

Item No.	Application No. and Parish	Statutory Date	Target	Proposal, Location, Applicant
(1)	21/01079/COMIND  Greenham Parish Council	12 August 2021*		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 proposal to level the centre of the Racecourse  Newbury Racecourse, Racecourse Road Newbury, West Berkshire, RG14 7NZ  Newbury Racecourse
*Extension of time agreed until 02 September 2021				

The application can be viewed on the Council's website at the following link  
<http://planning.westberks.gov.uk/rpp/index.asp?caseref=21/01079/COMIND>

**Recommendation Summary:**

To **DELEGATE** to the Head of Development and Planning to **GRANT PLANNING PERMISSION** subject to the schedule of conditions (Section 8.2 of the report)

**Ward Members:**

Councillor Phil Barnett  
Councillor Billy Drummond  
Councillor Erik Pattenden

**Reason for Committee determination:**

More than 10 letters of objection

**Committee Site Visit:**

26th August 2021

**Contact Officer Details**

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## 1. Introduction

- 1.1 This planning application seeks a 1 year temporary planning permission for a Christmas Carnival which will include, market stalls, bigtop tent, fairground rides, Christmas tree maze, ice-rink and a santa's grotto). The proposal will also involve associated cut and fill works to level the centre of the Racecourse.
- 1.2 It is put forward that the event will run for 38 days (5 weeks) from November 2021 until January 2022, during the times set out below:
- Monday to Wednesday: 12:00 - 21:00
  - Thursdays: 12:00 – 22:00
  - Fridays – Saturdays: 10:00 – 22:00
  - Sundays: 10:00 – 21:00
- 1.3 After the four race days that are scheduled during the event period, the Carnival would be open from 16:00 – 22:00. During the week leading up to Christmas, the event will start at 10:00 hrs.
- 1.4 The event will comprise the following elements:
- 50 concession chalets (Christmas market)
  - 18 Christmas themed Carnival rides,
  - 500 seat circus or variety show venue
  - Maze
  - Grotto
  - Ice Rink
  - central bar
  - outdoor seating
  - toilet facilities
  - car parking
- 1.5 The existing wider Newbury Racecourse site currently operates throughout the year as a multi-use site that also includes the following facilities:
- The Lodge Hotel and conference facilities
  - Racecourse - including banqueting and conference centre
  - Nuffield Health & Lifestyle Gym
  - Rocking Horse Nursery
  - Multiple sites of residential homes
- 1.6 The event is a joint venture between Newbury Racecourse and Underbelly Ltd. The submitted documents outline that Underbelly run similar events in London and Edinburgh amongst others. The dates for the event and the installation and de-installation periods would be as follows:
- Site build and installation from approximately 08th November to 25th November 2021
  - Site operational from 26th November 2021 to 02nd January 2022
  - De-installation process from 03rd January to 12th January 2022

- 1.7 It is proposed that the deliveries and servicing to the site will take place via Racecourse Road/Teeton Mill Place, utilising the existing service roads and car parking infrastructure for the Racecourse.
- 1.8 Newbury Racecourse is located to the south east of Newbury Town Centre and is a fully operational horse racing venue which comprises two large grandstands, the Lodge Hotel, a nursery, administrative buildings and stables. There are a number of residential blocks on the site to the north and west, which front onto the open racecourse.
- 1.9 The application site is an area approximately 10 hectares located on part of the central area of the racecourse. A band of trees run along the wider site's southern boundary, with an existing residential development beyond, along Mandarin Drive and New Road. The site falls within flood zone 1 (lowest risk) according to Environment Agency Flood Mapping.

## 2. Relevant 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.
18/00815/RESMAJ	Proposed variation of plot typologies [21 number] in the approved reserved matters following Outline application 14/03109/OUTMAJ: [Eastern area phase only]. Matters to be considered: Appearance, Landscaping, Layout and Scale.	Approved July 2016.
18/01169/RESMAJ	Approval of reserved matters following outline permission 14/03109/OUTMAJ. Matters seeking consent: Landscaping - Conversion of grassed overspill parking area for the Rocking Horse Nursery to formal parking of 12 spaces,	Approved July 2018.

	including resin bound surfacing with landscaping.	
18/03340/COMIND	Permanent use of hostel (Use Class Sui Generis) as a hotel (Use Class C1)	Awaiting completion of Section 106
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 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.	Approved 5th March 2021

