6 floodlights to the sports facility. The floodlights would be located adjacent to the pitch on the east and west side, spaced to provide coverage of lighting to the whole pitch.
- 6.2 Policy SP10 seeks to strengthen both local and strategic Green Infrastructure (GI) assets throughout the district by ensuring the protection and enhancement of existing GI resources. The supporting text at paragraph 5.66 confirms that GI includes Amenity green spaces such as outdoor sports facilities. Policy SP10 further sets out that, depending on the location, nature and scale of proposals, development should:
- a. Protect and/or enhance existing GI and the functions this performs;
 - b. Create additional GI which is integrated into the overall development design from the outset; and
 - c. Take opportunities to achieve multi-functionality by bringing GI functions together.
- 6.3 The proposed development preserves the existing use of the sports pitch, which will not be lost or diminished in any way as a result of this application. Instead, the scheme enhances the site's Green Infrastructure by introducing floodlighting, enabling extended hours of use into the evening. The provision of floodlighting will also support the club in meeting the Football Association's standards for its league level (Steps 1–6), thereby allowing football to be played to a higher and more compliant standard.
- 6.4 The installation of floodlighting will extend the usable hours of the Green Infrastructure, allowing activities to continue into the darker evenings. This will increase the availability of the sports pitch for a wider range of teams and community groups throughout the year. Overall, the proposal is considered to enhance the playability of the sports pitch and maximise sporting opportunities within the Green Infrastructure.
- 6.5 The development plan further outlines that development proposals for new and/or expanded provision of local community facilities will be supported where the proposal complies with the criteria listed in the policy. This being:
- a) A local need can be demonstrated;
 - b) It is accessible and inclusive to the local community it is intended to serve;
 - c) It is of a high-quality design and proportionate in scale to the local area;
 - d) It has been subject to prior meaningful local community engagement; and
 - e) Appropriate consideration has been given to the use of shared spaces, the re-use and/or redevelopment of existing buildings within the local community.
- 6.6 In considering this policy the proposed development has been shown to be needed locally to enhance the offering of the district in regard to sports. Sport England's response of the 16/10/2025 outlines that they agree with the Football Foundation that there is a strategic need for a floodlit 3G pitch. Whilst the 3G element of the proposed development has been removed the response outlines support for the provision of floodlights.

- 6.7 There are no changes to the access arrangements and accessibility remains as existing. The application is for floodlights only, thereby enhancing the existing provision. The proposal has given due consideration to the maximisation of existing assets in the local community.
- 6.8 The application does not specifically outline what prior engagement has occurred with the local community. However, from the submitted letters of support for the application it is clearly shown the support within the community for a replacement a pitch. Some objection has been raised in regard to the lack of financial viability report to go alongside this application. There is no requirement for such information under the planning policies relevant to the provision of green infrastructure.
- 6.9 Within the established settlement boundary of Newbury, on a site of existing green infrastructure the proposed floodlighting is in principle acceptable in the defined settlement boundary. The proposal is considered to seek to maximise the football pitch's availability for play for the benefit of the community enhancing the green infrastructure in accordance with the development plan. The proposed development is therefore considered to comply with the relevant aforementioned planning policies in principle.

Character and appearance

- 6.10 Policy SP7 will require new development to strengthen a sense of place through high quality locally distinctive design and place shaping. This will enable healthy place making, creating places that are better for people, taking opportunities available for conserving and enhancing the character, appearance and quality of an area and the way it functions. Development proposals will be expected to show how they have responded positively to both national and local design guidance.
- 6.11 Policy SP8 relates to the Landscape Character of areas and is closely linked to SP7. Landscape led development which conserves and enhances the diversity and local distinctiveness of the landscape character of the district will be supported.
- 6.12 The natural, cultural, and perceptual components of the character of the landscape will be considered as a whole. Particular regard will be given to:
- a. Its valued features and qualities;
 - b. The sensitivity and capacity of the area to change; and
 - c. Ensuring that new development is appropriate in terms of location, scale and design in the context of the existing settlement form, pattern and character.
- 6.13 The application site is an existing sports facility within the defined settlement boundary of Newbury. It is situated in close proximity to the town centre in an urban setting surrounded in the majority by an industrial estate. The site is bounded to the south by the River Kennet.
- 6.14 The proposed floodlight would consist of three columns on either side of the pitch and would extend to a height of 15 meters. They would have a slim profile and have the lighting at the top. Several sites throughout Newbury have floodlights such as the Tennis Club, Trinity school, Victoria Park Tennis Courts, and Newbury rugby club. Whilst the heights and design may change between sites and sports, floodlights are regularly found within the built-up Area of Newbury.
- 6.15 Letters of objection have raised issue with the lack of Landscape Visual Impact assessment accompanying the application. The surrounding development near

Faraday Road would be industrial in nature, and the site would be close to the dual carriage way of the A339. The site is not within a designated landscape such as the North Wessex Downs National Landscape. Given the urban context of the site and its established use as a sports facility, together with the limited visual sensitivity of the surrounding area, a Landscape Visual Impact Assessment is not considered necessary by the case officer.

- 6.16 The Kennet and Avon Canal East Conservation Area is located directly to the south of the proposal. As such views from the Canal should be considered carefully. The Council's Conservation Officer has raised no objections to the proposed development. During daylight the columns would have a slim profile and would be set against the existing backdrop of large industrial buildings. The height of the proposed floodlighting would be similar to adjacent buildings such as the Cinch Storage. The proposed floodlight columns are not considered to have a harmful effect due to the height, size or design. They are expected features at sports grounds that are in-keeping with the established use.
- 6.17 When the floodlights are in use during evenings the magnitude of change to the site would be most prominent. When illuminated the lights would be seen in the context of the industrial estate which has streetlights, external building lights and illuminated advertisement signs. Overall, the impact to views from within the Conservation Area would be minimal as supported by no objections being raised by the Conservation Officer.
- 6.18 The design of the floodlights is considered utilitarian but in keeping with the existing use of the site as a football pitch. The character of the area and landscape are not negatively impacted from the proposed development. Given these factors the proposed floodlighting would be located at an existing sports facility in a built-up area surrounded by industrial development. The development is considered to accord with the development plan in regard to design and impacts to the character of the area.

Historic Environment

- 6.19 The site is located adjacent to the Kennet and Avon Canal East Conservation Area which runs along the south boundary. The nearest listed building is to the South approximately 200 meters away on the other side of the A339. It is not considered the proposed development would have a harmful impact on the setting of this listed building or in the character and appearance of the conservation area. The Council's Conservation Officer has been consulted and raised no objections. It is therefore considered the proposed development is not considered to harm the significance of the Conservation Area or any nearby listed buildings.

