



Appeal Decisions

Inquiry Held on 22-25 March 2022

Site visit made on 28 March 2022

by D M Young JP BSc (Hons) MPlan MRTPI MIHE

an Inspector appointed by the Secretary of State

Decision date: 6th May 2022

Appeal Ref A: APP/H1705/W/21/3271179

**Basingstoke Town Football Club, The Camrose Ground, Western Way,
Basingstoke RG22 6EZ**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Basron Developments Ltd against the decision of Basingstoke & Deane Borough Council.
 - The application Ref 19/01110/OUT, dated 15 April 2019, was refused by notice dated 25 September 2020.
 - The development proposed is an outline application for the erection of up to 85 dwellings with associated access and external works, following the demolition of the existing Basingstoke Town FC stand and terraces (all matters reserved except access).
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Appeal Ref B: APP/H1705/W/21/3271180

**Basingstoke Town Football Club, The Camrose Ground, Western Way,
Basingstoke RG22 6EZ**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Basron Developments Ltd against the decision of Basingstoke & Deane Borough Council.
 - The application Ref 19/02889/OUT, dated 8 October 2019, was refused by notice dated 25 September 2020.
 - The development proposed is the erection of a 70 Bedroom Care Home and 6 new Dwellings with associated access and external works, following the demolition of the existing Coral Bookmakers and part of the existing Basingstoke Town FC Clubhouse (all matters reserved except access)
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Decision

1. Appeal A is allowed and outline planning permission is granted for the erection of up to 85 dwellings with associated access and external works, following the demolition of the existing Basingstoke Town FC stand and terraces at Basingstoke Town Football Club, The Camrose Ground, Western Way, Basingstoke RG22 6EZ in accordance with the terms of the application, Ref 19/01110/OUT, dated 15 April 2019 subject to the conditions set out in the schedule to this decision.
2. Appeal B is allowed and outline planning permission is granted for the erection of a 70 Bedroom Care Home and 6 dwellings with associated access and external works, following the demolition of the existing Coral Bookmakers and part of the existing Basingstoke Town FC Clubhouse at Basingstoke Town Football Club, The Camrose Ground, Western Way, Basingstoke RG22 6EZ in

accordance with the terms of the application, Ref 19/02889/OUT, dated 8 October 2019, subject to the conditions set out in the schedule to this decision.

Preliminary Matters

3. The Inquiry sat for 3 days between 22 and 25 March 2022 and was conducted virtually. An accompanied site visit was carried out on 28 March 2022 in accordance with an itinerary agreed between the Appellant company, Council and Rule 6 Party (Basingstoke Town Community Football Club (BTCFC)).
4. As set out above there are two appeals which relate to different parcels of land at the Camrose ground. Both applications were refused for identical reasons by the Council. Although I have considered each proposal on its individual merits, to avoid duplication I have dealt with the two schemes together in this decision letter.
5. Both applications were made in outline with only 'access' to be determined at this stage. I have dealt with the appeals on that basis.
6. I held a pre-Inquiry Case Management Conference on 17 January 2022 to discuss the arrangements for the Inquiry. A summary of the conference was subsequently sent to the main parties.
7. A Statement of Common Ground (SoCG)¹ was submitted prior to the Inquiry and I have had regard to this in reaching my decisions.
8. The applications were accompanied by a substantial body of supporting evidence. A full list of the submitted plans and supporting technical evidence is contained at section 4 of the SoCG. This material is broadly accepted by technical consultees and demonstrates that most matters are capable of being dealt with either by condition or planning obligation.
9. There is no dispute between the parties that the Council cannot demonstrate a 5-year supply of housing². In such situations paragraph 11 d) of the National Planning Policy Framework³ (the Framework) is engaged.
10. Signed and dated Unilateral Undertakings (UU) were submitted after the close of the Inquiry in accordance with an agreed timetable. The proposed obligations need to be assessed against the statutory Community Infrastructure Levy (CIL) tests⁴, a matter I return to later in my decision.
11. On 12 January 2021, the Council listed the Camrose ground as an Asset of Community Value (ACV). This would give community groups such as BTCFC, the right and time to prepare and submit a bid should the site be offered for sale. However, an appeal was subsequently lodged against the listing⁵ by the Appellant company which is currently being considered by a First Tier Tribunal. In light of the foregoing, the proposed ACV listing carries very limited weight in my consideration of the appeals.
12. Shortly before the Inquiry opened Hampshire County Council as Highway Authority notified the Council that it was not currently pursuing the link road

¹ CD5

² According to the Appellant the figure stands at 4.6 years

³ CD16

⁴ CD27

⁵ Reference: CR.2021.0004

through the appeal sites⁶. Although I consider it likely that the link road will be provided at some future date, considering the current uncertainty, I have not attributed any weight to the benefits of the road in my decisions.

The Appeal Sites

13. Both appeal sites are located on the Camrose ground. Appeal site A is a rectangular parcel of land approximately 1.29ha in size located on the northern side of Winchester Road. It contains most of the main pitch, stands, floodlights including the 10m high main stand which backs onto Winchester Road as well as two artificial grass pitches (AGPs). The terrace to the north-west side of the pitch falls outside the site boundary.
14. Appeal site B is 0.72ha in size and is located to the south-west of Appeal site A. It contains the former clubhouse, a bookmaker adjacent to Winchester Road and the majority of the car park.
15. Both sites are generally flat and enclosed along Winchester Road by a 1.8m high close boarded timber fence. Winchester Road is a busy A-class road serving as a main arterial route to the town centre. Opposite the sites and set at a higher level is the Brighton Hill Retail Park. Post-war housing dominates those areas to the north and west.
16. The strip of land running to the north of both sites which includes the vehicular access from Western Way is controlled by the Council and does not form part of either appeal site.

Main Issue

17. The main issue in both appeals is whether the replacement facilities are equivalent or better than those at the Camrose ground.

Reasons

Background

18. The recent history of BTCFC is complex and the circumstances surrounding the departure from the Camrose ground are particularly contentious. Whilst it is not necessary for me to give a running commentary of these events, it is helpful to provide a broad overview in order to help understand the context for the appeal schemes and the main arguments advanced for and against.
19. BTCFC previously BTFC⁷ is the only semi-professional football club in the Basingstoke area and was formed in 1896. It was based at the Camrose ground between 1946 and April 2019. The club currently plays in the South-Central Division of the Isthmian League which is level 7-8 on the football league pyramid. Following its departure from the Camrose ground in April 2019⁸ the club relocated to the Hampshire Football Association (HFA) ground at the Winklebury Sports Complex (Winklebury)⁹.
20. BTCFC currently has no legal interest or rights in the Camrose ground. As things stand, it is in a very poor state of repair with no safety certificate, no grading, it is unplayable, and the clubhouse requires complete demolition.

⁶ See Inquiry Documents

⁷ The name change occurred in July 2017

⁸ BTCFC played part of the 2019/20 season at Winchester City FC before its move in Winklebury

⁹ The Council owns the Winklebury site but leases it to the HFA to manage the facility

Even on BTCFC's more conservative estimates, the cost of purchasing and bringing the Camrose ground back to a playable condition runs into the millions¹⁰.

