

Minutes of the meeting of the **PLANNING COMMITTEE** held at the Council Offices, Whitfield on Thursday, 30 January 2020 at 6.00 pm.

Present:

Chairman: Councillor J S Back

Councillors: R S Walkden  
M Bates  
E A Biggs  
J P J Burman  
M D Conolly  
D G Cronk  
M J Holloway  
O C de R Richardson  
H M Williams

Also present: Councillor P D Jull

Officers: Team Leader (Development Management)  
Principal Planner  
Environmental Protection Manager  
Environmental Health Officer  
Planning Solicitor  
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/19/00615	Ms Jane Scott Mr Chris Cobbald Ms Justine Crush Mrs Penelope James	Councillor P D Jull Ms Suzanne Bangert Mr Rob Jones Councillor P Walker

88 CHAIRMAN'S ANNOUNCEMENT

The Chairman welcomed members of the public and explained the meeting procedures. The Planning Officer would introduce the report, highlighting the key issues and considerations for Planning Committee members. This would be followed by public speaking, with three speakers on each side, plus a District Councillor. Finally, Members would ask questions, debate the application and vote. Due to the high level of public interest, the number of public speakers had been increased. It was important that the Committee was able to conduct its business without interruptions from the public gallery, and attendees' cooperation was requested. Persistent offenders would be asked to leave the Chamber.

89 APOLOGIES

It was noted that apologies for absence had been received from Councillors D G Beaney, T A Bond and D P Murphy.

90 APPOINTMENT OF SUBSTITUTE MEMBERS

It was noted that, in accordance with Council Procedure Rule 4, Councillors M D Conolly, M Bates and M J Holloway had been appointed as substitute members for Councillors D G Beaney, T A Bond and D P Murphy respectively.

91 DECLARATIONS OF INTEREST

There were no declarations of interest.

92 APPLICATION NO DOV/19/00615 - LYDDEN HILL RACE CIRCUIT, WOOTTON

The Committee was shown aerial views, drawings, plans and photographs of the application site. The Principal Planner advised that, since the report had been published, Highways England had withdrawn its holding objection to the application, subject to the imposition of a condition requiring the submission and approval of an events management plan which would be kept under review by Highways England. Members were also advised that 260 letters of support and 13 letters of objection had been received since the publication of the report, mostly raising matters that were already covered in the report. However, one representation had drawn attention to two saved policies within the 2002 Local Plan.

The first of these was ER6 which related to light pollution. Whilst the report did not refer to this policy, which was a material consideration, the impact of light had been taken into account, both in terms of its visual impact and impact on ecology. A condition had also been recommended which required full details of external lighting. The second policy was OS7 which related to outdoor sport and recreation. This policy was also a material consideration and did not support the expansion of major outdoor sport and recreational facilities outside the settlements of Dover or Deal unless they were accessible by a significant proportion of users by public transport, bicycle or on foot. The policy went on to say that, in all locations, development would not be permitted if it would cause harm to residential amenity through noise or illumination. The proposal under consideration was outside the settlements and not readily accessible other than by private vehicle. It was therefore in tension with the policy. However, the development would not cause additional harm to residential amenity in terms of noise and illumination. Moreover, it was considered that the policy had been overtaken by events, notably the National Planning Policy Framework (NPPF) which took a more nuanced approach to the expansion of businesses in rural areas, tourism, recreational uses and accessibility in the rural area. As such, it was considered that limited weight should be attributed to the policy. Overall, whilst these policies were material to the application, they did not affect the overall conclusion set out in the report.

Turning to the application itself, the Committee was advised that the site lay within the Kent Downs Area of Outstanding Natural Beauty (AONB). Most recently, the site had been the subject of an application that had been refused in June 2018. The grounds for that refusal had centred on the failure to provide sufficient evidence that the proposed engineering units functionally required such a location. Moreover, it had been considered that the proposed buildings and the inclusion of a camping area would cause significant harm to the character of the countryside and to the tranquillity, landscape and scenic beauty of the AONB. The current proposal omitted the engineering units and the camping area. The several buildings previously proposed had been rationalised into one pavilion building which was smaller than their combined footprint. The access road was comparable to the one previously proposed.

As a site located in the AONB, regard must be had for conserving or enhancing the natural beauty, landscape and scenic beauty of the AONB. The application had been accompanied by a landscaping and visual impact assessment. Members were shown photographs from ten viewpoints around the circuit. Tree hedgerows to the north of the access road, along the eastern boundary and between the tiered parking areas were proposed. The western boundary would be strengthened with new hedgerows and there would be new woodland planting to the south of the existing control tower. Swathes of meadow would also be allowed to seed intermittently across the site. The visual impacts of the previous application had given rise to a reason for refusal. When considered against existing structures and features, and proposals to enhance landscaping, Officers had concluded that, whilst the development would be visible from certain viewpoints, its adverse impact would be minor.

