

Note: These minutes have been approved. Please see minutes of 13/10/2021 for any amendments.

## **WESTERN AREA PLANNING COMMITTEE**

### **MINUTES OF THE MEETING HELD ON WEDNESDAY, 1 SEPTEMBER 2021**

**Councillors Present:** Adrian Abbs, Phil Barnett, Jeff Beck (Substitute) (In place of Dennis Benneyworth), Jeff Cant, Hilary Cole, Carolyne Culver, Lynne Doherty, Clive Hooker, Tony Vickers (Vice-Chairman) and Howard Woollaston

**Also Present:** Sharon Armour (Solicitor), Paul Goddard (Team Leader - Highways Development Control), Jack Karimi (Democratic Services Officer), Cheyanne Kirby (Planning Officer), Masie Masiwa (Planning Officer), Shiraz Sheikh (Principal Solicitor), Simon Till (Senior Planning Officer) and Steven Wilson (Senior Environmental Health Officer)

**Apologies for inability to attend the meeting:** Councillor Dennis Benneyworth

#### **PART I**

##### **14. Minutes**

The Minutes of the previous meeting were not available to review.

##### **15. Declarations of Interest**

Councillors Adrian Abbs, Phil Barnett, Jeff Beck and Tony Vickers declared an interest in Agenda Item 4(1), but reported that, as their interest was a personal or an other registrable interest, but not a disclosable pecuniary interest, they determined to remain to take part in the debate and vote on the matter.

##### **16. Schedule of Planning Applications**

###### **(1) Application No. and Parish: 21/01079/COMIND, Newbury Racecourse, Racecourse Road, Newbury, Greenham**

*(Councillor Adrian Abbs declared a personal interest in Agenda Item 4(1) by virtue of the fact that he was a Member of the Highways and Planning Committee of Greenham Parish Council. He had been present when the application was discussed, but would consider the application afresh. He also declared that he was the Parish Council's liaison with the Racecourse Residents' Committee and lived within a mile of the site. As his interest was personal and not prejudicial or a disclosable pecuniary interest, he determined to remain to take part in the debate and vote on the matter.)*

*(Councillors Phil Barnett and Tony Vickers declared a personal interest in Agenda Item 4(1) by virtue of the fact that they were Members of the Highways and Planning Committees of both Greenham Parish and Newbury Town Councils. They had been present when the application was discussed, but would consider the application afresh. As their interest was personal and not prejudicial or a disclosable pecuniary interest, they determined to remain to take part in the debate and vote on the matter.)*

*(Councillor Jeff Beck declared a personal interest in Agenda Item 4(1) by virtue of the fact that he was a Member of the Highways and Planning Committee of Newbury Town Council. He had been present when the application was discussed, but would consider the application afresh. As his interest was personal and not prejudicial or a disclosable*

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*pecuniary interest, he determined to remain to take part in the debate and vote on the matter.)*

*(Councillor Phil Barnett declared that he had been lobbied on Agenda Item 4(1))*

1. The Committee considered a report (Agenda Item 4(1)) concerning Planning Application 21/01079/COMIND in respect of Newbury Racecourse, Racecourse Road, Newbury for a Temporary 1 year permission: Great Newbury Christmas Carnival (with attractions including market stalls, big-top, fairground rides, Christmas tree maze, ice-rink, Santa's grotto). Associated cut and fill works were also proposal to level the centre of the Racecourse.
2. Mrs Masie Masiwa, Senior Planning Officer, introduced the report to Members, which took account of all the relevant policy considerations and other material planning considerations. In conclusion the report detailed that the proposal was acceptable in planning terms and officers recommended that the Head of Development and Planning be authorised to grant planning permission, subject to the conditions outlined in the main and update reports.
3. The Chairman asked Mr Paul Goddard, Team Leader (Highways Development Control), if he had any observations relating to the application. Mr Goddard noted that the site was used to accommodate large events and the average attendance for race days was around 7,400 visitors, with the largest events attracting up to 23,000 visitors. This proposal would attract an average of 6,500 visitors per day. On weekdays, there would be 3,000–4,000 visitors, with peak arrivals in the early evening. At weekends, visitor numbers were expected to be two or three times higher, with peak arrivals in the middle of the day, but numbers would be less than for existing race meetings. A car parking survey had been undertaken during the race meeting and a subsequent Olly Murs concert in August 2017, when there had been 10 percent spare car parking capacity on site. Mr Goddard indicated that Highways Officers were confident that existing highway infrastructure could accommodate the proposal. He highlighted a concern that the public were being diverted to Car Park 1 in the centre of the racecourse, which would increase traffic via Stroud Green, rather than using the signed route via Hambridge Road and the new rail bridge. As a result, Highways Officers had objected to the proposal. However, he highlighted the proposed condition on page five of the Update Report: *'Irrespective of the indication in the submitted documents and plans, the use hereby permitted shall not commence until details of parking provision, direction of all traffic accessing the event and traffic management are submitted'*. Mr Goddard suggested that this would ensure that traffic accessed the site via the bridge from Hambridge Road, so he was content to withdraw the objection. He thanked Planning colleagues for accommodating Highway Officers' concerns.
4. In accordance with the Council's Constitution, Mr Billy Drummond (Newbury Town Council), Ms Sarah Woolmer, Mr John Moore, Dr Tom Nisbet, Michael Suppo and Caron Brand (objectors), and Mr Julian Thick (applicant) addressed the Committee on this application.

### **Parish/Town Council Representation**

5. Mr Drummond in addressing the Committee raised the following points:
  - Although Newbury Town Council did not oppose the application, this was subject to a review of the first year of operation.
  - The fact that the application was for a single year, rather than five years as originally proposed, was welcomed.

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- Newbury Town Council had had to formally request to be consulted on this application by West Berkshire Council, which was concerning.
- The Town Council had concerns about a number of issues. There would be issues with noise coming from the site, including from the rides and screaming from people on the rides, especially when the weather was cold and still. There would also be noise from the big top tent.
- There were many more local residents who had objected to the application than those who had supported it.