21. To facilitate the club's move to Winklebury, the Council brokered and promoted an arrangement involving a lease to the HFA but with a sub-lease to BTCFC for 40 years. In conjunction with this arrangement, the Council also agreed to contribute to the upgrading of Winklebury from a turf pitch to an AGP. BTCFC agreed and signed Heads of Terms for a 40-year sub-lease at Winklebury and invested in the region of £5,4000 in ground improvements to enable the first team to play at a Grade D ground¹¹.
22. To further support the relocation, BTCFC (funded by the Appellant company) applied for planning permission for various improvements to enable Winklebury to be upgraded to a Grade C ground. The Council subsequently granted permission for two planning applications¹² in early 2020. The appeal schemes, if approved, would provide the necessary financial impetus to deliver the improvements which, amongst other things, include a new clubhouse, additional toilets and turnstiles and extensions to the north and south stands to increase the capacity of the ground from 1,202 to 1,998. Current average attendances at Winklebury are somewhere between 400-550 although higher attendances have been achieved¹³.
23. A recurring theme in the objections is that the Camrose ground was left to fall into disrepair over the last 4-5 years¹⁴ as part of a deliberate strategy on the part of the Appellant company. Although my assessment has disregarded the deterioration of the ground since 2019¹⁵, it is worth pointing out that the 2012 Polymedia Statement of Community Involvement¹⁶ and 2017/2018 Committee Reports¹⁷ reveal that there were significant problems with the ground as far back as 2012, perhaps earlier.
24. The Statement of Community Involvement noted that the ground was '*run down*' and in need of '*extensive refurbishment*'. It explicitly acknowledged that the club lacked the funds to carry out the necessary renovation work. As a result, the preferred approach at that time was to redevelop the Camrose ground and relocate the club elsewhere¹⁸. So, whilst it is true that the condition of the ground has deteriorated in the last 4-5 years, this was evidently part of a much longer-term trend caused by years of under-investment in the ground which in turn was a symptom of the club's financial position in the years leading up to 2019.
25. The sworn statement from the Director of the Appellant company¹⁹ sets out that financial position between 1993 and 2019 and provides a first-hand account of the circumstances leading up to the club's departure from the Camrose ground. In large part, the statement corroborates the contemporaneous documents referred to above and reveals that the Director's

¹⁰ £3.5m according to BTCFC's estimates

¹¹ Football Association National Ground Grading – see Page 260 of Rule 6's Bundle

¹² LPA Refs: 19/03181/FUL & 20/00434/FUL (CD70, 71 & 72)

¹³ 824 for a league game and 906 for a cup game – See Steve Frangou's Statement

¹⁴ See statements made by David Covill on behalf of the Council and Sport England CD67/68

¹⁵ See paragraph 37 of this decision

¹⁶ See Rule 6 Party's Statement of Case Appendices CD4

¹⁷ CD8/9

¹⁸ At that time a site at London Road had been identified

¹⁹ Mr Razzak – see Appendix A to Mike Cole Proof of Evidence

- personal investment of circa £2.3m saved the club from bankruptcy on two occasions.
26. Following the Council's decision to refuse planning permission for a new stadium at the Old Common site, a decision was taken in 2016 to stop the funding the club, something which then precipitated the club's departure from the Camrose ground. At around the same time, the Appellant company purchased the freehold of some 70% of the ground from the Trustees of the Camrose Estate. According to BTCFC, the ownership of both the freehold and leasehold interests gave rise to the opportunity to release Basingstoke Town Ltd from the user covenant imposed on the original 75-year lease which limited the use of the ground to football and sporting activities.
27. Following the purchase of the freehold but prior to its departure from the Camrose ground, BTCFC was formed as a Community Benefit Society in 2017. From the evidence, it appears that this was an attempt to move away from the rich benefactor business model which the club hitherto had relied upon.
28. Apart from suggestions that there were '*missed opportunities*', there has been no serious challenge to the Appellant company's argument that the club's financial position was completely unsustainable in the years leading up to its departure from the Camrose ground. To underscore the seriousness of the situation, BTFC only managed to make a surplus in one year in the 40 years leading up to 2019²⁰. By any measure that is a woeful track record and therefore it seems eminently plausible to suggest that the main reason why the club remained at the Camrose ground for as long as it did was due to a succession of wealthy benefactors, who supported the club financially. Against that background, it is little surprise that the condition of the ground began to deteriorate well before 2019.
29. The Minutes of the 2017 Council meeting indicate widespread support from the Council for the club's relocation to Winklebury (in addition to the redevelopment of the Camrose site). The 2018 report records that the transfer of Winklebury to the HFA under a long-term lease would '*form a credible plan*' enabling the co-location and shared use of the ground and facilities by the HFA and BTCFC.
30. On a fair reading of the various documents, it is clear that BTCFC, HFA and particularly the Council were fully signed up to the Winklebury relocation. No issues pertaining to development plan compliance were raised in the various documents and the only concern I have identified related to potential parking problems which the Council considered could be '*monitored and mitigated through proactive management, travel plans and community involvement*'. I can see nothing in the documentation or chronology of events to support the argument advanced by BTCFC at the Inquiry that the move to Winklebury was only ever intended to be a short-term arrangement²¹.
31. Against the background set out above, I can imagine that the Planning Committee's unanimous decision to refuse planning permission for the appeal schemes contrary to the advice of its professional officers and its specialist consultee (Sport England) must have come as quite a shock to the Appellant.

²⁰ 1979/80

²¹ For example, see para 12 of Steve Williams' Proof of Evidence

Policy and Guidance

32. Policy CN8 of the Basingstoke and Deane Local Plan 2011-2029²² (the LP) states:

'Proposals that would result in the loss of valued facilities currently or last used for the provision of community, leisure and cultural activities will only be permitted if it is demonstrated that:

e) The facility is no longer needed for any of the functions that it can perform; or

f) It is demonstrated that it is no longer practical, desirable or viable to retain them; or

g) Any proposed replacement or improved facilities will be equivalent or better in terms of quality, quantity and accessibility and there will be no overall reduction in the level of facilities in the area in which the existing development is located; or

h) The proposal will clearly provide sufficient community benefit to outweigh the loss of the existing facility, meeting evidence of a local need.'

33. In a similar vein, paragraph 97 of the Framework states:

'Existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless:

a) An assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or

b) The loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quality and quantity in a suitable location; or

c) The development is for alternative sports and recreation provision, the benefits of which clearly outweigh the loss of the current or former use'

34. Sport England's Playing Fields Policy and Guidance²³ (March 2018) states:

'Along with presenting the quantity (area) of the proposed replacement provision, Sport England will expect details to be submitted which clearly demonstrate that any proposed replacement area of playing field and ancillary facilities can be delivered (including to what timescale), the proposed access and management arrangements and how equivalent or better quality will be achieved and maintained'.

