

PLANNING DEVELOPMENT CONTROL COMMITTEE

21 March 2012

Attendance:

Councillors:

Jefts (Chairman) (P)

Berry (P)

Clear (P)

Evans

Izard

Johnston (P)

Laming (P)

McLean (P)

Pearce (P)

Read (P)

Ruffell (P)

Tait (P)

Deputy Members:

Councillor Rutter (as Standing Deputy for Councillor Izard)

Councillor Mitchell (as Standing Deputy for Councillor Evans)

Others in attendance who addressed the meeting:

Councillors Godfrey, Jackson, Learney and Lipscomb.

Others in attendance who did not address the meeting:

Councillors Humby and Scott.

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1. **TONYMOTO, DOWN FARM, HEADBOURNE WORTHY - THE RETENTION AND PERMANENT CONTINUED USE OF LAND FOR THE HOLDING OF MOTOCROSS PRACTICE AND RACING EVENTS, INCLUDING RETENTION OF EARTH BUNDING AND TEMPORARY PLANT, EQUIPMENT AND BUILDINGS USED IN CONNECTION WITH THE ACTIVITY TOGETHER WITH THE DUAL USE OF THE LAND FOR OFF-ROAD VEHICLE DRIVING, DRIVING OF BUGGIES AND QUAD BIKES, AUTO JUMBLES AND COLLECTORS FAIRS. – 11/01233/FUL**
[\(Report PDC927 refers\)](#)

The schedule of development control decisions arising from consideration of the above Report is circulated separately and forms an appendix to the minutes.

This application was outside of the area of the South Downs National Park.

Councillor Rutter declared a personal (but not prejudicial) interest in respect of this item as she was a member of Headbourne Worthy Parish Council, who had objected to the application. However, in a personal capacity, she had an

open mind and would make a decision on the information to be presented to the Committee. Councillor Rutter spoke and voted thereon.

The Chairman stated that in the morning prior to the meeting, Committee Members had informally visited the application site and selected villages in the surrounding area, to view features mentioned in the Report, in order to assist in their decision making.

The Head of Planning Management drew attention to the Update Sheet. The Update Sheet proposed amendments to Conditions 06 and 13, and an additional Condition 18 as follows:

Amendment to condition 06 to clarify that motocross use can only take place on tracks A and B – add “...In addition motocross activities shall only use tracks A and B and shall only take place as follows....”

Amendment to condition 13 – removal of line “unless otherwise agreed in writing by the Local Planning Authority”.

Additional condition 18 – Works and ongoing management of the site (including control of Japanese Knotweed) shall be carried out in accordance with the Section entitled 'Management of the bunds' within the Supplementary Design and Access Statement (undated), and email from Simon Browne (dated 24 October 2011).

Reason: In order to avoid ecological impacts and provide suitable management of the site and invasive species.

The Update Sheet also made reference to two further letters of representation, a summary of detail from a recent appeal decision for a motocross use in Essex (Canes Lane, North Weald ref.APP/J1535/C/11/2152653 refers) and a statement received from Councillor Lipscomb. A copy of the Update Sheet was available for inspection on the application file.

The Head of Planning Management also requested that an additional Condition be approved to restrict the temporary structures on the permitted site.

The following representations were made during public participation: Mr Lowery and Mr Briggs spoke against the application and Mr Browne and Mr Webster spoke in support. Mr McIntosh (representing Harestock and Littleton Parish Council) and Ms Perrins (representing South Wonston Parish Council) spoke against the application. Representations were also made by Councillors Godfrey, Jackson, Learney and Lipscomb and their comments are summarised as follows:

Councillor Godfrey referred to the previous 2009 application, which had been refused. He stated that the only change from this refusal was that, on Appeal, the Planning Inspector had stated that noise could not be a reason for refusal, but the Inspector had not personally heard the noise from a motocross event. The effects of noise, dust, traffic and impact on character did have an effect on

the area and its residents. There was also an impact on the business carried out by Littleton Stud. Issues relating to enforcement and monitoring of conditions were a drain on the Council's resources and the application should again be refused, as the Planning Inspector's decision was based on incomplete information.

Councillor Jackson stated that residents in Littleton and Harestock were affected by the proposals. There was little confidence in the monitoring procedure that had been carried out by the Council during the temporary period, which had resulted in costs being awarded against the Council at Appeal. For the objectors, the application represented a significant nuisance as the noise was intrusive and audible at a distance and did not allow them to enjoy the amenity of their properties. Councillor Jackson asked that the conditions should be sufficiently robust to be enforced. In addition, in respect of condition 6, between March and October one totally free month be provided with no motocross activity to allow residents some respite from the intrusion.

