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Note: These Minutes will remain DRAFT until approved at the next meeting of the Committee

WESTERN AREA PLANNING COMMITTEE

MINUTES OF THE MEETING HELD ON WEDNESDAY, 20 JULY 2022

Councillors Present: Clive Hooker (Chairman), Tony Vickers (Vice-Chairman), Adrian Abbs, Phil Barnett, Jeff Cant, Carlyne Culver, Howard Woollaston and James Cole (Substitute) (In place of Dennis Benneyworth) (as substitute)

Also Present: Sharon Armour (Solicitor), Paul Goddard (Team Leader - Highways Development Control), Masie Masiwa (Senior Planning Officer), Simon Till (Principal Planning Officer (Team Leader)) and Sadie Owen (Principal Democratic Services Officer)

Apologies for inability to attend the meeting: Councillor Dennis Benneyworth and Councillor Claire Rowles

9. Minutes

The Minutes of the meeting held on 8 June 2022 were approved as a true and correct record and signed by the Chairman.

The minutes of the meeting on 29 June 2022 were approved as a correct record and signed by the Chairman, subject to the following amendments:-

Paragraph 77 - Councillor Adrian Abbs stated that his calculations had differed to the officer's due to Members having received incorrect information.

Paragraph 78 - Councillor Abbs further commented that he had drawn a comparison with Newbury Racecourse where one of the most regular criticisms was that there was insufficient provision for disabled parking. He had further suggested that figures should be rounded up rather than rounded down.

10. Declarations of Interest

Councillor Phil Barnett declared an interest in Agenda Item 4(3), by virtue of the fact that he was a Member of Newbury Town Council and Greenham Parish Council. Councillor Barnett also stated that he had been lobbied both for and against the application, but reported that, as his interest was a personal or an other registrable interest, but not a disclosable pecuniary interest, he determined to remain to take part in the debate and vote on the matter.

Councillor Abbs declared an interest in Agenda Item 4(3), by virtue of the fact that he was a Member of Greenham Parish Council. Further, Councillor Abbs reported that he lived one mile away from the proposed application site and had been lobbied both for and against the application, but commented that, as his interest was a personal or an other registrable interest, but not a disclosable pecuniary interest, he determined to remain to take part in the debate and vote on the matter.

Councillors Clive Hooker, Howard Woollaston, Tony Vickers and Carlyne Culver declared an interest in Agenda Item 4(3), by virtue of the fact that they had received an email from a local resident seeking support for the application, 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.

11. Schedule of Planning Applications

WESTERN AREA PLANNING COMMITTEE - 20 JULY 2022 - MINUTES

(1) **Application No. and Parish: 22/00160/OUTMAJ - Land off Lambourn Road, Speen, Newbury**

Agenda Item 4(1), was withdrawn from the Committee post publication of the Agenda.

(2) **Application No. and Parish: 21/01843/HOUSE - Lake House (formerly Hayward Green Farm), West Woodhay Road, West Woodhay**

Agenda Item 4(2), was withdrawn from the Committee post publication of the Agenda.

(3) **Application No. and Parish: 22/00658/COMIND - Newbury Racecourse, Racecourse Road, Newbury**

1. The Committee considered a report (Agenda Item 4(3)) concerning Planning Application 22/00658/COMIND in respect of a proposed Temporary 1 year permission at Newbury Racecourse for a Great Newbury Christmas Carnival (with attractions including market stalls, bigtop, fairground rides, Christmas tree maze, ice-rink, Santa's grotto).
2. Mr Masie Masiwa introduced the report to Members, which took account of all the relevant policy considerations and other material planning considerations.
3. As a point of order Councillor Jeff Cant queried whether, as the refused application 21/01079/COMIND was currently the subject of an appeal to the Planning Inspectorate, the appeal status should be awaited prior to reviewing the current application.
4. Mr Simon Till, Team Leader (Western Area Planning), explained that the applicant was within their rights to apply pending the result of the appeal. He commented that it was for Members to decide the application and make a decision regardless of the appeal.
5. The Chairman asked Mr Paul Goddard, Principal Development Control Engineer, if he had any observations relating to the application. Mr Goddard reported that the access arrangements, which had been of significant concern in the original application, had been substantially resolved thanks to the organisers working with the Council. Conditions attached to the application made provision for a shuttle bus and for a travel plan to be submitted both before and after the event.
6. In accordance with the Council's Constitution, Martin Sanderson, Tom Nisbet and Liz Turner, objectors, Melissa Hughes, supporter, Julian Thick, Dani Fumicelli and Coral Curtis applicant/agent, addressed the Committee on this application.

Objector Representation

7. Mr Sanderson in addressing the Committee raised the following points:
 - Mr Sanderson commented that he spoke on behalf of the resident objectors, all of whom appreciated that they lived in the vicinity of an events venue. However, he asserted that to allow the proposed application would increase the number of event dates from 31 race events to an additional 35 Carnival dates per year. Mr Sanderson argued that this would effectively switch the majority use of the racecourse from racing events to Carnival events.
 - Mr Sanderson acknowledged that if there were no fairground rides, there would be no objection to the application.