### 3. Procedural Matters

- 3.1 The proposed development falls within the column 1 description at paragraph 12 (d) (Tourism and leisure projects – Theme Parks) of Schedule 2 of the Town and Country Planning (Environmental Impact Assessment) (EIA) Regulations 2017. The area of the development exceeds 0.5 hectare criteria within Schedule 2. The local planning authority has taken into account the selection criteria in Schedule 3 of the 2017 EIA Regulations. An EIA screening exercise has been undertaken, which concludes that the proposed development is not “EIA development” according to the 2017 EIA Regulations and an Environmental Statement is not required.
- 3.2 A site notice was displayed on 21 May 2021 and the deadline for representations expired on 12 June 2021. Press notices were advertised in the Newbury Weekly on 20 May 2021.
- 3.3 The development has been amended and additional supporting information was submitted on 23 June 2021, 13 July 2021, 05th and 06th August 2021 in response to officer-level feedback. The amendment of the description to a 1 year temporary permission was sent as a notification on 10th August 2021. According to the Planning Practice Guidance, where an application has been amended it is up to the Local Planning Authority to decide whether further publicity and consultation is necessary, taking into account a number of considerations including previous objections, and the significance of the changes. These submissions have been to address specific

technical concerns raised by consultees, the submitted additional information has been made publicly available via the Council's planning website and the Parish and Town Councils and the public who submitted representations were all notified. Given the above, the submitted additional information and amendments did not warrant the display of additional site notices.

- 3.4 Community Infrastructure Levy (CIL) is a levy charged on most new development to pay for new infrastructure required as a result of the new development. CIL is only charged on residential and retail development. The proposed development would not require any financial contributions to be made in respect of the Council's Adopted CIL Charging Schedule.
- 3.5 More information is available at [www.westberks.gov.uk/cil](http://www.westberks.gov.uk/cil)

## 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.

<b>Greenham Parish Council:</b>	Objection: Duration of event, hours of operation compared to race day, volume of traffic, noise and light pollution, harm to residents amenity, Anti-social behaviour and impact on residents health and wellbeing.
<b>Newbury Town Council (Adjacent Council):</b>	No objection subject to a review after the end of the first year of operation, in late January 2022.
<b>WBC Highways Officer:</b>	Additional information requested and assurances required that the Carnival festival does not coincide with the biggest racecourse event planned in November 2021.
<b>WBC Conservation:</b>	No objection.
<b>WBC Ecology Officer:</b>	No comments received
<b>WBC Archaeology:</b>	No objection
<b>WBC Environmental Health:</b>	No objection subject to condition requiring the measurement of noise levels
<b>WBC Local Lead Flood Authority</b>	No comments received

<b>Thames Valley Police</b>	No comments received
<b>Royal Berkshire Fire And Rescue Service</b>	No comments received

### ***Public representations***

- 4.2 Representations have been received from 60 contributors, some in support and some objecting to the application.
- 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 planning related points have been raised:
- 4.4 Objecting points
- Concerns on the duration of the event
  - The racecourse continues to add more uses to the site
  - The hours of operation finish later compared to the race days,
  - Increase in the volume of traffic
  - Insufficient parking provision at the racecourse
  - Potential for anti-social behaviour,
  - noise and light pollution impacts,
  - Harm to residents' amenity
  - Impact on residents' health and wellbeing.
  - The relative infrequency of events makes it bearable
  - Capacity for up to 3750 cars and 100 coaches each day
  - The scale of people over a prolonged period of time will cause traffic congestion
  - An increase of crime and litter
  - Up to 58db at times with a consistent average of 50db measured at apartments/houses
  - Potential for light pollution into the surrounding area
  - impact on wildlife
  - Loss of the driving range and levelling of the site
  - impact on local traders
  - The height of the Big Top lights will be shining directly into apartments
  - Environmental impact on the flora and fauna.
  - where the workers for the Carnival would be staying for the duration of the event
  - Already have established fairground venues at Northcroft park and Victoria park

### Supporting points

- Accept there will be some inconvenience, although provided this is well managed and does not exceed the stated times.
- will bring much needed activity and potential employment opportunities to the area

- would be delighted to have this event in the Racecourse
- The superb asset that Newbury Racecourse should be used as much as possible and will benefit the town
- Will be a great event for Newbury

## **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 NPPF; ADPP1; ADPP2; CS2 CS10; CS12; CS13; CS14; CS16; CS17; CS18 and CS19 of the West Berkshire Core Strategy 2006-2026 (WBCS).
- Policies TRANS.1, OVS.5 and OVS.6 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).

