

# Notice of Meeting

---



Scan here to access the public documents for this meeting

## Western Area Planning Committee Wednesday 17 March 2021 at 6.30pm Written Submissions

**This meeting will be held in a virtual format in accordance with The Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panels Meetings) (England and Wales) Regulations 2020 (“the Regulations”).**

### Members Interests

Note: If you consider you may have an interest in any Planning Application included on this agenda then please seek early advice from the appropriate officers.

### Further information for members of the public

Plans and photographs relating to the Planning Applications to be considered at the meeting can be viewed by clicking on the link on the front page of the relevant report.

For further information about this Agenda, or to inspect any background documents referred to in Part I reports, please contact the Planning Team on (01635) 519148  
Email: [planningcommittee@westberks.gov.uk](mailto:planningcommittee@westberks.gov.uk)

Further information, Planning Applications and Minutes are also available on the Council's website at [www.westberks.gov.uk](http://www.westberks.gov.uk)

Any queries relating to the Committee should be directed to Jenny Legge on (01635) 503043 Email: [jenny.legge@westberks.gov.uk](mailto:jenny.legge@westberks.gov.uk)

Date of despatch of Agenda: Tuesday, 9 March 2021



**Agenda - Western Area Planning Committee to be held on Wednesday, 17 March 2021**  
(continued)

**To:** Councillors Adrian Abbs, Phil Barnett, Dennis Benneyworth, Jeff Cant, Hilary Cole, Carlyne Culver, Clive Hooker (Chairman), Tony Vickers (Vice-Chairman) and Howard Woollaston

**Substitutes:** Councillors Jeff Beck, James Cole, David Marsh, Steve Masters, Erik Pattenden, Garth Simpson and Martha Vickers

---

# Agenda

## Part I

Page No.

- (1) **Application No. and Parish: 21/00114/COND1, Land Off Faraday Road and Kelvin Road, Newbury** 7 - 10
- Proposal:** Approval of Details reserved by Condition 5 (Phasing Programme of Works) of Approved Application 19/00891/OUTMAJ - Section 73: of Condition 6 - Phasing of previously approved application 18/01553/OUTMAJ: Section 73: Variation of conditions to allow for the development to be phased as detailed in submitted schedule of appeal reference APP/W0340/W/14/3002040. (12/00772/XOUTMA).
- Location:** Land Off Faraday Road and Kelvin Road, Newbury.
- Applicant:** Faraday Development Ltd.
- Recommendation:** To delegate to the Head of Development and Planning to GRANT APPROVAL OF THE SUBMITTED DETAILS subject to conditions.
- (2) **Application No. and Parish: 20/02039/FUL, Land West Of Pumping Station, Enborne Row, Wash Water, Enborne** 11 - 16
- Proposal:** Construction of stabling and hard standing. Change of use of agricultural to a mixed agricultural/equestrian use. Soft landscaping scheme.
- Location:** Land West Of Pumping Station, Enborne Row, Wash Water, Enborne.
- Applicant:** Charles Doherty.
- Recommendation:** To delegate to the Head of Development and Planning to GRANT PLANNING PERMISSION subject to conditions.



**Agenda - Western Area Planning Committee to be held on Wednesday, 17 March 2021**  
(continued)

- (3) **Application No. and Parish: 18/03340/COMIND, Newbury Racecourse, Racecourse Road, Greenham** 17 - 20  
**Proposal:** Permanent use of hostel (Use Class Sui Generis) as a hotel (Use Class C1).  
**Location:** Newbury Racecourse, Racecourse Road.  
**Applicant:** Newbury Racecourse.  
**Recommendation:** The Head of Development & Planning be authorised to GRANT conditional planning permission subject to completion of a Section 106 legal agreement.
- (4) **Application No. and Parish: 19/00225/COMIND, The Lodge at Newbury Racecourse, Racecourse Road, Greenham** 21 - 24  
**Proposal:** Erection of a three storey extension to the front elevation of The Lodge to provide additional rooms.  
**Location:** The Lodge at Newbury Racecourse, Racecourse Road.  
**Applicant:** Newbury Racecourse.  
**Recommendation:** The Head of Development & Planning be authorised to GRANT conditional planning permission subject to completion of a Section 106 legal agreement.

**Background Papers**

- (a) The West Berkshire Core Strategy 2006-2026.
- (b) The West Berkshire District Local Plan (Saved Policies September 2007), the Replacement Minerals Local Plan for Berkshire, the Waste Local Plan for Berkshire and relevant Supplementary Planning Guidance and Documents.
- (c) Any previous planning applications for the site, together with correspondence and report(s) on those applications.
- (d) The case file for the current application comprising plans, application forms, correspondence and case officer's notes.
- (e) The Human Rights Act.