WESTERN AREA PLANNING COMMITTEE - 20 JULY 2022 - MINUTES

- Mr Sanderson commented that the revised application only amounted to a 3% reduction in opening hours.
- It was alleged that the traffic impact to local residents remained unchanged from the previous application and there was insufficient information in relation to local access.
- Mr Sanderson suggested that heavy good vehicles transporting the rides and stalls to the site would cause increased traffic and congestion, as would the level of daily visitors to the event.
- Mr Sanderson noted that David Wilson Homes had recently received approval for an application to build apartments at the 'bridge' end of the event and that it was expected that building works would commence at the same time as the proposed Carnival.
- Mr Sanderson commented that the noise assessments accompanying the application were largely based on predictions rather than actual evidence. He further argued that trees would provide no sound protection.
- Mr Sanderson suggested that the generators detailed would not be sufficient to run the rides, music and lighting proposed.
- In relation to the car parks, Mr Sanderson commented that Car Parks 1 and 5 already caused a substantial impact to residents on race days due to the floodlights and the gravel surface.
- Mr Sanderson argued that comparison with Hyde Park's Winter Wonderland was pointless as there were no residential properties in the vicinity of Hyde Park.
- Mr Sanderson suggested that the lighting report was low on detail as a number of ride specifics had not been included.
- Mr Sanderson noted that there had been no assessment of the environmental impact of the application and no assessment of any flood risk.
- Mr Sanderson felt that the economic benefit to Newbury as a town would be negligible as he anticipated that visitors would make use of the hotel facilities at the racecourse rather than venturing into Newbury.
- Mr Sanderson argued that as freeholders of the properties, the racecourse had a duty of care to provide a peaceful and healthy environment to residents living there.

Member Questions to the Objector

8. Councillor Carolyne Culver queried whether residents were provided with a prospective number of event days as part of their leasehold agreement.

Ms Turner clarified that it was part of the sale particulars rather than within the specific agreement. Ms Turner commented that race days were not an issue and that many residents participated in the events, the concern arose at the proposed additional 35 days of Carnival which would cause 14 hours disturbance each day.
9. In relation to a query from Councillor Adrian Abbs, Mr Sanderson clarified that the 135 metres related to the distance from the southern boundary of the site to the southern boundary of the trees.
10. Councillor Phil Barnett queried what sort of size event would be acceptable to the residents.

WESTERN AREA PLANNING COMMITTEE - 20 JULY 2022 - MINUTES

Mr Sanderson drew a comparison with Winchester Christmas Market and suggested that something similar without all of the fairground rides would be more acceptable.

11. Councillor Barnett queried the type of disturbance that might be caused by Car Parks 4 and 5.

Mr Sanderson reported that a number of residents did not have curtains and so the portable floodlights were quite intrusive as was the sound of the gravel surface of Car Park 5 which Mr Sanderson asserted could be heard above the sound of a television.

12. Councillor James Cole queried the assertion that trees would not provide any protection against noise.

Mr Sanderson confirmed that at a recent site visit Mr Thick had himself confirmed that they provided no sound protection to the residents in Mandarin Drive.

13. In response to a query by Councillor Cant, Ms Turner commented that whilst some residents had been consulted by the racecourse operator and its agent, not all local residents had been.

Supporter Representation

14. Ms Melissa Hughes in addressing the Committee raised the following points:

- Ms Hughes introduced herself as a representative of Newbury Business Improvement District (BID), whose role was to improve the trading environment of Newbury and its growing reputation, and to establish it as a 'go to' destination for businesses and visitors in the south.
- Ms Hughes commented that there was widespread support and demand for community centred events such as the proposed Carnival and argued that it would create jobs and employment benefits.
- It was felt that the Carnival would help benefit the growing reputation of Newbury. Ms Hughes argued that the Council needed to be bold and to put Newbury on to the map.
- Ms Hughes argued that nurturing and supporting the local economy was consistent with the National Planning Policy Framework as well as the philosophy, aims and objectives of the Council's adopted Core Strategy.
- It was suggested that the benefits that the Carnival would bring to Newbury and the surrounding West Berkshire area would be substantial and should, from Newbury BID's perspective, tip the balance towards planning permission being granted.
- Ms Hughes read the following statement on behalf of local resident, Mr Paul Marden:

'My wife and I visited the racecourse apartments in March 2014 and were immediately drawn by the stunning views around the site. We were told at the time that we would be buying a property on a business site and that various events apart from the racing would take part during the year. We have enjoyed every moment here. The Great Christmas Carnival promises to be not only a great event for the racecourse but for Newbury as a whole with a lot more people in the town supporting our local businesses. I can understand concerns based on last year's application but feel that the new temporary one year application is a real improvement. Most of the action is at the far end of the racecourse away from the vast majority of the housing. After the ups and downs of the pandemic it would be a

WESTERN AREA PLANNING COMMITTEE - 20 JULY 2022 - MINUTES

great pick-me up and build up to Christmas, with opportunities for participation by local youth groups and schools. We have a station right outside and lots of parking at the venue and I do hope that Newbury is able to host the Christmas Carnival.

Member Questions to the Supporter

15. Councillor Barnett referenced Ms Hughes use of the term 'destination Newbury' and queried how it could be guaranteed that visitors to the event would benefit the town and businesses as a whole.

Ms Hughes acknowledged that it was not possible to provide guarantees but promised to work closely with the racecourse to develop a strategy to market not just the event but Newbury town as a whole. The shuttle bus service was anticipated to facilitate this. It was hoped that visitors to the town would then come back throughout the year and benefit the economy in the long term as well as the short term.