Archaeology

- 6.20 The Archaeological Officer notes that the application, as originally submitted, has the potential to have an impact on heritage assets of archaeological interest, predominantly those from the Mesolithic (Middle Stone Age). Deposit modelling carried out by Wessex Archaeology and the University of Reading shows that there could be surviving remains and environmental deposits in this part of the Kennet Valley, based on a study of geology, topography, existing bore holes, and known work.
- 6.21 The proposed floodlighting for the football club falls within a predicted area of high and medium archaeological potential. An old land surface with many Mesolithic flints was encountered in a test pit in Victoria Park at less than 0.5m deep, and 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. These are

sites of national if not international significance. Some on-site assessment at the football ground has noted the presence of peat underlain by gravel.

- 6.22 In line with the National Planning Policy Framework and the Local Plan Review policy DM14, the Archaeological Officer believes further information is needed to understand whether the proposal will affect the archaeological and palaeoecological resource. An archaeological desk-based assessment would be the starting point, and if necessary, some targeted test-pitting would also be required. In conversation with the Archaeological Officer, it was determined that this information could be undertaken and submitted for approval as part of a pre-commencement condition. Subject to this condition the proposed development would accord with the development plan in relation to Archaeology.

Amenity

Impact on neighbouring amenity

- 6.23 According to Policy DM30, all development will be required to provide and/or maintain a high standard of amenity for existing and future users of land and buildings.
- 6.24 When considering the impact on the living conditions of existing and proposed residential dwellings, development proposals will be supported where there is no unacceptable harm in terms of the following criteria:
- Any significant loss of daylight and/or sunlight to land and buildings;
 - Any significant overlooking of land and buildings that results in a harmful loss of privacy;
 - Development resulting in an undue sense of enclosure, overbearing impact, or a harmful loss of outlook; and
 - Noise, dust, fumes and odours.
- 6.25 The Council's Environmental Health officer was consulted and they raised concerns in regard to the hours of use of the site which could possibly cause noise to neighbouring dwellings across the river. They have therefore recommended that a condition is attached requiring the submission of a noise management plan to manage noise levels from the site.
- 6.26 The Environmental Health officer raised no issues with the floodlighting details submitted by Halliday Lighting. These were considered acceptable and demonstrates that light spillage from the floodlighting is within acceptable limits.
- 6.27 A Construction method statement and hours of work are required in order to control any possible disturbance from the development. These can be controlled by suitably worded conditions.
- 6.28 Given the existing nature of the football pitch the proposed development is not considered to give rise to issues of overlooking, overbearing, or overshadowing. Subject to the imposition of suitably worded conditions the proposed development is considered to accord with DM30 of the development plan.

Highways

- 6.29 According to Policy SP19, development that generates a transport impact will be required to (amongst others) mitigate any adverse impact on local transport networks. Vehicular parking requires that following construction sufficient space is available for on-

site vehicular parking in accordance with policy DM44 in a way that does not detract from the character and appearance of the area.

6.30 The site has a long history of a football pitch being on this site including what was a Newbury football club building.

6.31 The use would be busiest during weekday evenings and at weekends during the afternoon when training and matches would be played. During such times Highways officers consider that there should be adequate car parking in the Faraday Road area including the adjacent public car park. The site is also reasonably close to the town centre where further car parking is available.

6.32 The Local Highway Authority therefore has no objection to this planning application.

Flood Risk and Sustainable Drainage

Flood Risk

6.33 The LLFA is satisfied that the applicant has provided clear site and location information through its flood risk assessment/drainage strategy. An accurate description of development proposals has been included in the application documents, and the consultants have correctly classified the vulnerability as water compatible.

6.34 Flood zones have been correctly identified according to the LLFA officers. Some of the site is in flood zone 2 and some areas in flood zone 3. Surface water flood risk comes from the adjacent river, and the site has some areas of surface water flood risk in general. This has been assessed appropriately as well in the submitted documents.

6.35 The LLFA confirms that no flood compensation or resilience measures are required, as the development does not increase flood risk and the sequential and exception tests are not applicable. The Environment Agency has raised no objection, subject to a condition requiring site levels to remain as submitted. As the revised proposals remove the 3G pitch and the floodlighting will not alter existing site levels, this condition is no longer necessary

6.36 Concern was raised by the LLFA that the Drainage report did not adequately address the access arrangements during a flood event. The applicant confirmed that during a flood event it would not be possible to utilise the pitch.

6.37 In addition, the applicant has added section 2.7.2 to the FRA, recommending that site managers sign up to the EA flood line service so that during flood warnings access and use of the site is prohibited to ensure no risk to users and employees. The LLFA having spoken to WBC staff relevant to the project and consider this to be acceptable.

Sustainable Drainage Measures

6.38 According to Policy SP6, in order to restrict or reduce runoff, surface water will be managed in a sustainable manner through the implementation of Sustainable Drainage Methods (SuDS) in accordance with the SuDS Supplementary Planning Document, best practice, and the Non-statutory Technical Standards for Sustainable Drainage. The surface water strategy has been reviewed and considered by the LLFA. This policy is amplified by Policy DM7 which seeks to ensure a comprehensive and integrated approach to the conservation and management of water resources and ensure that development do not overload available facilities and create or exacerbate problems of flooding or pollution.

- 6.39 With regard to sustainable drainage, the SuDS Officer has confirmed that the installation of floodlighting will have only a minimal impact on the site's existing drainage arrangements, which will remain unchanged. The proposed floodlights are to be installed on existing hardstanding, and their physical footprint is very small. Consequently, the current drainage system is considered capable of accommodating the development, and no objections are raised.
- 6.40 As noted earlier, although Natural England raised an objection regarding the discharge of surface water to the river, this related specifically to the proposed replacement of the existing pitch with a 3G surface. As this element has now been removed from the scheme, this objection is no longer relevant.

Ecology

- 6.41 The Ecology officer has raised no objections to the amended proposal subject to conditions. The application documents do not show that the proposed development would impact any protected species. The ecology reports note that none of the building or trees have suitable bat roosting features. No further surveys are considered necessary.
- 6.42 Ecology officers have reviewed the ecological information submitted in support of this planning application and advise that sufficient information has been provided in regard to the floodlighting element of the application. They had raised concerns in line with Natural England in regard to the 3G pitch element but as this has been removed this is no longer an issue.
- 6.43 The site did previously have flood lighting fixtures as shown on google maps images from 2018. It is not clear from the submission when these were removed but the site has been subject to lighting previously.
- 6.44 The current scheme removes all proposals barring the floodlighting and thus, this will be the only proposal assessed under this application.
- 6.45 Detailed lux lighting contour plans have been submitted, and this plan demonstrates that the boundary vegetation will be impacted by only 5 lux (moonlight is 3.0-3.5). This is consistent with the sharp cutoff and directional values of the LED lighting, which were very well displayed by the case studies provided on the supplier's website.
- 6.46 The lighting is acceptable in principle, but due regard should be made to the River Kennet Site of Special Scientific Interest and its protected status and ability to host European protected species such as Bats, among other species such as otters and water voles. Given this consideration, the Ecology Officer suggests a condition controlling the hours of lighting use to mitigate any negative impacts and prevent any possible long-term disturbance from artificial lighting at night.

