

Minutes of the meeting of the **PLANNING COMMITTEE** held at the Council Offices, Whitfield on Thursday, 24 May 2018 at 6.01 pm.

Present:

Chairman: Councillor F J W Scales

Councillors: S F Bannister
P M Beresford
B W Butcher
M R Eddy
B Gardner
P J Hawkins
P D Jull
S C Manion

Officers: Head of Regeneration and Development
Team Leader (Development Management)
Principal Planner
Planning Solicitor
Head of Regulatory Services
Environmental Protection Manager
Environmental Health Officer
Democratic Services Officer

The following persons were also present and spoke in connection with the applications indicated:

<u>Application No</u>	<u>For</u>	<u>Against</u>
DOV/15/00827	Mr Pat Doran Mr Kieran Gaylor Mr Chris Cobbald	Ms Suzanne Bangert Ms Penelope James Councillor M J Ovenden

1 APOLOGIES

It was noted that apologies for absence had been received from Councillors T A Bond, D G Cronk, D P Murphy, M J Ovenden and P M Wallace.

2 APPOINTMENT OF SUBSTITUTE MEMBERS

It was noted that Councillors P D Jull, P J Hawkins, S C Manion and M R Eddy had been appointed as substitute members for Councillors T A Bond, D G Cronk, M J Ovenden and P M Wallace respectively.

3 DECLARATIONS OF INTEREST

There were no declarations of interest.

4 ITEMS DEFERRED

The Chairman noted that there was one deferred item listed that was subject to further work.

5 APPLICATION NO DOV/15/00827 - LYDDEN HILL RACE CIRCUIT, WOOTTON

Members viewed maps, plans, drawings and photographs of the application site which was located in countryside to the south of the A2, with the nearest settlements being Shepherdswell and Lydden. Wootton, which was not defined as a settlement, was located 0.7 miles to the south-west. The Principal Planner advised that the site was situated within the Kent Downs Area of Outstanding Natural Beauty (AONB) and, as such, imposed a statutory duty upon the Local Planning Authority (LPA) to have regard to conserving or enhancing the natural beauty of the AONB.

Dealing first with the history of site, the Principal Planner advised that this was set out in section D of the report. However, he wished to draw Members' attention to two planning permissions in particular. The existing race control tower had been permitted in 2013, along with other more modest buildings which were yet to be built. Other existing buildings included offices and a scrutineering building. A hillside to the north of the circuit was currently used for spectator parking and viewing events, whilst an area of raised ground to the south of the circuit was used for camping. The first permission granted in the early to mid-1990s had given permission for a substantial development to provide a base for MacLaren. Whilst this permission had been implemented, it was not regarded as a realistic fall-back position due to the bespoke nature of the permission to serve MacLaren which had since established a base in Surrey. The site had been the subject of two Article 4 Directions which had restricted permitted development rights at the circuit. A Noise Abatement Notice had also been served on the circuit in 2015 in an attempt to deal with noise nuisance outside the planning process.

Turning to the application itself, Members were advised that two grandstands, VIP and scrutineering buildings and a terrace of business and general industrial units were proposed, along with a new access from Geddinge Lane and a further camping area. The use of the circuit was currently restricted to 52 days per year for racing and practice. The application proposed to add to the existing use quite substantially for events such as car demonstrations and driving experience days.

The site was situated in the countryside and Core Strategy Policies CP1 and DM1 were therefore relevant. CP2 and DM3 which related to employment and commercial development also applied. Policy A13 was a policy that was specific to the site and had been saved from the 2002 Local Plan which had (with the exception of saved policies) been superseded. However, it was acknowledged that the evidence base for the current Local Plan was out-of-date and that the application should be assessed against the National Planning Policy Framework (NPPF). Whilst it was recognised that much of the development functionally required this location, by virtue of the need to be co-located with the circuit, the same could not be said for the engineering units. The principle of this element of the proposal was therefore contrary to the Local Plan. In respect of the NPPF, it was important for Members to note that the tilted balance approach set out in paragraph 14 was not applicable as the scheme was contrary to specific AONB policies outlined in the NPPF. Notwithstanding this factor, a balanced assessment of the scheme had been undertaken and had concluded that the development was not sustainable.