16. Councillor Vickers felt that Newbury as the leading destination in the south at Christmas was too ambitious.

Ms Hughes clarified that the ambition was to be one of the leading destinations, but that there was no reason why it should not be Newbury given its prime location and easy accessibility.

17. Councillor Abbs commented that he struggled to understand how visitors arriving either by train or car would then be enticed into the town.

Ms Hughes commented that it would be facilitated by the marketing and signposting of the event, and using this to draw visitors into the town.

18. Further to a query from Councillor Cant, Ms Hughes clarified that there would be shuttle buses at the Carnival to take visitors to and from the town centre.

Applicant/Agent Representation

19. Mr Julian Thick of Newbury Racecourse, in addressing the Committee raised the following points:

- Mr Thick reported that following the original application, the applicant had looked to improve the scheme and respond positively to the concerns raised by local residents.
- As a consequence, Mr Thick argued that there was overwhelming local support for the Carnival, with 86% of the 292 respondents wanting the event to go ahead. Mr Thick commented that of those, 112 were resident in Greenham Parish, and 73% of them were supportive, with 72% stating that they were likely to visit.
- Mr Thick suggested that the Carnival would have a positive impact on both Newbury and West Berkshire's economy.
- Mr Thick noted that diversification had always been part of the racecourse's business model.
- Mr Thick contested that the racecourse had a track record of working well with the Council and local stakeholders to solve issues.
- Mr Thick reported that the proposed event would fit within the racecourse's current licensing regime in terms of noise, lighting and duration.
- It was noted that the application was for a one year trial as the team were confident that it could be a success for all stakeholders.

WESTERN AREA PLANNING COMMITTEE - 20 JULY 2022 - MINUTES

- Mr Thick commented that extensive survey work had been undertaken, given that noise was one of the main areas of concern. Further, the size of the site had been reduced.
- Mr Thick reported that sound systems would be carefully designed and controlled, and that the approach had been discussed and approved by the Environmental Health team.
- It was reported that the site would be centrally controlled by Underbelly (racecourse partners), with no ride operator having control of their own sound system.
- Mr Thick noted that the event was forecast to average 6,000 visitors a day, compared to a race day capacity of 36,000 visitors.
- It was reported that the 'no parking' measures used to protect residents on race days would be repeated throughout the duration of the Carnival. Further, additional trains would be scheduled by Great Western Railway, as for race days.
- Mr Thick commented that Underbelly was a very strong partner with a wealth of experience at organising similar high quality events.
- Mr Thick suggested that the Great Christmas Carnival had the opportunity to become one of the leading festive events in the UK, putting Newbury on the map.
- Mr Thick suggested that the event would be popular and would bring substantial economic benefits to both the racecourse and to the town.
- Mr Thick reported that all concerns raised by Members in relation to the previous application had been fully addressed and requested as such that the current application be approved.

Member Questions to the Applicant/Agent

20. In response to a query from Councillor Abbs, Mr Fumicelli of Vanguardia, explained that there would need to be a 10 decibel (dB) change in sound to double volume.

Mr Fumicelli reported that there was a national code of practice in place in relation to sound levels at music festivals.

21. It was explained that 65 dB would be the lowest level likely to apply for a venue such as Newbury Racecourse. Mr Fumicelli commented that concert noise levels were significantly higher than that envisaged for the Carnival. Further, he reported that all amplified sound on site would be centrally controlled. Mr Fumicelli reported that the team were proposing a condition be attached to the application to set a specific noise level and 'cap' at the boundary.

22. Councillor Abbs suggested that Vanguardia's Draft Noise Assessment and Management Plan incorrectly measured noise by placing receptors 270 metres away from the site boundary rather than the 135 metres of Mandarin Drive. He suggested that there would be a significant difference in relation to sound travelling between the two.

Mr Fumicelli disputed that there was an error but contested that it was irrelevant as the condition would control the noise level whatever the distance.

Mr Fumicelli explained that noise had been measured close to the Hyde Park Winter Wonderland, not at the hotels in the vicinity, and had been recorded in order to predict information for a similar event at Newbury. Mr Fumicelli attested that it was inevitable that the noise levels for such an event would need to be predicted given that it had not taken place before.

WESTERN AREA PLANNING COMMITTEE - 20 JULY 2022 - MINUTES

23. Councillor Abbs suggested that the plans mentioned one generator, but the update report referred to three generators. Councillor Abbs queried where the other generators would be located.

Mr Fumicelli reported that the updated application assumed three generators, grouped together to the western side of the site. The three would only operate together at times of peak demand. It was reported that the generator noise would be controlled through a plant noise condition. Mr Thick added that the noise of the generators at the boundary would be minimal.

24. Councillor Woollaston commented that he had no doubt in relation to the economic benefit of the proposal. He asked whether it would be possible to hear the sound of the Carnival over the television as a resident of one of the racecourse flats.

Mr Fumicelli responded that he was confident that the sound would not be heard, particularly as typical sound levels for watching television were 50 dB, which was six times louder than the predicted level.

25. Councillor Barnett commented that a lot of properties surrounding the racecourse were blocks of apartments and queried whether noise levels had been measured at ground level or higher.

Mr Fumicelli clarified that measurements had been taken both at ground level and elevated levels on the fourth floor. The noise had been 1dB higher on the fourth floor.