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

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)
- Quality Design SPG (2006)
- Sustainable Drainage SPD (2017)
- Conservation of Habitats and Species Regulations 2017
- Manual for Streets
- West Berkshire Cycle and Motorcycle Advice and Standards for New Development 2014
- Newbury Vision 2026 and 2036
- Newbury Town Design Statement

## **6. Appraisal**

6.1 The main issues for consideration in this application are:

- Principle of development
- Design, function, character and appearance of the area
- Impact on neighbouring amenity and quality
- Highways safety
- Flooding and drainage
- Biodiversity
- Representations
- Planning balance and conclusion

### **Principle of development**

6.1 Policy ADPP1 identifies the District Settlement Hierarchy where new development will be focused, primarily on previously developed land.

- 6.2 Policy ADPP2 indicates that Newbury will continue to fulfil its key role as the administrative centre and major town centre for the District, with a wide range of retail, employment, leisure and community services and facilities. The policy indicates community infrastructure will be provided to meet the growth in population and existing community facilities will be protected and, where appropriate, enhanced. These include leisure and cultural facilities, which contribute to the attraction of the town for both residents and visitors. The Spatial Strategy policies in the West Berkshire Core Strategy (2006 – 2026) Adopted July 2012 provide the overarching strategy for development in West Berkshire.
- 6.3 Newbury Racecourse is a strategic site allocation under policy CS2 (Newbury Racecourse Strategic Site Allocation) of the WBCS. Policy CS2 states that within the area identified at Newbury Racecourse, a sustainable and high quality mixed use development will be delivered including at bullet point 2 – appropriate retail facilities and at bullet point 3 – social and physical infrastructure. It is therefore considered that the proposal is consistent with the provisions of the site policy in terms of economic trade and the provision of a social event.
- 6.4 Policy CS12 sets out that Newbury Racecourse is identified as a sustainable and high quality mixed use development and Policy CS12 also sets out Newbury Racecourse's viability as a major tourist attraction and economic driver will be maintained and future development proposals should have a positive impact upon the ability of the Racecourse to continue operations as normal. Policy CS12 goes on to state that proposals within and adjacent to Newbury Racecourse will be design and community led to secure high quality sustainable development that is sensitive to the environmental quality and historic character of the area.
- 6.5 Paragraph 5.81 of the supporting text sets out that Policy CS12 aims to ensure that the Racecourse maintains its status as a premier sporting and major events venue and also seeks to allow for sensitive development of the Racecourse and surrounding areas which do not have a negative impact upon the ability of the Racecourse to continue operations as normal.
- 6.6 The proposal is seeking a 1 year temporary planning permission for a Christmas Carnival at the centre of the Racecourse. The proposed event will operate as outlined in section 1 of the report.
- 6.7 The initial application sought a 5 year temporary permission, which would equate to 5 events. Officers acknowledge the concerns raised with regard to the impact of the proposed event on neighbouring residential amenity. Whilst impact on residential amenity will be discussed further in this report officers had to balance the competing planning considerations in terms of economic development and protecting residential amenity. By considering a one year temporary permission, officers consider that this will give an opportunity for a trial event which can be monitored accordingly.
- 6.8 The Newbury Vision 2026 sets out the Councils and community aspirations for the future of Newbury. The document indicates support for the growth of a wide range of cultural opportunities and partnerships that build on the strong and established programmes but which also provide new opportunities, whether they are festivals based on music, food or technology.



- 6.9 The Newbury Town Design Statement recognises that the Town has a small but important tourist industry relating to its historic centre, boating on the canal and the famous Racecourse. It is also a well-recognised stop and/or changeover point for touring coaches and their passengers, bringing substantial footfall and business to the Town centre. It is therefore recognised that the proposed event will have some economic benefits to the town and the wider district.
- 6.10 The proposal would accord with the overall aims and objectives of Policies ADDP1, ADDP2 and CS12 and guidance within the Newbury Vision 2026 through the expansion of the local range of cultural and leisure opportunities.
- 6.11 In conclusion, the principle of development is acceptable in accordance with the policies discussed above. The wider development plan policies and other material planning considerations are further considered below

### **Design, function, character and appearance of the area**

- 6.12 According to Core Strategy Policy CS14, new development must demonstrate high quality and sustainable design that respects and enhances the character and appearance of the area. Considerations of design and layout must be informed by the wider context, having regard not just to the immediate area, but to the wider locality. Development shall contribute positively to local distinctiveness and sense of place.
- 6.13 The proposed development is temporary and will be removed once the event is concluded. It is therefore considered that there would be no permanent impact on the character and appearance of the area. It is acknowledged that there would be some cut and fill engineering works within the centre of the racecourse, however this is not considered to have a significant impact on the character and appearance of the area.
- 6.14 The Council's Archaeological Officer has reviewed the application and has indicated that there are no archaeological implications from the proposal. Part of the access road is within the Conservation Area, however the Conservation Officer has no objections.
- 6.15 Overall, the proposal would have a limited impact on the character and appearance of the area. The proposal would comply with Policies ADPP2, CS14 and CS19 of the West Berkshire Core Strategy 2006-2026. The proposal also complies with the West Berkshire Supplementary Planning Document Series: Quality Design, and the Newbury Town Design Statement, albeit the application site lies in Greenham parish.