Councillor Learney stated that the effect on the Barton Farm development had not been fully taken into consideration and also that the proposed application did not provide local community benefit as it was not a facility for local people, but was more regional in nature, as shown by the catchment of its participants. There were 36 alternative motocross sites in the area. The use of the site for motocross had stopped the use of local footpaths as they had become too noisy to enjoy and the development had also impacted on Littleton Stud, which was an established business in the area. The application did not comply with policies relating to agricultural diversification and any conditions relating to noise needed to be given careful consideration as the nature of the noise was "wasp like" and led to a loss of amenity. There was support for the establishment of a Local Liaison Committee in order that direct action could be taken on received complaints. There was also support for Littleton and Harestock Parish Council's request for extra bund height.

Councillor Lipscomb stated that he was speaking in his capacity as a Ward Member and not as the Mayor of Winchester. This was a sensitive application that would affect local people, but it did have its supporters. Whilst he supported motocross, Down Farm was not an appropriate place for motocross activity to take place. The practicality of the mitigation measures that were required to provide environmental protection should be rigorously tested to assess their potential effectiveness. The Planning Inspector's decision at Appeal did not lead to approval as other material considerations, such as the effect of the application on Barton Farm, were changes in material circumstances and should be taken into account. In addition, he supported the reasons for objection put forward by South Wonston Parish Council and concluded that under the spirit of the Localism Act, the application should be refused.

In reply, the Head of Planning Management stated that the key issues raised in public participation related to noise, dust, landscape and highways, which were comprehensively covered in the Report.

In response to questions from members of the Committee, the officers explained that the Essex Case referred to in the Update Sheet was a material consideration, but there were significant differences between the motocross site at Canes Lane, North Weald, Essex and this application that did reduce its "weight". In addition, it was explained that the Planning Inspector's decision on Appeal acknowledged that there was noise from the motocross activity which impacted on local residents and caused annoyance to some, but that it did not cause unacceptable harm in planning terms. However, the Planning Inspector's decision on noise was only one of a number of factors to be taken into consideration when determining this application and it was necessary for the Committee to consider all the relevant issues again before deciding whether it was appropriate to grant permission as recommended although it did provide assistance in analysing the application and was an important material consideration. Nevertheless, the appeal decision did not, on its own, mean that permission should be given.

In respect of the monitoring of noise, the officers explained in detail the method and techniques that had been employed during the temporary period, including frequency and duration of monitoring, and methods that were proposed to be used should the application be granted. In reaching the proposals for monitoring noise, the Council had worked in conjunction with the noise consultant commissioned by Littleton and Harestock and South Wonston Parish Councils, but the recommendations within the Report were those of the Council's officers. The approach was not to set a figure for maximum noise levels in advance, but to use figures gained from experience of operation as part of the Noise Management Plan, which was to be conditioned. The Noise Management Plan would also include points of contact for reporting noise impacts. Planning Permission would be required for a Tannoy system or other amplified equipment within the site as such equipment was controlled by condition. The height of the bunds was also controlled by conditions, to help to mitigate noise associated with bikes approaching the jumps.

It was acknowledged by the Head of Environmental Protection that whilst relatively few complaints about dust were received during the 5 year temporary consent period, he had seen information which suggested that dust could be an issue with the motocross use and therefore it was reasonable to impose a condition to deal with this matter. This issue had been raised in relation to Littleton Stud. The methods to control dust on the site were controlled by condition and details would need to be submitted for approval as part of the proposed Dust Management Plan. It was noted they would also have to comply with health and safety requirements, including those protecting the safety of riders at the events. The controls on dust would also apply to dust generated by traffic using access roads, which could be dampened by methods proposed by the applicant or be given a tarmac surface if required. It was noted that the nearby A34 road could also be a source of fine particles of dust as could be agricultural activities, such as farrowing.

Paintballing did not form part of the present application and its omission was based on the harm to ecology of trampling on flora and fauna due to the intensity of its use. Such a use would be prohibited by condition. Overnight camping would be limited to 12 nights to keep it low in scale.

There was no evidence that the application would cause any material harm to the Barton Farm development and even if this proved not to be the case, then mitigation measures could be incorporated as part of its development. This matter was considered by the Appeal Inspector and she had concluded that the effect on houses at Barton Farm would not have justified dismissing that application.