26. In response to a query from Councillor Barnett as to the availability of trains in both directions, Mr Thick reported that there would be communications in advance with Great Western Trains in relation to crowd size and timings, and that additional trains would be scheduled in both directions.

27. Councillor Cole queried whether trees would provide any noise protection to those living in Mandarin Drive.

Mr Thick responded that the noise assessment report prepared by Vanguardia had not taken into account trees as a factor.

Mr Fumicelli clarified that foliage would have an effect on noise where it was very dense and thick, for example 50-100 metres of dense conifers. Mr Fumicelli explained that his calculation had assumed a clear line of sight for the sake of clarity.

28. Councillor Vickers commented that weather would also effect sound, and queried how likely the cold weather would be to have an impact.

Mr Fumicelli commented that the most notable effect of weather was likely to be strong winds, but that the effect would be most noticeable at 2-3km away from the main site. It was suggested that the separation distance at the proposed site would be negligible. Mr Fumicelli stated that in his calculations he had assumed the most favourable conditions for noise travel.

29. Councillor Cant queried which result the team would pursue if they were successful at Committee and at appeal.

Mr Thick responded that he would commit to the application, if successful.

30. In response to a query raised by Councillor Abbs, Mr Fumicelli explained that baseline monitor measurements had been taken at Mandarin Drive, Frankel House and Lamtarra Way. They provided representative values in order to assess the impact to all surrounding properties. Mr Fumicelli explained that the baseline

WESTERN AREA PLANNING COMMITTEE - 20 JULY 2022 - MINUTES

measurements were then compared to the nine assessment locations around the racecourse. Monitoring was undertaken for a week.

31. Councillor Abbs commented that Frankel House was on the corner of a road and that anyone driving at speed would create more noise, and that it was also the turn-in road for a lot of residents living in the flats.

Mr Fumicelli commented that he was confident that it was representative and added that he had discussed the location with Environmental Health Officers and local authority officers.

32. Councillor Abbs suggested that the peak readings taken at Frankel House appeared to be the approximate noise levels of a car and queried whether the team were confident that the baseline measurements would be within the acceptable bounds.

Mr Fumicelli confirmed that he was.

Ward Member Representation

33. Councillor Barnett in addressing the Committee raised the following points:

- Councillor Barnett stated that he was saddened that there was no representative from Newbury Town Council or Greenham Parish Council at the meeting.
- Councillor Barnett acknowledged that Newbury Racecourse was one of the gems of the South and he wanted to see the organisation succeed. However he noted that the event under discussion was outside the normal activities of the racecourse and consequently needed to satisfy certain criteria, not only for attendees of the event, but the surrounding residents.
- Councillor Barnett highlighted some of the concerns that had been raised to him by ward residents. He suggested that whilst the site of the proposed application had been re-configured from the original application, it could potentially impact more residents.
- Councillor Barnett suggested that the noise level assessment appeared to be the same as the original application.
- Councillor Barnett suggested that the high fairground ride was likely to be seen clearly from miles around.
- Councillor Barnett commented that assembling and dismantling the rides was likely to cause considerable disturbance to surrounding roads and it was not known how long this would take.
- Councillor Barnett commented that cleaning of the site and the toilets had not been mentioned, but would also have an effect on the local residents.
- Councillor Barnett suggested that November could be a wet month and consequently there was a threat of flooding.
- Councillor Barnett stated that fuel costs had rocketed and so how likely was it that people would travel to the event, or to the town.
- Councillor Barnett commented that the impact to the residents in Mandarin Drive and Carruthers Court would definitely be felt.

Member Questions to the Ward Member

34. Members did not have any questions of clarification.

Member Questions to Officers

WESTERN AREA PLANNING COMMITTEE - 20 JULY 2022 - MINUTES

35. Councillor Abbs queried why in the previous application the funfair noise had been described as 'will be played at a level not audible from the site boundary' and in the update report stated 'controlled centrally and played at a level that does not give rise to adverse effects beyond the site boundary'.

Ms Kate Powell, Environmental Health Officer, commented that it was a change in how the details had been presented and would not affect the noise levels. In response to Councillor Abbs querying whether the wording could revert to the original application, Ms Powell commented that she would be happy to do so, should it be requested.

36. In response to a query from Councillor Vickers, Mr Masiwa clarified that the two comparison site plans featured in the presentation were drawn to different scales.
37. Councillor Vickers queried how the assertion that the Carnival would improve the social infrastructure of local residents could be justified.

Mr Masiwa commented that it referred to bullet point 3 of policy CS2 which referred to the racecourse being a strategic site allocation.

Mr Till clarified that when reviewing applications, officers would evaluate social, economic and environmental considerations, and anything offering recreational activities either to the local community or local and wider community would be providing social benefit. He commented that an application might also cause detriment but the two needed to be distinguished from one another rather than stating that one negated the other.

38. Councillor Vickers queried the anticipated impact of the David Wilson Homes development. Mr Goddard felt that any impact would be minimal, as the racecourse bridge had been modelled based on a full housing development of 1,463 units and a Newbury Racecourse event day.
39. Councillor Barnett queried whether heavy goods vehicles transporting rides and delivering to the site were expected to use Greenham Road. Mr Goddard confirmed that the route was correct, and that all current events at the racecourse used the same route.
40. Councillor Barnett queried whether officers would be imposing conditions for site deliveries. Mr Goddard commented that should Members wish to impose a condition restricting traffic during set up and taking down of the Carnival then it was their prerogative. He did note however that there would be no visitors during such times.
41. Councillor Barnett queried whether the Chairman felt that the update report contained sufficient information to allay fears relating to drainage issues at the site.
42. Councillor Clive Hooker noted that Members had requested that a Sustainable Drainage System (SuDS) Officer be in attendance at the meeting but unfortunately he had not been able to attend due to personal reasons.