Using a map reproduced from the AONB Management Plan, the site currently had a medium to medium-low level of tranquillity. Subject to conditions, and as set out in the report, Members were advised that it was not considered that the level of tranquillity would be significantly diminished as a result of the proposals.

Third parties had raised numerous objections relating to the current levels of noise and the potential for increased levels should the application be granted. Noise levels were currently controlled by conditions attached to planning permission DOV/14/00415. These conditions, which limited the circuit to 52 days' use per year and required the submission of a calendar of events each year, amongst other things, were not considered to be robust and made the identification of breaches difficult. Under separate (non-planning) legislation, the Council's Environmental Health team had served a noise abatement notice which had established that noise from the circuit was causing a statutory nuisance and sought to limit that nuisance. Environmental Health officers visited the site around 12 times a year and had identified no breaches. The current application sought to retain current uses, as specified within the noise abatement notice, but reduced the period over which noise was averaged from one hour to thirty minutes in respect of the 55 decibel and 50 decibel events. This reduction in the time period over which noise would be averaged reduced the ability to dilute periods of louder noise with quieter periods, thus reducing the impact of these days on the aural environment. Residents would also be invited to join a new consultative committee.

The application also sought to increase the use of the site for quieter, non-racing events. A full description of the proposed uses was set out at paragraph 2.65 of the report. There would also be 49 silent days with no activities. Whilst the circuit's use would increase significantly, this was considered to be mitigated by the enhanced control of the circuit, including a noise management plan, the provision of a permanent noise monitoring system (with access to readings by the Local Planning Authority and their publication on the circuit's website), a calendar of events, and the reduction from one hour to 30 minutes over which noise would be averaged for category 2 and 3 events. Members had been provided with the draft wording of the proposed noise conditions that would be attached to any permission granted.

In respect of access, there would be a new access from Geddinge Lane which would give visitors access to the site from both carriageways of the A2. Direct egress would be possible from the existing access, complemented by egress from the new access which would provide direct access to both carriageways of the A2.

The development would cause no other impacts on neighbouring properties. Several conditions were recommended to deal with matters such as archaeology, ecology, contamination, construction (including details of dust suppression) and the disposal of foul and surface water. Whilst the applicant's assessment of the economic benefits was, by its very nature, a series of projections, it was considered to be robust. The development would significantly increase visitor numbers, and was likely to lead to additional employment at the circuit and in the wider area. Supported by the Council's Head of Inward Investment, Strategic Tourism Manager and Tourism Manager, it was concluded that the economic benefits of the development carried substantial weight.

In summary, the previous application had been acceptable in all respects (including noise and transportation) except for the principle of the engineering units and the visual and tranquillity impacts caused by the buildings and the camping area. The engineering units and the camping area were now omitted, and the previous buildings had been rationalised into one smaller building, thus reducing the harm to landscape character. Whilst the development would cause a minor adverse impact on the landscape, it was considered that the economic benefits of the application were compelling. The previous reasons for refusal had been overcome, and material considerations indicated that permission should be granted.

In response to Councillor M D Conolly, the Principal Planner clarified that the other activities proposed by the circuit were not racing or of an unduly noisy nature. If there were any applications to vary conditions, these could be brought back to the Committee for determination. The Planning Solicitor advised that the applicant had the right to apply to vary or remove a condition. However, if it was felt that varying or removing a condition would have a negative effect on the amenity of residents, the application could be refused. It was explained that there were various ways of dealing with a breach of condition, such as a temporary stop notice or an enforcement notice or, ultimately, an injunction which would restrain the activity. Members agreed that any applications to vary conditions should be brought back to the Committee.

Councillor M J Holloway commented that the circuit had existed on the site since at least 1947 and probably earlier so it was evident that this was not a proposal for a primary use in an undeveloped location. The previous application had not been refused on the grounds of noise, but because of the engineering units and the harm that would have been caused to the scenic beauty of the AONB by the proposed buildings that had now been rationalised into one. The concerns of residents had been recognised by the inclusion of over 30 conditions. These included significant improvements such as a robust noise monitoring system and management plan. Access improvements had also resulted in KCC Highways raising no objections. The economic justification for the development was compelling. It would support the retention of existing jobs and create a number of new ones, as well as supporting other businesses and drawing investment into the district. Councillor R S Walkden agreed, pointing out that Lydden, Shepherdswell and Coldred Parish Councils had voiced their support for the proposal, whilst 968 letters of support had been received, in contrast to 98 letters of objection. The proposal would bring significant advantages to the district, whilst the 30 conditions would safeguard the amenity of residents.

It was moved by Councillor M J Holloway and duly seconded that Application No DOV/19/00615 be APPROVED as per the report recommendation, subject to the inclusion of a condition relating to an Events Management Plan, as requested by Highways England.