### **Member Questions to the Parish/Town Council**

6. Mr Drummond lost his connection to the meeting, so members were unable to ask any questions of clarification.

### **Objectors Representation**

7. Ms Sarah Woolmer in addressing the Committee raised the following points:
  - There was concern from all who overlooked the racecourse, and there were strong objections to the Winter Carnival on the following grounds:
    - a. Sale of alcohol.
    - b. Smells from the food stalls, with associated litter, which would attract vermin.
    - c. Distress to wildlife.
    - d. Traffic and ensuring that the barriers on Racecourse Road remained down for the duration of the carnival.
    - e. Noise and light pollution - objectors wished to see details of noise surveys including locations and frequency and how this would be enforced during the carnival.
    - f. The Carnival would change the ambience of the racecourse, which residents enjoyed.
  - She urged the committee to take account of resident's views, who would be negatively affected by the proposal and the mental stress therefrom.
8. Mr John Moore in addressing the Committee raised the following points:
  - His main objections were in relation to light and sound.
  - He suggested that some of the proposed cross-sections were not to scale.
  - The photographs in Mr Masiwa's presentation were taken from the car park and were focused on Mandarin Drive, which was bordered by trees that would act as a sound barrier.
  - Challow House would be closest to the event site.
  - He also had concerns about the side-road, which would be used before and after each event, and was 25m from Mr Moore's balcony on the 4<sup>th</sup> floor. This was unacceptable.
  - Other events and concerts were single events, but the Carnival would go on for weeks, including work to level the site.
  - Large fairground rides would require piling for the foundations.
9. Dr Tom Nisbet in addressing the Committee raised the following points:

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- The proposal and assessment were seriously flawed.
  - Cut and fill works were not temporary and would have a permanent and significant impact on flood risk and biodiversity.
  - The proposal failed to consider surface water flood risk, and Environment Agency guidance required a flood risk assessment where there was an impact in terms of surface water flooding
  - The development site was at medium risk of surface water flooding and the proposed development was likely to increase this to high risk due to the additional hardstanding, hard surfaces and ground compaction.
  - The surface water flood map showed the path of the water leading directly to the housing development, posing a significantly increased flood risk.
  - The Council had failed to follow government guidance for managing surface water flooding, leaving it open to legal challenge.
  - The levelling of the central raised mound would impact on breeding skylarks and nesting lapwings. The proposal failed to consider the ecological impact of the cut and fill works on these nationally important bird species.
  - The flawed assessment should be reconsidered.
10. Mr Michael Suppo in addressing the Committee raised the following points:
- As a new resident of the racecourse, he had not signed up for the proposed carnival.
  - There had never been a prolonged and invasive event such as the proposed carnival at the racecourse, and it was not the kind of event he had imagined to have there.
  - Mr Suppo had been directly affected by the proposal. He was selling a property in Cape Cross House overlooking the racecourse and the buyer had pulled out when they had read about the proposed carnival in the Newbury Weekly News. They did not feel that their quality of life would be good and they considered it to be a bad investment.
  - Other residents would experience similar impacts when they came to sell. There were 28 properties on the market.
11. Ms Caron Brand in addressing the Committee raised the following points:
- She lived in Challow House above Car Park 5, and was concerned about noise, fumes and pollution from cars. While acceptable for race days, this was not acceptable for three months.

### **Member Questions to the Objector**

12. Councillor Phil Barnett noted that apart from the fireworks, all other events followed on from racecourse activities, which were normally in the afternoons or early evenings. He asked what time vehicles would normally leave the site and observed that for the carnival, this would be 10pm. Dr Nisbet replied that it depended on when the event finished, but it was usually about 7pm and sometimes earlier. Ms Woolmer noted that it took at least an hour for the central car park to empty after racing, and Car Park 5 took even longer.
13. Councillor Abbs noted that the objectors had mentioned sound and invited them to expand on their concerns.

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14. Ms Woolmer indicated that there would be vibrations from the rides. She also expressed concern about noise from: piling works; generators, (which could operate all day); and trucks entering and leaving the site at night to service the site. She suggested that this would have an impact on the mental health of residents.
15. Mr Moore agreed that after a race meeting, cars mostly dissipated within an hour, but it was usual for some to be left overnight and to be picked up the next day.
16. Ms Brand stated that from her balcony she could hear car engines as well as conversations on the golf course. She noted that some residents worked shifts and others worked from home. She explained that she had regularly been in hospital due to a disability and recent cancer treatment. She did not sleep regular hours and suggested that noise from the carnival and associated lorries would negatively affect her mental health.
17. Ms Liz Turner referred to the Vanguardia noise report. This had taken readings at Frankle House as the nearest property to the proposed carnival site, but she thought Challow House and Farriers House would be closer to the generators, so the report was flawed. She highlighted the recent Colour Rush event at the racecourse. The organisers had been asked to turn the Public Address system down, but had refused. Ms Turner had made a complaint to Environmental Health, but it had taken them 23 days to respond.
18. Councillor Abbs asked Mr Suppo for statistics about the duration of events at the racecourse. Mr Suppo replied that he had lived in Newbury for 38 years and had never seen a funfair at the racecourse, and that Northcroft was used for the Michaelmas Fair. He indicated that the racecourse had only been used for races and fireworks plus ad hoc events (e.g. weddings). He felt that a funfair did not suit the venue.
19. Councillor Abbs asked Mr Suppo if he questioned the racecourse's ability to run a prolonged event such as the carnival. Mr Suppo explained that when he moved there, he had only expected to see day events at the site, and he thought that the 300 people who had properties facing the racecourse would feel the same. He suggested that the people who were supportive of the carnival would probably not be able to see or hear it. He reiterated his earlier point that a buyer had pulled out due to concerns about the carnival and suggested that the event would have wide repercussions.

### **Applicant / Agent Representation**

20. Mr Julian Thick in addressing the Committee raised the following points:
  - Diversity had always been part of the Newbury Racecourse DNA.
  - They had built and operated a successful nursery and hotel as well as a busy events business, and regularly held concerts.
  - Although they had racecourse in their name, they had always done much more.
  - The site was subject to a strategic site allocation (Policy CS2).
  - Policy CS12 sought to maintain viability as a major tourist attraction and economic driver, not just a racecourse.
  - They had invested heavily in improving the site, spending £30 million on improving the facilities in the last 7 years, which did not include the cost of the new bridge and other essential infrastructure.

