

Item No.	Application No. and Parish	Statutory Target Date	Proposal, Location, Applicant
(4)	19/00225/COMIND Greenham Parish	03 May 2019 ¹	Erection of a three storey extension to the front elevation of The Lodge to provide additional rooms. The Lodge at Newbury Racecourse, Racecourse Road Newbury Racecourse – Applicant
¹ Extension of time to be agreed			

The application can be viewed on the Council's website at the following link:
<http://planning.westberks.gov.uk/rpp/index.asp?caseref=19/00225/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: 27th June 2019

Contact Officer Details

Name: Simon Till
Job Title: Principal Planning Officer
Tel No: 01635 519111
Email: Simon.till@westberks.gov.uk

1. Introduction

- 1.1 This application seeks planning permission for extension of The Lodge at Newbury Racecourse to provide 40 hotel bedrooms. An accompanying application, reference 18/03340/COMIND, seeks permission for the permanent change of use the Lodge to hotel, providing 36 hotel bedrooms. The total of proposed hotel bedrooms between the two applications is 76, with the main facilities, including bar/coffee shop, reception, administration, etc. to remain within the Lodge itself.
- 1.2 On 03 July 2019 the Western Area Planning Committee considered this application and resolved to grant conditional approval for the proposed extension and accompanying application for 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.
21/00348/NONMAT	Non Material amendment to planning permission 14/03109/OUTMAJ: Section 73: To vary condition 32: No more than 250 dwellings shall be completed prior to the completion and opening to traffic of a new bridge, to 421 dwellings. Of approved reference 09/00971/OUTMAJ for redevelopment of Newbury Racecourse to provide new and enhanced leisure, racing, administrative and visitors facilities; new hotel and hostel; replacement children's	Approved 5th March 2021

	nursery; permanent retention of the Mill Reef Stand; replacement maintenance buildings, yard and workshops; replacement golf club house and apartment, floodlit driving range and remodelling of golf course; up to 1,500 dwellings. Amendment: Wording of condition 3 to clarify how the original planning permission has been implemented on the ground in terms of phasing.	
--	--	--

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.

Greenham Parish Council:	Object. Objection: If extension is allowed GPC are concerned that this would take away any land, available for a community centre, which was part of the original Racecourse planning application.
Newbury Town Council	Objection / comment: This building was intended as a facility for racing staff on race days. This application will more than double its size and result in its full use throughout the year, which will greatly increase the disturbance to the 25 or so local residents located at about 20 metres distant. The 120-bed hotel intended in the Racecourse planning consent, to be located near the stands and so without these disadvantages, should be respected, and The Lodge should not be adopted as a substitute for it. Examples of other dual-function lodges at Racecourses quoted by the applicant (York and Chester) are located remotely from residential accommodation.
WBC Highways:	I refer to my previous response dated February 25 th 2019 and the response the applicant's agent Catherine Tyler from March 11 th 2019 [case officer's note, the email concerned was received 4 th March 2019]. I have also viewed objection letters submitted.

As stated previously, pages 6 of the TS provides detail of car parking surveys that were undertaken on October 25th and 26th 2018 that represented conditions on a race day and a non - race day. On a non - race day there is a significant amount of surplus car parking available. However, on race days, there is much less of a surplus. The TS then states that should the parking on the grass and gravel areas be managed more efficiently. However I do not consider that this is possible to secure. I am therefore concerned that there will not be sufficient levels of car parking on race days. Can more be done to resolve this issue?

In response, the applicants agent has stated that the “*NRC already has a very effective parking management strategy in place, which is managed by a third party contractor and this ensures that available formal and informal parking areas are maximised as necessary...It is important to note that as the car park is managed by NRC, there is some flexibility as to how efficiently the car park is managed (i.e. how close cars park to each other etc), and as noted within the TA, on the race day observed, the current car park has the potential to accommodate up to 310 cars. It is in NRC’s interest to ensure that parking is managed appropriately and for the parking areas to operate efficiently. The TA notes that the peak demand for parking resulted in the equivalent of 36 vacant spaces on the race day observed. On that basis, a reduction of 16 car parking spaces as a result of the proposed development would still leave capacity for up to 20 vacant spaces available on a race day (which could be utilised if required, through the management of the car park on that day)*”.

I consider that a 20 car parking margin is of concern for such a large facility. However, there is no evidence to suggest that there will be a shortfall in parking overall or that any shortfall will be extensive enough to raise objection.

The applicant’s agent then discusses sustainability issues and the areas accessibility to the train station, bus services etc. I do concur with this, but I also consider that that the majority of clientele will travel to the hotel by car. However as stated previously, page 13 of the TS details expected traffic levels that will arrive via Hambridge Road only. I have no concerns regarding traffic levels. Little or no increase is expected via Stroud Green. Some clientele could be dropped off near the hotel via Stroud Green, but I think numbers will be limited.

The proposal will need to comply with the Council’s Cycle and Motorcycle Advice and Standards for New Development November 2014. Will the hotel also have electric car charging points?

