

<b>Item No.</b>	<b>Application No. and Parish</b>	<b>Statutory Target Date</b>	<b>Proposal, Location, Applicant</b>
(1)	18/03340/COMIND Greenham Parish	24 April 2019 <sup>1</sup>	Permanent use of hostel (Use Class Sui Generis) as a hotel (Use Class C1)  Newbury Racecourse, Racecourse Road  Newbury Racecourse – Applicant

<sup>1</sup> Extension of time agreed with applicant until 26 June 2020

The application can be viewed on the Council's website at the following link:  
<http://planning.westberks.gov.uk/rpp/index.asp?caseref=18/03340/COMIND>

**Recommendation Summary:** **The Head of Development & Planning be authorised to GRANT conditional planning permission subject to completion of a Section 106 legal agreement.**

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

**Reason for Committee Determination:** The Council has received 10 letters of objection. Brought back to Committee due to alteration to the proposed terms of the Section 106 Legal Agreement

**Committee Site Visit:** 27<sup>th</sup> June 2019

#### **Contact Officer Details**

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## 1. Introduction

- 1.1 This application seeks planning permission for the permanent change of use of The Lodge at Newbury Racecourse to provide 36 hotel bedrooms. An accompanying application, reference 19/00225/COMIND seeks permission for the development of an extension to the Lodge to provide an additional 40 hotel bedrooms.
- 1.2 On 03 July 2019 the Western Area Planning Committee considered this application and resolved to grant conditional approval for the proposed permanent change of use subject to a legal agreement securing that the approved 123 bedroom hotel that benefits from extant planning permission on the site was not to be developed. Now the applicant has proposed an alteration to the terms of this legal agreement that secures instead a limit on the number of hotel bedrooms that can be developed on the site, thereby retaining the option of developing the consented 123 bedroom hotel at a later date.

## 2. Planning History

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

Application	Proposal	Decision / Date
09/00971/OUTMAJ	Outline planning permission for redevelopment of racecourse to include [inter alia] the new hostel.	Approved April 2010
11/00723/RESMAJ	Western area - erection of 421 dwellings with associated works and access.	Approved October 2011
11/01505/RESMAJ	Erection of 123 bedroom hotel, hostel, nursery, offices, refurbishment of stables and access.	Approved November 2011
14/03109/OUTMAJ	Application to vary the original outline consent to allow up to 250 dwellings to be constructed prior to opening of bridge (most recent permission for entire site).	Approved February 2016
15/03152/COMIND	Change of use of hostel (Sui generis) as a hotel (C1) for up to 305 days per year for a temporary period of up to 3 years.	Approved March 2016.

## 3. Procedural Matters

- 3.1 The proposed works are not EIA development under the meaning given in Schedules 1 or 2 of the Environmental Impact Assessment Regulations 2017.
- 3.2 Site notice displayed 5 February 2019. Expired 26 February 2019.
- 3.3 The proposed works are not such as to attract the payment of CIL under the Council's adopted 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.

<p><b>Greenham Parish Council:</b></p>	<p>Objection. This application has raised a number of objections from residents - mainly those living in Horsewalk, which is very close to The Lodge. It is felt that the original consented use purely as overnight accommodation for 'lads' prior to/on race days (only about 25 a year) was acceptable but that the temporary extension of use of the considerable spare capacity as a hotel (mainly on race days) was a different matter. If this is to be extended permanently, with the 'quid pro quo' being the unilateral cancellation by Newbury Racecourse of its plans for a hotel on a more suitable site well away from residential homes, GPC objects on the basis that this has been shown to cause harm to amenity of residents.</p> <p>GPC to write to the British Horse racing club – in contravention of their rules.</p>
<p><b>Newbury Town Council</b></p>	<p>Objection. The Racecourse should be required to build the original hotel, as previously approved. Affected neighbours have not been sufficiently consulted, and their concerns have not been sufficiently addressed. This proposal will cause duress to nearby residents, with issues re noise, access and egress. The present planning permission requires that the hostel should be reserved for the use of stable lads for at least 60 days per year.</p> <p>If the application is approved, the following actions should be taken: 1) The present cut off time for street lighting of 11 p.m. should be retained. 2) The Racecourse should maintain ongoing consultation with adjoining residents of the hostel, to minimise inconvenience to them. 3) Suitable screening should be erected to shield neighbours from noise and light pollution from the hostel/hotel.</p>
<p><b>WBC Highways:</b></p>	<p>The Lodge building was originally approved to house stables and racecourse staff. It was then in 2016 changed to a hotel use for 305 days per year for a temporary period of three years. The proposal is now to permanently have the building as a hotel throughout the year</p> <p>A hotel was originally planned within the Newbury Racecourse but it was to be on the eastern side of the development. If this ever goes ahead, this would need to be considered at that time.</p> <p>I am not aware of any traffic or highway difficulties with the existing use, and such issues does not seem to be mentioned much within the objection letters so far submitted. There does seem to be issues surrounding noise. I have much sympathy for</p>

	this, but this is not a concern for the Highway Authority. I therefore I raise no objection to the proposal.
<b>Environmental Health</b>	No objections but recommend conditions requiring noise management and restriction on operation of external lighting.
<b>Archaeology</b>	No objections.