The Equivalence Test

35. In light of the above background, there is a clear policy imperative that replacement facilities should at least make up for what is to be lost. As the Appellant company points out, this exercise of planning judgement requires one to take a holistic view taking account of a range of qualitative and quantitative factors.

²² CD14

²³ CD30

36. At the outset it is worth pointing out that Sport England were heavily involved at the application stage and submitted a statement to the Inquiry setting out their position. In that statement it is made clear that Sport England did not object to the proposals in light of the overall '*benefits to sport, and specifically football, arising from the proposed mitigation package*' which would '*compensate for the loss of facilities at the Camrose Stadium*'. As the Government's statutory advisor on sporting facilities, Sport England's position must command considerable importance and weight.
37. There can be little doubt that the '*valued facility*' that was once the Camrose ground has already been largely lost. Nonetheless as Policy CN8 refers to '*last used*', I concur with the Council that the equivalence test should be benchmarked against the condition of the Camrose ground as it was in April 2019 and not the status quo.
38. Accordingly, arguments pertaining to the landowner actions/intentions since April 2019, a recurring theme of the Council's and BTCFC's case, largely fall away. That does not however mean I have disregarded the status quo. On the contrary, the current condition of the site and the likelihood of football activity resuming on the Camrose ground in the event the appeals were dismissed is a material planning consideration that I consider in my overall planning balance.
39. Returning to the 'equivalence' test, it is agreed that the planning obligations in the UUs would secure appropriate replacement facilities elsewhere in the Borough. How, where and when these would be provided would be a matter for the Council although there is a reasonable expectation that these would be provided in the Basingstoke area so as to benefit the local community. Accordingly, the second part of Policy CN8(g) is met.
40. In 2019 when the use of the site ceased, the Camrose ground was a Grade C ground²⁴ with a capacity of 1,950. Subject to the implementation of the approved enhancements, Winklebury would also meet the requirements of Grade C with a 1,998 capacity. Without the Grade C enhancements at Winklebury, it is common ground that the club would become 'league locked' at its current level.
41. The Council and BTCFC argued that the Winklebury site should be capable of a Grade B rating on the basis that the Camrose ground once held this grading. Moreover, it is said that clause 3(b) of the Management Agreement²⁵ restricts Winklebury to Grade C. However, I do not read the clause in this way. The inclusion of the words '*...or to the highest league level that complies with grant funding conditions*' suggests that a higher grading is possible. There is certainly no reference to an outright ban of anything above Grade C. In any event, given the April 2019 is the benchmark for my assessment, I am not persuaded that there is any justification in Policy terms for anything above Grade C.
42. Such arguments might have been more persuasive if BTCFC had demonstrated a credible plan to return to the Camrose ground and upgrade it to Grade B. As it is, the club by its own admission, lacks the resources to bring the ground back up to Grade B (or for that matter Grade C). Notwithstanding my views on the matter, the Appellant company has shown how it might be possible to

²⁴ CD74

²⁵ See Appendix 13 to Rule 6 Proof of Evidence

achieve a Grade B rating at Winklebury²⁶. Having viewed those drawings there does not appear to be any fundamental reason, subject to landowner agreement, why the Winklebury site could not be further upgraded should the need arise in the future. This was a view shared by BTCFC in their 2017 Business Case²⁷. Accordingly, I consider, the equivalence test is met with regard to ground grading.

43. I have had regard to BTCFC's concerns about the suitability of the approved enhancement schemes at Winklebury²⁸. However, it must be pointed out that BTCFC was the applicant for those schemes. It is also pertinent that neither Sport England, the Football Association's Grading Officer nor the Council raised any concerns at the time. I am therefore satisfied that the approved schemes are fit for purpose. With the benefit of having visited both grounds and cognisant of the approved enhancements, I am satisfied that there is no disadvantage to Winklebury in terms of spectator experience.
44. I accept that the overall site area of the Camrose ground is larger than Winklebury²⁹. I also note that the former had the benefit of a boardroom within the main stand with its own toilet facilities in addition to two AGPs. In these regards the Camrose ground has to be preferred. In terms of the playing surface, Winklebury can boast a state-of-the-art 3G all-weather pitch maintained at HFA's cost. Whilst I accept that the grass pitch at the Camrose ground was of a high standard³⁰, as with any grass pitch, it suffered during periods of inclement weather with games having to be called off during the winter months³¹. The facilities at Winklebury must therefore be considered superior in terms of the playing surface.
45. The Winklebury enhancements involve the provision, of a new 216m² clubhouse. There has been no suggestion from any party that this would fail to meet the needs of BTCFC. Although I acknowledge it would be smaller than the clubhouse at the Camrose ground, one cannot turn a blind eye to the poor condition of that building, even in 2019. Accordingly, and despite it being smaller in size, I consider that the new clubhouse to be provided at Winklebury would represent an improvement.
46. There was no dispute that the Camrose ground benefitted from more off-street parking³². However, given the availability of ample off-site parking at the leisure centre, a short walk from Winklebury, I do not consider this is a determinative issue. In my experience, it is unusual for sports grounds/stadiums even at the highest level to provide anything other than a notional amount of parking for staff and players.
47. I have noted the concerns raised by BTCFC regarding the quality of the pedestrian route between the leisure centre and Winklebury. However, having walked the route as part of my site visit, I can see no obvious basis on which to conclude that the route would discourage journeys on foot. I appreciate that parking may occur on nearby residential streets from time to time. However, as previously noted, the Council and club were alive to this issue before the

²⁶ See Appendix CA03 Mike Cole PoE

²⁷ Appendix A to Mike Cole Proof of Evidence

²⁸ See Colin Stoker Proof of Evidence

²⁹ According to the Rule 6 Party, the Camrose ground is 2.34 bigger or 1.73 if one looks just at the football arena