Mr Till highlighted an error at section 6.5 of the original application report that stated 'the proposal would not have an adverse impact on flood risk and would fail to comply' and should have read '..would not have an adverse impact on flood risk that would fail to comply'.

Mr Till reported that the drainage team had been consulted and that it had been accepted that the works were temporary with relation to a flood risk assessment, on the proviso that a flood risk assessment and a scheme of sustainable drainage measures should be submitted in order to mitigate any surface water at the site.

WESTERN AREA PLANNING COMMITTEE - 20 JULY 2022 - MINUTES

Officers had also requested the inclusion of an additional condition requesting that sustainable drainage systems be put in place prior to any works commencing.

43. Councillor Hooker queried whether a transport travel plan could be submitted prior to the event to provide advance notice and allow for some traffic management. Mr Goddard commented that this would be acceptable subject to the consent of the planning and legal officers.
44. Councillor Abbs queried whether there had been any discussions in relation using Car Parks 2 or 3. Mr Goddard clarified that they would continue to be used by the hotel and so would not be available.
45. Councillor Abbs referred to page 30 of the Vanguardia Draft Noise Assessment and Management Plan report and asked Ms Powell to confirm whether it referred to 270 or 135 metres. Ms Powell commented that the table had been included to predict the level of noise of the crowd offsite, using noise levels for different types of speech and projecting them to different sites from the noise. Ms Powell confirmed that it referred to 270 metres.
46. Councillor Abbs queried whether the distance gave any cause for concern given that the first reference point of Mandarin Drive was 150 metres. Ms Powell did not have concerns in relation to noise of the crowds attending. Ms Powell felt that potentially the noise would be audible from the surrounding area, but did not anticipate unreasonable noise levels at the residential properties.
47. Councillor Barnett queried whether there had been any recommendation in relation to the positioning of the portable toilets and their cleaning schedule. Ms Powell commented that the environmental health team would not have considered this matter, but that it was something that could be dealt with reactively if there were any issues at the time of the event.
48. Mr Goddard clarified that Car Parks 2 and 3 had been retained for sole use of the hotel, nursery and racecourse staff, and would not be in use for the Carnival event.

Debate

49. Councillor Abbs opened the debate by commenting that there were lots of concerns, many of which had flowed through from the previous application.
Councillor Hooker reminded Councillor Abbs to focus on the fact that the current application was for one year rather than five.
50. Councillor Abbs suggested that it was unavoidable that there would be an impact to residents. Councillor Abbs voiced disappointment that both Car Parks 2 and 3 had been retained for the hotel, and suggested that a condition be included to only use Car Park 5 once Car Park 4 was full.
51. Councillor Abbs expressed a preference for including a condition in relation to the build up and take down times, and also requested a return to the original wording relating to the funfair noise.
52. Councillor Abbs suggested that it was critical that the generators were kept as far away from residents as possible.
On balance, Councillor Abbs suggested that he was likely to vote in favour of the application, as long as certain aspects could be conditioned.
53. Councillor Vickers felt that Members needed to take account of the BID's evidence, but was more alarmed than pleased at being compared to an event in Hyde Park with 90,000 visitors.

WESTERN AREA PLANNING COMMITTEE - 20 JULY 2022 - MINUTES

54. Councillor Vickers commented that it was a difficult application as it was hard to find a precedent or comparison that could help inform the decision making. Councillor Vickers felt that to approve the application would provide an element of control that would be if the application was rejected.
55. Councillor Vickers felt that the Council should allow a one year trial and that the applicant deserved it. He acknowledged that there would be some impact on the residents but suggested that it may be covered by the term 'caveat emptor', particularly as the outline planning consent and Local Plan deemed the event within the terms of the planning policy.
56. Councillor Hooker further added that Council policies supported the racehorse industry.
57. Councillor Cant commented that he was supportive of Councillor Vickers approach, and did not feel it suitable to micro manage an application through the imposition of conditions.
58. Councillor Cant commented that the concerns raised by the previous application appeared to have been comprehensively dealt with and was encouraged by the results of the residents' survey report, although understood the reservations of the objectors.

Councillor Cant commented that on balance he would support the application.

59. Councillor Barnett commented that he still had reservations particularly as a Ward Member. He commented that he would like to see the racecourse succeed, but was doubtful for it to be at the expense of local residents.
60. Councillor Barnett anticipated that the application would find favour but commented that he would not support it. Councillor Barnett hoped that there would be sufficient conditions added to the application to lessen the impact to residents, and demonstrate that it had been given a fair hearing.
61. Councillor Cole commented that whilst the economy was suffering from a downturn, people were still travelling and that 'destination Newbury' should be given an opportunity. He felt that the facilities of the shuttle bus service and train station made the location ideal.
62. Councillor Cole commented that the application was for one year and that if the event did fail to adhere to the stipulations promised then it would not be approved again.

Councillor Cole proposed to accept the officer's recommendation and grant planning permission subject to the conditions listed in the main report and update report. This was seconded by Councillor Woollaston.