### **Impact on neighbouring amenity and quality of life**

- 6.16 Planning Policy CS14 of the West Berkshire Core Strategy is of importance with regard to the potential impact upon neighbouring amenity and quality of life.
- 6.17 The nearest residential properties to the north of the site are Challow House, Farriers House, Cape Cross House, Woodhay House and Frankel House. These properties are part of the racecourse development and front onto the racecourse track. The nearest property would be Frankel House which is approximately 146 metres from the event boundary. The nearest property to the west is Chatham House (also within the racecourse), this property is approximately 261 metres from the event boundary. The nearest properties to the south are those located on Cormorant Wood which is a cul-de-sac that is accessed from Mandarin Drive to the southern boundary with the

racecourse. These properties are approximately 133 metres from the southern event boundary. It is also noted that there is a dense woodland between these properties and the racecourse boundary, which would be considered an acoustic and visual barrier.

- 6.18 As assessed above, there are numerous residential properties located within the Newbury Racecourse, to the north, west and those outside the site boundary to the south of the site along Mandarin Drive and New Road. Officers acknowledge the numerous letters of objection and representation made from residents within the vicinity of the site and beyond who have expressed significant concerns regarding the impact of the event on residential amenity. Officers have ensured that the proposal is comprehensively assessed and informed by technical evidence to justify whether it would impact on neighbouring amenity
- 6.19 The proposed Carnival will be relatively close to the residential blocks along the race track and most of these apartments are equipped with large balconies facing the Racecourse. Concerns regarding the potential impacts of the development on residential amenity were raised with the applicant as a matter of significant concern that required additional information. Additional information assessing potential noise and disturbance impacts was submitted and has been fully considered by planning and environmental health officers.
- 6.20 Several hundred people are likely to be on site at any time and they will generate noise through talking, laughing, shouting and screaming whilst on the rides.
- 6.21 The Environmental Health Officer considers that most people living near visiting fairs will tolerate the noise generated for a few days, however as the proposed Christmas Carnival will last for approximately 5 weeks, the Environmental Health Officer expects that complaints are likely to be lodged the longer the event goes on.
- 6.22 The potential noise from generators was also highlighted as a concern. The submitted noise assessment report states that the generators will be located as far away from noise sensitive properties as possible and appropriate mitigation measures will be implemented. Additional information outlining the proposed generator mitigation was submitted following a request by the Environmental Health Officer.
- 6.23 The submitted information outlines that the combined noise impact from generators will still be below 50dBA. According to the submitted documents, one out of the four generators would likely remain in operation between the hours of 2300hrs and 0700hrs. The submitted information explains that assuming residential windows will be closed during the winter period, the internal noise levels at these residential receptors would be less than 22dBA. It would be unlikely that there would be sleep disturbance at these levels.
- 6.24 The applicant's statement also states that measurements will be taken from the generators when they are installed and if the levels at the nearest noise sensitive receivers are higher than expected the operator will install mitigation in the form of an acoustic barrier (eco-barrier) to the nearest boundary to reduce the offsite noise levels. The Environmental Health Officer has accepted this mitigation approach as adequate to protect residents from any potential noise. In addition the Environmental Health Officer has also indicated that if the noise levels from the event are higher than

expected, there are separate Environmental Health and Public Health Protection powers that can be implemented by the Environmental Health Officers to further regulate the operation, including stop orders. Notwithstanding the safeguards, the Environmental Health Officer considers that it would be unlikely that the noise levels would be higher than expected given the technical information that has been submitted.

- 6.25 It is submitted that the rides and attractions are mainly aimed at families, with a very limited number of thrill rides that would generate screaming noise. The proposed rides are mostly low impact, even when considering the Big wheel and Star Flyer. Whilst the Big wheel and Star Fly are significantly larger structures, their intensity and ability to generate thrills is limited. A summary of the proposed rides is set out in the table below, including the seating set up as assessed for noise impact.