Biodiversity net gain

- 6.47 The amended scheme has removed all proposals for new surfacing and therefore now qualifies for the de minimis exemption due to the lighting bollards being placed on an artificial sealed surface of no habitat value.
- 6.48 The agreed baseline is now irrelevant, and statutory Biodiversity Net Gain does not apply to the proposal.
- 6.49 Overall, the proposed development is not considered to adversely affect the ecology of the site. The proposed lighting is of a sufficient distance away from the SSSI to the south of the site as to spill light over into this sensitive area.

Trees

- 6.50 The proposed development has been reviewed by the tree officer who has raised no objection. However, due to the nearby boundary trees they have recommended an informative with regards to tree and hedge protection.

Health Impacts

- 6.51 Policy DM3 of the development plan requires development proposals to promote, support and enhance positive mental and physical health and wellbeing and thus contribute to reducing health inequalities. Policy DM3 only requires the submission of a Health Impact assessment for major development proposals or other development likely to have a potentially significant impact on the health and wellbeing. The case officer has considered policy DM3 and considers the proposed development is likely to be positive effects on health and wellbeing by providing greater opportunities for sport and play to the population of West Berkshire residents. It is not considered the impacts would be significant enough to warrant assessment through a Health Impact Assessment (HIA).

7. Planning Balance and Conclusion

- 7.1 Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. The National Planning Policy Framework is a material consideration in planning decisions. It includes a presumption in favour of sustainable development which means approving development proposals that accord with an up-to-date development plan without delay. However, where a planning application conflicts with an up-to-date development plan, permission should not usually be granted.
- 7.2 During the course of the application, the proposed development was amended to remove elements that had generated objections. The revised scheme, now comprising solely the installation of floodlighting, has been assessed accordingly.
- 7.3 The proposed floodlights are considered to be compatible with the existing character and function of the site and will enhance green infrastructure provision by extending the usable hours of the facility.
- 7.4 For the reasons set out in this report, the proposal is considered to comply with the relevant policies of the current development plan, and no material considerations indicate that planning permission should be refused. The application is therefore recommended for approval.

8. Full Recommendation

- 8.1 To delegate to the Development Manager to GRANT PLANNING PERMISSION subject to the conditions listed below.

Conditions

1.	<p>Commencement of development</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 approved plans and documents listed below:</p> <p>Location plan reference 3316-SL-DR-010-LP- R01. 2nd October 2025</p> <p>Proposed Floodlighting. Drawing number HLS11358 Revision REV. Date received 08th December 2025.</p> <p>Flooding Lighting drawing 15m Drawing number HAL250XL . Date received 17th December 2025</p> <p>15m RL With 2 and 3 floodlights. Drawing number 3316-SL-DR-100-GA-R02 . Date received 17th December 2025</p> <p>Flood lighting drawing. Drawing number HAL250 - 2 FITTINGS ELEVATION Date received 17th December 2025</p> <p>Reason: For the avoidance of doubt and in the interest of proper planning.</p>
3.	<p>Materials (as specified / to match)</p> <p>The materials to be used in the development hereby permitted shall be as specified on the plans and/or the application forms. Where stated that materials shall match the existing, those materials shall match those on the existing development in colour, size and texture.</p> <p>Reason: To ensure the appropriate use of external materials. This condition is applied in accordance with the National Planning Policy Framework, Policy SP7 of the West Berkshire Local Plan Review 2023-2041, and Supplementary Planning Document Quality Design (June 2006).</p>
4.	<p>Flood Lighting in accordance with details</p> <p>No floodlighting or other forms of external lighting shall be installed unless it is in accordance with details which have been submitted to and approved in writing by the Local Planning Authority. Such details shall include location, height, type and direction of light sources and intensity of illumination. Any lighting, which is so installed, shall not thereafter be altered without the prior consent in writing of the Local Planning Authority other than for routine maintenance that does not change its details.</p> <p>Reason: To protect residential amenity. This condition is applied in accordance with the National Planning Policy Framework, Policies DM5 and DM30 of the West Berkshire Local Plan Review 2023-2041, and the Quality Design SPD.</p>

5.	<p>Control over lighting (hours of use)</p> <p>The sports pitch shall not be externally lit between the hours of 22:00 and 07:00 (inclusive), unless otherwise agreed in writing by the local planning authority.</p> <p>Reason: Bats, badgers, water voles and otters are sensitive to light pollution. The introduction of artificial light might mean such species are disturbed and/or discouraged from using their breeding and resting places, established flyways or foraging areas. Such disturbance can constitute an offence under relevant wildlife legislation. This condition is applied in accordance with the National Planning Policy Framework, and Policy SP11 of the West Berkshire Local Plan Review 2023-2041.</p>
6.	<p>Noise Management Plan</p> <p>The use of the site shall not commence until a Noise Management Plan is submitted to the Council for approval. This plan shall include, but not be limited to, the hours of use of the pitch and floodlights, the noise generated from arrivals and departures from the site and control of noise as to not give rise to disturbance of neighbours.</p> <p>A scheme shall be submitted to and approved in writing by the Local Planning Authority, which specifies the provisions to be made for the control of noise emanating from the site. Thereafter, the use shall not commence until the approved scheme has been fully implemented.</p> <p>Reason: To protect the occupants of nearby residential properties from noise due to the increased hours of use into the evening that the floodlights enable. This condition is applied in accordance with the National Planning Policy Framework, Policies DM5 and DM30 of the West Berkshire Local Plan Review 2023-2041, and the Quality Design SPD.</p>
7.	<p>Hours of work (construction/demolition)</p> <p>No demolition or construction works shall take place outside the following hours:</p> <p>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.</p> <p>Reason: To safeguard the amenities of adjoining land uses and occupiers. This condition is applied in accordance with the National Planning Policy Framework, and Policies DM5 and DM30 of the West Berkshire Local Plan Review 2023-2041.</p>
8.	<p>Contaminated Land</p> <p>If any previously unidentified land contamination is found during the carrying out of the development, it shall be reported immediately in writing to the LPA. Appropriate investigation and risk assessment shall be undertaken, and any necessary remediation measures shall be submitted and approved in writing by the LPA.</p> <p>Thereafter, any remediation measures shall be carried out in accordance with the approved details.</p> <p>The development shall not be used* until all approved remediation measures have been completed and a verification report to demonstrate the effectiveness of the remediation has been submitted to and approved in writing by the LPA. (* Unless otherwise agreed in writing by the LPA)</p>

	Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors. This condition is applied in accordance with paragraphs 170, 178, 179 and 180 the National Planning Policy Framework.
9.	<p>Community Use Agreement</p> <p>Within 6 months of the date of this permission, a community use agreement prepared in consultation with Sport England has been 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 outdoor sports facilities, changing and car parking and include details of pricing policy, hours of use, access by non-educational establishment users, 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 and to accord with Development Plan Policy SP10 Green Infrastructure and the National Planning Policy Framework.</p>
10.	<p>Programme of archaeological works</p> <p>No development (including any demolition and site clearance/preparation) shall take place until a project design for a programme of archaeological works has been submitted to and approved in writing by the Local Planning Authority. The project design shall ensure archaeological monitoring and recording of the floodlight foundations. Thereafter, the archaeological work shall take place in accordance with the approved project design, and a report shall be submitted to the Local Planning Authority within three months of the end of the programme (unless otherwise agreed in writing by the Local Planning Authority).</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, and Policies SP9, DM11 and DM14 of the Local Plan Review 2023-2041. A pre-commencement condition is necessary because the programme of archaeological works must take place before/during the development.</p>

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 and accepted what is considered to be a development which improves the economic, social and environmental conditions of the area.
2	<p>Tree/ hedge protection precautions informative note:</p> <ul style="list-style-type: none"> To ensure that the trees/ hedges which are to be retained are protected from damage, ensure that all works occur in a direction away from the trees.

	<ul style="list-style-type: none"> • In addition that no materials are stored within close proximity i.e. underneath the canopy of trees/ hedges to be retained. • Ensure that all mixing of materials that could be harmful to tree/ hedge roots is done well away from trees/ hedges (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'/ hedge 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 or portland 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 using a sharp knife. • If lime or portland 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. • Post holes within root protection areas must be hand dug with a fork and trowel, or use of an air pick, and lined with an impermeable membrane (e.g. the postmix bag if not perforated) before pouring concrete.
3	<p>BIODIVERSITY NET GAIN</p> <p>The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for development of land in England is deemed to have been granted subject to the condition (biodiversity gain condition) that development may not begin unless:</p> <p>(a) a Biodiversity Gain Plan has been submitted to the planning authority, and</p> <p>(b) the planning authority has approved the plan.</p> <p>The planning authority, for the purposes of determining whether to approve a Biodiversity Gain Plan, if one is required in respect of this permission would be West Berkshire District Council.</p> <p>There are statutory exemptions and transitional arrangements which mean that the biodiversity gain condition does not always apply. These are listed below.</p> <p>Based on the information available this permission is considered to be one which will not require the approval of a biodiversity gain plan before development is begun because one or more of the statutory exemptions or transitional arrangements in the list below is/are considered to apply.</p> <p>EXEMPTIONS AND TRANSITIONAL ARRANGEMENTS</p> <p>The following are the statutory exemptions and transitional arrangements in respect of the biodiversity gain condition.</p> <ol style="list-style-type: none"> 1. The application for planning permission was made before 12 February 2024. 2. The planning permission relates to development to which section 73A of the Town and Country Planning Act 1990 (planning permission for development already carried out) applies.

3. The planning permission was granted on an application made under section 73 of the Town and Country Planning Act 1990 and
(i) the original planning permission to which the section 73 planning permission relates* was granted before 12 February 2024; or
(ii) the application for the original planning permission* to which the section 73 planning permission relates was made before 12 February 2024.

4. The permission which has been granted is for development which is exempt being:

4.1 Development which is not 'major development' (within the meaning of article 2(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015) where:

- i) the application for planning permission was made before 2 April 2024;
- ii) planning permission is granted which has effect before 2 April 2024; or
- iii) planning permission is granted on an application made under section 73 of the Town and Country Planning Act 1990 where the original permission to which the section 73 permission relates* was exempt by virtue of (i) or (ii).

4.2 Development below the de minimis threshold, meaning development which:

- i) does not impact an onsite priority habitat (a habitat specified in a list published under section 41 of the Natural Environment and Rural Communities Act 2006); and
- ii) impacts less than 25 square metres of onsite habitat that has biodiversity value greater than zero and less than 5 metres in length of onsite linear habitat (as defined in the statutory metric).

4.3 Development which is subject of a householder application within the meaning of article 2(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015. A "householder application" means an application for planning permission for development for an existing dwellinghouse, or development within the curtilage of such a dwellinghouse for any purpose incidental to the enjoyment of the dwellinghouse which is not an application for change of use or an application to change the number of dwellings in a building.

4.4 Development of a biodiversity gain site, meaning development which is undertaken solely or mainly for the purpose of fulfilling, in whole or in part, the Biodiversity Gain Planning condition which applies in relation to another development, (no account is to be taken of any facility for the public to access or to use the site for educational or recreational purposes, if that access or use is permitted without the payment of a fee).

4.5 Self and Custom Build Development, meaning development which:

- i) consists of no more than 9 dwellings;
- ii) is carried out on a site which has an area no larger than 0.5 hectares; and
- iii) consists exclusively of dwellings which are self-build or custom housebuilding (as defined in section 1(A1) of the Self-build and Custom Housebuilding Act 2015).

4.6 Development forming part of, or ancillary to, the high speed railway transport network (High Speed 2) comprising connections between all or any of the places or parts of the transport network specified in section 1(2) of the High Speed Rail (Preparation) Act 2013.

* "original planning permission means the permission to which the section 73 planning permission relates" means a planning permission which is the first in a sequence of two or more planning permissions, where the second and any subsequent planning permissions are section 73 planning permissions.

APPLICABLE EXEMPTION

The exemption that is considered to apply to this application is: Development below the de minimis threshold, meaning development which:

- i) does not impact an onsite priority habitat (a habitat specified in a list published under section 41 of the Natural Environment and Rural Communities Act 2006); and
- ii) impacts less than 25 square metres of onsite habitat that has biodiversity value greater than zero and less than 5 metres in length of onsite linear habitat (as defined in the statutory metric).

IRREPLACEABLE HABITAT

If the onsite habitat includes irreplaceable habitat (within the meaning of the Biodiversity Gain Requirements (Irreplaceable Habitat) Regulations 2024) there are additional requirements for the content and approval of Biodiversity Gain Plans.

The Biodiversity Gain Plan must include, in addition to information about steps taken or to be taken to minimise any adverse effect of the development on the habitat, information on arrangements for compensation for any impact the development has on the biodiversity of the irreplaceable habitat.

The planning authority can only approve a Biodiversity Gain Plan if satisfied that the adverse effect of the development on the biodiversity of the irreplaceable habitat is minimised and appropriate arrangements have been made for the purpose of compensating for any impact which do not include the use of biodiversity credits.

THE EFFECT OF SECTION 73D OF THE TOWN AND COUNTRY PLANNING ACT 1990

If planning permission is granted on an application made under section 73 of the Town and Country Planning Act 1990 (application to develop land without compliance with conditions previously attached) and a Biodiversity Gain Plan was approved in relation to the previous planning permission ("the earlier Biodiversity Gain Plan") there are circumstances when the earlier Biodiversity Gain Plan is regarded as approved for the purpose of discharging the biodiversity gain condition subject to which the section 73 planning permission is granted.