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- Shareholders had not taken dividends for 15 years and the racecourse was there for the long-term.
- They wanted to do things right and be a good neighbour, but they had to be a vibrant and successful business to survive.
- They had a track record of working well in partnership with West Berkshire Council and local stakeholders to solve any issues that arose, such as resolving issues around the bollards.
- The carnival was a key plank in rebuilding the business post-Covid, which had hit them hard, as their publicly available accounts had shown. Events such as this were needed to get the company back on track.
- They had been working on the event for two and half years.
- There was a massive gap in the market within this region for a family-focused business event, and focus groups and research had shown that families would attend.
- The carnival would be a strong economic generator for Newbury, building over time to create a destination event that the area needed.
- Their latest independent research showed that 61 percent of potential visitors were very likely/fairly likely to combine their trip to the carnival with a visit to Newbury town centre. Also, 30 percent were very likely/fairly likely to stay overnight. This would be great news for the town and its struggling hospitality businesses.
- The event as set out in the planning submission fitted within the racecourse's licensing regime in terms of noise, lighting and duration.
- They had listened to feedback received and had changed the application from five years to a one year trial. They were happy to do so, since they were confident they could make it work for all stakeholders.
- They understood that noise was the primary concern and sought to provide reassurance that it would be carefully designed and controlled.
- No ride operators would be allowed to have their own sound and event partner, Underbelly, would control the site.
- The Carnival would be designed to minimise noise spread, and noise impacts would be monitored at all times.
- Underbelly would write to all residents in advance of the event, providing further details, as well as contact information to allow them to give real-time feedback.
- The event was forecast to average 6,000 people per day, which was well-below the 36,000 race day capacity, giving great confidence that they could successfully manage its impact on the local community.
- Also, the 6,000 visitors would come in several groups, thus avoiding the rush of leaving, which was a concern for residents.
- Existing, well-practiced car parking strategies would be used. There was plenty of free car parking and they knew how to use it.
- The traffic model would respect Racecourse Road's status as a no-through road, and the no parking measures that currently protected residents on race days would be repeated throughout the event.

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- They were working with GWR to arrange for more trains to call at Newbury Racecourse Station, as they did on race days, to further reduce the impact.
- Underbelly was considered to be a very strong partner. They only ran high-quality events, and this was considered to be a genuine partnership. He had visited their events in Edinburgh and London and had been wowed by what they did, including their creativity, quality of event management and attention to detail. He considered it to be a feather in the town's cap that they were so keen to be involved. They had a strong record of working with local authorities and had a strong record in being reappointed, since they cared about the communities they worked with.
- In summary: there was demand for an event such as this; it would be popular; and it would deliver substantial benefits to the racecourse and the town.
- It would be well-managed, with best-in-class operators working closely with the racecourse and the Council to deliver a successful, carefully regulated event on a site that was perfectly set up to host it, with a licence that allowed for it, and a planning designation that was supportive.
- He confirmed that there would be no piling – temporary foundations would sit above ground.
- There would not be any need for overnight servicing of the site, since there was a 10am earliest start time, which would allow servicing to be done in the morning.
- Also, there would not be mass entry and exit, because people would flow through the day.

### **Member Questions to the Applicant/Agent**

21. Councillor Carolyne Culver asked where similar events had been held previously and how close they had been to residences. Mr Charlie Wood confirmed that Underbelly had run similar events in Edinburgh and London since 2009. The nearest residences to South Bank in London were in the old County Hall building and the White House, which were 450 yards and 600 yards away respectively. For Princes Street Gardens in Edinburgh, there were flats and hotels 100 yards away on Princes Street and 50 yards away in George Street. There were no residences in the immediate vicinity of events in Trafalgar Square and Leicester Square.
22. Councillor Culver asked how long the events in London and Edinburgh lasted. Mr Wood confirmed that the South Bank event ran for 6 months and had been held each year between 2009 and 2019. They had operated in Edinburgh since 2013. The Trafalgar Square event had only been held in 2019 and the event in Leicester Square had been held annually since 2016.
23. Councillor Culver sought clarification about the duration of each event. Mr Wood confirmed that the Edinburgh events ran from mid-November to the end of the first week in January, approximately 55-56 days compared to 37 days proposed for the Newbury event.
24. Councillor Howard Woollaston sought clarification about how long the generators would operate. Mr Wood confirmed that one generator would need to run throughout the night to keep the ice-rink chilled. A smaller generator would also be required to maintain security on site. All other generators would be switched off.
25. Councillor Barnett asked for confirmation that when the racecourse apartments were first being sold, there had been a hoarding stating 'what a great place to live' and promoting it as a very nice residential area. The Chairman indicated that this was not a planning matter.

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26. Councillor Abbs asked if an alternative surface could be used for the ice-rink, which would not require a generator. Mr Wood indicated that they usually used ice-rinks.
27. Councillor Abbs asked if the generators would be placed at the edge of the development. Mr Woods confirmed that was correct. Councillor Abbs asked if they would be at points closest to the residents. Mr Wood indicated that he would have to confirm the locations, but he thought they would be placed at the furthest points from residents.
28. Ms Catherine Tyre confirmed that the generator that would operate 24/7 (Generator #3) would be as far away from residents as possible, and a noise assessment had been carried out, which confirmed that it would not have an adverse impact. Councillor Abbs noted that this was next to Generator #4 on the south side, and while this was further from residents on the racecourse, it was closer to residents to the south of the site. Ms Tyre noted that there was a band of trees between the site and the properties to the south, which would provide some acoustic screening. She indicated the acoustic assessment had shown that they would not have an impact, but if they did exceed certain thresholds then an acoustic barrier could be put in place.
29. Councillor Abbs asked about the location of the noise measurement points. Ms Tyre confirmed that this information was in the acoustic report. Councillor Abbs indicated that this showed the measurements points to be the furthest possible site from the residents to the south.
30. Councillor Abbs suggested that the big top tent would be another major noise generator and noted that it would be orientated towards people living to the west. He asked why it was not oriented towards the centre of the venue. Mr Thick explained that the big top was circular and therefore did not orient in any direction and the entrance would face the controlled noise area in the centre of the event space. As such, it would have the least potential for noise leakage.
31. Councillor Hilary Cole noted that the Council consulted a lot with residents on various projects. She asked how much consultation on the carnival had taken place with affected residents prior to submission of the planning application. She also asked if account had been taken of the fact that trees would have no leaves when the carnival was happening and so would be less effective in filtering noise.
32. Mr Thick explained that in addition to the deciduous trees, there was also a line of evergreen trees. This was there to provide effective screening from TV cameras during winter racing. Mr Thick also explained that consultation had taken place online rather than in person due to Covid. The process had started nearly two years ago when they had met with the Parish Council and residents. He believed that all views had been taken into account. Ms Tyre stated that there had been a lot of website hits in response to the consultation. They had received over 100 comments from residents and others. She indicated that there had been some objections and concerns, but overall the response was overwhelmingly positive.
33. Councillor Hilary Cole stated that she had asked specifically about consultation with affected residents and the Chairman suggested that supporters would most likely not be living within earshot of the site.
34. Ms Tyre explained that a letter drop was done to all residents on the racecourse and to the south of the site. The survey was publicised more widely in the press, but notifications only went to local residents.