	<b>Ride / Attraction</b>	<b>Set up</b>
1	Big Wheel	Enclosed seating pods
2	The Yeti	Open air seating
3	Helter Skelter	Slide (no pods)
4	Star Flyer	Open air seating
5	Bumper Cars	Open air seating
6	Double high carousel	Open air seating
7	Family ride	To Be Confirmed
8	Family ride	To Be Confirmed
9	Chair O Planes	Open air seating
10	Family rollercoaster	Open air seating
11	Race O Rama	Open air seating
12	Reindeer Ride	Open air seating
13	Family ride	To Be Confirmed
14	Santa Train	Open air seating
15	Carousel	Open air seating
16	Christmas Tree Maze	Walk around maze
17	Ice Rink	

- 6.26 The applicant also submits that all the rides and attractions proposed at the Carnival will be linked-up to the main Newbury Racecourse site PA system and none of the rides, attractions or market stalls will be permitted to play their own music. As outlined

in the Noise Assessment Report, low level background music will be set across the site, and at each speaker (at the rides, attractions and around the site to ensure they do not breach the agreed volume). Individual rides and attractions will not be allowed to make any announcements or play accompanying music/sound tracks.

- 6.27 In considering the proposal and attempting to balance the conflicting planning considerations, Planning and Environmental Health Officers have discussed the proposed development and also considered the significance of the winter time of year when the event will be held. Notwithstanding, the actual noise levels from the event remain unknown, as such officers have considered that it is reasonable to allow a 1 year temporary permission for the event to run and to also ensure that actual noise levels are measured at the nearest residential receptor points.
- 6.28 Following further consideration, the applicant agreed to amend the description of the application, such that it sought planning permission for a temporary period of 1 year.
- 6.29 Officers consider it reasonable to assume that all windows in nearby homes will be shut whilst the Carnival is running. The submitted noise report benchmarks for a 15dBA reduction of noise indoors when compared to the outdoors. The Environmental Health Officer considered this assessment to be overly cautious, as a 22dBA reduction would be more acceptable due to the residential properties' modern double glazed windows.
- 6.30 Officers have also considered that the event will not run after 10pm (9pm for most nights and earlier in the week). Outside operational hours (after 10pm), the PA system will not be functional, any non-essential lights will be switched off and any plant will be disabled thus ensuring no noise or light pollution is emitted after 10pm.
- 6.31 The Environmental Health Officer has concluded that the noise from the big top tent and the PA system can be controlled by way of a condition requiring that the operations are in accordance with the Vanguardia noise report.
- 6.32 The public area lighting is proposed as mainly decorative, consisting of festoon and LED strip lighting with effect lighting provided as projector lighting. Working lights are provided for each market stall and around the bars/food outlets. It is submitted that the decorative lighting is of a low intensity light source and the working lights would all be contained and localised.
- 6.33 The compound lighting would consist of suspended downward facing fluorescent luminaires and downward facing low powered floodlights.
- 6.34 With regard to lighting details submitted, the Environmental Health Officer has no objection after reviewing the submitted light assessment report. The proposal would need to be implemented in accordance with the light assessment report.
- 6.35 Overall the Environmental Health Officer has raised no objection after reviewing the submitted additional information. Planners are satisfied that the Environmental Health Officer is content that the level of noise from the event may not be as high as expected and this has been supported by the comprehensive technical assessments submitted with the application. As indicated in this report the Environmental Health Officer has outlined that it would be necessary for the applicant to measure the sound levels

during the event at some of the nearest noise sensitive premises to help inform decisions about any future events of this kind at the same site. A condition has been recommended at section 8.2 of the report.

- 6.36 Having considered the submitted technical assessments and feedback from expert advice, overall the impact on neighbouring amenity from the proposed development is considered limited. The proposal would not present a materially harmful negative impact on nearby residents. The proposal would accord with policy CS14 and the SPD on Quality Design and policies OVS.5 and OVS.6 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).

### **Highway safety**

- 6.37 Policies CS13 of the Core Strategy and TRANS.1 of the Saved Policies of the Local Plan relate to highways. Road safety in West Berkshire is a key consideration for all development in accordance with Core Strategy Policy CS13.
- 6.38 The application site is within a sustainable location within walking and cycling distance of the town centre.
- 6.39 The Highway Authority reviewed the submitted Transport Information. A number of concerns were raised and in their initial consultation comments the Highway Authority requested additional information.
- 6.40 The Highway Authority were mainly concerned that the proposed Carnival would clash with the racecourse schedule and also overlap with concerts which would mean a greater implication on traffic on surrounding roads and car parking levels. An assessment of the impact of the Carnival on the local highway network, particularly during the weekday afternoon period and the weekend peak periods was also requested. The Highway Authority requested clear justification and a plan for the proposed Carnival in relation to the potential for transport impacts.
- 6.41 The applicant submitted additional information in the form of a Highway Technical Note and a car parking strategy. The Highway Technical Note includes a signage strategy for vehicles and a plan showing the signage location along the access routes (Appendix A and B of Technical Note).
- 6.42 In response, the applicant has indicated that the traffic generation associated with the temporary Carnival operation is not expected to exceed the operational capacity at the racecourse during a typical race day.
- 6.43 The Highway Technical Note included additional information on accident analysis in the area and a plan detailing the pedestrian and cycle routes to and from the town centre and train stations.
- 6.44 With regard to the parking strategy, the applicant has outlined that there are 5 car parks available at the racecourse, however the primary location for the Carnival parking will be in Car Park 1 which has a capacity of 1,100 spaces. It is proposed that when this car park reaches capacity, parking will be made available at the four remaining car parks located through the racecourse. Only Car Parks 1, 4 and 5 will be available to visitors of the Carnival. Car Park 1 will be accessed from the west