Those circumstances are that the conditions subject to which the section 73 permission is granted:

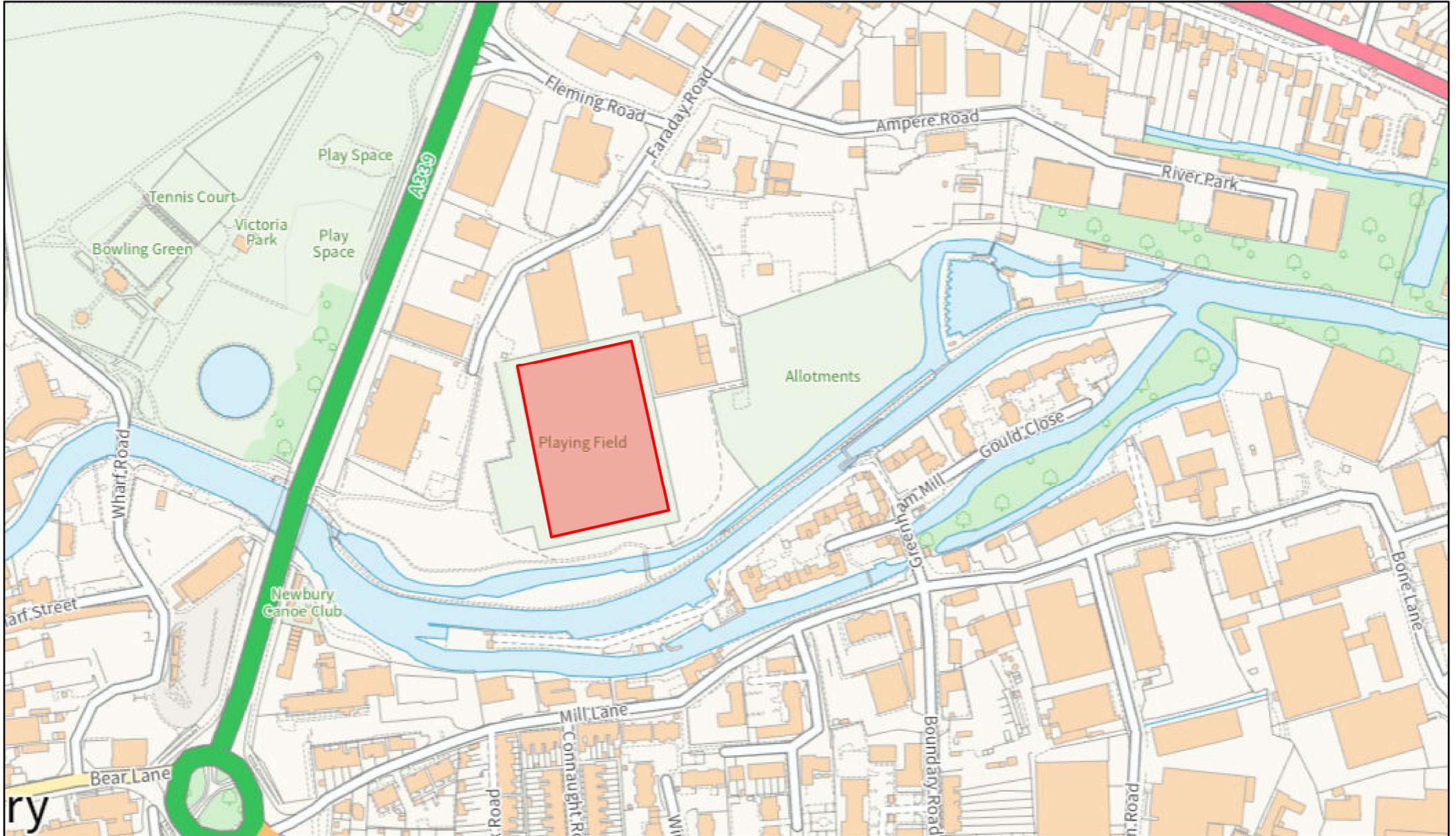
- i) do not affect the post-development value of the onsite habitat as specified in the earlier Biodiversity Gain Plan, and
- ii) in the case of planning permission for a development where all or any part of the onsite habitat is irreplaceable habitat the conditions do not change the effect of the development on the biodiversity of that onsite habitat (including any arrangements made to compensate for any such effect) as specified in the earlier Biodiversity Gain Plan.

PHASED DEVELOPMENT

If the permission which has been granted has the effect of requiring or permitting the development to proceed in phases, the modifications in respect of the biodiversity gain condition which are set out in Part 2 of the Biodiversity Gain (Town and Country Planning) (Modifications and Amendments) (England) Regulations 2024 would apply if the permission were subject to the biodiversity gain condition.

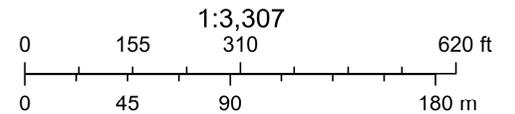
In summary: Biodiversity gain plans would be required to be submitted to, and approved by, the planning authority before development may be begun (the overall plan), and before each phase of development may be begun (phase plans).
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West Berkshire Council - Fraraday Road Football Ground, Newbury , RG14 2AD



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Agenda Item 4.(2)

Item No.	Application No. and Parish	Statutory Target Date	Proposal, Location, Applicant
(2)	25/00572/FUL Newbury Town Council	14.05.2025 ¹	Installation of extract fan system to rear elevation 1 Bartholomew Street, Newbury, RG14 5LL Mr M Erturk

¹ Extension of time agreed with applicant until 23.03.2026

The application can be viewed on the Council's website at the following link:

<https://publicaccess.westberks.gov.uk/online-applications/simpleSearchResults.do?action=firstPage>

Recommendation Summary: Conditional approval

Ward Member(s): Councillor Louise Sturgess

Reason for Committee Determination: Call-in if recommended for approval

Committee Site Visit: 12.03.2026

Contact Officer Details

Name: Harriet Allen
Job Title: Planning Officer
Tel No: 01635 519111
Email: Harriet.Allen1@westberks.gov.uk

1. Introduction

- 1.1 The purpose of this report is for the Committee to consider the proposed development against the policies of the development plan and the relevant material considerations, and to make a decision as to whether to approve or refuse the application.
- 1.2 This application seeks planning permission for the installation of an extract fan system to the rear elevation of 1 Bartholomew Street.
- 1.3 The building itself is an unlisted 18-19th century house with a 20th century shop, on a corner plot within the Newbury Town Centre Conservation Area. The ground floor unit fronts both Bartholomew Street to the east and to the north is a footpath which separates the site and adjacent 20th century row of shops from the grounds of Grade I listed St Nicolas Church. Above the café and neighbouring shops are residential units.
- 1.4 The previous application submitted in relation to 1 Bartholomew Street was app ref: 04/01113/ADV for shop signage. The building was subject to a Class A1 (Shops) use. Since 1 September 2020, Classes A1, A2 and A3 were superseded by Class E. This includes Class E(b) sale of food and drink for consumption which is considered to be the current use and not materially different to the previous Class E(a) use for the display or retail sale of goods. Noise and odour impacts arising from the proposed extract fan system only, to support the existing use, are being considered, and not the use of the unit itself.

