

Item No.	Application No. and Parish	Statutory Date	Target	Proposal, Location, Applicant
(1)	20/01530/OUT Newbury Town Council	08 October 2020*		Outline permission for replacement of clubhouse and new spectator stand at Newbury Football Ground. Matters to be considered: Access and Layout. Newbury Football Club, Faraday Road, Newbury, RG14 2AD Newbury Community Football Group
*Extension of time agreed until 25 November 2021				

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

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

Ward Members: Councillor Jeff Cant
Councillor Jeff Beck

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

Committee Site Visit: 18 November 2021

Contact Officer Details

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1. Introduction

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

Background to proposal

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

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

2. Relevant Planning History

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

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

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

3. Procedural Matters

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

4. Consultation

Statutory and non-statutory consultation

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

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

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

Public representations

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

5. Planning Policy

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

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

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

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

6. Appraisal

6.1 The main issues for consideration in this application are:

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

Principle of development

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

6.3 According to Policy ADPP2 indicates Newbury will continue to fulfil its key role as the administrative centre and major town centre for the District, with a wide range of retail, employment, leisure and community services and facilities. The policy indicates community infrastructure will be provided to meet the growth in population and existing

community facilities will be protected and, where appropriate, enhanced. These include leisure and cultural facilities, which contribute to the attraction of the town for both residents and visitors.

- 6.4 Policy CS18 sets out that the District's green infrastructure. For the purposes of the Core Strategy and Policy CS18, the definition of green infrastructure includes all outdoor sports facilities. Policy CS18 states that all outdoor sports facilities will be protected and enhanced, new developments will make provision for high quality and multifunctional open spaces of an appropriate size and will provide links to the existing green infrastructure network. It goes on to say, developments resulting in the loss of green infrastructure or harm to its use or enjoyment by the public will not be permitted. Where exceptionally it is agreed that an area of green infrastructure can be lost a new one of equal or greater size and standard will be required to be provided in an accessible location close by.
- 6.5 The supporting text to the policy recognises that the multi-functional nature of green infrastructure in the District is important for many reasons. It contributes significantly to the quality of life for residents, workers and visitors, in terms of both visual amenity and for sport and recreation purposes.
- 6.6 The Newbury Vision 2026 and 2036 sets out the Councils and community aspirations for the future of Newbury. The document indicates support for the growth of recreational and sporting facilities within Newbury and the preservation and enhancement of the District's open spaces.

Asset of Community Value

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

Wider Regeneration Proposals for London Road Industrial Estate

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

- 6.10 In addressing Sport England planning policy exception E1, the West Berkshire Council Playing Pitch Strategy (2020) at page 32 proposes the
- “Relocation of the single adult sized grass pitch at Faraday Road, together with changing accommodation and the other necessary league requirements to create a step 6 facility on a site which will be no more than 20 minutes’ drive time away, and upgrade the current grass pitch to a 3G pitch with the ability to develop it to a step 5 facility. This site will be available before any construction work starts at Faraday road. “*
- 6.11 In addressing Sport England planning policy exception E4, The West Berkshire Council Playing Pitch Strategy (2020) also states at page 33 that:
- “The Council also believes that Sport England Policy Exception E4 applies in part, namely:; The playing field or playing fields, which would be lost as a result of the proposed development, would be replaced by a playing field or playing fields of an equivalent or better quality and of equivalent or greater quantity, in a suitable location and subject to equivalent or better management arrangements, prior to the commencement of development”*
- 6.12 The Council has submitted a planning application for a replacement facility at Newbury Rugby Football Club, Monks Lane, Newbury, which will be referred to the WAP Committee for consideration and determination once all matters have been resolved. The planning application reference and proposal details are outlined below:
- Planning application reference: 21/02173/COMIND***
- Proposal:*** *The proposed development is for a single storey sports pavilion building and car park providing facilities and social space to support a proposed artificial turf pitch, F2(C). The proposed artificial turf pitch forms part of this application and includes fencing, storage, spectator seating and artificial lighting. The building will provide approximately 400m² of internal floor space of use class F2 (B).*
- 6.13 The Playing Pitch Strategy (2020) also outlines that the replacement site for Faraday Road stadium would “have the ability to host competitive play and training to at least the same level as required now i.e. Step 6 with the potential to move to Step 5”.
- 6.14 The Newbury Community Football Group (NCFG) submitted their indicative business plan in principle based on obtaining the freehold or long leasehold (25 years minimum) of the site. The business plan outlines the proposed funding, community use and the ongoing operation and management of the facility.
- 6.15 Sport England (SE) have assessed the proposal and are satisfied that the proposed development would meet exception 2 of its playing fields policy, in that ‘The proposed development is for ancillary facilities (clubhouse and stand) supporting the principal use of the site as a playing field, and does not affect the quantity or quality of playing pitches or otherwise adversely affect their use’. Accordingly, Sport England have raised no objections.
- 6.16 Whilst officers acknowledge there is a replacement facility being proposed by West Berkshire Council, there is no planning justification against the retention of the football ground and facilities in planning terms. SE raise no objection to the proposal and indicate that if the site is to be retained the business plan could be adjusted. Officers consider that further details could be secured by a condition. This would ensure the development meets the Sport England’s planning policy E5 and the National Planning Policy Framework.
- 6.17 SE also considered that decisions on future development can change and should the site be retained as a football stadium, then in reality the proposed scheme, with some

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

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

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

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

what already exists and therefore the conservation officer raises no objections to the proposal.

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

Impact on neighbouring amenity and quality of life

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

Highway safety

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

Trees and Landscaping

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

Flooding and drainage

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

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

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

Biodiversity

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

Representations

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

7. Planning Balance and Conclusion

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

8. Full Recommendation

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

8.2 Schedule of Conditions

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

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

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

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

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

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

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

Informatives

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