³⁰ See Mr Frangou's Statement which refers to its use by Reading FC

³¹ According to the Appellant company, the Camrose only hosted between 23-30

³² 177 versus 99 at Winklebury

- relocation and developed a Travel Plan to limit any such problems. If obstructive or dangerous parking were to become more of a problem in the future, then the Highway Authority has powers to address this by introducing parking restrictions. Taking account of the above, I do not consider that car parking is a matter which weighs against Winklebury in the 'equivalence' test.
48. With regards to accessibility by non-car modes, there is no obvious disadvantage to Winklebury. Although it may be further away from certain residential areas to the south of the town, it is closer to the train station and town centre from where opposing supporters are particularly likely to travel. Winklebury also benefits from its proximity to a number of traffic free walking and cycling routes.
 49. At the Inquiry BTCFC raised various concerns over the management arrangements at Winklebury which it argued did not offer the club the same level of autonomy and flexibility as the Camrose ground. According to the Committee Reports, the HFA has confirmed the availability of facilities at Winklebury for BTCFC in a typical week as being up to 24 hours use of the meeting room, 11 hours use of the 3G match pitch (and 5 hours per match game every other week) and 12 hours use of the 3G training pitches. No credible evidence was adduced to the Inquiry to demonstrate how the above arrangements had or were constraining the club's activities.
 50. Whilst I understand the club would like to expand to 40 teams in the future, there is no reason why all of these would need to play at Winklebury. To illustrate this, at the time of my visit I noted one of the teams was playing/training on the grass pitch in Winklebury park immediately adjacent to the ground. No doubt other areas are available in the locality³³ notwithstanding that the UUs would also secure replacements for the pitches lost at the Camrose ground.
 51. It is also unclear whether all the club's teams were accommodated at the Camrose ground prior to 2019 nor how the aspiration of 40 teams could be achieved alongside the level of shared use assumed in BTCFC's Camrose Business Case. The latter was an attempt to show how the club could return to the Camrose ground. Although it contains a number of serious flaws³⁴, it confirms that the club would need to share its pitch with others in order for it to be financially viable. The Appellant pointed out the level of pitch sharing assumed in the Business Case actually exceeds that at Winklebury under the HFA's Business Plan. Therefore, even if BTCFC could find the millions needed to fund a return to the Camrose ground, there appears to be no material disadvantage to Winklebury in terms of management arrangements.
 52. BTCFC argued that Winklebury is unable to accommodate a reserve/development team to provide a pathway for players to play in the first team. However, the Appellant company has responded by pointing out that in the 15 years prior to its departure from the Camrose ground, the club's structure did not include a reserve/development team. On that basis, I am not persuaded this criticism counts against Winklebury in the overall balance.
 53. BTCFC rued the loss of revenue generating streams it enjoyed at the Camrose ground such as advertising rights and the ability to hire out the clubhouse for

³³ See Colin Stoker Proof of Evidence paragraph 54

³⁴ See paragraphs 12-13 of the Appellant's Closing Statement

functions. Notwithstanding that these benefits are unquantified, as the Appellant company highlights, revenue is only one side of the coin and any income generated by the clubhouse must be viewed against the cost of its upkeep. Of course, somewhat paradoxically, concerns about the loss of the clubhouse do tend to play in favour of the appeal schemes which would address the matter by providing a new modern clubhouse at Winklebury at no cost to BTCFC. I have not seen any evidence which shows the club would be prevented from renting the new clubhouse out for functions.

54. On the subject of advertising, I noted the hoarding along the Winchester Road frontage of the Camrose ground and accept that this revenue would be lost. However, BTCFC confirmed that it has attracted sponsors at Winklebury via pitch side boards which have been sold out.
55. Whilst it is true that the relocation has hit some of the club's revenue streams, this has been offset by significantly lower operating costs. To illustrate this in the 12 months to the end of January 2022 the club returned a surplus of £12,000³⁵. As BTCFC put it, the club has its *'head well above the water in financial terms'*³⁶. Other benefits are evident since the relocation, for example, I was told that the club's academy is flourishing, membership and attendances have risen, pitch side sponsor boards are sold out, a shirt sponsor has been identified for next season and the first team is performing well on the pitch with promotion a realistic prospect this season.
56. On any fair reading of the available evidence, the club's position appears to have improved significantly since it moved to Winklebury. It now has access to a *'high quality facility at an affordable cost and without an unsustainable costs burden'* of the overly large and aging Camrose ground. Its long-term future can be assured through the 40-year sub lease and the implementation of the necessary ground enhancements including new clubhouse. In short, the club is in a good place with cause for optimism. Given BTCFC's status as a Community Benefit Society, this must be a benefit of considerable weight.
57. Taking all these matters in the round, I find that overall Winklebury is a 'better' facility to the Camrose ground as it was in 2019. Accordingly, I conclude that the appeal proposals satisfy the requirements of Policy CN8 (e), (f) and (g), paragraph 99 of the Framework and Sport England's Playing Fields Policy and Guidance.

Other Matters

58. The Council's second reason for refusal on both applications refers to the effect of the developments on the character and appearance of the area.
59. As I saw on my site visit the surrounding area is not particularly sensitive or remarkable in streetscape terms. To the north is post-war housing and to the south, a modern retail park containing several large units that dominate the Winchester Road street scene. The existing townscape thus has a varied but robust character. Against that background, and cognisant of the site's poor visual appearance, I consider the appeal schemes, if sensitively designed, would introduce a new and vibrant element to the street scheme which would only enhance the character and appearance of the locality.

³⁵ Colin Stoker Proof of Evidence para 21

³⁶ Colin Stoker Proof of Evidence para 22

60. Concerns raised by the Council with regards to height, massing and detailing would be matters reserved for future approval. However, given the height of the existing main stand and the development on the retail park opposite, I can see no obvious impediment to the delivery of a development akin to that shown on the Appellant's CGIs.
61. Accordingly, I conclude that there would be no conflict with LP Policies EM1 and EM10 or paragraph 122 of the Framework insofar as they seek high quality design and development that responds positively to its surroundings.
62. The existence or otherwise of covenants on the land are legal issues separate to planning legislation. In this case, I have not been provided with any substantial evidence to demonstrate that it would not be possible to release any extant covenants. Accordingly, these are not matters to which I can ascribe any degree of weight to in my decision.

Planning Obligations

63. Draft versions of the UUs were discussed at the Inquiry with executed deeds being submitted after the close. These were updated following comments from the Council dated 8 April. I am satisfied that the signed versions dated 14 April address all the substantive points.
64. The Framework sets out policy tests for planning obligations which must be necessary to make the development acceptable in planning terms; directly related to the development and fairly and reasonably related in scale and kind to the development. The same tests are enshrined in the statutory tests set out in regulation 122 of the CIL regulations.
65. The UUs contain a number of obligations including:

Appeal A only

- Obligations relating to the provision and maintenance of areas of on-site open space and landscaping.
- An allotments contribution to be calculated at Reserved Matters stage using a standard formula³⁷.
- An Off-Site Multi-Functional Green Space Contribution to be calculated at the Reserved Matters stage in accordance with a standard formula.

Appeal A & B

- The delivery of affordable housing in accordance with an Affordable Housing Scheme (40% in Appeal A and 3 dwellings in Appeal B).
- An Off-Site Equipped Play Areas contribution to be calculated at the Reserved Matters stage in accordance with a standard formula.
- An artificial Grass Pitch Contribution of £300,000 towards the delivery of two AGPs within the Borough.
- A Grass Pitch Contribution of £100,000 to be used as an investment in new football facilities and/or to enhance an existing facility within the Borough.

³⁷ The Council subsequently clarified that the contributions would be used to create additional capacity at Kelvin Hill allotments.

- Obligations to ensure the enhancements works at Winklebury are carried out before work commences in respect of either appeal scheme.
- A Football Facility Bond to cover the cost of carrying out the upgrades at Winklebury to be paid before work commences in respect of the appeal schemes.
- Highways works including the construction of the site access and signalled junction onto the A30 Winchester Road.
- A School Travel Plan Contribution of £42,000.00 for the production of school travel plans for Kings Furlong Infant & Junior Schools, and Cranbourne Secondary Schools.
- A Travel Plan Monitoring Fee of £5,000.00.