In respect of visual amenity, it was agreed that the landscape condition include reference to "mature" planting in order to further minimise the external views into the site.

Under Access and Highway Safety, it was clarified that the applicant had made a contribution to Hampshire County Council for highways improvements in 2004. There was no objection from Hampshire County Council or the Highways Agency to the application.

Following debate, the Committee agreed to approve the application as set out, subject to the inclusion of the conditions contained within the Update Sheet, as set out in the introduction above, and with minor amendments to existing conditions: - condition 3 to ensure that the installation of sound amplifying equipment would need planning permission; condition 11 to state that the Dust Management Plan be agreed annually (in order that any adjustments could be made to the mitigation strategy), and that in condition 16 mature trees be included for screening. Delegated authority was also granted to the Head of Planning Management, in consultation with the Chairman, to agree the wording of an additional condition to restrict temporary buildings and structures on the site.

RESOLVED:

That planning permission be granted for the reasons and subject to the conditions as set out below:

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

Reason: To comply with the provisions of Section 91 (1) of the Town and Country Planning Act 1990 (as amended).

02 No use of the site shall take place other than in accordance with the following:

a. Before any motocross bike uses the site it shall be tested to ensure compliance with the Auto Cycle Union (ACU) year 2011 noise standards. The results of all testing performed must demonstrate compliance with these noise standards and shall be kept on site for a minimum of 1 year and be available for inspection by the Local Planning Authority upon written request.

b. All subsequent changes in the ACU, or recognised successor organisation, noise standards shall be adopted and enforced so long as there is a requirement for lower noise emission standards.

c. All other approved motor vehicle use on site, shall not exceed 83 dB L(A)max, slow as measured in the midpoint of the longest straight at 5m from the vehicle whilst accelerating.

Reason: To protect the amenities of the occupiers of nearby properties.

03 No sound amplifying equipment shall be utilised as a public address system on the site.

Reason: To protect the amenities of the occupiers of nearby properties.

04 Within 3 months of the development hereby approved commencing a noise management plan shall be submitted for the written approval of the Local Planning Authority. The measures identified and approved by the Local Planning Authority shall be implemented and maintained at all times thereafter in accordance with the approved plan. This plan shall include:

- i. Maximum noise levels during operation, set at the site perimeter. These levels to be based upon actual noise readings witnessed and approved by the Local Planning Authority during normal site operation,
- ii. A detailed monitoring methodology for assessing noise levels from individual motocross bikes,
- iii. A noise complaints procedure.

If after 3 months of the commencement of development hereby permitted a noise management plan has either:

- a) not been submitted to and agreed in writing by the Local Planning Authority; or
- b) been approved by the Local Planning Authority but has not been complied with, then

the use shall cease until such time as the operation of the use permitted complies in full with an approved noise management plan.

Reason: To protect the amenities of the occupiers of nearby properties.

05 The noise emitted from the site, measured as an LAeq, 5 min fast, shall not exceed the existing background noise levels (LA90,T) by more than 5dB at the nearest domestic premises. Before the use hereby approved commences the exact assessment methodology, including the determination of background noise levels and monitoring locations, shall be agreed in writing by the Local Planning Authority. The

measurement and assessment methodologies shall be made with reference to BS 4142:1990.

Reason: To protect the amenities of the occupiers of nearby properties.

06 There shall be no more than 12 race events per calendar year. A yearly written programme of proposed race events for the forthcoming calendar year shall be provided, in advance, to the Local Planning Authority, and thereafter race meetings shall be held only in accordance with the submitted programme unless the Local Authority shall have agreed in writing any variation thereto.

Motorised vehicle use of any track shall only occur between the following hours:

- March to October (inclusive) 09:00 to 19:00
- November to February (inclusive) 09:00 to 16:00

In addition motocross activities shall only use tracks A and B and shall only take place as follows:

March to October (inclusive)

- a. 10:00 to 16:00 for one Saturday per calendar month for open practice or training,
- b. 10:00 to 16:00 for one Sunday per calendar month for open practice, training, or race meets,
- c. 10:00 to 16:00 on Wednesdays for open practice or training. Except between 1st April and 30th September, when the track shall close no later than 19:00,

November to February (inclusive)

- d. 10:00 to 16:00 for one Saturday per calendar month for open practice or training,
- e. 10:00 to 16:00 for two Sundays per calendar month for open practice, training, or race meets,
- f. 10:00 to 16:00 on Wednesdays for open practice or training.