63. Councillor Hooker commented that the debate had been very useful.
64. Mr Till provided a reminder of the conditions that had been discussed:
 - a. Construction Method Statement, relating to regulation of deliveries and regulating traffic during the set up and take down stage of the event.
Councillors Cole and Woollaston approved the condition.
 - b. Condition requiring that Car Park 5 be used only when Car Park 4 was full. In response to a query from Councillor Cole as to whether this was felt necessary, Mr Till suggested that the racecourse would probably be best placed to manage their own parking sites, and that a parking management plan had been submitted as part of the application.

WESTERN AREA PLANNING COMMITTEE - 20 JULY 2022 - MINUTES

Councillor Cole did not feel it necessary and Councillor Woollaston suggested that it be included in as an informative as a preference but not a condition. Councillor Cole agreed.

- c. Funfair noise condition requiring that funfair noise 'be played at a level not audible beyond the site's boundary'. Mr Till drew attention to the Environmental Health Officer's report of 5 February 2022 which detailed that the noise would be 'controlled centrally and played at a level that does not give rise to adverse effects beyond the site boundary', and which had been felt sufficient and relied upon by planning officers making the application recommendations.

Members were doubtful as to how achievable the first clause would be.

Councillors Cole and Woollaston rejected the proposal of changing the wording of the condition.

- d. Condition requiring that generators not be used until details of acoustic shielding of the generators had been submitted and approved.

Councillors Cole and Woollaston approved the condition.

65. Mr Till noted that the National Planning Policy Framework required the applicant's consent prior to imposing any pre-commencement planning condition, as for the Construction Method Statement.
66. Mr Till reported that a SuDS condition had already been agreed by the applicant.
67. The Chairman invited Members of the Committee to vote on the proposal by Councillor James Cole, seconded by Councillor Howard Woollaston to grant planning permission. At the vote the motion was carried.

RESOLVED that: the Service Director for Development and Regulation be authorised to grant planning permission subject to the above conditions and following conditions:

Conditions

1. Temporary permission (restoration)

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 21 July 2023 in accordance with a scheme of work that shall first have been submitted to and approved in writing by the local planning authority.

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.

2. Approved plans

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

Received on 14 March 2022

- Transport Statement
- Statement of Community Involvement

WESTERN AREA PLANNING COMMITTEE - 20 JULY 2022 - MINUTES

- Servicing Delivery Plan
- Planning Statement
- Operations Management Plan
- Draft Noise Assessment & Noise Management Plan
- Luminescence Plan
- Lighting Impact Report
- Design and Access Statement
- Proposed Big Wheel and Starflyer Elevations
- Proposed Big Top Circus Elevation and Floor Plan
- Proposed Carnival Layout
- Proposed Site Plan
- Levelling Plan
- Site Section A
- Site Section B
- Site Section C
- Ecological Information Cover Letter

Received on 25 April 2022

- Christmas Carnival Economic Impact Statement

Received on 23 May 2022

- Applicant response to Highways
- Cycle parking plan

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

3. Protection from external noise

The development hereby permitted shall proceed in accordance with the noise management plan and monitoring arrangements within the Draft Noise Assessment & Noise Management Plan by Vanguardia Ltd and the Operations Management Plan by Underbelly received on 14 March 2022.

- a) The approved noise assessments, mitigations and monitoring shall be implemented and adhered to in full throughout the event.
- b) 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 noise levels than those detailed in conditions 7 and 8.
- c) Any subsequent requests for planning permission for the event shall be accompanied by noise surveys of the temporary event hereby permitted taken from key noise receptors as part of a noise monitoring report outlining the findings of the noise measurements and monitoring exercise during the event.

Reason: To protect occupiers of adjacent residential properties 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).

WESTERN AREA PLANNING COMMITTEE - 20 JULY 2022 - MINUTES

4. Protection from external lighting

The development hereby permitted shall proceed in accordance with the Light Impact Report by Neil Johnson Consultants and the Luminescence Plan received on 14 March 2022.

Reason: To protect occupiers of adjacent residential properties 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).

5. Hours of operation

The use of the development hereby permitted is restricted to the following hours of operation:

- Monday to Wednesday: 12:00 - 21:00
(Except closed Mondays, Christmas period and race days.)
- Thursdays: 12:00 – 21:00
- Fridays – Saturdays: 10:00 – 22:00
(Except Christmas eve with an 18:00hrs finish and race days with a 16:00 hrs start)
- Sundays: 10:00 – 21:00
(Except New Year's day with a 12:00hrs start)
- The times apply regardless of bank holidays

After the four race days that are scheduled during the event period, the Carnival would only be open from 16:00 – 22:00 hrs. During the week leading up to Christmas, the event will start at 10:00 hrs.

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).

6. Set up and breakdown of the event

Except where written approval has been granted by West Berkshire Council or in the event of an engineering emergency or for reasons of health and safety, works relating to the setup and breakdown of the event shall only take place from 0800 to 1800 hrs Monday to Friday and from 0900 to 1300 hrs on Saturdays. No works shall take place on Saturday afternoons, Sundays or Public Holidays.

Reason: To protect occupiers of surrounding residential properties against unreasonable noise levels. 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).

