

WESTERN AREA PLANNING COMMITTEE
20 JULY 2022

UPDATE REPORT

Item No: (1) **Application No:** 22/00658/COMIND **Page No.**
Site: Newbury Racecourse, Racecourse Road, Newbury, West Berkshire, RG14 7NZ

Planning Officer Presenting: Masie Masiwa

Member Presenting:

Parish Council: N/A

Adj Parish (Newbury) Councillor Nigel Foot

Objector(s): Martin Sanderson Attending in Person
Tom Nisbet Attending in Person
Liz Turner Attending in Person

Supporter(s): Paul Marden (statement to be read out by Jemma Burford-Yeo)
Jemma Burford-Yeo Attending via zoom
Melissa Hughes (BID) Attending in Person

Applicant/Agent: Julian Thick Attending in Person
Dani Fumicelli Attending in Person

Ward Member(s): Councillor Phil Barnett
Councillor Billy Drummond
Councillor Erik Pattenden

1. Additional Consultation Responses

Additional consultation response from the Environmental Health Officer

Since the publication of the committee report, the Environmental Health Officer (EHO) has submitted additional consultation comments. The EHO's consultation comments were saved on the public website and the summary of the comments is provided below:

Light pollution from the fairground rides

Light pollution does come under the statutory nuisance provisions of the Environmental Protection Act 1990 and officers would consider whether the light intrusion materially and substantially affects the enjoyment of a person's property. When assessing whether light intrusion amounts to a statutory nuisance officers would consider whether there is any direct glare into the properties which makes it uncomfortable to look out of their windows and also whether the illumination of the living space is unreasonable. The provision of curtains of a reasonable thickness would be expected. Flashing lights would be taken into consideration as a factor which could add additional annoyance.

However environmental health would not consider the impact on amenity, only how it affects an individual within their property and as such, being able to see the attractions out of their window would not be considered a statutory nuisance if the lights are not glaring or causing unreasonable illumination.

The lighting assessment included with the application indicated a low risk of adverse effect although the lighting for the rides and ice rinks had not been included.

Noise monitoring locations

The monitoring locations for the background noise survey were not changed from the initial report dated 9 April 2021 and included attended monitoring at Mandarin Drive and unattended monitoring at Lamtarra Way and Frankel House. A further 7 locations for the assessment of amplified sound from the Carnival were included in the revised assessment dated 5 February 2022 in addition to the 2 locations included in the original report and it is predicted that Mandarin Drive will experience the highest noise levels as a result of the Carnival although is predicted to meet the proposed noise criteria of 5dB above the background noise level. At this level I predict that amplified sound from the Carnival will be audible in the vicinity of the racecourse but will not be noticeable inside residential properties with windows closed as it is reasonable to expect for the time of year. With windows open, residents will likely be aware that there is an event taking place but I would not predict it to cause unreasonable levels of noise given the proposed finish times.

The understanding is that the orientation of the stage is towards Carruthers Court

The EHO has provided a table showing comparisons of the noise report carried out under refused application 21/01079/COMIND and the latest noise report under the current application:

	Noise report dated 09 April 2021	Noise report dated 05 February 2022
Background noise survey	Undertaken 10-24 March 2020 2 locations – 14 Frankel House (Avg LA90 45 and LAeq 53) 28 Lamtarra Way (avg LA90 39 and LAeq 45) Lamtarra Way not one of the nearest locations	Further explanation of the background noise survey and L _{Amax} included Based on same monitoring and outcome is the same
Music noise – big top	Noise modelled using IMMI (85db front of house) Predictions for 2 locations: Lamtarra Way - LAeq 37 dB Frankel House – LAeq 44dB BS8233 guideline + 15 dB for external limit = 50 dB meets guidelines (– 13 dB for Lamtarra Way – 6 dB for Frankel House)	Location of big top changed 9 Critical Control Points assessed – impact will be less at other locations Assumed 85dB front of house Mandarin Drive likely to experience highest noise levels but would not exceed the noise criteria (5 dB above L ₉₀)
Low frequency noise	Not considered	Predicted to be significantly below levels which may cause concern.
Music noise – funfair	Will be played at a level not audible beyond the site boundary	Controlled centrally and played at a level that does not give rise to adverse effects beyond site boundary
Noise Management Plan	Communication with local residents Complaints hotline Contractor of hire with sound system suppliers to include noise limits Pre event propagation test Response to complaints received at time of event to include visiting resident and measuring noise level	More detailed SMP and noise monitoring plan
Crowd noise	Not considered	Thorough assessment – measurements taken at other events used to model - outcome not considered to cause an unacceptable adverse effect – may be minor

		adverse effect but still predicted to be below guidelines
Noise from people using funfair	Not considered	Considered in above assessment
Generator noise	Plant located at furthest distance from receptors Additional information provided later	Additional information regarding the generators – one running standby and 3 on load-on-demand. One machine 24/7) Map showing location of generators Predictions of generator noise carried out for each receptor using IMMI Mandarin Drive is likely to experience highest levels Outcome is that the risk of an adverse impact is negligible and significant adverse impact is nil.
Duration of event	Not considered	Key event info included

Consultation response received from the Local Lead Flood Authority

Since the publication of the committee report, the Local Lead Flood Authority Officer (LLFAO) has submitted consultation comments. The LLFAO's consultation comments were saved on the public website and the summary of the comments is provided below:

As established that the site is more than 1ha in flood zone 1, it would typically require a Flood Risk Assessment. The proposal would also constitute a change of use from 'water compatible development' to 'less vulnerable'.