In conclusion, I have some concerns, but they are not sufficient to raise an objection. Conditions recommended requiring construction method statement, cycle storage, electric charging point details and parking provision.

Environmental Health	No objections but recommend conditions requiring noise management and restriction on operation of external lighting.
SuDS	No further comments received.
Thames Water	No objections on foul water infrastructure or surface water infrastructure; advise that there are mains crossing the site and building should not be on top of these; no objections on water network capacity.
Archaeology	No objections.

Public representations

4.2 Representations have been received from 11 contributors, none of which support, and 11 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 levels of noise associated with The Lodge building;
- Concerns regarding overlooking of nearby children's nursery;
- 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.
- High level of hotel accommodation in Newbury town centre;
- Visual impact of car park overflow area;
- Contrary to Policy CS12 as does not support the racehorse industry.

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 works 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).
- Policies OVS6 and 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)
- The West Berkshire SuDS SPD (2018)

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, parking provision and impact on neighbouring amenity

6.2 At the previous committee to which this application was called on the 3rd July 2019 Members considered the acceptability of the principle of development, parking provision at the site and the impact on neighbouring amenity and resolved to grant planning permission subject to the conditions recommended in the report. The acceptability of the proposed works to extend The Lodge in terms of both principle and impacts on neighbouring amenity and parking levels is therefore considered by officers to have been established in the committee's previous resolution. The report to the committee on the 3rd 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 proposed extension 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 3rd 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 Officers note that in the committee report on the 3rd July 2019 condition 11 was left as a place holder pending further comments from the drainage officer in the update sheet. It would appear that these comments were not received and consequently a pre-commencement condition has now been recommended by your officer in order to address the provision of a suitable scheme of drainage measures for the proposed extension works. Agreement has been obtained from the agent for both this pre-commencement condition and one relating to provision of a construction method statement.
- 6.6 Concerns have been raised regarding the details of the approved phasing for the racecourse development. As a result of these matters, officers have reviewed the approved phasing plan and identified that the hotel was numbered as phase 2 within the plan. In order to clarify the phasing in line with the racecourse's intention not to develop the approved hotel at this time officers requested submission of a non-material amendment to include the hotel as the final phase of the approved development. In considering this application officers reviewed the materiality of this matter to the planning permission, noting that the main consideration in respect of phasing was to ensure the delivery of affordable housing. The associated Section 106 legal agreement was also reviewed and it was confirmed that the alteration to the phasing has not and will not prejudice delivery of the various items of affordable housing, highways infrastructure and public open space secured under that legal agreement. The non-material amendment to the phasing was approved on the 5th March 2021.
- 6.7 Concerns have been raised regarding delivery of the local centre for the development. While this matter is not contingent on any of the matters proposed under this application, in order to address these important concerns and due to the complex history of applications on the site officers have carried out a review of the planning history of the

housing development associated with permission 14/03109/OUTMAJ, and have confirmed that the local centre, providing retail space for the housing development, is secured in the outline planning permission and has been approved under reserved matters permission 14/03377/RESMAJ. This secures that retail space (the local centre) is provided in two areas on the ground floor of blocks A4 and A5, which are located in the eastern part of the approved housing development. The delivery of the local centre and its location in the eastern part of the development is an important consideration for provision of the local centre given the significant distance of this part of the development from the town centre and associated retail provision.

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 by 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>Three years for commencement</p> <p>The development hereby permitted shall be begun before the expiration of three years from the date of this permission.</p> <p>Reason: To comply with Section 91 of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004); to enable the Local Planning Authority to review the desirability of the development should it not be started within a reasonable time.</p>
2.	<p>Approved drawings</p> <p>The development hereby approved shall take place in accordance with the following approved drawings: SK20, SK23, SK27, SK28, SK29, SK30, SK33, SK34, SK35, SK36, SK37.</p> <p>Reason: For the avoidance of doubt and in the interests of proper planning.</p>