7. Amplified Sound

The level of noise from amplified sound assessed using the LAeq,15 min metric under free-field conditions shall not exceed a value more than 5 decibels above the LA90, T

WESTERN AREA PLANNING COMMITTEE - 20 JULY 2022 - MINUTES

background noise level at the locations in the table below, or any other noise sensitive location beyond the racecourse boundary. Furthermore, the equivalent L_{Ceq},15 min level of amplified sound assessed under free-field conditions shall not exceed the values at the locations in the table below, or any other noise sensitive location beyond the racecourse boundary

Location	Representative LA ₉₀ ,15 min background noise level (dBA) – Day time (0700 to 2300 hrs)	L _{Ceq} ,15 min dB
Mandarin Drive	45	62
Executive Homes	46	66

Reason: To protect occupiers of surrounding residential properties against unreasonable noise levels 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. 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).

8. Plant Noise

The BS 4142:2014 rating level of noise from plant and machinery shall not exceed a value more than 5 decibels above the LA₉₀, T background noise level at the locations in the table below, or at any other nearest noise sensitive receptor:

Period	Modal LA ₉₀ , 15min (dB)		
	Mandarin Drive	Executive Homes	Lamtarra Way
Daytime	45	45	41
Night time	39	39	32

Reason: To protect occupiers of surrounding residential properties against unreasonable noise levels 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. 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).

9. Shuttle bus service

Prior to the first day of operation of the Carnival event, details of the shuttle bus service to be provided shall have been submitted to and approved in writing by the local planning authority.

- a) The shuttle bus service shall be provided for all events in accordance with the approved details unless otherwise agreed in writing by the local planning authority.
- b) A shuttle bus should be operational from the town centre and rail station whilst the Carnival is operational for the first 10 days of the carnival (when not racing).
- c) The details of the shuttle bus shall include timetables and publication strategy of the timetables.

WESTERN AREA PLANNING COMMITTEE - 20 JULY 2022 - MINUTES

- d) A review mechanism of the level of demand after those first 10 days and contingency plans shall be submitted and approved in writing by the local planning authority.

The development hereby approved shall not be brought into use until confirmation of how the requirements of points (a),(b) and (c) above are delivered has been submitted and approved in writing by the Local Planning Authority.

The shuttle bus service shall thereafter be implemented and kept available for use at all times during the event period. If provision of the shuttle bus service is terminated, alternative arrangements shall be submitted and approved in writing by the Local Planning Authority.

Reason: To ensure the development is provided with adequate travel provisions, in order to reduce reliance on private motor vehicles and reduce the likelihood of roadside parking that would adversely affect road safety and the flow of traffic. This condition is applied in accordance with the National Planning Policy Framework, Policy CS13 of the West Berkshire Core Strategy (2006-2026) and Policy TRANS1 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).

10. Combined racing and carnival ticket on racedays

The carnival event hereby permitted shall only be accessed with a combined racing and carnival ticket for the two busiest racedays (25th and 26th November 2022), unless otherwise agreed in writing by the local planning authority.

Reason: To ensure the development is provided with adequate parking facilities and adequate travel provisions, in order to reduce reliance on private motor vehicles and reduce the likelihood of roadside parking that would adversely affect road safety and the flow of traffic. This condition is applied in accordance with the National Planning Policy Framework, Policy CS13 of the West Berkshire Core Strategy (2006-2026) and Policy TRANS1 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).

11. Temporary cycle parking

The carnival event's temporary cycle parking shall be implemented in accordance with the cycle parking plan drawing No SK46 received on 23 May 2022.

Reason: To ensure the provision of cycle parking/storage facilities in order to encourage the use of cycles and reduce reliance on private motor vehicles. This condition is applied in accordance with the National Planning Policy Framework, Policy CS13 of the West Berkshire Core Strategy 2006-2026, Policy P1 of the Housing Site Allocations DPD 2006-2026, Quality Design SPD, and the Council's Cycle and Motorcycle Advice and Standards for New Development (November 2014).

12. No concerts during the four racedays

No concerts shall take place during the four racedays covering the period of the Carnival event hereby approved, unless otherwise agreed in writing by the local planning authority.

Reason: To ensure the development is provided with adequate parking facilities and adequate travel provisions, in order to reduce reliance on private motor vehicles and reduce the likelihood of roadside parking that would adversely affect road safety and the flow of traffic. This condition is applied in accordance with the National Planning Policy Framework, Policy CS13 of the West Berkshire Core Strategy (2006-2026) and Policy TRANS1 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).

The additional conditions are outlined below:

13. Access and parking provision details

WESTERN AREA PLANNING COMMITTEE - 20 JULY 2022 - MINUTES

The use hereby permitted shall be implemented as per the details submitted regarding the direction of all traffic accessing the event and traffic management as approved in writing by the Local Planning Authority in consultation with the Highway Authority. Thereafter the approved details shall be implemented in full during the event in accordance with the approved plans.

Reason: To ensure the efficient function of the event, promote sustainable forms of transport, promote highway safety and provides the appropriate level of vehicle parking and traffic mitigation. The Public Transport Plan details were not finalised at the time of determining the application. This condition is applied in accordance with the National Planning Policy Framework, Policy CS13 of the West Berkshire Core Strategy 2006-2026, and Policy TRANS1 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).