It is proposed that there are to be some cut and fill activities on site to level it out. This will probably reduce the chance for isolated pockets of surface water to pool, but may have a knock on effect to the diversion of surface water. The layout shows that all the main attractions are located to the west, away from the drainage channels and higher groundwater levels. Presumably there are some groundskeepers or similar who can provide an account of the drainage conditions on site and any historic flooding issues with the area in question. Overall the existing flood risk across the site is likely to be established as low unless there are unrecorded issues on site, or associated with sewer flooding (unlikely).

With regards to SuDS, the provision of drainage for carnivals is not something that is featured in guidelines or best practice information. Based on the temporary nature of the proposals and conditions on site it would probably be treated like something between a construction site and a temporary development. A drainage strategy would be beneficial. Some of the points to consider would be:

- Establishing whether the surface water will discharge straight to ground via infiltration, or be discharged to the drainage channel to the south/east (following the principles of the discharge hierarchy).
 - If infiltrating then ground investigations should be carried out to establish the underlying geology, groundwater levels (groundwater monitoring) and infiltration rates (soakage tests carried out to BRE365).
 - If discharging to the drainage channel then land drainage consent may be required.
- The circus, rides, walkways and any other impermeable area shedding concentrated runoff direct to the area around them without any designated capture mechanisms.
- Compaction of the ground impeding drainage due to heavy footfall.
- Compaction of the ground impeding drainage due to heavy plant, rides and infrastructure.
- Waterlogged areas due to high groundwater levels, compaction of ground, etc.
- The possible need to convey flow across the site eastwards towards the drainage channels.
- The requirement to account for the increase in impermeable area by restricting surface water discharge rates to greenfield runoff rates via flow controls and attenuation if discharging to the drainage channel.
- Assessment of any impact on water quality from runoff leaving the site. This should be stated clearly with confirmation that there are no polluting activities to be carried out on site – or that mitigation is put in place to protect receiving watercourses/sewer systems/etc.
- Operation and management information of any surface water systems employed on site.
- How foul effluent will be dealt with.
- An assessment of how the changes to the topography of the site (cut and fill activities) impacts the existing surface water regime (i.e. runoff across the land) and what mitigation, if any, is proposed.

- This requires an assessment of the existing site, including overland surface water flows, drainage infrastructure and existing discharge locations/watercourses.

The LLFAO is less concerned about the site increasing flood risk elsewhere (or flooding on site) and more concerned with the site becoming incredibly saturated, boggy and difficult to restore due to the winter conditions. It is hard to gauge the impact of the proposals without clear information regarding the area occupied by impermeable features on site and mitigation measures put in place. The LLFAO considers that the site might be left in poor condition if there is heavy rainfall and runoff is not managed appropriately.

The choice of location for a carnival is appropriate based on the information seen, but it is dependent on how the site is managed. A basic FRA/Drainage Strategy would alleviate any concerns. Reference to past events at the racecourse and how surface water and foul has been dealt with could be useful. Based on the information reviewed there is scope to find a suitable drainage solution, but the applicant needs to provide that information.

Additional representations

Since the publication of the committee report, two additional representations (one in support and one objection have been received from members of the public). The summary of the relevant additional planning related comments is outlined below.

Objection comments:

- The huge proposed event would affect the quality of life of the residents that live at the racecourse.
- The event would impact amenity through noise impacts, light disturbances and traffic
- The event could be held at Newbury Showground

Support comments

- The Christmas Carnival will be a fantastic event for local people and the town
- The improved plans have addressed the issues that were raised within the previous application
- The addition to the town would benefit both the local economy and Newbury community, including local choirs, drama groups, schools and charities

The final tally of objectors and supporters is shown below:

Objectors = 71 (seventy-one)

Supporters = 78 (seventy-eight)

Total = 149 (one hundred and forty nine)

2. Update Information

Error in description

The word “proposal” in the description is an error and should read “proposed”. As such the description is amended as follows:

“Temporary 1 year permission: Great Newbury Christmas Carnival (with attractions including market stalls, bigtop, fairground rides, Christmas tree maze, ice-rink, Santa's grotto). Associated cut and fill works are also proposed to level the centre of the Racecourse. “

During the committee site visit, members of the public and committee members requested additional information, which is provided in the update report and summarised below:

- 1) Members queried the height of the Big Wheel and the Star Flyer ride. The Big Wheel measures 41.980 metres in height and the Star Flyer ride measures 67 metres in height. In comparison, the apartments to the north are approximately 30 metres in height and the Berkshire Stand is also approximately 30 metres in height.
- 2) Members also raised queries with regard to the noise monitoring locations referenced in the noise assessment and whether these were different to the previous noise assessment locations under the previous application. In addition Members also requested details of the proposed orientation of the sound systems.