66. In all cases I am satisfied that the obligations meet the statutory tests.

67. The Council raised concerns about the absence of a covenant relating to the usage terms as agreed between HFA and BTCFC in respect of the future use of Winklebury. However, it would not be possible to secure such an obligation without a s106 agreement, something which the Council sought to resist³⁸. In any event, I am satisfied that these matters can be agreed as part of the other signed agreements between BTCFC and HFA.

Conditions

68. The parties have agreed two lists of planning conditions³⁹ which I have considered against the advice in the Planning Practice Guidance (PPG). In some instances, I have amended the conditions in the interests of brevity or to ensure compliance with the PPG.

69. Conditions covering time limits, approved plans and the reserved matters are necessary to provide certainty and in the interests of proper planning. Conditions regarding housing mix are necessary to ensure the developments best meet local housing needs in accordance with the Housing SPD⁴⁰. Tree protection conditions are necessary to retain healthy trees on the sites. Ecology conditions are necessary to ensure the developments deliver a net-gain for biodiversity.

70. Drainage conditions are necessary to ensure satisfactory drainage and future maintenance of the sites in the interests of flood prevention. Pollution control conditions are necessary to ensure that future residents are not subjected to unacceptable levels of noise. Land remediation conditions are necessary to ensure the land is suitable for its intended use and to safeguard the amenity of future residents. Archaeology conditions are necessary to protect any assets that might be present and to secure a photographic record of the Camrose ground.

71. Conditions covering water usage and electric vehicle charging points are necessary to comply with the Council's sustainability objectives in these areas. Finally, a Construction Method Statement is necessary to ensure all aspects of

³⁸ Appellant Company oral evidence

³⁹ CD76/77

⁴⁰ CD20

construction adhere to best practice and do not adversely affect the amenity of local residents.

72. Conditions 8, 13 and 19 (8, 15 and 21 for Appeal B) are 'pre-commencement' form conditions and require certain actions before the commencement of development. In all cases the conditions were agreed between the main parties and address matters that are of an importance or effect that need to be resolved before construction begins.

Overall Planning Balance

73. I am required to determine these proposals in accordance with the development plan, unless material considerations indicate otherwise. The starting point is therefore the development plan.
74. I have found that the development would not conflict with LP Policy CM8 in relation to the loss of a valued community facility nor Policies EM1 and EM10 in relation to character and appearance. I have also found that the development would make appropriate community and infrastructure contributions in accordance with Policies CN1, CN6, CN8, CN9, EM1 and EM5. No other policy conflicts have been alleged or identified. I am thus satisfied that both proposals accord with the development plan taken as a whole.
75. I have not identified any other considerations which would indicate a decision otherwise in accordance with the development plan. On the contrary, all other material considerations which include significant economic and social benefits from the provision of much needed housing, the bringing back into use of a large, sustainably located brownfield site and benefits to BTCFC as a Community Benefit Society and the local footballing community are all matters of substantial weight in favour of the schemes.
76. I have considerable sympathy with those supporters who want to see BTCFC return to its historical home at the Camrose ground. Whatever the rights and wrongs of the club's current predicament, one cannot get away from the fact that it has no control or rights over the ground and perhaps more importantly, no demonstrable prospect of returning there, irrespective of any decision I were to make in relation to these appeals. This is a further material consideration in favour of the appeal schemes.
77. In the absence of any credible alternative plan for the club, the effect of dismissing the appeals would be to leave the club stranded at a Grade D ground with no obvious means by which it could fund the necessary improvements to enable progression up the football pyramid. This would be counter-intuitive and fly in the face of BTCFC's prime objective to make the club *'successful and sustainable'*⁴¹. Dismissing the appeals would also rob the local football community of much needed replacement pitches which would be funded by the redevelopment of the Camrose ground.
78. There are those who have advocated the dismissal of the appeals on the basis that it might somehow force the landowner back to the negotiating table thus securing a future for the club at the Camrose ground. However, that suggestion has been categorically rejected by the Appellant company⁴² and in

⁴¹ Colin Stoker Proof of Evidence para 21

⁴² See CA02 Response to Rule 6 Statement of Case, Appendix to Mike Cole Proof of Evidence

the absence of a viable proposal or business plan, such hopes, however well-intentioned, are misguided.

79. Whilst I appreciate that my decision will come as a bitter disappointment to those who have campaigned so passionately about the Camrose ground and what it means to them, I hope I have been able to explain why I have reached the decision I have. In short, there are simply no tenable planning grounds by which to resist the proposals.
80. Accordingly, the section 38(6) test is passed and in accordance with paragraph 11(c) of the Framework, should be approved without delay. I therefore conclude that the proposed developments would be sustainable and should be allowed, subject to the imposition of a number of conditions and planning obligations, as discussed at the Inquiry and as set out above.

Conclusion

81. For the reasons set out above I conclude that the appeals should succeed, and outline planning permission allowed subject to the conditions set out below.

D. M. Young

Inspector

APPEARANCES

Council

Ruchi Parekh of Counsel, she called:

Tim Dawes MRTPI

Planning Director for Planit Consulting

Emma Bethel

Basingstoke and Deane Borough
Council

Rule 6 Party - Basingstoke Town Community Football Club

William Webster of Counsel, he called

Colin Stoker C.Eng MCIBSE

Director and Vice-Chair of BTCFC

Steve Williams

Ex-player, coach, manager and
Founding Member of BTCFC

Appellant

Simon Bird QC he called:

Mike Cole BSc (Hons) DipTP, MRTPI

Bell Cornwell LLP

Duncan McGregor BA(Hons) Dip Arch RIBA

Fibonacci Architects

David Wiseman BA (Hons) MRTPI; CHIHT

Stuart Michael Associates

Jon Pender

Appellant's Solicitor

Interested Parties

Steve Frangou

Club legend and Spokesperson for the
Camrose Stadium Group

Schedule of Conditions

Appeal A

- 1) The development hereby permitted shall be carried out in accordance with the following approved plans:
 - Location plan - 6172 P 10 Rev. A
 - Block plan - 6172 P 12 Rev. B
 - Site plan - 6172 P 13 Rev. B
 - Proposed access arrangements - 5933.004 Rev. G
 - Preliminary Drainage General Arrangement - 29595 DR.01 Rev.P2
 - Indicative Landscape Strategy - 600/01 Rev. A
 - Indicative Landscape Sections - 600/02 Rev. A
 - Site sections and streetscene - 6172 P 14 Rev. C
 - Tree Protection Plan - 586-04
- 2) Approval of the details of the layout, scale, appearance of the proposed building(s), and the landscaping of the site (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before any development is commenced.
- 3) The development hereby permitted shall be begun either before the expiration of 3 years from the date of this permission, or before the expiration of 2 years from the date of approval of the last of the reserved matters to be approved, whichever is later.
- 4) Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of 3 years from the date of this planning permission.
- 5) Applications for the approval of reserved matters shall be in accordance with Policy CN3 of the Basingstoke and Deane Local Plan 2011-2029 and the Housing SPD with particular regard to the provision of an appropriate housing mix and implementation of 15% of market dwellings being built to lifetime mobility standards.
- 6) The development hereby approved shall be implemented in accordance with the protective measures, including fencing, ground protection, supervision, working procedures and special engineering solutions identified with the submitted Arboricultural Impact Assessment by SJ Stephens Associates (ref. 586).
- 7) No development shall take place (excluding demolition and construction of the main access) until details of the habitat enhancement scheme have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out and thereafter maintained in accordance with the details so approved.
- 8) No development shall begin until a detailed surface water drainage scheme for the site, based on the principles within the Flood Risk Assessment and supporting documentation, has been submitted and approved in writing by the Local Planning Authority. The submitted details should include:

- a) A technical summary highlighting any changes to the design from that within the approved Flood Risk Assessment.
- b) Infiltration test results undertaken in accordance with BRE365 and providing a representative assessment of those locations where infiltration features are proposed.
- c) Detailed drainage plans to include type, layout and dimensions of drainage features including reference to link to the drainage calculations.
- d) Detailed drainage calculations to demonstrate existing runoff rates are not exceeded and there is sufficient attenuation for storm events up to and including 1:100 + climate change.
- e) Evidence that urban creep has been included within the calculations for residential areas.
- f) Confirmation that sufficient water quality measures have been included to satisfy the methodology in the Ciris SuDS Manual C753.
- g) Exceedance plans demonstrating the flow paths and areas of ponding in the event of blockages or storms exceeding design criteria.
- h) Confirmation of maintenance responsibilities including maintenance schedules for each drainage feature type and ownership.
- i) Evidence should be provided to demonstrate that dwellings would not be located within the areas of flood risk highlighted in the Flood Risk Assessment and any drainage within these areas are still able to function effectively in times of flooding.

The development shall be carried out and thereafter maintained in accordance with the details so approved.

- 9) No development in relation to the construction of the proposed residential development (thereby excluding demolition and main access construction) shall take place on site until a scheme for protecting the proposed dwellings from road traffic noise has been submitted to, and approved in writing by, the Local Planning Authority. Any proposed mitigation scheme shall have regard to the Basingstoke & Deane 'Noise assessments and reports for planning applications - Guidance note for developers and consultants'. Mitigation proposals will consider and utilise where possible, reduction in noise exposure achieved by effective site layout, building orientation, the use of physical barriers, utilising open space as buffer, internal room configurations and any other available mitigation strategies.

The following noise levels shall be achieved with mitigation in place:

- a) Internal day time (0700 - 2300) noise levels shall not exceed 35dB LAeq, 16hr for habitable rooms (bedrooms and living rooms with open*)
- b) Internal night time (2300 - 0700) noise levels shall not exceed 30dB LAeq with individual noise events not exceeding 45dB LAfMax (windows open*)
- c) Garden areas shall not exceed 55dB LAeq, 16 hr.

*Where it is predicted that the internal noise levels specified above will not be met with windows open despite mitigation strategies, an alternative method of mechanical ventilation must be specified to supply outside air to habitable rooms with windows closes, and relieve the need to open windows. Background and passive ventilators, and system 3 extraction systems are not considered adequate for this purpose. Methods may include a system 4 MVHR system with cool air by-pass, or standalone mechanical units supplying outside air to each affected habitable room.

- 10) Where it is necessary to install Mechanical Ventilation and Heat Recovery System (MHVR) the internal noise levels associated with any mechanical units and associated ductwork shall not exceed NR25. The ventilation system shall be designed to ensure that noise from external sources is not conducted into any habitable room.
- 11) No dwelling shall be occupied until all the works which form part of the scheme for protecting the proposed dwellings from road traffic noise as approved by the Local Planning Authority under condition 9 above have been completed. All works which form part of the approved scheme shall be completed prior to first occupation. The approved scheme shall thereafter be maintained.
- 12) Any dwelling identified as requiring noise mitigation measures shall not be occupied until a post completion noise survey has been undertaken by a suitably qualified acoustic consultant, and a report submitted to and approved in writing by the Local Planning Authority. The post completion testing shall assess performance of the noise mitigation measures against the noise levels as set in condition 9. A method statement should be submitted to and approved by the Local Planning Authority prior to the survey being undertaken. If the noise levels set out in condition 9 are exceeded, additional noise mitigation measures, (where necessary to ensure the appropriate noise levels can be met), shall be submitted to and approved in writing by the Local Planning Authority and implemented in full prior to first occupation.
- 13) No works pursuant to this permission (excluding demolition) shall commence until there has been submitted to and approved in writing by the Local Planning Authority:
 - a) a desk top study carried out by a competent person documenting all the previous and existing land uses of the site and adjacent land in accordance with national guidance as set out in Contaminated Land Research Report Nos. 2 and 3 and BS10175:2011;
 - b) a site investigation report documenting the ground conditions of the site and incorporating chemical and gas analysis identified as being appropriate by the desk study in accordance with BS10175:2011- Investigation of Potentially Contaminated Sites - Code of Practice;
 - c) and, unless otherwise agreed in writing by the Local Planning Authority, a detailed scheme for remedial works and measures to be undertaken to avoid risk from contaminants/or gases when the site is developed and proposals for future maintenance and monitoring. The scheme must include a timetable of works and site management procedures and the nomination of a competent person to oversee the implementation of the works. The scheme must ensure that the site will not qualify as contaminated land under Part IIA of the Environmental Protection Act 1990 and if necessary proposals for future maintenance and monitoring.

If during any works contamination is encountered which has not been previously identified it should be reported immediately to the Local Planning Authority. The additional contamination shall be fully assessed and an appropriate remediation scheme agreed in writing with the Local Planning Authority. This must be conducted in accordance with DEFRA

and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR11'.

- 14) The development hereby permitted shall not be occupied/brought into use until there has been submitted to the Local Planning Authority verification by the competent person approved under the provisions of condition 13(c) that any remediation scheme required and approved under the provisions of condition 13(c) has been implemented fully in accordance with the approved details (unless varied with the written agreement of the Local Planning Authority in advance of implementation). Such verification shall comprise; as built drawings of the implemented scheme; photographs of the remediation works in progress; certificates demonstrating that imported and/or material left in situ is free of contamination. Thereafter the scheme shall be monitored and maintained in accordance with the scheme approved under condition 13(c).
- 15) An archaeological investigation of the site shall be carried out in accordance with a specification to be agreed by the Local Planning Authority in writing following the demolition of existing buildings and before the commencement of any other work. Such approved measures shall also include archaeological mitigation for archaeological remains revealed.
- 16) Prior to the demolition of the stadium and associated structures, which form part of the Camrose ground, a photographic record shall be undertaken of the Camrose ground and shall be submitted to the Local Planning Authority for recording purposes in accordance with the recommendations of the submitted Archaeological Desk-based Assessment by Thames Valley Archaeological Services (February 2018).
- 17) Applications for approval of reserved matters shall be accompanied by a scheme detailing how the new homes shall meet a water efficiency standard of 110 litres or less per person per day. Or if through the demonstration that this requirement for sustainable water use cannot be achieved on technical or viability grounds. The development shall be carried out in accordance with the approved details.
- 18) Applications for approval of reserved matters shall be accompanied by a scheme for the provision of Electric Vehicle Charging points for both unallocated and allocated parking spaces has been submitted to and approved in writing by the Local Planning Authority. The development shall proceed in full accordance with the approved scheme.
- 19) No development shall take place until a specific Construction Statement and Environmental Management Plan for each stage of the development (demolition, clearance, construction of access and remainder of works) has been submitted to and approved in writing by the Local Planning Authority. The plan must demonstrate (for each stage of the development) the adoption and use of best practicable means to reduce the effects of noise, vibration, dust and site lighting. The plan shall include, but not be limited to:
 - Procedures for maintaining good public relations including complaint management, public consultation and liaison;