Sarah Clarke  
Service Director (Strategy and Governance)

If you require this information in a different format or translation, please contact Moira Fraser on telephone (01635) 519045.



This page is intentionally left blank

## Western Area Planning Committee

### 17<sup>th</sup> March 2021

### Written Submissions

<b>Item:</b>	(1)
<b>Application Number:</b>	21/00114/COND1
<b>Location:</b>	Land Off Faraday and Kelvin Road, Newbury
<b>Proposal:</b>	Approval of Details reserved by Condition 5 (Phasing Programme of Works) of Approved Application 19/00891/OUTMAJ - Section 73: of Condition 6 - Phasing of previously approved application 18/01553/OUTMAJ: Section 73: Variation of conditions to allow for the development to be phased as detailed in submitted schedule of appeal reference APP/W0340/W/14/3002040. (12/00772/XOUTMA).
<b>Applicant:</b>	Faraday Development Limited

#### Submissions received

Newbury Town Council	None
Adjoining Parish Council	N/A
Objectors	Arnold Ward on behalf of Alan Pearce
Supporters	None
Applicant/ Agent	None

This page is intentionally left blank

**WBC Planning Committee Written Statement - March 17 2021 - 21/00114/COND1**

Your Planning Officers Report to Committee on this evening's determination to discharge conditions attached to an extant permission is incorrect in asserting that the Appeal Inspectors dismissal of the Newspaper House Appeal is not relevant. The Inspector found that the sequential test in that case relied on the of the LREI's potential regeneration, but noted that a Masterplan is essential. This will have entailed Environmental Impact Assessment and the design of a sustainable drainage system for the LRIE a whole. The impact of flooding was the Appeal Inspectors primary consideration.

The extant permission has a remarkably tangled and murky planning history, rendering any understanding of the reasoning underlying WBCs determinations or indeed the development being approved at each stage very difficult. The Officers reasoning underlying these determinations could be interpreted as being deliberately obscure.

The current application is the sixth in a sequence of applications modifying, varying or amending the terms of the 2016 Appeal Decision. Officers reports fail to explain the reasons underlying determinations or are absent from the relevant WBC Webpages, as is the 2012 Flood Risk Assessment relied upon in the conditions attached to the Appeal Decision and subsequent permissions.

This is contrary to the Governments 2019 guidance "Probity in Planning" which requires that decisions on planning applications are undertaken in a fair, impartial and transparent way. The Courts have also found that local planning authorities should take extra care when determining applications involving development on their own land.

The phasing of the sites development is not mentioned in the 2016 Appeal Decision Letter or its schedule of conditions nor is a phasing schedule published on the relevant WBC Webpage. Condition 11 does, however, require that the development be implemented in accordance with the 2012

FRA, limiting the surface water run-off generated by the 1:100 year critical storm event to the greenfield run-off from the undeveloped site and not increase the risk of flooding off-site, to accord with the Environment Agency's specification.

Further to the 2018 determination authorising the phased development of the site a new condition 12 was inserted now requiring that the sustainable drainage system be authorised for each phase individually, despite no new Flood Risk Assessment demonstrating that this is either feasible or desirable. Adequate space is generally essential to a sustainable drainage systems ability to attenuate flood waters. Proof that WBC can exercise its flood risk control risk management function subject to the Flood and Water Management Act 2010 for the phased development has not been produced. Moreover, in the absence of a sustainable drainage system, the use of other peoples land for flood water storage is contrary to common law and cases of actual flooding can give rise to liability in the torts of negligence and/or nuisance. On the basis of the foregoing I respectfully request that this application be refused.

I thank you for your time.

ARNOLD WARD



## Western Area Planning Committee

### 17th March 2021

### Written Submissions

<b>Item:</b>	(2)
<b>Application Number:</b>	20/02039/FUL
<b>Location:</b>	Land West Of Pumping Station, Enborne Row, Wash Water, Newbury
<b>Proposal:</b>	Construction of stabling and hard standing. Change of use of agricultural to a mixed agricultural/equestrian use. Soft landscaping scheme.
<b>Applicant:</b>	Charles Doherty

#### Submissions received

Enborne Parish Council	None
Adjoining Authority – Basingstoke and Deane	None
Objectors	Richard Coward
Supporters	None
Applicant/ Agent	David Wood

This page is intentionally left blank

**Development and Planning Service**

Council Offices  
Market Street  
Newbury  
Berkshire RG14 5LD

16<sup>th</sup> March 2021

Dear Sirs,

I wish to object to planning application 20-02039-FUL

The Parish of Enborne is situated on the southwest flank of the Newbury urban area. It is a largely rural area and its residents wish to maintain this characteristic despite the constant pressure to expand the Newbury conurbation across our Parish.