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35. Mr Thick also highlighted that residents could opt into an email group to receive news about racecourse activities. This had been used to promote the consultation in addition to the letter drop.
36. The Chairman asked if any of the other events venues used by Underbelly had a soft surface that needed levelling prior to use. He noted residents' concerns about hard surfacing and drainage.
37. Mr Thick explained that the ground would be levelled and returned to turf. He stated that the racecourse needed drainage to be as good as before. He suggested that residents should not be concerned about flood impacts, since they were all outside the racetrack and they would ensure that the racetrack was in peak condition at all times. He stated that they would create a well-drained surface that would return to normal quickly.
38. Councillor Abbs noted that the Parish Council had only been consulted fairly recently. He asked when it had originally been consulted.
39. Mr Thick indicated that it may have been the three District Ward councillors who were initially consulted rather than the parish council. The Chairman noted that two of them were also parish councillors. Mr Thick also stated that consultation efforts had been curtailed by Covid, but they had talked to both Greenham Parish and Newbury Town Councils after the public consultation.
40. Councillor Culver asked how many jobs would be created for people in Newbury. Mr Thick did not have numbers, but stressed that the event was based on using local casual labour. He also noted that Underbelly had experience of using local traders.
41. Councillor Clive Hooker noted concerns expressed about the impacts on wildlife and what measures would be put in place once the carnival had gone.
42. Mr Thick explained that the centre of the racecourse was loosely maintained grassland and an ex-golf course. He indicated that it would be returned to its current state apart from being levelled. He confirmed that works would take place outside of nesting periods when birds had migrated.
43. Councillor Jeff Beck asked whether the ice-rink would be open or covered.
44. Mr Wood confirmed that it would be an open air rink.

### **Ward Member Representation**

45. Councillor Phil Barnett in addressing the Committee raised the following points:
  - Newbury Racecourse was one of the best assets in the area and Councillors should seek to help make the facility a success. However, the racecourse must operate in a way that meets the needs of the owners and users, as well as ensuring that any operation within the racecourse does not impede local residents.
  - The three Ward members had been engaged in relation to the proposed Christmas event in February 2020, prior to the Covid pandemic.
  - The original proposal covered a five year period, so a one year trial was to be welcomed.
  - The size of the event and associated hype was considerable, and it would be seen by surrounding properties on the racecourse.
  - The proposed six week period coincided with the darkest nights of the year and experience had shown how roads were lit up around Northcroft due to the Michaelmas Fair, which only lasted five days.

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- December could be still and frosty, so noise from the generators would be audible in: Stroud Green, the racecourse development, Hambridge Road, and Westwood Farm estate well into the evening.
- The proposed noise survey sites were not where noise would be heard the loudest in the surrounding areas. For example, there was a considerable climb to the top of Greenham.
- Vehicles entering and leaving the site would impact on surrounding roads. It would be preferable for vehicles to come in via the bridge with direct access to the racecourse site rather than past the properties that surrounded the racecourse, particularly those on the western side.
- People walking to and from the event may be noisier if they had been drinking and this would have an impact on the surrounding area.
- Some people may choose to park on surrounding roads rather than the official car parks. Such behaviour was noticeable during the fireworks.
- Residents were concerned about rubbish and waste, similar to that seen at other festivals.
- There was uncertainty about the number of staff who would be employed at the event, but there would be a requirement for staff to control visitors, and help clear up the site on a daily basis.
- Many racecourse residents were very apprehensive of the proposals - their quality of life must be considered and given high priority.
- The proposed event would give great enjoyment to many people, but unfortunately most would not come from the Newbury area and the event would be at the expense of local residents.

### **Member Questions to the Ward Member**

46. Councillor Jeff Cant asked Councillor Barnett if he had received any feedback about the alternative access arrangement he had proposed. Councillor Cant thought this might save a lot of stress for local residents.
47. Councillor Barnett suggested access should be via the new bridge, with a new access to the racecourse created behind the Nuffield Health Centre, away from residences around the main entrance to the west. The proposal would require an alteration to the perimeter fence, but he felt this could be easily accommodated.
48. Councillor Abbs asked if Councillor Barnett was proposing not to use any of the existing car parks, but to use a new area in the centre instead.
49. Councillor Barnett indicated that a hardstanding would be required to access the central area, but the existing car parks could still be used as proposed.
50. Councillor Abbs asked which car parks would be used.
51. Councillor Barnett indicated that the existing car parks were close to the apartments and suggested that care was required not to solve the problem at the western end only to create one in the north and east of the site.

### **Member Questions to Officers**

52. Councillor Culver asked if the carnival's impact on other events in the area had been assessed (e.g. Victoria Park). She also asked whether the decision about future carnivals would come back to Western Area Planning Committee or if it would be delegated to officers.