- Arrangements for liaison with the Council's Environmental Protection Team;
- All works and ancillary operations which are audible at the site boundary, or at such other place as may be agreed with the Local Planning Authority, shall be carried out only between the following hours: 0730hrs and 1800hrs on Mondays to Fridays and 0800hrs and 1300hrs on Saturdays and at no time on Sundays and Bank Holidays;
- Deliveries to and removal of plant, equipment, machinery and waste from the site must only take place within the permitted hours detailed above;
- Mitigation measures as defined in BS 5528: Parts 1 and 2: 2009 Noise and Vibration Control on Construction and Open Sites shall be used to minimise disturbance from construction works;
- Procedures for emergency deviation of the agreed working hours;
- Control measure for dust and other air-borne pollutants;
- Measures for controlling the use of site lighting whether required for safe working or for security purposes
- The parking and turning of vehicles of site operatives and visitors;
- Loading and unloading and storage of plant and materials used in constructing the development;
- Wheel washing facilities or an explanation why they are not necessary;
- The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- A scheme for recycling and disposing of waste resulting from construction work so as to avoid undue interference with the operation of the public highway during;
- Size and routing of construction vehicles and holding areas for these on/off site; and
- The disposing of waste resulting from construction activities so as to avoid undue interference with the operation of the public highway during the Monday and Friday AM peak (0800 to 0900) and PM peak (1630 to 1800) periods.

The development shall be carried out and thereafter maintained in accordance with the details so approved.

Appeal B

- 1) The development hereby permitted shall be carried out in accordance with the following approved plans:
 - Location plan - 6172 P 16 Rev. A
 - Block plan - 6172 P 17 Rev. C
 - Site plan - 6172 P 18 Rev. C
 - Apartment floor plans - 6172 P 20 Rev. B
 - Proposed access arrangements - 5933.004 Rev. G
 - Preliminary Drainage General Arrangement - DR.01 Rev. P2
 - Indicative Landscape Strategy - 600/1/01 Rev. B
 - Indicative Landscape Sections - 600/1/02 Rev. A
 - Site sections and street scene - 6172 P 19 Rev. C
 - Tree Protection Plan - 586-05 Rev. A
- 2) Approval of the details of the layout, scale, appearance of the proposed building(s), and the landscaping of the site (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before any development is commenced.
- 3) The development hereby permitted shall be begun either before the expiration of 3 years from the date of this permission, or before the expiration of 2 years from the date of approval of the last of the reserved matters to be approved, whichever is later.
- 4) Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of 3 years from the date of this planning permission.
- 5) Applications for the approval of reserved matters shall be in accordance with Policy CN3 of the Basingstoke and Deane Local Plan 2011-2029 and the Housing SPD with particular regard to the provision of an appropriate housing mix and implementation of 15% of market dwellings being built to lifetime mobility standards.
- 6) The development hereby approved shall be implemented in accordance with the protective measures, including fencing, ground protection, supervision, working procedures and special engineering solutions identified with the submitted Aboricultural Impact Assessment by SJ Stephens Associates (ref. 586).
- 7) No development shall take place (excluding demolition and construction of the main access) until details of the habitat enhancement scheme have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out and thereafter maintained in accordance with the details so approved.
- 8) No development shall begin until a detailed surface water drainage scheme for the site, based on the principles within the Flood Risk Assessment and supporting documentation, has been submitted and approved in writing by the Local Planning Authority. The submitted details should include:

- a. A technical summary highlighting any changes to the design from that within the approved Flood Risk Assessment.
- b. Infiltration test results undertaken in accordance with BRE365 and providing a representative assessment of those locations where infiltration features are proposed.
- c. Detailed drainage plans to include type, layout and dimensions of drainage features including reference to link to the drainage calculations.
- d. Detailed drainage calculations to demonstrate existing runoff rates are not exceeded and there is sufficient attenuation for storm events up to and including 1:100 + climate change.
- e. Evidence that urban creep has been included within the calculations for residential areas.
- f. Confirmation that sufficient water quality measures have been included to satisfy the methodology in the Ciris SuDS Manual C753.
- g. Exceedance plans demonstrating the flow paths and areas of ponding in the event of blockages or storms exceeding design criteria.
- h. Confirmation of maintenance responsibilities including maintenance schedules for each drainage feature type and ownership.

The development shall be carried out and thereafter maintained in accordance with the details so approved.

- 9) No development in relation to the construction of the proposed residential development (thereby excluding demolition and main access construction) shall take place on site until a scheme for protecting the proposed dwellings from road traffic noise has been submitted to, and approved in writing by, the Local Planning Authority. Any proposed mitigation scheme shall have regard to the Basingstoke & Deane 'Noise assessments and reports for planning applications - Guidance note for developers and consultants'. Mitigation proposals will consider and utilise where possible, reduction in noise exposure achieved by effective site layout, building orientation, the use of physical barriers, utilising open space as buffer, internal room configurations and any other available mitigation strategies. The following noise levels shall be achieved with mitigation in place:

- a) Internal day time (0700 - 2300) noise levels shall not exceed 35dB LAeq, 16hr for habitable rooms (bedrooms and living rooms with open*)
- b) Internal night time (2300 - 0700) noise levels shall not exceed 30dB LAeq with individual noise events not exceeding 45dB LAfMax (windows open*)
- c) Garden areas shall not exceed 55dB LAeq, 16 hr.

*Where it is predicted that the internal noise levels specified above will not be met with windows open despite mitigation strategies, an alternative method of mechanical ventilation must be specified to supply outside air to habitable rooms with windows closes, and relieve the need to open windows. Background and passive ventilators, and system 3 extraction systems are not considered adequate for this purpose. Methods may include a Mechanical Ventilation and Heat Recovery System (MVHR) system with cool air by-pass, or standalone mechanical units supplying outside air to each affected habitable room.