A stable block for horses sounds like an improvement on the present unmaintained/tip like state of the land in question. However, as a number of local residents have pointed out in letters to planners there are issues which should not be ignored and the committee should be particularly aware of the potential for “planning creep”.

This land was promoted for a change of land use to residential and mixed use with potential for up to 10 houses as part of the ongoing HELAA process.

Change of land use to equestrian means the site automatically becomes brownfield. Planning rules for brownfield sites are significantly different and make permission to develop easier to obtain.

The proposed “horse pasture” is part of a larger parcel of land. There is another ~1.5 acres. Currently, the only access to the adjacent parcel of land is via the “horse pasture”. This other parcel of land was advertised for sale by an estate agent even during this planning application. They state:

- The site does not currently have planning permission however it does have plenty of latent potential.
- Situated to the West of the A34 the site could form part of a larger site for housing development.

What larger site is this advert alluding to?

The stable block proposed will consist of two stables for 2 ponies together with a tack room, feed store and two parking spaces all within 0.37 hectares (0.91 acres). DEFRA guidelines state that each horse needs 0.4 hectares. We continue to have concerns about animal welfare and the safety of child riders using Enborne Row. :

The entrance to this site cannot be seen by traffic approaching from the east until virtually upon the entrance. We submit two photographs for comparison with the street view photograph in the committee report. These were taken on the 10th March 2021 when the verges and hedges have been trimmed. One was taken from a similar position as the street view photo. The other from 15 yards further back. They were taken from the middle of the nearside lane not from the offside lane.

The road is straight hence many cars are travelling at 60mph or often greater speeds. Drivers will not see a horse and rider stepping out until the last second, forcing drivers to break sharply or even swerve into the oncoming lane. You cannot access a quieter road or byway without travelling 200m along this busy road.

Yours faithfully

Richard Coward



For the attention of the Chairman of the Planning Committee.

Re:Virtual meeting - Wednesday 17th March 2021.

Dear Sir/Madam.

The above application comes before the Planning Committee with an Officer recommendation for approval for a small stable block to house the applicant's daughters two small ponies, with a small but important amount of landscaping, together with a change of use of the land from agricultural to a mixed agricultural/equestrian use.

The proposed stabling is amply illustrated and described in the submitted plans being of prefabricated timber construction typical in design and use of materials as of many thousands of similar stabling blocks, particularly in West Berkshire.

The siting for the stables has been purposely chosen to reduce the visual impact in this rural area being set to the rear and South East corner of the site against the tree screen, to the South, bordering the River Enbourne and which is approached by an existing hard surfaced access road.

Concern has been expressed relating to the amount of grazing land available for the two small ponies the details of which have been considered and explained in the letters from a local Agricultural/Equestrian Consultancy.

The ponies will not rely upon permanent grazing for their maintenance and will be provided with hay and concentrates, both in the stables and outdoor feeding stations when ground conditions are suitable.

Two young girls will be anxiously waiting for the outcome of this application and the provision of stabling for their two ponies which form an important part of their daily lives.

Kind regards,

David J. Wood. NDA(Dip.Est.Mgt.) MBSD.

This page is intentionally left blank

## Western Area Planning Committee

17<sup>th</sup> March 2021

### Written Submissions

<b>Item:</b>	(3)
<b>Application Number:</b>	18/03340/COMIND
<b>Location:</b>	Newbury Racecourse, Racecourse Road, Newbury
<b>Proposal:</b>	Permanent use of hostel (Use Class Sui Generis) as a hotel (Use Class C1)
<b>Applicant:</b>	Newbury Racecourse

#### Submissions received

Greenham Parish Council	None
Adjoining Parish Council - Newbury Town Council	N/A
Objectors	Raymond Beard
Supporters	None
Applicant/ Agent	None

This page is intentionally left blank



This proposal to vary the originally accepted terms of the required s.106 agreement is an unfair process. The application conditionally approved on 3 July 2019 was a stand-alone, with its site confined to the Lodge and Car Park 2. There has been no planning application to vary the outline permission 14/03109/OUTMAJ for the substantial redevelopment at the racecourse site, which reaffirmed permission 09/00971/OUTMAJ, the details for that hotel also having been approved under permission 11/01505/RESMAJ.

Those permissions unequivocally required the hotel to be built between the Grandstand and the Central Area apartments.

It is inappropriate that a s.106 agreement attached to this application should be used to alter the terms and effect of those earlier permissions and to state that up to 123 hotel bedrooms can be provided anywhere on the racecourse site, which site extends beyond the racecourse to all the residential development areas.

