

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

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

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

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

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

Committee Site Visit: 9th January 2020

Contact Officer Details

Name: [REDACTED]
Job Title: Consultant Planner
Tel No: [REDACTED]
Email: [REDACTED]

1. Introduction

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

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

2. Planning History

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

Application	Proposal	Decision / Date
18/00603/COMIND	Renewal and expansion of existing football pitch including artificial pitches Applicant: Newbury Community Football Group (NCFG)	Subject to planning appeal
19/00814/FUL	Creation of 4 x multi-use games areas with replacement gates and new fencing; 8 x new floodlights (replacing existing 6 x floodlights) Applicant: West Berkshire Council	Pending consideration (at the time of writing this report)
18/02046/DEMO	Application for prior notification for demolition of spectator stand	Approved/further details not required for approval - 14.09.2018
94/45314/FUL	Stands (standing only) - 8no units; 3m high north boundary fence.	Approved - 18.10.1994
93/43408/ADD	Replacement of existing floodlights & stands.	Approved – 12.10.1993
93/42876/ADD	Renovation of clubhouse & new building for entrance shop toilets & groundsman store.	Approved - 28.06.1993
93/42875/ADD	Replacement grandstand & additional car parking.	Approved - 28.06.1993
89/35983/ADD	Day time car park for racial vodafone evening and weekend training area for football club	Refused – 06.12.1989
82/18107/ADD	Small 100 seater grandstand	Approved - 08.11.1982
81/16061/ADD	Erection of grand stand for spectators	04.11.1981
79/10044/ADD	Proposed new pavilion & change of use to football ground	Approved - 06.03.1979
77/07234/ADD	Non illuminated hoarding	Approved - 23.11.1977
77/06859/ADD	Extension to clubhouse	Approved - 23.09.1977

75/03793/ADD	Extension to provide changing rooms	Approved - 11.02.1976
--------------	-------------------------------------	--------------------------

3. Procedural Matters

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

4. Consultation

Statutory and non-statutory consultation

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

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

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

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

Public representations

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

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

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

5. Planning Policy

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

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

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

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)
- WBC Quality Design SPD (2006)
- Newbury Town Design Statement (2018)
- Sport England 'Playing fields policy and guidance' (2018)
- Newbury Vision 2026 and 2036

6. Appraisal

6.1 The main issues for consideration in this application are:

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

Principle of development

- 6.2 Planning law requires that applications for planning permission be determined in accordance with the development plan unless material considerations indicate otherwise.
- 6.3 Policies ADPP1, ADPP5, and CS18 of the West Berkshire Core Strategy (2006-2026) are key policies relevant to the principle of proposed development. There are also other development plan policies that relate to specific issues and these are considered further on in this report.
- 6.4 Policies ADPP1 and ADPP2 comprise the spatial strategy for the district. New development will be located in accordance with the settlement hierarchy (ADPP1) and area delivery plan policies (ADPP2). According to Core Strategy Policy ADPP1, the scale and density of development will be related to the site's current or proposed accessibility, character and surroundings. Significant intensification of use will be avoided within areas which lack sufficient supporting infrastructure, facilities or services or where opportunities to access them by public transport, cycling and walking are limited. Newbury is included on the first tier of the settlement hierarchy. It is thereby the focus for development within the district.
- 6.5 Policy ADPP2 indicates Newbury will continue to fulfil its key role as the administrative centre and major town centre for the District, with a wide range of retail, employment, leisure and community services and facilities. The policy indicates community infrastructure will be provided to meet the growth in population and existing community facilities will be protected and, where appropriate, enhanced. These include leisure and cultural facilities, which contribute to the attraction of the town for both residents and visitors.
- 6.6 Policy CS18 sets out The District's green infrastructure (which includes outdoor sports facilities) will be protected and enhanced, new developments will make provision for high quality and multifunctional open spaces of an appropriate size and will also provide links to the existing green infrastructure network. It goes on to say, developments resulting in the loss of green infrastructure or harm to its use or enjoyment by the public will not be permitted. Where exceptionally it is agreed that an area of green infrastructure can be lost a new one of equal or greater size and standard will be required to be provided in an accessible location close by.
- 6.7 The supporting text to the policy recognises the multi-functional nature of GI in the District is important for many reasons. It contributes significantly to the quality of life for residents, workers and visitors, in terms of both visual amenity and for sport and recreation purposes.
- 6.8 The Newbury Vision 2026 and 2036 sets out the Council's and community aspirations for the future of Newbury. The document indicates support for the growth of recreational and sporting facilities within Newbury and the preservation and enhancement of the District's open space.
- 6.9 The proposal would accord with the overall aims and objectives of Policies ADDP1, ADDP2 and CS18 and guidance within the Newbury Vision 2026 and 2036 in so far as they support the renewal and expansion of an existing sports facilities within a sustainable location that form part of the District's green infrastructure.
- 6.10 *Sport England*
- 6.11 Sport England have assessed the proposal and is satisfied that the proposed development would meet exception 2 of its playing fields policy, in that 'The proposed development is for ancillary facilities supporting the principal use of the site as a playing