14. Vehicle parking

The use shall not commence until details of the vehicle parking and turning areas have been submitted to and approved in writing by the Local Planning Authority. Such details shall include the tarmac or reinforced turf circulation roads, along with improvements ensuring accessibility during the winter months when the carnival will take place. The use shall not commence until the vehicle parking and turning areas have been provided in accordance with the approved details. The parking and turning space shall thereafter be kept available for parking (of private motor cars and light goods vehicles) during the course of the event.

Reason: To ensure the development is provided with adequate parking facilities in order to reduce the likelihood of roadside parking which would adversely affect road safety and the flow of traffic. This condition is applied in accordance with the National Planning Policy Framework, Policy CS13 of the West Berkshire Core Strategy (2006-2026) and Policy TRANS1 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).

15. Travel Plan

The use hereby permitted shall not commence until a final Public Transport Plan has been submitted to and approved in writing by the Local Planning Authority. The Public Transport Plan shall include details of how public transport for event goers will be managed from Newbury Town Centre and Newbury Rail Station to the event. The details shall include timetables and frequency of the public transport service. Thereafter the Public Transport Plan shall be implemented in full during the event in accordance with the approved plans.

Reason: To ensure the efficient function of the event and promote sustainable forms of transport and promote highway safety. The Public Transport Plan details were not finalised at the time of determining the application. This condition is applied in accordance with the National Planning Policy Framework, Policy CS13 of the West Berkshire Core Strategy 2006-2026, and Policy TRANS1 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).

16. Post event Transport Assessment and Travel Plan

With the submission of any further planning application for any further Christmas carnival events, a post event Transport Assessment and Travel Plan shall be submitted. The submissions will detail how the event proceeded and how improvements can be made going forward. The areas to be considered should include:

- Details of traffic volumes and visitor numbers per day
- Servicing and deliveries

WESTERN AREA PLANNING COMMITTEE - 20 JULY 2022 - MINUTES

- Traffic management internally and within entrances to the site
- Signage strategy
- Impact and combination with other uses within the site such as race meetings and other events
- Travel Plan including mode share data

Reason: To ensure the development reduces reliance on private motor vehicles and provides the appropriate level of vehicle parking and traffic mitigation. This condition is imposed in accordance with the National Planning Policy Framework 2019, Policies CS5 and CS13 of the West Berkshire Core Strategy (2006-2026), Policy TRANS1 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007) and Local Transport Plan 3.

17. Sustainable drainage measures

No development shall take place until details of a flood risk assessment and sustainable drainage measures to manage surface water during construction, carnival operation and post event have been submitted to and approved in writing by the Local Planning Authority. The sustainable drainage measures shall be informed by the outcome of the flood risk assessment and shall include a schedule of works to take place for their implementation.

A pre-commencement condition is necessary because insufficient detailed information accompanies the application; sustainable drainage measures may require work to be undertaken throughout the construction phase and so it is necessary to approve these details before any development takes place.

Reason: To ensure that surface water will be managed in a sustainable manner; to prevent the increased risk of flooding; to improve and protect water quality, habitat and amenity and ensure future maintenance of the surface water drainage system can be, and is carried out in an appropriate and efficient manner. This condition is applied in accordance with the National Planning Policy Framework, Policy CS16 of the West Berkshire Core Strategy (2006-2026), Part 4 of Supplementary Planning Document Quality Design (2006) and SuDS Supplementary Planning Document (2018).

18. Construction method statement (CMS)

No development, including set up and breakdown of the event shall take place until a Construction Method Statement (CMS) has been submitted to and approved in writing by the Local Planning Authority. Thereafter the construction works, including set up and breakdown of the event shall incorporate and be undertaken in accordance with the approved CMS. The CMS shall include measures for:

- (a) A site set-up plan during the set up and breakdown of the event works;
- (b) Parking of vehicles of site operatives and visitors;
- (c) Hours of deliveries and preferred haulage routes;
- (d) Loading and unloading of plant and materials;
- (e) Hours of construction work;
- (f) Storage of plant and materials used in constructing the development;
- (g) Erection and maintenance of security hoarding including any decorative displays and/or facilities for public viewing;
- (h) Temporary access arrangements to the site, and any temporary hard-standing;
- (i) Wheel washing facilities;

WESTERN AREA PLANNING COMMITTEE - 20 JULY 2022 - MINUTES

- (j) Measures to control dust, dirt, noise, vibrations, odours, surface water run-off, and pests/vermin during construction;
- (k) A scheme for recycling/disposing of waste resulting from demolition and construction works;

Reason: To safeguard the amenity of adjoining land uses and occupiers, and in the interests of highway safety. This condition is applied in accordance with the National Planning Policy Framework, Policies CS13 and CS14 of the West Berkshire Core Strategy 2006-2026, and Policies OVS.5, OVS.6 and TRANS.1 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007). A precommencement condition is required because the CMS must be adhered to during all demolition and construction operations.

19. Generator use

The generators to be used in the use hereby permitted shall not be first used until details of the generator acoustic shielding have been submitted and approved in writing by the Local Planning Authority. The approved generator acoustic shielding details shall thereafter be retained for the entire duration of the event's operation.

Reason: To protect occupiers of surrounding residential properties against unreasonable noise levels 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. 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).

Informatives

Approach of the LPA

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.

Traffic management and car park use

The traffic for each of the event days should be managed and operated so as to ensure that Car Park 5 is only used once Car Park 4 is full.

(The meeting commenced at 6.30 pm and closed at 8.53 pm)

CHAIRMAN

Date of Signature