### ***Public representations***

- 4.2 Representations have been received from 10 contributors, none of which support, and 10 of which object to the proposal.
- 4.3 The full responses may be viewed with the application documents on the Council's website, using the link at the start of this report. In summary, the following issues/points have been raised:
- Overlooking and noise impacts on neighbouring residential properties;
  - Increase in traffic movements and parking requirements;
  - Concerns regarding the level of available accommodation for stable staff during race meetings;
  - Existing consent for a 123 bedroom hotel to the east of the site;
  - No sequential assessment of need for 2 hotels on the site in a non- town centre location;
  - Lack of development of approved 123 bedroom hotel would alter the appearance of the "heart space" of the racecourse development;
  - Use is incompatible with residential use;
  - Proposed works do not support the racehorse industry so are contrary to Policy CS12.

The following matters that are not material planning considerations in this application have also been raised:

- Compliance with racehorse industry rules and standards;
- Impact of proposed change of use on property prices;
- Level of parking provision approved under planning permissions for residential development;
- No consideration of alternative uses for the lodge building if superfluous to need.

## **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, ADPP2, CS2, CS5, CS9, CS11, CS12, CS13, CS14 of the West Berkshire Core Strategy 2006-2026 (WBCS).
- Policy TRANS1 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)
- Planning Obligations SPD (2015)

## 6. Appraisal

6.1 The main issues for consideration in this application are:

- Principle and impact on neighbouring amenity.
- Provision of hotel accommodation and terms of the proposed Section 106 legal agreement

### ***Principle of development & Amenity of neighbouring occupants***

6.2 At the previous committee to which this application was called on the 3<sup>rd</sup> July 2019 Members considered the acceptability of the principle of development and the impact on neighbouring amenity and resolved to grant planning permission subject to the conditions recommended in the report and an additional condition securing the availability of the coffee shop associated with the hostel for use by various groups in the community (see paragraph 6.5 below). The acceptability of the proposed change of use in terms of both principle and impacts on neighbouring amenity is therefore considered by officers to have been established in the committee's previous resolution. The report to the committee on the 3<sup>rd</sup> July 2019 is attached as an appendix to this report and your officer does not intend to revisit these considerations. The remainder of this report will go on to address the proposed alteration to the terms of the proposed Section 106 legal agreement and its implications.

### ***Alteration of the terms of the proposed S106 legal agreement***

6.3 Members will recall that when resolving to grant conditional approval for the permanent change of use of the lodge to provide hotel accommodation a provision of the resolution to approve was that a Section 106 legal agreement be entered into with the Council to prevent development of the extant planning consent for a 123 bedroom hotel to the east of the "Heart Space" that formed part of the works approved reference 11/01505/RESMAJ. It is clear that this consent has been implemented as all other works to develop the "Heart Space" are substantially complete, including development of The Lodge itself. Since the Committee meeting on the 3<sup>rd</sup> July 2019 the applicants have met with officers to discuss the provisions of the legal agreement to be attached to the planning permission for this development, and have requested that officers consider an alternative agreement to take effect immediately upon the issuing of planning permission whereby a maximum limit of 123 hotel bedrooms is imposed across the entire racecourse site.

6.4 Officers have given consideration to this proposal and are of the view that it reasonably reflects the circumstances under which the principle of development has been accepted: the consented 123 bedroom hotel could currently be implemented without need for further planning permission; the proposed permanent change of use of the lodge and associated hotel extension would provide a total of 76 hotel bedrooms on the site. Therefore should a legal agreement secure a maximum of 123 hotel bedrooms across the site the racecourse would necessarily be prevented from developing the consented hotel until such a time as the lodge and extension ceased to be used as a hotel. However, should the provision of additional hotel bedrooms up to a maximum of 123 bedrooms across the site prove to be of commercial benefit the extant hotel planning permission would stand to be a material planning consideration in considering any

application for these works, while if permission was sought for hotel accommodation that would exceed the agreed 123 bedrooms a planning application would need to be accompanied by a full sequential test to demonstrate the need and appropriateness of this use in a site outside of a town centre in accordance with the provisions of the NPPF. Since the main reasons that a Section 106 agreement is required are that planning permission only exists for up to 123 hotel bedrooms on the site and that the current application is not accompanied by a sequential test as required by the NPPF, it is the view of officers that the proposed terms of the legal agreement to limit the amount of hotel bedrooms to a maximum of 123 are proportionate to addressing what is necessary to control such development on the racecourse site without being unnecessarily restrictive or unduly prejudicing the consideration of future planning applications on the site by allowing the number of 123 hotel bedrooms already consented in the extant permission to remain as a material consideration, or for the applicant to revert to this permission by ceasing use of the Lodge and extension as a hotel.

### **Other matters**

- 6.5 Members will recall that the resolution to approve was subject to an additional request from Members that the coffee shop/bar area within should continue to be available to the general public including local community groups for whom it provides a valuable amenity. Therefore, in consultation with Councillor Vickers, officers have agreed to recommend condition 4 (section 8, below) to secure the availability of this area.