Policies DM15 and DM16 sought to resist development which would harm the character of the countryside and the landscape, whilst the NPPF advised that great weight should be given to conserving the landscape and scenic beauty of the AONB. Unless there were exceptional circumstances, major development in the AONB should be refused. A Landscape and Visual Impact Assessment had been

submitted which assessed the impact of the development from key viewpoints. It was acknowledged that the existing buildings were not visible from most viewpoints due to there being in a valley. However, from certain viewpoints, the proposed grandstands, scrutineering building, parked cars and spectator hillside would be prominent and therefore particularly harmful to the character of the landscape. In addition, the camping area would be visible from some viewpoints, including the Public Right of Way (PROW) ER111, thus diminishing users' enjoyment of the natural beauty of the area. Whilst landscaping proposals had been submitted which would provide some mitigation, these were not considered to alleviate Officers' concerns. It was considered that more distant views would cause only a minor or insignificant impact.

Existing access to the site was via Dumbrill Hill which was only accessible from the Canterbury bound carriageway of the A2. Third parties had raised concerns about the impact of existing traffic on the A2 and surrounding rural lanes. The application sought to use a new access from Geddinge Lane which would be directly accessed from the Canterbury and Dover bound carriageways. Highways England had raised no objections to the proposal, and had advised that it intended to alter the timing of the traffic lights at the junction to improve their efficiency. A tiered system of car parking was proposed, including the use of an additional area for the largest events which would potentially alleviate some of the problems experienced with tailbacks.

Planning conditions imposed in the 1980s had proved difficult to enforce and lacked the necessary controls that would avoid the circuit being a nuisance to neighbours. Given that the application proposed that the circuit would be used for a significant number of additional days per year, it was evident that, without mitigation measures, the level of noise nuisance would be exacerbated. Whilst the applicant was proposing a range of additional controls to mitigate the nuisance caused by the existing and proposed uses at the circuit, concerns had been raised by third parties about the lack of detail provided. Nevertheless, these concerns could be addressed through the use of conditions.

It was considered that most of the development would not harm the tranquillity of the AONB given that it had already been diminished as a result of the use of the existing circuit and the A2. An exception to this was the new camping area which would diminish tranquillity along the PROW. The application would significantly increase the use of the site and the range of facilities and services that would be provided. The applicant had advised that the development would realise an investment of approximately £6 million, supporting 122 full-time equivalent jobs. Whilst third parties had queried these projections, they were not considered by Officers to be unreasonable, and the development's impact on employment should therefore be given considerable weight.

In summary, the principle of the B1 and B2 engineering units was not compliant with policy. The development would cause significant harm to the character of the countryside and to the tranquillity, landscape and scenic beauty of the AONB. That said, the highways improvements would counter the additional vehicle movements to and from the site, and the noise mitigation measures would mitigate the increased use of the circuit. In addition, the economic benefits of the proposal carried significant weight. However, overall, it was considered that there were no exceptional reasons to permit the engineering units in the countryside within the AONB. Refusal was therefore recommended, with a minor change to the report's second reason for refusal, replacing 'substantial' with 'significant'.

The Environmental Health Officer advised that the Council's Environmental Health team had initially recommended that the application should be refused due to the lack of information provided by the applicant. However, since then, Officers had consulted the Council's acoustic consultant and the Planning Officer, and had held discussions with the community and its representatives, with the aim of forming a balanced and informed view. The applicant had developed a draft noise management plan based on the Goodwood motor circuit model favoured by both the community's representatives and Environmental Health. Significant work had gone into developing the draft plan, and certain concessions and controls had been proffered by the applicant. As such, and on balance, Environmental Health was of the view that additional activity at reduced noise levels would not necessarily lead to an increased impact. Several conditions had been recommended, including the requirement to produce a fully detailed noise management plan within three months. This would then be considered by the LPA and, if approval were not given, it was understood that none of the proposed increases in activity could take place. Should the development be permitted, Environmental Health would expect to be kept fully informed of developments as testing took place in order to add the necessary detail to the plan.

Councillor B Gardner referred to the numerous complaints he had received from residents living nearby. Residents had been asking for better ticketing arrangements and traffic queuing systems for years but to no avail. Councillor B W Butcher considered that the application ticked a lot of boxes but more work was needed. Councillor P M Beresford agreed that there were some positive elements to the application, commenting that extra days of usage did not necessarily mean extra event days. However, she had concerns about the transportation of vehicles destined for the engineering units along narrow lanes.