In terms of economic benefits, the Principal Planner referred Members to paragraph 80 of the NPPF. The economic arguments were described in the report, and it was for Members to decide whether they also attached substantial weight to the economic case for the development.

In response to Councillor H M Williams, it was confirmed that racing days were limited to 52 days per year and could not be increased without applying for a variation to conditions. The additional days of activity sought were all of average noise levels that were below or equal to average background noise levels. In addition, there would be 49 silent days when there would be no activity on the site. The Environmental Protection Manager added that, under the conditions, the Council would be measuring noise levels over the course of half an hour rather than the current period of an hour. This would help to restrict the amount of noise generated by the circuit. A condition was also proposed that would require the circuit to use a system similar to the one employed by Goodwood Motor Circuit which required the circuit to submit readings to a website that was publicly accessible. The Council would check these readings and carry out spot checks.

Councillor E A Biggs commented that, whilst he thought it was a potentially exciting development, he had been surprised how tranquil the area was when he visited recently, and his view was that the increase in use would have a significant impact on residents. He also doubted the economic case for further development as he believed the majority of the jobs created would be of low value.

In response to Councillor J P J Burman, the Principal Planner advised that 'silent' days could be changed without notice. However, there was a notice period for changes to the calendar of events, ranging from 7 to 28 days' notice depending on the type of event. He also clarified that the 209 days of 'other activity' included road driving lessons, but these were limited to road cars designed for use on the public highway at speeds of up to 70mph. High-speed driving or racing was excluded.

Echoing points made by Councillor Burman, Councillor Conolly raised concerns about the disruption to residents' lives caused by changes being made to the calendar of events at short notice. Such changes could be highly irritating to residents who were entitled to some certainty about noise levels when organising or booking community/personal events. Given the length of time it undoubtedly took to plan racing days, he did not think it was unreasonable to expect the circuit to be able to give greater notice of changes.

The meeting was adjourned at 7.29pm for a short break and reconvened at 7.40pm.

The Principal Planner reminded Members that the site currently had planning permission to hold 52 days of racing per year. A calendar of these was provided before the beginning of the new calendar year. If Members were minded to change the notice periods, these needed to be proportional and reasonable given the extant permission. A reasonable option might be to change the notice period to three months for Categories 1 to 3.

Councillor M J Holloway, with the agreement of his seconder, agreed to amend his motion to require three months' notice of changes to the calendar of events involving Categories 1 to 3 events.

On being put to the vote, the motion was CARRIED.

RESOLVED: (a) That Application No DOV/19/00615 be APPROVED subject to the following conditions:

- i) Time limits for implementation;
- (ii) Approved plans;
- (iii) Programme for the delivery of the development;
- (iv) Submission of a Noise Management Plan, based upon the draft Noise Management Plan submitted with the application;
- (v) Restricting use of the circuit to specific definitions within categories (category 1, category 2, category 3, category 4, category 5, other activities and silent days);
  
- (vi) Provision and maintenance of a noise monitoring system on site, with the Local Planning Authority having real-time +>30mins remote access data;
- (vii) Detailed limitations regarding the maximum number of days' use within each category and operating hours;
- (viii) Additional hours on up to two Sundays per year, subject to the forfeiture of a day's racing;
- (ix) Track noise limits;
- (x) Noise limits for the public address system;
- (xi) Limitations of consecutive days racing;
- (xii) Publication of a calendar of events and the notice period for any changes;
- (xiii) Events Management Plan;
- (xiv) Samples of materials;
- (xv) Provision of landscaping, in accordance with full details to be submitted;
- (xvi) Provision of access road prior to the increased use of the site (i.e. prior to category 4, category 5, other activities and silent days), full details of which shall be submitted to the Local Planning Authority for approval;
- (xvii) Traffic Management Plan;
- (xviii) Travel Plan;
- (xix) Provision of four electric vehicle charging points;

- (xx) Car parking to be provided in accordance with the submitted parking strategy (small/medium/large events);
  - (xxi) Construction Management Plan;
  - (xxii) Programme of archaeological works;
  - (xxiii) Ecological mitigation and enhancements;
  - (xxiv) Full details of all external lighting;
  - (xxv) Landscape and Ecological Management Plan;
  - (xxvi) Full details of the method of bringing potable water to the site;
  - (xxvii) Foul drainage strategy;
  - (xxviii) Surface water strategy;
  - (xxix) Contamination mitigation in accordance with Section 8 of the submitted Phase 1 Contamination Risk Assessment;
  - (xxx) Previously unexpected contamination;
  - (xxxi) Full details of areas to be used for the storage of chemicals, oils and fuels.
- (b) That powers be delegated to the Head of Planning, Regeneration and Development to settle any necessary planning conditions, in line with the issues set out in the report and as resolved by Planning Committee, and to draft and issue a Statement of Reasons.

The meeting ended at 7.42 pm.