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53. Mr Masiwa confirmed that the proposal had not been assessed against other events, but the applicant had done their own viability assessments. He confirmed that if Members were minded to approve this application, then applications for future events would be referred to this committee in accordance with the Constitution. For this application, it had been referred because there had been more than 10 letters of objection. He indicated that noise assessments and a post-event transport assessment would be used to determine the impacts on the local area and inform considerations of any future proposals.
54. Councillor Cant asked if alternative access arrangements had been considered.
55. Mr Goddard confirmed Highways Officers had originally objected to the proposal due to concerns about traffic coming through Stroud Green. He noted that the bridge had been constructed to enable public access to the site from the east. He referred to page five of the update report, which referred to a proposed condition requiring further work to be undertaken to confirm how the public would access the site. He confirmed that Highways Officers would press for the public to access the site via the new bridge as per normal race days.
56. Councillor Cant asked why this access option had not been included as part of the early discussions with the applicant.
57. Mr Goddard indicated that Highways Officers were a little late in starting to assess the proposal due to the Sandford Public Inquiry. He stated that the plans showed the access being off Stroud Green, but the proposed condition would allow for this to be changed, with public access via Hambridge Road and the railway bridge instead.
58. Councillor Hooker expressed concern that the new entrance would be outside the application's red line and suggested that the proposal would need to come back to Committee.
59. Mr Goddard confirmed that the revised proposal would use an existing access and car parks, with Car Parks 4 and 5 being used first rather than Car Park 1.
60. The Chairman sought confirmation from Planning Officers.
61. Mr Simon Till (Team Leader – Western Area Planning) agreed with Mr Goddard's advice. He stated that the access and car parks were within the ownership and control of the applicant, and could therefore be legitimately referenced in the conditions of planning permission. He also highlighted the recommendation in the update sheet, which allowed for the matter to be resolved prior to approval, or to bring it back to Committee within two months in the event that it was not resolved.
62. Councillor Abbs asked if the noise survey sampling locations were considered to be in the right locations, if the noise plan was considered to be well thought out, and if officers were aware that generators would be running through the night.
63. Mr Steven Wilson (Environmental Health Officer) noted that there had been a lot of detailed technical information about the proposed event. He indicated that the noise measurement points in the Vanguardia report were measuring background ambient noise. He suggested that the crucial question was how noise from the event would affect residents in the nearest noise-sensitive receptors (i.e. residences to the south-west and west of the site). He confirmed that Environmental Health Officers (EHOs) would be present on the first day of operation to take measurements and move from theoretical calculations to real-world assessments. He noted that EHOs would have powers to serve notice under the Environmental Protection Act to control noise, light and smells as they saw fit. He indicated that he was not concerned about noise from the big top, since there would be small children there. He indicated that generators

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could be acoustically shielded to limit noise. [Mr Wilson's connection deteriorated and became indistinct.]

64. Councillor Abbs asked if the intention was for the event to go ahead and for EHOs to then ask for the volume to be reduced until it was acceptable. He suggested that this amounted to experimenting with a live event.
65. The Chairman sought clarification that this was the proposed approach and that Mr Wilson felt he had sufficient powers to manage the situation.
66. Mr Wilson confirmed that was correct.

### Debate

67. Councillor Hooker opened the debate. He indicated that he had attended Christmas fairs in London and while they were fun, they were also manic with bright lights, loud sounds and smells. He noted that the event would have a long duration - in place for a month, plus a week for set up and a week for it to be taken down. He indicated that he had sympathy with residents' concerns. He considered it to be a good event, but in the wrong place and did not feel that he could support it.
68. Councillor Abbs indicated that he wanted to help the town and the racecourse, but he had concerns about the approach of officers experimenting with noise from the site. He expressed surprise, given the time available, that the applicant had not come up with a more well thought out plan. He noted that the event would last 38 days and that there would be an average of 6,000 trips per day to the site. He noted that there would be additional activity associated with erecting and dismantling it. He highlighted the fact that the sound stage was oriented to face residents rather than facing the centre of the site. He also queries why a generator would be running overnight to chill an ice rink when an artificial surface could be used instead, which would be better in terms of carbon emissions and the impact on residents. He indicated that he would not be supporting the application, but hoped that the applicant would come back with a better proposal.
69. Councillor Hilary Cole noted that there were three Members present who had approved the previous application for the racecourse. She suggested that at the time, Members had not considered the type of events that had since been held at the racecourse. She indicated that she understood residents' concerns. Although they had purchased properties with the knowledge that events would be held at the racecourse in addition to racing, with some resultant disturbance, she considered this proposal a step too far. She understood that the racecourse needed to generate revenue and felt that current events were well-organised. She noted that the Council was prioritising the economic development aspect of planning post-Covid, but the racecourse had given up land for residential development, which was how it had been sold to the Council. She did not feel that racecourse management had given sufficient consideration to the effects of events on residents. She highlighted the long duration of the carnival and noted the impacts that events at Newbury Showground had on local residents. Additionally, she suggested that there should not be two sets of rules for accessing the site. The condition imposed on the original development had required all access to be via the new bridge, but this application was proposing access from Stroud Green. She expressed concern about the proposed condition relating to access and suggested that this was too significant an aspect to be delegated to officers to approve. She indicated that she was unable to support the application.

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70. Councillor Cant suggested that this type of event could be held at Newbury Showground, but noted that this would exclude access for people who did not have a car. He considered that apart from noise, vehicular access was the most critical aspect of the proposal and if other events such as car boot sales were allowed to access the site from Stroud Green that would not be attractive. He did not consider the access arrangements to have been properly thought through and he expressed concern about this being left to officers to agree with the applicant. He felt that access should be via the bridge.
71. Councillor Culver suggested that people moving to the racecourse would have known that there would be events there, but she expressed concern about the duration of the carnival and its proximity to residences, and indicated that residents would not have foreseen an event of this scale and duration. She noted that residents in London and Edinburgh would expect events of this nature. She expressed concern that officers had not assessed the likely impact of the carnival on other local events. While she acknowledged that the Council wanted to support economic activity, she suggested that this should not have a negative impact on other events.
72. Councillor Barnett stated that he had seen details of the Carnival when it had first been proposed for 2020. At that point, he had been enthusiastic, and it was not until later that he had realised how this would affect local residents in terms of noise, light and the duration of the event, and whether they would benefit from the proposal. He suggested that the main beneficiaries would be people who were not local to the area. He noted that there had been Winter Wonderland attractions elsewhere in South-East England, which had been forced to close early because they did not have sufficient visitors. He indicated that he would not be supporting the application. He stated that while he lived reasonably close to the site, it was not within a distance where he would have to formally declare an interest and he did not consider that he would be affected by light or sound.
73. Councillor Howard Woollaston indicated that he had initially been supportive of the application and what the racecourse was seeking to do. However, he shared the view of other Members that the proposal was not properly thought through. He suggested that the carnival could use a different part of the racecourse and felt that access points should be clarified. He indicated that he would not be supporting the application.
74. The Chairman stated that he had spoken to many people about the proposal. He indicated that he lived within earshot of Northcroft Park and could tolerate the Michalemas Fair for a long weekend. He noted that this was a long-standing tradition that had been in place before most people had bought houses in the area. As such, it was a different situation to that facing racecourse residents. He recognised that there was support for the carnival within West Berkshire, but he felt it was risky and he was not impressed with the way in which it had been presented. He noted that it was a sustainable site, but not a sustainable event and it would attract people from a wide area, which was not consistent with the climate emergency declaration.
75. Councillor Abbs proposed to reject Officer's recommendation and refuse planning permission for reasons of:
  - 1) The proposed development of the Christmas carnival would result in loss of amenity for residential occupants in locations surrounding the application site, to the north and south, resulting from the noise generating activities associated with the proposals, in terms of the lack of effective control of the noise and the potential for disruption resulting from the noise over a prolonged period, both in terms of hours of the day and number of days of the year during the event.