There has been no open and fair process about there being more than one hotel within the racecourse site. The submitted application was coupled with a written assurance that reliance on the earlier permissions for a hotel would be relinquished. At the meeting on 3 July 2019 the CEO stated that the originally planned hotel would have required an investment of £20 million and, instead, they had chosen to invest in the racing infrastructure of the site, rather than gamble on a hotel enterprise. He said the proposal for The Lodge was an effective way of providing a hotel.

The consequence of the proposed revised s.106 agreement would be to avoid the need for a full sequential assessment for another hotel on the racecourse site.

It is not reasonable for the applicants, tasked in 2019 with formalising within 3 months the terms of the required s.106 agreement not to build the 123-bedroom hotel, to abandon that task and instead seek substantially different terms 20 months later.

It is not for officers to assert that the condition imposed with the outline permission, that the redevelopment be in accord with the approved site-wide phasing scheme, that is, before the residential Central and Eastern Areas, was for limited purposes. Further, to grant under delegated powers permission 21/00348/NONMAT on 5 March 2021, ahead of this contested application, unfairly removes any consideration of the importance of that unamended condition and the failure to comply with it.

The direct consequence of permission 21/00348/NONMAT is that permission to build up to 123 bedrooms for hotel use within the whole development site is retained with absolutely no phasing requirements or time constraints.

Proposed condition 4 is akin to a licensing matter more appropriate to the terms of the racecourse's entertainment licence. Also, to permit The Lodge's closure for 'private functions' indicates a use inconsistent with a full-time hotel. Newbury Racecourse's 'Heart Space' already fully services private and other functions; there is no need for The Lodge to be another such venue.

Raymond Beard

This page is intentionally left blank

## Western Area Planning Committee

### 17<sup>th</sup> March 2021

### Written Submissions

<b>Item:</b>	(4)
<b>Application Number:</b>	19/00225/COMIND
<b>Location:</b>	Newbury Racecourse, Racecourse Road, Newbury
<b>Proposal:</b>	Erection of a three storey extension to the front elevation of The Lodge to provide additional rooms.
<b>Applicant:</b>	Newbury Racecourse

#### Submissions received

Greenham Parish Council	None
Adjoining Parish Council - Newbury Town Council	N/A
Objectors	Raymond Beard
Supporters	None
Applicant/ Agent	None

This page is intentionally left blank

Once the Lodge is extended to 76 bedrooms, there are no properly assessed planning grounds to retain the right to a 123-bed hotel or any other hotel at the racecourse site. It makes no sense to build on the site of the presently permitted hotel between the Grandstand and the Central Area apartments, or anywhere else, another hotel with only up to 47 bedrooms, unless its purpose is also to be a public house and restaurant utilising the current premises licence. In any event, such a second hotel has never been envisaged.

It would be ridiculous, still to build the 123-bedroom hotel between the Grandstand and the Central Area apartments, and leave the extended Lodge as a redundant building with no sensible alternative purpose. A 76-bedroom hotel building could never revert back to being just a racing-related hostel.

The justified suspicion is that this application, if successful, is a precursor to another application, at any time in the future, to further enlarge the Lodge, taking up much, if not all, of the retained permission for up to 123 bedrooms. If so, that permission and the proposed s.106 agreement would have the effect of avoiding the need to justify more hotel accommodation on this site. Even if you are assured that will not happen, there are no binding guarantees under the terms the officer recommends.

The history of The Lodge gives support for that happening. From the outset The Lodge was only to be a hostel, as confirmed when in 2014 permission to vary its design was granted. Next, as soon as it was built, there followed the temporary 3-year planning consent for hotel use on non-racedays, when you were told by the CEO that they had not secured the finances to proceed with the construction of the permitted 123-bedroom hotel. That temporary use was continuing when the current two applications were made, both with the unequivocal commitment to abandon the 123-bedroom hotel, which was repeated at your July 2019 meeting. Now yet another change of intention is before you.

While the officer requires certain concerns of residents to be disregarded for planning purposes, it is a legitimate planning consideration that residents of the new housing on the racecourse site should be entitled to expect the development scheme to proceed as it was envisaged and permitted, particularly as it still ongoing, and that the commercial interests of the Newbury Racecourse should not be the determining factor for any major changes that may adversely affect residents' lives.

Further, the outcome of this application, if approved, is that your committee will have deprived itself at any time in the future for insisting on a full planning process to support the need for more hotel accommodation anywhere on the racecourse site. With Newbury Racecourse having elected not to build the permitted 123-bedroom hotel, that would be an unfair fetter on future decision-making and manifestly unjust to affected residents opposed to such a scheme.

Raymond Beard

This page is intentionally left blank