- 10) Where it is necessary to install MHVR the internal noise levels associated with any mechanical units and associated ductwork shall not exceed NR25. The ventilation system shall be designed to ensure that noise from external sources is not conducted into any habitable room.
- 11) No dwelling shall be occupied until all the works which form part of the scheme for protecting the proposed dwellings from road traffic noise as approved by the Local Planning Authority under condition 9 above have been completed. All works which form part of the approved scheme shall be completed prior to first occupation. The approved scheme shall thereafter be maintained.
- 12) Any dwelling identified as requiring noise mitigation measures shall not be occupied until a post completion noise survey has been undertaken by a suitably qualified acoustic consultant, and a report submitted to and approved in writing by the Local Planning Authority. The post completion testing shall assess performance of the noise mitigation measures against the noise levels as set in condition 9. A method statement should be submitted to and approved by the Local Planning Authority prior to the survey being undertaken. If the noise levels set out in condition 9 are exceeded, additional noise mitigation measures, (where necessary to ensure the appropriate noise levels can be met), shall be submitted to and approved in writing by the Local Planning Authority and implemented in full prior to first occupation.
- 13) No development shall take in relation to the construction of the flats and care home hereby approved, until an assessment to show that the rating level of any plant and equipment, installed as part of this development, including Air Conditioning units, refrigeration units, Air Source Heat Pumps, Combined Heat and Power Plant etc will be at least 5dB below the background level has been submitted and approved in writing by the Local Planning Authority. The assessment must be carried out by a suitably qualified acoustic consultant/engineer and be in accordance with BS4142: 2014 Methods for rating and assessing industrial and commercial sound. The development shall be implemented in full accordance with the approved details.
- 14) Prior to the commencement of development in relation to the care home hereby approved, a scheme containing full details of arrangements for internal air extraction, odour control, and discharge to atmosphere from cooking operations, including any external ducting and flues, and necessary noise control measures determined in accordance with the Control of Odour and Noise from Commercial Kitchen Exhaust Systems (EMAQ 2018) document, shall be submitted to and approved in writing by the Local Planning Authority. The works detailed in the approved scheme shall be installed in their entirety before the use hereby permitted is commenced. The equipment shall thereafter be maintained in accordance with the manufacturer's instructions and operated at all times when cooking is carried out.
- 15) No works pursuant to this permission (excluding demolition) shall commence until there has been submitted to and approved in writing by the Local Planning Authority:-

(a) a desk top study carried out by a competent person documenting all the previous and existing land uses of the site and adjacent land in accordance with national guidance as set out in Contaminated Land Research Report Nos. 2 and 3 and BS10175:2011;

(b) a site investigation report documenting the ground conditions of the site and incorporating chemical and gas analysis identified as being appropriate by the desk study in accordance with BS10175:2011- Investigation of Potentially Contaminated Sites - Code of Practice; and, unless otherwise agreed in writing by the Local Planning Authority,

(c) a detailed scheme for remedial works and measures to be undertaken to avoid risk from contaminants/or gases when the site is developed and proposals for future maintenance and monitoring. The scheme must include a timetable of works and site management procedures and the nomination of a competent person to oversee the implementation of the works. The scheme must ensure that the site will not qualify as contaminated land under Part IIA of the Environmental Protection Act 1990 and if necessary proposals for future maintenance and monitoring.

If during any works contamination is encountered which has not been previously identified it should be reported immediately to the Local Planning Authority. The additional contamination shall be fully assessed and an appropriate remediation scheme agreed in writing with the Local Planning Authority.

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR11'.

- 16) The development hereby permitted shall not be occupied/brought into use until there has been submitted to the Local Planning Authority verification by the competent person approved under the provisions of condition 15(c) that any remediation scheme required and approved under the provisions of condition 15(c) has been implemented fully in accordance with the approved details (unless varied with the written agreement of the Local Planning Authority in advance of implementation). Such verification shall comprise; as built drawings of the implemented scheme; photographs of the remediation works in progress; certificates demonstrating that imported and/or material left in situ is free of contamination. Thereafter the scheme shall be monitored and maintained in accordance with the scheme approved under condition 15(c).
- 17) An archaeological investigation of the site shall be carried out in accordance with a specification to be agreed by the Local Planning Authority in writing following the demolition of existing buildings and before the commencement of any other work. Such approved measures shall also include archaeological mitigation for archaeological remains revealed.
- 18) Prior to the demolition of the stadium and associated structures, which form part of the Camrose ground, a photographic record shall be undertaken of the Camrose ground and shall be submitted to the Local Planning Authority for recording purposes in accordance with the

recommendations of the submitted Archaeological Desk-based Assessment by Thames Valley Archaeological Services (February 2018).

- 19) Applications for approval of reserved matters shall be accompanied by a scheme for the provision of Electric Vehicle Charging points for both unallocated and allocated parking spaces has been submitted to and approved in writing by the Local Planning Authority. The development shall proceed in full accordance with the approved scheme.
- 20) Applications for approval of reserved matters shall be accompanied by a scheme detailing how the new homes/care home shall meet a water efficiency standard of 110 litres or less per person per day. Or if through the demonstration that this requirement for sustainable water use cannot be achieved on technical or viability grounds. The development shall be carried out in accordance with the approved details.
- 21) No development shall take place until a specific Construction Statement and Environmental Management Plan for each stage of the development (demolition, clearance, construction of access and remainder of works) has been submitted to and approved in writing by the Local Planning Authority. The plan must demonstrate (for each stage of the development) the adoption and use of best practicable means to reduce the effects of noise, vibration, dust and site lighting. The plan shall include, but not be limited to:
 - Procedures for maintaining good public relations including complaint management, public consultation and liaison;
 - Arrangements for liaison with the Council's Environmental Protection Team;
 - All works and ancillary operations which are audible at the site boundary, or at such other place as may be agreed with the Local Planning Authority, shall be carried out only between the following hours: 0730hrs and 1800hrs on Mondays to Fridays and 0800hrs and 1300hrs on Saturdays and at no time on Sundays and Bank Holidays;
 - Deliveries to and removal of plant, equipment, machinery and waste from the site must only take place within the permitted hours detailed above;
 - Mitigation measures as defined in BS 5528: Parts 1 and 2: 2009 Noise and Vibration Control on Construction and Open Sites shall be used to minimise disturbance from construction works;
 - Procedures for emergency deviation of the agreed working hours;
 - Control measure for dust and other air-borne pollutants;
 - Measures for controlling the use of site lighting whether required for safe working or for security purposes
 - The parking and turning of vehicles of site operatives and visitors;
 - Loading and unloading and storage of plant and materials used in constructing the development;

- Wheel washing facilities or an explanation why they are not necessary;
- The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- A scheme for recycling and disposing of waste resulting from construction work so as to avoid undue interference with the operation of the public highway during;
- Size and routing of construction vehicles and holding areas for these on/off site; and
- The disposing of waste resulting from construction activities so as to avoid undue interference with the operation of the public highway during the Monday and Friday AM peak (0800 to 0900) and PM peak (1630 to 1800) periods.

The development shall be carried out and thereafter maintained in accordance with the details so approved.