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- 2) The application was not accompanied by sufficient information in terms of determining the likely levels of noise impact associated with the event and the requirements of any associated mitigation measures.
- 3) The vehicular movements and parking provision associated with the proposed development would have a cumulative detrimental impact on road safety and the local transport infrastructure and undermine the access and signage strategy that was developed for the original Newbury Racecourse development. The applicant had failed to satisfy the Local Planning Authority that appropriate measures would be taken to mitigate the impact on road safety and the local transport infrastructure.

76. The motion was seconded by Councillor Culver.

77. The Chairman invited Members of the Committee to vote on the proposal by Councillor Adrian Abbs, seconded by Councillor Carlyne Culver to refuse planning permission. At the vote the motion was carried.

**RESOLVED that** the Head of Development and Planning be authorised to refuse planning permission for the following reasons:

### Reasons

- 1) The proposed development of the Christmas carnival would result in loss of amenity for residential occupants in locations surrounding the application site, to the north and south, resulting from the noise generating activities associated with the proposals, in terms of the lack of effective control of the noise and the potential for disruption resulting from the noise over a prolonged period, both in terms of hours of the day and number of days of the year during the event.

The proposal was therefore contrary to the National Planning Policy Framework, Policies CS14 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).

- 2) The application was not accompanied by sufficient information in terms of determining the likely levels of noise impact associated with the event and the requirements of any associated mitigation measures.

The proposal was therefore contrary to the National Planning Policy Framework, Policies CS14 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).

- 3) The vehicular movements and parking provision associated with the proposed development would have a cumulative detrimental impact on road safety and the local transport infrastructure and undermine the access and signage strategy that was developed for the original Newbury Racecourse development. The applicant had failed to satisfy the Local Planning Authority that appropriate measures will be taken to mitigate the impact on road safety and the local transport infrastructure.

The proposal was therefore contrary to the National Planning Policy Framework and policies CS5 and CS13 of the West Berkshire District Core Strategy 2006 to 2026 and Policy TRANS1 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).

- (2) **Application No. and Parish: 20/02993/FUL, Eddington Mill House, Upper Eddington, Hungerford**

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78. The Committee considered a report (Agenda Item 4(2)) concerning Planning Application 20/02993/FUL in respect of Eddington Mill House, Upper Eddington, Hungerford, RG17 0HL for a detached oak framed agricultural storage barn.
79. Ms Cheyanne Kirby, Planning Officer, introduced the report to Members, which took account of all the relevant policy considerations and other material planning considerations. In conclusion the report detailed that the proposal was acceptable in planning terms and officers recommended that the Head of Development and Planning be authorised to grant planning permission, subject to the conditions outlined in the main and update reports.
80. The Chairman asked Mr Paul Goddard, Team Leader (Highways Development Control), if he had any observations relating to the application. Mr Goddard did not.
81. In accordance with the Council's Constitution, Mr Alistair Fyfe (Hungerford Town Council), and Mr John Willmott (applicant) addressed the Committee on this application.

### **Town Council Representation**

82. Mr Fyfe in addressing the Committee raised the following points:
- The application lacked necessary detail. There was no barn height specified in the report, and the Town Council was concerned about future dispute over the height if it was not clearly specified.
  - A number of properties currently overlook the field on which the barn would be built, and issues would be caused by the erection of an overly tall barn.
  - The Town Council was surprised by the lack of doors on the storage area of the barn, which would contain heavy machinery such as tractors, and that it would present a later security risk.
  - The Town Council believed that, if the barn was over five metres tall, it was to allow for the building of a mezzanine floor in the future, which the report did not specify.
  - The Site Section drawing (page 61), showed the existing and proposed ground level, and indicated there was a slope requiring the barn to sit about 0.75 metres into the slope. The Town Council believed this drawing to be inaccurate, with the photographs not adequately showing the size of the slope, and the height of the barn would be increased from the current ground level.
  - Accurate topographical surveying would have been useful.
  - Runoff of surface water needed to be fully considered and calculated by professionals. Properties under this postcode have previously experienced flooding, and water butts would not be adequate on a building of this size.
  - The land appeared to lack a significant number of fruit-bearing trees to warrant a storage unit of this size. There were currently three alpacas and some goats on-site. The tractor was no larger than a mower, and was currently adequately stored on-site. These facts appeared to contradict the reasoning set out by the applicant.
  - There was not a current business need for the construction of a barn of this size. A full business plan should have been provided to justify such a need.
  - The development would amount to inappropriate annexation of the domestic land, and would open up further planning opportunities on agricultural land, which

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should be fully considered and approved, rather than accepted as a consequence of the development.