via Racecourse Road and Teeton Mill Place as is the case on racedays. Car Parks 4 and 5 will be accessed via Hambridge Road over the railway overbridge into the site as is also the case during race days.

- 6.45 The gym located at the racecourse has its own designated parking which will not be affected. In addition the existing residents with parking permits will still be able to use Car Park 6. The hotel and nursery will use Car Park 2 and 3 and Carnival visitors will not be able to access these car parks during the Carnival. It is proposed that temporary cycle parking will also be provided in Car Parks 1, 4 and 5 whilst the Carnival is operational.
- 6.46 The applicant has stated that there is no expectation that there will be a high number of people arriving at the site by bus, as the main mode of public transport is expected to be via Newbury Racecourse rail station. The applicant has also stated that they are negotiating with Great Western Rail (GWR) to explore whether all trains can stop at the Newbury Racecourse rail station whilst the Carnival is operational, which would mirror the same arrangement as racedays. If GWR fail to agree to this, the applicant will provide a shuttle bus service to and from the town centre and rail station whilst the Carnival is operational.
- 6.47 During the period of the Carnival event there are four racedays. Two of these events may attract significant attendance. It is proposed that on these days the Carnival will not be open to visitors and will become a ticketed part of the raceday removing any chance of arrival and departure conflict. On the other two days the Carnival will not open until 2 hours after the last race when the car parks will have cleared. It is further proposed that ticketing to the various shows and events such as the ice rink, grotto etc will be largely pre-booked and will be timed throughout the day as they are limited in capacity. Officers consider that this approach will assist in spreading the footfall traffic throughout the day.
- 6.48 Following the submission of additional information, the final Highway consultation comments were not made available at the time of writing this report. The applicant has indicated that they are under time pressures to deliver the event for this year, such that a referral to the planning committee scheduled on the 01st September 2021 was considered critical for the delivery of this year's event ( if members were minded to approve). This is due to the planning required for any installation at the site. Under normal Planning Committee procedures any outstanding final comments can be included on the committee update sheet.
- 6.49 Subject to the final Highway Authority comments, it is considered that the proposed development could potentially have no material impact on highway safety. It would thus comply with policy CS13 in the WBCS.

### **Flooding and drainage**

- 6.50 Core Strategy Policy CS16 (Flooding) applies across the district and highlights the cumulative impacts of development on flooding within the district.
- 6.51 The application site is within the Environment Agency Flood Zone 1. A Flood Risk Assessment would normally be required if the proposal is larger than 1 hectare and

affected by other sources of flooding. However, a Flood Risk Assessment is not required in this case due to the temporary nature of this application.

- 6.52 For these reasons the proposal would not have an adverse impact on flood risk and would fail to comply with the provisions of the NPPF, Core Strategy Policy CS16 and Sustainable Drainage SPD (2017).

### **Biodiversity**

- 6.53 Core Strategy Policy CS17 (Biodiversity and geodiversity) states that, in order to conserve and enhance the environmental capacity of the District, all new development should maximise opportunities to achieve net gains in biodiversity and geodiversity in accordance with the Berkshire Biodiversity Action Plan and the Berkshire Local Geodiversity Action Plan.
- 6.54 The Natural Environment and Rural Communities Act 2006 and Article 10 of the Habitats Directive stresses the importance of natural networks of linked corridors to allow movement of species between suitable habitats, and promote the expansion of biodiversity networks.
- 6.55 The Racecourse is immediately adjacent to a local-designated Local Wildlife Site and Biodiversity Opportunity Areas. Although it is a temporary development, it is also a material consideration to assess whether the proposal will have a significant adverse impact on the wildlife and biodiversity of the surrounding areas during.
- 6.56 The applicant submitted a preliminary ecological appraisal which recommended that the application site comprises solely of managed amenity grassland forming part of the existing racecourse and part of the former golf course. This area is judged to be limited value in ecological terms. Surrounding areas comprise further amenity grassland and occasional hedgerows and drainage ditches associated with the racecourse and a golf course.
- 6.57 The proposals would result in the temporary siting of built structures and car parking within the areas of amenity grassland. Therefore, the amenity grassland would not be subject to any losses.
- 6.58 Sufficient information is provided to demonstrate the temporary proposal would not have an adverse impact on biodiversity/ecology. The proposed development is considered to comply with the Conservation Regulations 2010, Wildlife and Countryside Act 1981, Natural Environment and Rural Communities Act 2006, NPPF and Policy CS 17 of the West Berkshire Core Strategy 2012.