3.	<p>Materials</p> <p>The external materials to be used in the approved extensions shall match those used in the existing lodge and shown on the approved drawings.</p> <p>Reason: In the interests of visual amenity in accordance with the NPPF and Policies CS14 and CS19 of the West Berkshire Local Plan Core Strategy (2006-2026) 2012.</p>
4.	<p>Construction management plan</p> <p>No development shall take place until a Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details. The statement shall provide for:</p> <ul style="list-style-type: none"> (a) The parking of vehicles of site operatives and visitors (b) Loading and unloading of plant and materials (c) Storage of plant and materials used in constructing the development (d) The erection and maintenance of security hoarding including decorative displays and facilities for public viewing (if any) (e) Wheel washing facilities (f) A scheme for recycling/disposing of waste resulting from demolition and construction works (g) HGV haul routes (h) the control of noise (i) the control of dust, smell and other effluvia; (j) the proposed method of piling for foundations (if any); (k) hours during the construction when delivery vehicles, or vehicles taking materials, are permitted to enter or leave the site <p>Reason: To safeguard the amenity of adjoining land uses and occupiers and in the interests of highway safety. This condition is imposed in accordance with the National Planning Policy Framework (July 2018), Policies CS5 and CS13 of the West Berkshire Core Strategy (2006-2026), Policies OVS6 and TRANS 1 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).</p>
5.	<p>Parking in accordance with drawings</p> <p>The extension hereby approved shall not be occupied until the parking has been provided in accordance with the approved drawings. The parking area shall thereafter be retained and kept available for the parking of motor vehicles.</p> <p>Reason: In order to ensure that the site is provided with sufficient parking in accordance with the NPPF, Policies CS13 and CS14 of the West Berkshire Local Plan Core Strategy (2006-2026) 2012 and Policy TRANS1 of the West Berkshire District Local Plan (1991-2006) Saved Policies 2007.</p>
6.	<p>Cycle storage</p> <p>The extension hereby approved shall not be occupied until details of motorcycle parking and cycle storage to be provided on the site have been submitted and approved under a formal discharge of conditions application. The development shall not be occupied until the motorcycle parking and cycle storage have been provided in accordance with the approved details. The motorcycle parking and cycle storage shall be retained and kept available for the parking of cycles and motorcycles thereafter.</p> <p>Reason: To ensure that the site is provided with sufficient storage for cycles and motorcycles to reduce reliance on the private motor car in accordance with the NPPF and Policies CS13 and CS14 of the West Berkshire Local Plan Core Strategy (2006-2026) 2012.</p>

7.	<p>Electric vehicle charging points</p> <p>The approved extension shall not be occupied until details of electric vehicle charging points have been submitted and approved under a formal discharge of conditions application. The electric charging points shall be installed in accordance with the approved details and shall be retained for charging electric vehicles thereafter.</p> <p>Reason: In order to facilitate the increased use of electric vehicles in order to reduce reliance on other fuel sources and in order to provide a sustainable form of development in accordance with the requirements of the NPPF and Policy P1 of the West Berkshire Housing Site Allocations DPD (2017).</p>
8.	<p>BREEAM</p> <p>The extension hereby approved shall not be taken into use until a post construction review demonstrating that the extension has achieved a BREEAM “Excellent” standard of construction has been submitted and approved under a formal discharge of conditions application.</p> <p>Reason: In order to meet with the requirement for sustainable construction in accordance with the NPPF and Policies CS14 and CS15 of the West Berkshire Local Plan Core Strategy (2006-2026) 2012.</p>
9.	<p>Hours of construction work</p> <p>No work relating to the extension hereby approved, including works of preparation prior to building operations, shall take place other than between the hours of 08:00 and 18:00 Monday to Friday and 08:00 to 13:00 Saturdays and at no time on Sundays or public holiday.</p> <p>Reason: To protect the occupiers of neighbouring properties from noise and disturbance outside the permitted hours during the construction period in accordance with 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>
10.	<p>Noise from mechanical plant</p> <p>The sound rating level (established in accordance with BS4142:2014) of any plant, machinery and equipment installed or operated in connection with this permission, shall not exceed, at any time, the prevailing background sound level at the nearest residential or noise sensitive property.</p> <p>Reason: In the interests of amenity of residential occupants and hotel guests in accordance with 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>
11.	<p>SuDS</p> <p>No development shall take place until details of sustainable drainage measures to manage surface water within the site have been submitted to and approved in writing by the Local Planning Authority.</p> <p>These details shall:</p> <ul style="list-style-type: none"> a) Incorporate the implementation of Sustainable Drainage methods (SuDS) in accordance with the Non-Statutory Technical Standards for SuDS (March 2015), the SuDS Manual C753 (2015) and West Berkshire Council local standards, particularly the WBC SuDS Supplementary Planning Document December 2018; b) Include and be informed by a ground investigation survey which establishes the soil characteristics, infiltration rate and groundwater levels;

	<p>f) Include construction drawings, cross-sections and specifications of all proposed SuDS measures within the site;</p> <p>g) Include run-off calculations, discharge rates, infiltration and storage capacity calculations for the proposed SuDS measures based on a 1 in 100 year storm +40% for climate change;</p> <p>k) Ensure any permeable paved areas are designed and constructed in accordance with manufacturers guidelines.</p> <p>m) Include details of how the SuDS measures will be maintained and managed after completion. These details shall be provided as part of a handover pack for subsequent purchasers and owners of the property/premises;</p> <p>w) Any design calculations should take into account an allowance of an additional 10% increase of paved areas over the lifetime of the development.</p> <p>The above sustainable drainage measures shall be implemented in accordance with the approved details in accordance with a timetable to be submitted and agreed in writing with the Local Planning Authority as part of the details submitted for this condition, or before occupation of the first dwelling on the site in the event that such a timetable is not submitted. The sustainable drainage measures shall be maintained and managed in accordance with the approved details thereafter.</p> <p>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), and Part 4 of Supplementary Planning Document Quality Design (June 2006) and the Sustainable Drainage Systems SPG (2018). A pre-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.</p>
--	--

Heads of Terms for Section 106 Agreement

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

Refusal Reasons

1.	<p>Planning obligation</p> <p>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.</p>
----	--

Informatives

1.	Proactive 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.
----	--