- The house was currently under a Noise Abatement Order, and increased noise should not be exacerbated any further.
- The Town Council, accepting that public rights of way issues were dealt with separately to planning, felt that on this occasion there was substantial reason to address it now. The diversion of obstruction of the public footpath by a fence must be given consideration as part of the planning process. The Town Council requested, as a precondition, the movement of the fence to respect the historic line of the footpath, or full application for a diversion of it.
- The Town Council noted the significant number of objections, and urged the committee to fully consider the reasons for those objections and the concerns raised.
- The Town Council, citing the number of perceived inaccuracies within the application and planning report, asked that the committee reject the application.

### **Member Questions to the Town Council**

83. Councillor Adrian Abbs asked Mr Fyfe to expand on comments that land had already been taken over as garden.
84. Mr Fyfe pointed to Page 58, and stated that the land was considered by the applicant to be a desolate part of his garden. It contained nothing but grass, and construction was underdoing in the centre.
85. The land from the barn to the northwest was meant to be agricultural land, and Google Earth satellite photography from 2003 to 2008 clearly illustrated crops, with the footpath around it. The latest photography, from 2017, also shows this.
86. Mr Fyfe noted that the applicant moved in afterwards, and so was not responsible for the movement of the historic footpath, but the issue was the erection of a wall that would cut it off.
87. Councillor Hilary Cole asked whether the issue of the historic footpath had been raised with the Public Rights of Way team, and noted that it was not relevant to the planning process before the committee.
88. Mr Fyfe responded that he was new to Hungerford Town Council, but that he believed that it was a running issue and had been raised with officers.
89. Councillor Hilary Cole noted that the issues raised were supposition and conjecture rather than referring directly to the application, and asked what the real concerns of Hungerford Town Council were with regards to the application.
90. Mr Fyfe responded that main issues being raised were the size and height of the development, the fact that it was overlooked, and concerns over the accuracy of the plans submitted.

### **Applicant Representation**

91. Mr John Willmott in addressing the Committee raised the following points:
  - Mr Willmott ran a business that operated three restaurants, specialising in natural, healthy food, and believing in sustainability, with home-grown, organic produce.
  - The site was acquired in 2017 in order to upgrade the existing facilities that were there, including 36 apple trees. The site itself previously contained allotments that

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were used for growing fruit and vegetables. A piece of agricultural land next to the mill had additionally been acquired.

- The historic footpath has been undisturbed, and had already been redirected by a neighbour expanding the boundaries of their land, which was currently being dealt with by officers. The only proposal was a small fence around it.
- The reason for the application was that the restaurant business was expanding, and required additional grown produce. A business plan was created for the application, which projected a small profit in the first year.
- Noise pollution was unlikely, as there were few animals. The Noise Abatement Order was due to guinea fowl and peacocks, which had either been removed completely or relocated to a different site.
- Runoff water would be dealt with through the use of land drains, and there was no intention to use water butts.
- The animals on site were used for personal hobby farming, as well as for the restaurants.
- The garden that was referred to, was in fact just a lawn, associated with the house. Mr Willmott expressed that he did not understand what the issue with the lawn was.
- Mr Willmott offered to accept a condition that a mezzanine not be built, as there was never an intention to build a mezzanine. The building was to house a cheap, second-hand tractor, and was protected by electrical gates, making a security issue unlikely.

### **Member Questions to the Applicant**

92. Councillor Carolyn Culver asked whether the four sheds Mr Willmott had offered to take down as part of the application process were measured in feet or metres.
93. Mr Willmott responded that it was measured in feet.
94. Councillor Culver additionally noted that Mr Willmott's intention was to grow fresh produce, but there was no proposal for a storage facility, and asked why there was no such proposal. Councillor Culver noted that only fruit was currently being grown.
95. Mr Willmott responded that the kitchen of the house would be used for storage, and that there was an intention to begin growing vegetables.
96. Councillor Culver asked what would happen to the goats once the goat shed had been demolished.
97. Mr Willmott responded that the goat shed was very small, and the plan was to move it to a different part of the site. Fencing would be changed to accommodate the animals.
98. Councillor Abbs asked what the extent of the agricultural land feeding into the barn would be.
99. Mr Willmott showed the photograph depicting the far end of the site (Page 67) and explained where the 36 fruit trees were located. The space between the fence posts and the orchard would be the agricultural land on which the vegetables would be grown.
100. Mr Willmott added that the land to the south was the front lawn of the mill, with landscaping ongoing behind the horse chestnut tree.

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### **Ward Member Representation**

101. Councillor James Cole in addressing the Committee raised the following points:

- There was no reason to reject an application with an agricultural basis.
- Attending the site visit, he had observed that the grass had been cut very short, which did not seem consistent with agricultural use. Instead, he accepted that this was largely hobby farming.
- He had no issue with the proposed use of the barn for the storage of a tractor and other farming items and produce. Additionally, Councillor Cole
- He noted a comment made by a committee member during the visit that any animals on site would have difficulty producing milk.
- There was a lack of a clear business plan justifying the consideration of the application as an agricultural one. Additionally, he could not see that the size of the tractor justified the size of the barn proposed.
- The comments from Hungerford Town Council regarding the effect of the barn overlooking other residents were justified, and should be considered.
- There was a history of flooding in the area, and he expressed relief that water butts were not being considered as they would not be effective against rainfall. He expressed surprise that there was no sustainable drainage plan for a proposal on permeable land.
- The historic footpath should be reinstated to its original route and the applicant be required to install adequate fencing.
- Councillor Cole stated that he was not in favour of the proposal as it stands, but did ask that if it were approved, the agricultural conditions be tightened, and that Condition 7 about existing sheds be made more precise, with the ground reinstatement be conditioned to be green.

### **Member Questions to the Ward Member**

102. Members did not have any questions of clarification.

### **Member Questions to Officers**

103. Councillor Abbs asked whether a proposal that involves an illegal diversion of a footpath would set a precedent, or whether it should be rejected outright.
104. Mr Simon Till responded that principal planning legislation and guidance states that where other legislation deals with a matter, that planning should not address that matter. In this case, the footpath legislation would address potential issues with the historic footpath, and therefore not set a precedent.
105. The Chairman asked for detailed plans, not just levels, to provide reassurance that the development did not have any impact on the public right of way. Ms Kirby responded that the submitted drawing was from the Public Right of Way Officer, showing a definitive line of the public right of way, which the building did not sit on. The fence did sit on the line, however, this was an issue for Public Rights of Way legislation. Councillor Hilary Cole pointed the Chairman to Page 47, 52-53, stating that there was no objection from Public Rights of Way.
106. Councillor Abbs asked whether there was any legislation about the proportions of buildings on types of agricultural land.