### **Representations**

#### **Statement of Community engagement**

- 6.59 The applicant has submitted that due to the limitations and restrictions during the Covid-19 pandemic, it was not possible to hold a full public exhibition, however an online website-based consultation event was held between 15th February 2021 and 8th March 2021. A letter notifying residents of the consultation event was hand delivered to all properties at the Newbury Racecourse itself and to the residents at Teeton Mill Place and some of the properties on Mandarin Drive. Local ward members and both Newbury Town Council and Greenham Parish Council were notified of the consultation.

- 6.60 Although the consultation has closed, the applicant indicates that the website remains available to view at [www.newburychristmascarnival.com](http://www.newburychristmascarnival.com)
- 6.61 Greenham Parish Council raised an objection based on the duration of the event, hours of operation compared to the race days, volume of traffic, potential for anti-social behaviour, noise and light pollution impacts, harm to residents' amenity and impact on residents' health and wellbeing.
- 6.62 Members of the public have provided written representations in support and also objecting to the proposal. The planning points raised have been acknowledged and considered in relevant sections of this report. The case officer has taken all these representations carefully into account in arriving at his recommendation.

## 7. Planning Balance and Conclusion

- 7.1 Planning applications must result in sustainable development with consideration being given to the economic, social and environmental sustainability aspects of the proposal. Officers consider that the proposal will make a contribution to the wider economic dimensions of sustainable development and will support provision of a community cultural and leisure event. There are benefits arising from the development, including provision for community and leisure facilities. With regard to the environmental role of fundamentally contributing to protecting and enhancing our natural, built and historic environment, the impact on the character and appearance of the surrounding area, flooding risk and biodiversity protection have been assessed as outlined in this report. Officers consider that the proposal makes a significant contribution to the wider social dimensions of sustainable development through the provision of a community leisure event. The social impact in terms of residential amenity has been fully considered using expert advice. There are also sufficient safeguards through Public Protection (Environmental Health) legislation outside of planning to ensure the event is within acceptable limits.
- 7.2 Having taken account of all the relevant development plan policy considerations and the other material considerations referred to in this report and the expert consultation advice provided, officers consider that the development proposed is acceptable and is recommended to Members for approval on a temporary 1 year permission.
- 7.3 This decision has been considered using the relevant policies related to the proposal as outlined in the report.

## 8. Full Recommendation

- 8.1 **DELEGATE** to the Head of Development and Planning to **GRANT PLANNING PERMISSION** subject to the schedule of conditions (Section 8.2).

### 8.2 Schedule of Conditions

1.	<b>Temporary permission (restoration)</b>
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	<p>The use hereby permitted shall be for a limited period being the period of 1 year from the date of this decision. The use hereby permitted shall be discontinued and all structures, materials and equipment brought on to the land in connection with the use, shall be removed and the land restored to its former condition on or before 02 September 2022 in accordance with a scheme of work that shall first have been submitted to and approved in writing by the local planning authority.</p> <p>Reason: The application has been assessed in relation to it being a temporary permission. Planning permission would not normally be granted for the proposed development in this location, however regard has been paid to the temporary nature of the development and to allow time for noise measurements to be taken of the event and to review any future events of this kind. This condition is imposed in accordance with the National Planning Policy Framework, Policies CS 14 and CS 19 of the West Berkshire Core Strategy (2006-2026) and Policies OVS5 and OVS6 of the West Berkshire District Local Plan (1991-2006) Saved Policies 2007.</p>
2.	<p><b>Approved plans</b></p> <p>The development hereby permitted shall be carried out in accordance with the approved documents and drawings listed below:</p> <p>Received on 16 April 2021</p> <ul style="list-style-type: none"> <li>• Transport Statement</li> <li>• Statement of Community Engagement</li> <li>• Servicing &amp; Delivery Plan</li> <li>• Planning Statement</li> <li>• Operations Management Plan</li> <li>• Noise Assessment &amp; Noise Management Plan</li> <li>• Luminescence Plan</li> <li>• Lighting Impact Report</li> <li>• Design &amp; Access Statement</li> <li>• Proposed Big Wheel &amp; Starflyer Elevations</li> <li>• Proposed Big Top Circus Elevation &amp; Floor Plan</li> <li>• Indicative Layout</li> <li>• Levelling Plan</li> <li>• Site Sections</li> <li>• Ecological Information Note</li> </ul> <p>Received on 23 June 2021</p> <ul style="list-style-type: none"> <li>• Applicant response ref: additional noise information</li> </ul> <p>Received on 13 July 2021</p> <ul style="list-style-type: none"> <li>• Car parking to serve the proposal</li> </ul> <p>Received on 05 August 2021</p> <ul style="list-style-type: none"> <li>• Generator noise assessment</li> <li>• Generator Noise Barrier details - Echo Barrier</li> <li>• Applicant - generator noise assessment cover email</li> </ul> <p>Received on 06 August 2021</p>