The Environmental Health Officer has addressed these queries in the consultation comments included within the update report. In summary, the monitoring locations for the background noise survey were not changed from the initial report dated 9 April 2021 (previous application). A further 7 locations for the assessment of amplified sound from the Carnival were included in the revised assessment dated 5 February 2022 (current application) in addition to the 2 locations included in the original report. The EHO has also provided within the update report, a table showing comparisons of the noise report carried out under refused application 21/01079/COMIND and the latest noise report under the current application:

The Environmental Health Officer also states that the orientation of the stage is towards Carruthers Court.

- 3) A member of the public present at the site visit raised concerns regarding the absence of a Flood Risk Assessment.

Since the publication of the committee report, the Local Lead Flood Authority has provided consultation comments which conclude that overall the existing flood risk across the site is likely to be established as low unless there are unrecorded issues on site, or associated with sewer flooding, which is unlikely. In line with the construction of the carnival and the required restoration work, a condition requesting the submission of a Flood Risk Assessment to inform a surface water drainage strategy has been added to the update report.

3. Updated Recommendation

Having considered the submitted additional information, officer recommendation remains for approval as set out in the agenda committee report, subject to the additional conditions included in the update report.

The additional conditions are outlined below:

Access and parking provision details

The use hereby permitted shall be implemented as per the details submitted regarding the direction of all traffic accessing the event and traffic management as approved in writing by the Local Planning Authority in consultation with the Highway Authority. Thereafter the

approved details shall be implemented in full during the event in accordance with the approved plans.

Reason: To ensure the efficient function of the event, promote sustainable forms of transport, promote highway safety and provides the appropriate level of vehicle parking and traffic mitigation. The Public Transport Plan details were not finalised at the time of determining the application. This condition is applied in accordance with the National Planning Policy Framework, Policy CS13 of the West Berkshire Core Strategy 2006-2026, and Policy TRANS1 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).

Vehicle parking

The use shall not commence until details of the vehicle parking and turning areas have been submitted to and approved in writing by the Local Planning Authority. Such details shall include the tarmac or reinforced turf circulation roads, along with improvements ensuring accessibility during the winter months when the carnival will take place. The use shall not commence until the vehicle parking and turning areas have been provided in accordance with the approved details. The parking and turning space shall thereafter be kept available for parking (of private motor cars and light goods vehicles) during the course of the event.

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

Travel Plan

The use hereby permitted shall not commence until a final Public Transport Plan has been submitted to and approved in writing by the Local Planning Authority. The Public Transport Plan shall include details of how public transport for event goers will be managed from Newbury Town Centre and Newbury Rail Station to the event. The details shall include timetables and frequency of the public transport service. Thereafter the Public Transport Plan shall be implemented in full during the event in accordance with the approved plans.

Reason: To ensure the efficient function of the event and promote sustainable forms of transport and promote highway safety. The Public Transport Plan details were not finalised at the time of determining the application. This condition is applied in accordance with the National Planning Policy Framework, Policy CS13 of the West Berkshire Core Strategy 2006-2026, and Policy TRANS1 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).

Post event Transport Assessment and Travel Plan

With the submission of any further planning application for any further Christmas carnival events, a post event Transport Assessment and Travel Plan shall be submitted. The submissions will detail how the event proceeded and how improvements can be made going forward. The areas to be considered should include:

- Details of traffic volumes and visitor numbers per day
- Servicing and deliveries
- Traffic management internally and within entrances to the site
- Signage strategy
- Impact and combination with other uses within the site such as race meetings and other events
- Travel Plan including mode share data

Reason: To ensure the development reduces reliance on private motor vehicles and provides the appropriate level of vehicle parking and traffic mitigation. This condition is imposed in accordance with the National Planning Policy Framework 2019, Policies CS5 and CS13 of the West Berkshire Core Strategy (2006-2026), Policy TRANS1 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007) and Local Transport Plan 3.

Sustainable drainage measures

No development shall take place until details of a flood risk assessment and sustainable drainage measures to manage surface water during construction, carnival operation and post event have been submitted to and approved in writing by the Local Planning Authority. The sustainable drainage measures shall be informed by the outcome of the flood risk assessment and shall include a schedule of works to take place for their implementation.

A pre-commencement condition is necessary because insufficient detailed information accompanies the application; sustainable drainage measures may require work to be undertaken throughout the construction phase and so it is necessary to approve these details before any development takes place.

Reason: To ensure that surface water will be managed in a sustainable manner; to prevent the increased risk of flooding; to improve and protect water quality, habitat and amenity and ensure future maintenance of the surface water drainage system can be, and is carried out in an appropriate and efficient manner. This condition is applied in accordance with the National Planning Policy Framework, Policy CS16 of the West Berkshire Core Strategy (2006-2026), Part 4 of Supplementary Planning Document Quality Design (2006) and SuDS Supplementary Planning Document (2018).