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107. Mr Till responded that there was no such legislation or regulation about a proposal of this size.
108. Councillor Howard Woollaston asked whether there would be any external lighting.
109. Ms Kirby responded that this was a suggested condition due to this being an area of Outstanding Natural Beauty and the Dark Skies Policy.

### **Debate**

110. Councillor Hilary Cole opened the debate by stating that she understood the concerns of the objectors and Hungerford Town Council, but they were largely based on future applications rather than the one currently being considered. The question was whether the building was appropriate for its intended use, of which she was satisfied that it was. Without a valid reason to reject it, there was no reason not to grant planning permission.
111. The Chairman asked whether there were any amendments to the Officer's recommendation, such as additional conditions. No additional conditions were proposed.
112. Councillor Hilary Cole proposed to accept Officer's recommendation and grant planning permission subject to the conditions listed in the main report and update report. This was seconded by Councillor Jeff Cant.
113. The Chairman invited Members of the Committee to vote on the proposal by Councillor Hilary Cole, seconded by Councillor Jeff Cant to grant planning permission. At the vote the motion was carried.

**RESOLVED** that the Head of Development and Planning be authorised to grant planning permission subject to the following conditions:

### ***Conditions***

#### **1. Commencement of development**

The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

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).

#### **2. Approved plans**

The development hereby permitted shall be carried out in accordance with the approved plans and documents listed below:

- Location Plan 43350/01 received 6th January 2021;
- Proposed Plans and Elevations 43350/03 received 6th January 2021;
- Design and Access Statement received 18th December 2020;
- Ecology Letter received 18th May 2021;
- Updated Ecology Letter received 24th May 2021;
- Block Plan 43350/05 received 23rd July 2021;
- Site Section 43350/04 received 7th July 2021;
- Building Removal Plan 43350/02 received 9th August 2021.

Reason: For the avoidance of doubt and in the interest of proper planning.

#### **3. Materials as specified**

The materials to be used in the development hereby permitted shall be as specified on the application form.

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Reason: To ensure that the external materials are visually attractive and respond to local character. This condition is imposed in accordance with the National Planning Policy Framework, Policies CS14 and CS19 of the West Berkshire Core Strategy (2006-2026), and the Supplementary Planning Document Quality Design (June 2006).

### **4. Lighting strategy (AONB)**

No external lighting or floodlighting shall be installed to the barn until a lighting strategy has been submitted to and approved in writing by the Local Planning Authority. The strategy shall include a plan to show the location of any lighting, isolux contour diagram(s), an operation strategy (e.g. details of timed operation), and specifications all lighting to ensure that levels are designed within the limitations of Environmental Lighting Zone 1, as described by the Institute of Lighting Engineers. No external lighting shall be installed WHERE except in accordance with the above strategy.

Reason: To conserve the dark night skies of the North Wessex Downs AONB. This condition is applied in accordance with the National Planning Policy Framework, the North Wessex Downs AONB Management Plan 2019-24, and Policies CS17 and CS19 of the West Berkshire Core Strategy 2006-2026.

### **5. Biodiversity measures**

The building shall not be brought into use until the following biodiversity measures have been installed/constructed:

- (a) One integral bat box into the barn in accordance with details that have first been submitted to and approved in writing by the Local Planning Authority.
- (b) One bird nesting opportunities in accordance with details that have first been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure biodiversity enhancements are incorporated into the development. This condition is applied in accordance with the National Planning Policy Framework, and Policy CS17 of the West Berkshire Core Strategy 2006-2026.

### **6. Ecological mitigation**

All ecological measures and/or works shall be carried out in accordance with the details contained in the Ecology letter received 18th May 2021 and the Updated Ecology Letter received 24th May 2021, in accordance with the approved details and before first use of the building.

Reason: To ensure there are no significant impacts on the local designated areas. This condition is applied in accordance with the National Planning Policy Framework, and Policy CS17 of the West Berkshire Core Strategy 2006-2026.

### **7. Demolition of existing buildings**

The building shall not be brought into use until the existing buildings have been demolished, and all spoil removed from the site, in accordance with the Building Removal Plan 43350/02 received on 9th August 2021.

Reason: To ensure that the site is not proliferated with a significant number of buildings which would have a negative visual impact on the sensitive character and appearance of the site and the AONB. This condition is applied in accordance with the National Planning Policy Framework, and Policies CS14 and CS19 of the West Berkshire Core Strategy 2006-2026.

### **8. Agricultural use (additional)**

The agricultural storage barn hereby permitted shall be used only for purposes ancillary to the agricultural use of the wider application site. It shall not be let, sold or disposed of

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separately from the main dwelling known as Eddington Mill House, Upper Eddington, Hungerford, RG17 0HL.

Reason: To ensure the building remains available for agricultural use and to prevent the creation of a separate planning unit which would conflict with the strategy for the location of new development, and be unacceptable in the interests of ensuring a sustainable pattern of development. This condition is applied in accordance with the National Planning Policy Framework, Policies ADPP1, ADPP5 and CS1 of the West Berkshire Core Strategy 2006-2026, and Policy C1 of the Housing Site Allocations DPD 2006-2026.

**9. Ground levels and finished floor levels (additional)**

No development shall take place until details of existing and proposed ground levels, and finished floor levels of the building, have been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved details.

Reason: To ensure a satisfactory relationship between the proposed development and the adjacent land. These details are required before development commenced because insufficient information accompanies the application, and the agreed details will affect early construction activities. This condition is applied in accordance with the NPPF, Policies ADPP5, CS14 and CS19 of the West Berkshire Core Strategy (2006-2026), and the Quality Design SPD (June 2006). A pre-commencement condition because inadequate land ground level details have been submitted with the application.

**(3) Application No. and Parish: 20/02245/FUL, Swan Inn, Newbury Road, Great Shefford**

This Item was withdrawn prior to the commencement of the meeting.

*(The meeting commenced at 6.30 pm and closed at 9.32 pm)*

**CHAIRMAN** .....

**Date of Signature** .....