Councillor M R Eddy doubted the claims made that the development would lead to a significant number of well-paid jobs given that these included event-day staff and various roles within the engineering units. He was also unconvinced by the figures given for off-site jobs and expenditure. Most people visiting the circuit would do so for the day rather than staying over, and they were unlikely to spend a significant amount off-site when there were limited facilities nearby. Councillors Gardner and Hawkins agreed that there were likely to be limited benefits for the local economy as most visitors would eat at the site and leave the same day. Councillor S F Bannister was of the view that there was no necessity for the engineering units to be located at Lydden, and particularly so given that it was not easily accessible by public transport.

Councillor P D Jull spoke in favour of the application which, in his opinion, would have minimal visual impact on the AONB.

The Chairman reminded Members that they were required to weigh up the pros and cons of the application. However, the scale was weighted more heavily against the application given that the site was in the AONB. He expressed surprise that no ticket sales data was available.

The Principal Planner advised that the existing and projected visitor spend figures supplied by the applicant were estimates. Without any robust evidence, it was deemed unsafe to dispute them. The potential economic benefits had been discussed with the Head of Inward Investment. The projected spend per visitor of £15.35 was based on the standard assessment methodology and was considered reasonable as an overall figure. The Committee was reminded that it was generally required to take account of the tilted balance approach set out in the NPPF,

weighing up any adverse impacts and considering whether these significantly and demonstrably outweighed the benefits of the proposal. However, the tilted balance approach was not engaged where specific policies in the NPPF indicated that development should be restricted, as was the case with this application since the site was located within the AONB.

The Environmental Health Officer advised that background noise from the A2 varied according to the wind direction but was generally in the low to mid-40s without contributory noise from the circuit. In response to Councillor Bannister, the Principal Planner clarified that the traffic lights would only be altered when the circuit was in use. The proposal would potentially improve the traffic situation by providing a direct right-hand turn from Canterbury. It was clarified that the planning permission given for MacLaren had been specific to their needs, and the applicant had confirmed that they would not be in a position to undertake that size of development. Since that scheme was unlikely to be built, the permission carried little weight as a fall-back position. In response to Councillor Eddy, it was confirmed that a design and access statement had been submitted which explained the rationale for the design approach taken across the circuit as a whole. However, Officers had concerns about the size and scale of the buildings, as well as the use of some materials which would give them a stark appearance.

In response to a suggestion by Councillor Jull that the application should be refused on the first ground only, the Principal Planner reminded him that the applicant's own landscape and visual impact assessment had concluded that there would be visual impacts to varying degrees from several viewpoints. Moreover, the Kent Downs AONB Unit and the Council's Principal Ecologist had raised objections to the application. For these reasons, the second reason for refusal covering the impact on the AONB should be retained.

RESOLVED: That Application No DOV/15/00827 be REFUSED for the following reasons:

(a) The proposed engineering units (Use Class B1 and B2) are located in an unsustainable countryside location within the Kent Downs Area of Outstanding Natural Beauty. Such a location would fail to support a pattern of development which facilitates the use of sustainable modes of transport or reduces the need to travel, and would intensify the development within the Area of Outstanding Natural Beauty. The application has failed to provide sufficient evidence to demonstrate that these engineering units functionally require such a location or to demonstrate that there is an overriding public interest in their provision. Consequently, these engineering units are contrary to Policies CP1, DM1 and DM3 of the Dover District Core Strategy and paragraphs 17, 29, 115 and 116 of the National Planning Policy Framework.

(b) The proposed development, by virtue of the location, scale, height, design and use of materials of the VIP Building, Grandstand 1, Grandstand 2 and the Scrutineering/Admin/Canteen/Shower/WC Block, and by virtue of the location and scale of the camping area to the south-west of the Public Right of Way ER111, would cause significant harm to the character of the countryside and the tranquillity and landscape and scenic beauty of the Kent Downs Area of Outstanding Natural Beauty, which would not be overcome by the landscaping

mitigation which has been proposed. Consequently, the erection of these buildings would be contrary to Dover District Core Strategy Policies CP7, DM15 and DM16 and paragraphs 17, 56, 58, 60, 61, 115 and 116 of the National Planning Policy Framework.

6 APPEALS AND INFORMAL HEARINGS

The Committee noted that there was no information to receive regarding appeals and informal hearings.

7 ACTION TAKEN IN ACCORDANCE WITH THE ORDINARY DECISIONS (COUNCIL BUSINESS) URGENCY PROCEDURE

The Committee noted that no action had been taken since the last meeting.

The meeting ended at 7.28 pm.