## **7. Planning Balance and Conclusion**

- 7.1 Officers have considered the proposed alteration of the terms of the legal agreement, which is based on genuine commercial concerns of the racecourse as operator of the site. It is your officer's view that the proposed alteration would not be unduly prejudicial to consideration of future applications for additional hotel accommodation on the site, while allowing the applicant to retain the potential for reversion to development of the approved 123 bedroom hotel should this prove commercially necessary at some point in the future, or the flexibility to seek permission for additional hotel facilities up to the consented number of hotel bedrooms subject of permission 11/01505/RESMAJ.

## **8. Full Recommendation**

- 8.1 PROVIDED THAT a Section 106 Agreement has been completed within three months of the date of this committee (or such longer period that may be authorised by the Head of Development and Planning, in consultation with the Chairman or Vice Chairman of the Western Area Planning Committee), to delegate to the Head of Development and Planning to GRANT PLANNING PERMISSION subject to the conditions listed below.
- 8.2 OR, if a Section 106 Agreement is not completed within three months of the date of this committee (or such longer period that may be authorised by the Head of Development and Planning, in consultation with the Chairman or Vice Chairman of the Western Area Planning Committee), to REFUSE PLANNING PERMISSION for the reasons listed below.

## Conditions

1.	<p><b>Vehicular accesses</b></p> <p>All vehicular access to the hostel/hotel shall be via the east from the new racecourse bridge as shown on location plan drawing reference 4385 SK20. At no time shall any traffic, including deliveries, be directed to arrive or leave via the western access through Stroud Green.</p> <p>Reason: To ensure the amenity of residents in the western area are respected having regard to traffic movements in accord with policy CS14 in the West Berkshire Core Strategy 2006 to 2026.</p>
2.	<p><b>External lighting</b></p> <p>The external lighting to the hotel shall be switched off no later than 11pm daily and shall not be operated before 7am.</p> <p>Reason: In the interests amenity of preserving the amenity of adjacent residential occupants in accord with policy CS14 in the West Berkshire Local Plan Core Strategy (2006 to 2026) 2012.</p>
3.	<p><b>Noise management plan</b></p> <p>Within 1 month of the date of this decision a noise management plan shall be submitted to the local planning authority, for written approval, that sets out how noise from the following sources will be controlled to protect residents living close to the site from noise and disturbance:</p> <ul style="list-style-type: none"> <li>- Noise from guests and other users of the hotel.</li> <li>- Noise from people using the outside seating area to the west of the restaurant bar.</li> <li>- Noise from service vehicles and delivery operations.</li> </ul> <p>The noise management plan shall also set out a timetable for the implementation of any works or other measures required and all works or other measures shall be undertaken in accordance with the approved timetable.</p> <p>Reason: To protect residential amenity in accordance with the requirements of the NPPF, Policy CS14 of the West Berkshire Local Plan Core Strategy (2006-2026) 2012 and Policy OVS6 of the West Berkshire District Local Plan (1991-2006) Saved Policies 2007.</p>
4.	<p><b>Availability of café/bar to public</b></p> <p>The café/bar area of The Lodge will be available for use by members of the general public for purchasing food and/or drink during normal opening hours (i.e. between the hours of 9am and 10.30pm), with the following exceptions:</p> <ul style="list-style-type: none"> <li>- when there is a private function, which has exclusive use of The Lodge; or</li> <li>- when the café/bar area is otherwise closed.</li> </ul> <p>Unless an alternative arrangement is submitted to and agreed in writing by the Local Planning Authority.</p> <p>Reason: In order to ensure that the café/bar area remains available for general use by members of the public and community groups in accordance with the recommendations of the NPPF and Policy CS14 of the West Berkshire Local Plan Core Strategy (2006-2026) 2012, for new development to facilitate the provision of healthy, safe environments.</p>

### ***Heads of Terms for Section 106 Agreement***

1.	<b>Maximum number of hotel bedrooms on the site</b> The terms of the Section 106 agreement shall secure that no more than 123 hotel bedrooms are provided on the racecourse site.
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### ***Refusal Reason***

1.	<b>Planning obligation</b> The application fails to provide an appropriate planning obligation to prevent the over-provision of hotel bedrooms in a non-town centre location without adequate justification. The application is not accompanied by sufficient information or a sequential test to demonstrate that it would result in provision of hotel accommodation (a town centre use) in an appropriate location and at a justified amount. Furthermore, due to the extant consent for a 123 bedroom hotel on the racecourse site the proposed works would result in an over-provision of hotel accommodation in this location without justification of local need. The proposed works are therefore contrary to the requirements of paragraph 84 of the National Planning Policy Framework and Policy CS9 of the West Berkshire Local Plan Core Strategy (2006-2026) 2012, requiring that proposals for new business development should not conflict with existing uses.
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### ***Informatives***

1.	<b>Proactive</b> This decision has been made in a positive way to foster the delivery of sustainable development having regard to Development Plan policies and available guidance to secure high quality appropriate development. In this application whilst there has been a need to balance conflicting considerations, the local planning authority has secured and accepted what is considered to be a development which improves the economic, social and environmental conditions of the area.
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