	<ul style="list-style-type: none"> <li>Applicant response to Highways – Highways Technical note</li> </ul> <p>Reason: For the avoidance of doubt and in the interest of proper planning</p>
3	<p><b>Protection from external noise</b></p> <p>The development hereby permitted shall proceed in accordance with the noise management plan and monitoring arrangements within the Noise Assessment &amp; Noise Management Plan by Vanguardia Ltd received on 16 April 2021; the Generator noise assessment and Generator Noise Barrier details - Echo Barrier by Vanguardia Ltd received on 05 August 2021.</p> <ol style="list-style-type: none"> <li>The applicant shall allow a 22dBA attenuation of external sound levels by closed windows to nearest residential properties during the event.</li> <li>The approved noise assessments, mitigations and monitoring shall be implemented and adhered to in full throughout the event.</li> <li>The applicant shall inform West Berkshire Public Protection (Environmental Health Officers) and the Local Planning Authority in writing of any and all exceedances of the predicted noise levels as soon as they are discovered and of any and all times when the noise levels are calculated result in higher indoor noise levels than those detailed in BS8233:2014.</li> <li>Within 3 months of the last day of the event having taken place, the applicant shall submit to the Local Planning Authority, a noise monitoring report outlining the findings of the noise measurements and monitoring exercise during the event.</li> </ol> <p>Reason: To protect future occupiers of the development from excessive noise levels from the noise generated by the event and to ensure a good standard of residential amenity and to ensure the on-going management of noise from the permitted activities and there is no result in undue levels of noise and disturbance to the occupiers of neighbouring residential properties. This condition is applied in accordance with the National Planning Policy Framework, Policies ADPP1, ADPP2, CS14 and CS19 of the West Berkshire Core Strategy (2006-2026), Supplementary Planning Document Quality Design (June 2006) and Policies OVS5 and OVS6 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).</p>
4	<p><b>Protection from external lighting</b></p> <p>The development hereby permitted shall proceed in accordance with the Light Impact Report by Neil Johnson Consultants received on 16 April 2021 and the Luminescence Plan received on 16 April 2021.</p> <p>Reason: To protect future occupiers of the development from excessive light pollution from the event to ensure a good standard of residential amenity and to ensure the on-going management of lighting from the permitted activities and there is no result in undue levels of light pollution to the occupiers of neighbouring residential properties. This condition is applied in accordance with the National Planning Policy Framework, Policies ADPP1, ADPP2, CS14 and CS19 of the West Berkshire Core Strategy (2006-2026), Supplementary Planning Document Quality Design (June 2006) and Policies OVS5 and OVS6 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).</p>
5	<p><b>Hours of operation</b></p>

	<p>The use of the development hereby permitted is restricted to the following hours of operation:</p> <ul style="list-style-type: none"> <li>• Monday to Wednesday: 12:00 - 21:00</li> <li>• Thursday: 12:00 – 22:00</li> <li>• Fridays – Saturdays: 10:00 – 22:00</li> <li>• Sundays: 10:00 – 21:00</li> <li>• The times apply regardless of bank holidays</li> </ul> <p>After the four race days that are scheduled during the event period, the Carnival would be open from: 16:00 – 22:00.</p> <p>Reason: To ensure the on-going management of noise from the permitted activities within the site do not result in undue levels of noise and disturbance to the occupiers of neighbouring residential properties. This condition is applied in accordance with the National Planning Policy Framework, Policies ADPP1, ADPP2, CS14 and CS19 of the West Berkshire Core Strategy (2006-2026), Supplementary Planning Document Quality Design (June 2006) and Policies OVS5 and OVS6 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).</p>
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### ***Informatives***

1.	<p><b>Approach of the LPA</b></p> <p>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 worked proactively with the applicant to secure and accept what is considered to be a development which improves the economic, social and environmental conditions of the area.</p>
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