2. Planning History

- 2.1 There is no planning history relevant to the present application.

3. Legal and Procedural Matters

- 3.1 **Environmental Impact Assessments (EIA):** Given the nature, scale and location 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 **Publicity:** Publicity has been undertaken in accordance with Article 15 of the Town and Country Planning (Development Management Procedure) (England) Order 2015, and the Council's Statement of Community Involvement. A site notice was displayed on 31.03.2025 to a post adjacent the building, with a deadline for representations of 23.04.2025. A public notice was displayed in the Newbury Weekly News on 27.03.2025; with a deadline for representations of 10.04.2025. Notification letters were sent to 2-3 Bartholomew Street and 1, 2, 3 and 4 The Spires RG14 5LL.
- 3.3 **Community Infrastructure Levy (CIL):** Community Infrastructure Levy (CIL) is a levy charged on most new development within an authority area. The money is used to pay for new infrastructure, supporting the development of an area by funding the provision, replacement, operation or maintenance of infrastructure. CIL will be used to fund roads and other transport facilities, schools and other educational facilities, flood defences, medical facilities, open spaces, and sports and recreational areas. Subject to the application of any applicable exemptions, CIL will be charged on residential (Use Classes C3 and C4) and retail (former Use Classes A1 – A5) development at a rate per square metre (based on Gross Internal Area) on new development of more than 100 square metres of gross internal area (including extensions) or when a new dwelling is created (even if it is less than 100 square metres). CIL liability, and the application of any exemptions, will be formally confirmed by the CIL Charging Authority

under separate cover following any grant of planning permission. More information is available at <https://www.westberks.gov.uk/community-infrastructure-levy>

- 3.4 **Public Sector Equality Duty (PSED):** In determining this application the Council is required to have due regard to its obligations under the Equality Act 2010. The Council must have due regard to the need to achieve the following objectives:
- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Equality Act 2010;
 - (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
 - (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
- 3.5 Having due regard to the need to advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it involves having due regard, in particular, to the need to—
- (a) remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic;
 - (b) take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it;
 - (c) encourage persons who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.
- 3.6 The key equalities protected characteristics include age, disability, gender, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief. Whilst there is no absolute requirement to fully remove any disadvantage, the duty is to have regard to and remove or minimise disadvantage. In considering the merits of this planning application, due regard has been given to these objectives.
- 3.7 There is no indication or evidence (including from consultation on the application) that persons with protected characteristics as identified by the Act have or will have different needs, experiences, issues and priorities in relation to this particular planning application and there would be no significant adverse impacts as a result of the development.
- 3.8 **Human Rights Act:** The development has been assessed against the provisions of the Human Rights Act, including Article 1 of the First Protocol (Protection of property), Article 6 (Right to a fair trial) and Article 8 (Right to respect for private and family life and home) of the Act itself. The consideration of the application in accordance with the Council procedures will ensure that views of all those interested are taken into account. All comments from interested parties have been considered and reported in summary in this report, with full text available via the Council's website.
- 3.9 Any interference with property rights is in the public interest and in accordance with the Town and Country Planning Act 1990 regime for controlling the development of land. This recommendation is based on the consideration of the proposal against adopted Development Plan policies, the application of which does not prejudice the Human Rights of the applicant or any third party.
- 3.10 **Listed building setting:** Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special regard must be had to the

desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses. Section 16(2) has the same requirement for proposals for listed building consent. The proposal would affect the setting of the Grade I listed St Nicolas Church. A small assessment of the impact on this was subsequently provided by the applicant. The Conservation and Design Officer has reviewed the proposal and offered the comments, as detailed in the below report.

- 3.11 **Conservation areas:** Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of a conservation area. The application site is in the Newbury Town Centre Conservation Area. As above, the impact on this has been assessed and considered in the report below.

4. Consultation

Statutory and non-statutory consultation

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

Newbury Town Council	Objection, subject to Environmental health concerns being addressed and not impacting on residents.
Highways:	No comments.
Environmental Health:	Initial objection addressed by amended plans and additional information.
SuDS:	No objections.
Conservation Officer:	Initial objection addressed by amended plans and additional information.

Public representations

- 4.2 Representations have been received from 4 contributors, all 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:

- The extract would be less than 1m from a residential window and could result in harmful noise pollution and smell impacts on occupants above the café
- The development may reduce air quality and flow for occupants above
- Piping already exists on the building in a better location, further from the residential window

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.

Development Plan Document	Relevant Policies
<p><u>West Berkshire Local Plan Review 2023-2041</u></p>	<p>Strategic Policies</p> <ul style="list-style-type: none"> • Policy SP1 The Spatial Strategy • Policy SP3 Settlement Hierarchy • Policy SP5 Responding to Climate Change • Policy SP6 Flood Risk • Policy SP7 Design Quality • Policy SP8 Landscape Character • Policy SP9 Historic Environment • Policy SP18 Town & District Centres • Policy SP19 Transport <p>Development Management Policies</p> <ul style="list-style-type: none"> • Policy DM5 Environmental Nuisance & Pollution Control • Policy DM9 Conservation Areas • Policy DM10 Listed Buildings • Policy DM30 Residential Amenity • Policy DM44 Parking

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

- The National Planning Policy Framework (NPPF)
- The Planning Practice Guidance (PPG)
- National Design Guide
- Quality Design SPD (2006)

6. Appraisal

Principle of development

- 6.1 Policy SP1 sets out the Spatial Strategy for the district which includes the optimisation of previously developed land and support of development and redevelopment within settlement boundaries as defined in Policy SP3. Policy SP3 states that the focus of development will follow the settlement hierarchy set out within the policy. It defines Newbury as an Urban Area which will be the prime focus for housing and economic development, offering development potential.
- 6.2 According to Policy SP18, proposals within a town centre will be supported where they:
- a. Are of an appropriate scale and character that reflect and respond to the role and function of that centre;

- b. Create a high quality, well designed environment and public realm that promotes the individuality of the centre and responds to its historic built heritage;
 - c. Contribute to the vitality or viability of that centre;
 - d. Do not have an adverse impact on the safety and capacity of the local highway network; and
 - e. Do not have an adverse impact on local amenity.
- 6.3 The proposal would enable the continued use of a café that contributes to the vitality and viability of the town centre and would have no adverse impact on the highway network, nor on local amenity subject to mitigation measures as assessed under the relevant headings below. In addition, it has been considered that the extract fan system is, on balance, of an appropriate scale and character for the function of the site and surroundings.