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

6.12 *Wider Regeneration Proposals for London Road Industrial Estate*

- 6.13 It is recognised that the Council has aspirations for the wider regeneration of the London Road Industrial Estate (in which the application site is located). However, they can only be afforded limited weight at this stage.

6.14 *Asset of Community Value*

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

Biodiversity

- 6.17 Core Strategy Policy CS 17 states that Habitats designated or proposed for designation as important for biodiversity or geodiversity at an international or national level or which support protected, rare or endangered species, will be protected and enhanced. Development which may harm, either directly or indirectly, habitats or species of principal importance for the purpose of conserving biodiversity, will only be permitted if there are no reasonable alternatives and there are clear demonstrable social or economic benefits of regional or national importance that outweigh the need to safeguard the site or species and that adequate compensation and mitigation measures are provided when damage to biodiversity/geodiversity interests are unavoidable.
- 6.18 Policy CS18 indicates that the District's green infrastructure will be protected and enhanced. This includes river corridors, and new developments will make provision for high quality and multifunctional open spaces of an appropriate size and will also provide links to the existing green infrastructure network.
- 6.19 NPPF Paragraphs 170 to 177 relate to biodiversity and conserving the natural environment. Paragraph 170 states that decisions should contribute to and enhance the natural and local environment by protecting sites of biodiversity or geological value. It also states that the planning system provide net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures.
- 6.20 Paragraph 175 states that if significant harm to biodiversity resulting from development cannot be avoided, adequately mitigated, or as a last resort compensated for, then planning permission should be refused. In addition, development on land within or outside a Site of Special Scientific Interest, and which is likely to have an adverse effect on it, should not normally be permitted. Opportunities to incorporate biodiversity improvements in and around developments should be encouraged, especially where this can secure measurable net gains for biodiversity.
- 6.21 The EA have advised the location of the new stand, alongside the River Kennet SSSI, is not appropriate as it encroaches within the minimum 8 metres of the bank top of the river, which is the minimum width of undeveloped buffer zones that the EA require. Buffer zones to watercourses are indicated to be important for a number of reasons including:

- to provide an unobstructed wildlife corridor for species to move between linked habitats;
 - to provide for the terrestrial life stages of aquatic insects, for nesting of water related bird species, and for bank dwelling small mammals;
 - to allow for the maintenance of a zone of natural character with vegetation that gives rise to a range of conditions of light and shade in the watercourse itself;
 - to reduce the risk of accidental pollution from run-off.
- 6.22 The EA indicate The River Kennet in this location is a chalk river of national importance, being designated as a SSSI. This means that the ecology of the river is particularly sensitive to direct and indirect impacts of new developments.
- 6.23 The EA have further advised that if the proposed stand is moved back to provide a minimum 8 metre wide buffer zone measured from the river bank top, then it would be possible to remove their objection. The buffer zone would need to be free from all built development including lighting that could impact on the behaviour of nocturnal animals such as bats.
- 6.24 The EA have also advised in accordance with NPPF paragraphs 170 and 175, the planning system should conserve and enhance the natural environment by minimising impacts on and providing net gains for biodiversity. Taking into account the site's location adjacent to the River Kennet SSSI, the EA require an ecological assessment to be undertaken at the site to be able to determine ecological value present at the site. Since no assessment has been submitted to date, the EA maintain an objection to the application until this has satisfactorily been overcome. The ecological assessment should include the potential impacts on the existing habitats adjacent to the river in addition to the SSSI itself. The assessment should:
- identify any rare, declining, protected or otherwise important flora, fauna or habitats within and adjacent to the site;
 - assess the importance of the above features at a local, regional and national level;
 - identify the impacts of the scheme on those features;
 - demonstrate how the development will avoid adverse impacts;
 - propose mitigation for any adverse ecological impacts or compensation for loss;
 - propose wildlife/habitat enhancement measures.
- 6.25 The Councils Ecologist has carefully considered the proposal and supports the approach taken by the EA. It is therefore considered, taking into account the proposed development is in close proximity to a statutory main river, the River Kennet, which is also a SSSI where the proposed stand would encroach within the minimum 8 metre buffer zone for this main river, the proposal could impact on the sensitive ecology and the chalk stream, which is of national importance. Furthermore, given the adjacent ecological designation, taking into account no ecological assessment has been submitted in support of the proposal, it is considered that insufficient information is available to identify the potential impact that the proposal would have on the biodiversity of the area. Officers do not consider this matter can be adequately mitigated through the imposition of relevant planning conditions at this stage.
- 6.26 For these reasons, insufficient information has been provided to demonstrate that the proposal would not have an adverse ecological impact including on a SSSI contrary to provisions of Core Strategy Policy CS17 of the West Berkshire Core Strategy and paragraphs 170 and 175 of the National Planning Policy Framework.

6.27 *Negotiations with the Environment Agency*

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

Flood risk and Sustainable Drainage

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

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

Highways Matters

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

Character and Appearance (including design)

- 6.41 According to Core Strategy Policy CS14, new development must demonstrate high quality and sustainable design that respects and enhances the character and appearance of the area. Considerations of design and layout must be informed by the wider context, having regard not just to the immediate area, but to the wider locality. Development shall contribute positively to local distinctiveness and sense of place. Development proposals will be expected to (amongst others) make efficient use of land whilst respecting density, character, landscape and biodiversity of the surrounding area.
- 6.42 Part 1 of the Quality Design SPD indicates new development should begin with an understanding of the area's existing character and context and its design should evolve from West Berkshire's rich landscape and built heritage. Development should seek to complement and enhance existing areas, using architectural distinctiveness (through construction materials and techniques) and high quality urban design, to reinforce local identity and to create a sense of place. The Town Design Statement echoes the above design considerations.
- 6.43 The surrounding built form has a variety of architectural design and form, of varying quality. In this context, the modern leisure development proposed which largely occupies the existing footprint of the facilities within the site would harmonise with the surroundings subject to details of scale, appearance (including external materials and boundary treatment) and landscaping being carefully considered at the reserved matters stage.

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

Residential Amenity

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

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

Trees and Woodland

- 6.58 There are a number of trees to the east and south of the existing playing pitch. The Council Tree Officer has carefully considered the proposal and raises no objections subject to measures to protect retained trees being secured via planning condition. In addition, it is noted that the supporting plans demonstrate sufficient areas are retained for new tree planting where required to off-set any loss of trees and ensure a net gain in tree planting within the site overall.
- 6.59 For these reasons, it is considered that retained trees would be adequately safeguarded from any potential adverse effects and a net gain in trees planting would be achieved within the site to off-set any removed trees in accordance with the provisions of policy CS18 and the NPPF.

7. Planning Balance and Conclusion

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

8. Full Recommendation

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

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

AND

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