Impact on character and appearance, including the historic environment

- 6.3 Policies SP7, SP8, and SP9 relate to design and impacts on the character and appearance of the area. Policy SP7 requires new development to strengthen a sense of place through high quality locally distinctive design and place shaping. Policy SP8 seeks development that conserves and enhances the diversity and local distinctiveness of the landscape character of the District. Policy SP9 seeks the conservation and enjoyment of the historic environment, such as historic character and sense of place and heritage assets.
- 6.4 In relation to Conservation Areas, Policy DM9 expects proposals to respect the settlement pattern, form, layout, locally distinctive design, and historic function in terms of the scale, height, form, massing, alignment and materials of the development. Regarding listed buildings, Policy DM10 requires information to be submitted that demonstrates how the significance of the setting of listed buildings will be preserved and states that harm to such settings will not be permitted unless justified otherwise.
- 6.5 Whilst bulky and rising 1m above the eaves of the building, the external part of the system would be galvanised steel with a black finish. This would ensure it would have a muted tone and not appear bright or shiny, negating concerns of an overly conspicuous and modern feature in the historic setting. It would also be generally in-keeping with the existing modern features on the rear elevation such as downpipes and units. Accordingly, the Conservation Officer has raised no objection, commenting that the proposal would result in a small change in the setting of nearby heritage assets but not one that will harm their significance.
- 6.6 It also acknowledged that the fan system would improve the functionality of the café and the staff and customer experience by reducing internal steam and smoke from cooking. This would in turn enable the café use, which supports the vitality and viability of the town centre, to continue.

Impact on residential amenity

- 6.7 In relation to the living conditions of existing and proposed residential dwellings, Policy DM30 supports proposals with no unacceptable harm resulting from loss of daylight/sunlight, overlooking, a sense of overbearing, enclosure or loss of outlook, and noise, dust and fumes. DM5 further requires proposals to not lead to adverse effects on pollution of the environment, including from noise, vibration and/or odour. It expects mitigation measures to be put in place where necessary.

- 6.8 Relevant to the consideration of this application is the impact of noise, vibration and odour on the residents above the café, particularly as the extraction outlet would be approximately 1m from a first-floor window.
- 6.9 A Noise Impact Assessment was submitted and concludes that, in order to achieve acceptable noise levels, an attenuator is required to be fitted on the discharge side of the fan as well as regular cleaning of the system.
- 6.10 Section 6.0 of the report recommends sound insulation measures to protect residents of the flats from noise arising from restaurant activity. This however lies outside the scope of the application which is for the extract fan system only and not to change the use.
- 6.11 In terms of vibration, it states that anti-vibration isolators via vibration mounts are required between the duct and structure of the building.
- 6.12 An Odour Risk Assessment was also submitted which presented two options for required odour control. A subsequent amended assessment specified that the proposed control measure is an ESP (Electrostatic Precipitator) followed by a counteractant/neutralising system.
- 6.13 The Environmental Health Officer has commented that the reports are satisfactory, and the noise and odour impacts from the extract fan would be acceptable providing the recommended mitigation measures are in place, retained, and regularly maintained. Compliance with the mitigation and maintenance measures can be secured via condition, and it is also advised that a post-installation survey also be conditioned.

7. Planning Balance and Conclusion

- 7.1 The proposed extract fan system would enable the continued use of a café that supports the vitality and viability of the town centre, improving its function for both staff and customers, and without resulting in a material increase in noise and odour impacts subject to mitigation measures.
- 7.2 No harm to the interest and significance of the setting of the Grade I listed St Nicolas Church and Newbury Town Centre Conservation Area has been identified.
- 7.3 For the reasons given in this report it is considered that the proposal is in accordance with current development plan policies and material considerations do not indicate that planning permission should otherwise be refused.

8. Full Recommendation

- 8.1 To delegate to the Development Manager to GRANT PLANNING PERMISSION subject to the conditions listed below.

Conditions

1	<p>Commencement of development 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>
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2	<p>Approved plans</p> <p>The development hereby permitted shall be carried out in accordance with the approved plans and documents listed below:</p> <ul style="list-style-type: none"> - Design and Access Statement by Michael Pagliaroli Architects Ltd received 26.01.2026 - Noise Impact Assessment Issue 01 by DAA Group Ltd received 05.11.2025 - Odour Risk Assessment Report Ref: odour/1-1 Bartholomew St./2025 Version 2.0 by MMM Group Ltd received 27.02.2026 - Drawing 1500-PL01 Revision C Proposed Plan and Elevations, Block Plan received 06.03.2026 <p>Reason: For the avoidance of doubt and in the interest of proper planning.</p>
3	<p>Materials as specified</p> <p>The materials to be used in the development hereby permitted shall be as specified on the plans and/or the application forms. Where stated that materials shall match the existing, those materials shall match those on the existing development in colour, size and texture.</p> <p>Reason: To ensure the appropriate use of external materials. This condition is applied in accordance with the National Planning Policy Framework, Policies SP7, SP8, SP9, DM9 and DM10 of the West Berkshire Local Plan Review 2023-2041, and Supplementary Planning Document Quality Design (June 2006).</p>
4	<p>Noise mitigation (compliance)</p> <p>The noise mitigation measures recommended within Section 5 of the Noise Impact Assessment Issue 01 (by DAA Group, received 05.11.2025) shall be implemented in full. The noise mitigation measures shall be retained thereafter and maintained in accordance with the recommendations of the Noise Impact Assessment.</p> <p>Reason: To protect the occupants of adjoining residential properties from harmful levels of noise and vibration. This condition is applied in accordance with the National Planning Policy Framework, and Policies SP7, DM5 and DM30 of the West Berkshire Local Plan Review 2023-2041.</p>
5	<p>Odour mitigation (compliance)</p> <p>The odour mitigation measures recommended within the Odour Risk Assessment Report Ref: odour/1-1 Bartholomew St./2025 Version 2.0 (by MMM Group Ltd, received 27.02.2026) shall be implemented in full. The odour mitigation measures shall be retained thereafter and maintained in accordance with the recommendations of the Odour Risk Assessment.</p> <p>Reason: To protect the occupants of adjoining residential properties from a harmful odour impact. This condition is applied in accordance with the National Planning Policy Framework, and Policies SP7, DM5 and DM30 of the West Berkshire Local Plan Review 2023-2041.</p>
6	<p>Post-installation survey</p> <p>Within 2 months of the practical completion of the extract fan system hereby approved, a survey report shall be submitted to the Local Planning Authority for approval. The purpose of this report is to demonstrate the odour and noise mitigation measures have been installed in full accordance with the approved plans.</p> <p>Reason: To protect the occupants of adjoining residential properties from a harmful odour and noise impacts. This condition is applied in accordance with the National</p>

Planning Policy Framework, and Policies SP7, DM5 and DM30 of the West Berkshire Local Plan Review 2023-2041.
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Informatives

1	<p>Need for Revision / Representations Received</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 to be a development which improves the economic, social and environmental conditions of the area.</p>
2	<p>Biodiversity Net Gain De Minimis Exemption</p> <p>The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for development of land in England is deemed to have been granted subject to the condition (biodiversity gain condition) that development may not begin unless:</p> <p>(a) a Biodiversity Gain Plan has been submitted to the planning authority, and</p> <p>(b) the planning authority has approved the plan.</p> <p>The planning authority, for the purposes of determining whether to approve a Biodiversity Gain Plan, if one is required in respect of this permission would be West Berkshire District Council.</p> <p>There are statutory exemptions and transitional arrangements which mean that the biodiversity gain condition does not always apply. These are listed below.</p> <p>Based on the information available this permission is considered to be one which will not require the approval of a biodiversity gain plan before development is begun because one or more of the statutory exemptions or transitional arrangements in the list below is/are considered to apply.</p> <p>EXEMPTIONS AND TRANSITIONAL ARRANGEMENTS</p> <p>The following are the statutory exemptions and transitional arrangements in respect of the biodiversity gain condition.</p> <ol style="list-style-type: none"> 1. The application for planning permission was made before 12 February 2024. 2. The planning permission relates to development to which section 73A of the Town and Country Planning Act 1990 (planning permission for development already carried out) applies. 3. The planning permission was granted on an application made under section 73 of the Town and Country Planning Act 1990 and <ol style="list-style-type: none"> (i) the original planning permission to which the section 73 planning permission relates* was granted before 12 February 2024; or (ii) the application for the original planning permission* to which the section 73 planning permission relates was made before 12 February 2024.

4. The permission which has been granted is for development which is exempt being:

4.1 Development which is not 'major development' (within the meaning of article 2(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015) where:

- i) the application for planning permission was made before 2 April 2024;
- ii) planning permission is granted which has effect before 2 April 2024; or
- iii) planning permission is granted on an application made under section 73 of the Town and Country Planning Act 1990 where the original permission to which the section 73 permission relates* was exempt by virtue of (i) or (ii).

4.2 Development below the de minimis threshold, meaning development which:

- i) does not impact an onsite priority habitat (a habitat specified in a list published under section 41 of the Natural Environment and Rural Communities Act 2006); and
- ii) impacts less than 25 square metres of onsite habitat that has biodiversity value greater than zero and less than 5 metres in length of onsite linear habitat (as defined in the statutory metric).

4.3 Development which is subject of a householder application within the meaning of article 2(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015. A "householder application" means an application for planning permission for development for an existing dwellinghouse, or development within the curtilage of such a dwellinghouse for any purpose incidental to the enjoyment of the dwellinghouse which is not an application for change of use or an application to change the number of dwellings in a building.

4.4 Development of a biodiversity gain site, meaning development which is undertaken solely or mainly for the purpose of fulfilling, in whole or in part, the Biodiversity Gain Planning condition which applies in relation to another development, (no account is to be taken of any facility for the public to access or to use the site for educational or recreational purposes, if that access or use is permitted without the payment of a fee).

4.5 Self and Custom Build Development, meaning development which:

- i) consists of no more than 9 dwellings;
- ii) is carried out on a site which has an area no larger than 0.5 hectares; and
- iii) consists exclusively of dwellings which are self-build or custom housebuilding (as defined in section 1(A1) of the Self-build and Custom Housebuilding Act 2015).

4.6 Development forming part of, or ancillary to, the high speed railway transport network (High Speed 2) comprising connections between all or any of the places or parts of the transport network specified in section 1(2) of the High Speed Rail (Preparation) Act 2013.

* "original planning permission means the permission to which the section 73 planning permission relates" means a planning permission which is the first in a sequence of two or more planning permissions, where the second and any subsequent planning permissions are section 73 planning permissions.

APPLICABLE EXEMPTION

The exemption that is considered to apply to this application is: Development below the de minimis threshold, meaning development which:

- i) does not impact an onsite priority habitat (a habitat specified in a list published under section 41 of the Natural Environment and Rural Communities Act 2006); and

ii) impacts less than 25 square metres of onsite habitat that has biodiversity value greater than zero and less than 5 metres in length of onsite linear habitat (as defined in the statutory metric).

IRREPLACEABLE HABITAT

If the onsite habitat includes irreplaceable habitat (within the meaning of the Biodiversity Gain Requirements (Irreplaceable Habitat) Regulations 2024) there are additional requirements for the content and approval of Biodiversity Gain Plans.

The Biodiversity Gain Plan must include, in addition to information about steps taken or to be taken to minimise any adverse effect of the development on the habitat, information on arrangements for compensation for any impact the development has on the biodiversity of the irreplaceable habitat.

The planning authority can only approve a Biodiversity Gain Plan if satisfied that the adverse effect of the development on the biodiversity of the irreplaceable habitat is minimised and appropriate arrangements have been made for the purpose of compensating for any impact which do not include the use of biodiversity credits.

THE EFFECT OF SECTION 73D OF THE TOWN AND COUNTRY PLANNING ACT 1990

If planning permission is granted on an application made under section 73 of the Town and Country Planning Act 1990 (application to develop land without compliance with conditions previously attached) and a Biodiversity Gain Plan was approved in relation to the previous planning permission ("the earlier Biodiversity Gain Plan") there are circumstances when the earlier Biodiversity Gain Plan is regarded as approved for the purpose of discharging the biodiversity gain condition subject to which the section 73 planning permission is granted.

Those circumstances are that the conditions subject to which the section 73 permission is granted:

- i) do not affect the post-development value of the onsite habitat as specified in the earlier Biodiversity Gain Plan, and
- ii) in the case of planning permission for a development where all or any part of the onsite habitat is irreplaceable habitat the conditions do not change the effect of the development on the biodiversity of that onsite habitat (including any arrangements made to compensate for any such effect) as specified in the earlier Biodiversity Gain Plan.

PHASED DEVELOPMENT

If the permission which has been granted has the effect of requiring or permitting the development to proceed in phases, the modifications in respect of the biodiversity gain condition which are set out in Part 2 of the Biodiversity Gain (Town and Country Planning) (Modifications and Amendments) (England) Regulations 2024 would apply if the permission were subject to the biodiversity gain condition.

In summary: Biodiversity gain plans would be required to be submitted to, and approved by, the planning authority before development may be begun (the overall plan), and before each phase of development may be begun (phase plans).

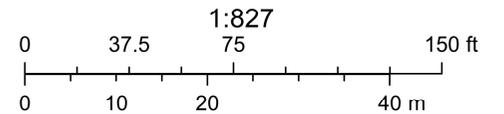
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