Saturday and Sunday uses, detailed in a to f above, cannot occur on consecutive days, except on one occasion per calendar year.

Where:

- 'Race meets' are competitive events that have been pre organised and are included on the written yearly programme.
- 'Open practice' means making the track available for riders who turn up and pay to ride on the track;
- 'Training' means making the track available for a maximum of 6 riders under instruction.

Reason: To protect the amenities of the occupiers of nearby properties.

07 No track shall be used by any motorised vehicle, unless it is specifically listed below:

- Motocross bikes,
- Other off road motorbikes that are road legal,
- Off road quad bikes,
- Buggies,
- Road legal four wheel drive vehicles,
- Other vehicles for which prior written consent has been granted by the Local Planning Authority.

Reason: To protect the amenities of the occupiers of nearby properties.

08 The maximum number of bikes shall not exceed 40 bikes on track A and 30 bikes on track B. Whilst track A is in use, the bikes operating on track B shall not exceed an 85cc engine capacity.

Reason: To protect the amenities of the occupiers of nearby properties.

09 The height differential between the stretch of the southern bund marked X-Y on the approved plan and the adjacent jumps contained within tracks A and B shall remain as the situation on 28 October 2011 when the site was surveyed by the Local Planning Authority as indicated on the updated topographical survey drawing. In any case the height differential between the stretch of the southern bund marked X-Y on the approved plan and the adjacent jumps contained within tracks A and B shall not fall below 2.5 metres in height. No changes shall take place to the track or surrounding land that would materially alter the height differential between the jumps and the bund from the established levels as of 28 October 2011 without the written approval of the Local Planning Authority.

The height differential between the adjacent land and the ground level of track C shall remain as the situation on 28 October 2011 when the site was surveyed by the Local Planning Authority. In any case the height differential as measured between the highest part of the ground level of track C and the adjacent land shall not fall below 1 metre in height. No changes shall take place to the track or surrounding land that would materially alter the height differential between the surface area of track C and the adjacent land from the established levels as of 28 October 2011 without the written approval of the Local Planning Authority.

Reason: To protect the amenities of the occupiers of nearby properties.

10 No motocross bike or any other motorised vehicle activity associated with the use hereby permitted for the site shall take place on the bunds.

Reason: To protect the amenities of the occupiers of nearby properties.

11 Before the development hereby approved commences, a dust management plan shall be submitted for the written approval of the Local Planning Authority and thereafter a plan shall be submitted for approval by the local planning authority annually. The measures identified shall be implemented and maintained at all times in accordance with the approved plan.

Reason: To protect the amenities of the area.

12 No external lighting, whether free standing or affixed to an existing structure, shall be provided on the site at any time.

Reason: In order to limit the night time visual impact of the development

13 The use of the land hereby permitted in relation to the holding of auto jumbles and collectors fairs and similar events shall be restricted to the provisions of the Town and Country Planning (General Permitted Development) Order 1995 as amended by the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008 (or any Order revoking and re-enacting that Order with or without modification) in Class B of Part 4 of the Order unless otherwise agreed in writing by the Local Planning Authority. The use of the site for overnight camping shall be restricted to 12 nights per calendar year.

Reason: In order to limit the activities hereby permitted in the interests of local amenity and highway safety.

14 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 as amended by the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008 (or any Order revoking and re-enacting that Order with or without modification) no paintballing/war game activity as permitted by Class B of Part 4 of the Order shall be carried out within the site without the prior written consent of the Local Planning Authority.

Reason: In order to control development that may otherwise have a harmful impact on the ecology of the site

15 Prior to commencement of the works a scheme of biodiversity enhancements shall be submitted to and approved in writing by the Local Planning Authority, and thereafter implemented through the works. Enhancements may include native and locally appropriate planting to provide habitat and food sources for species such as birds and invertebrates, wildflower areas, creation of ponds and other habitat features such as habitat (log) piles, and provision of bird, bat and insect boxes.

Reason: In order to provide biodiversity enhancements in line with PPS9 and policy CE11 of the adopted Winchester District Local Plan Review.

16 A detailed scheme for landscaping, tree and/or shrub planting shall be submitted to and approved in writing by the Local Planning Authority before development commences. The scheme shall include mature planting and specify species, density, planting, size and layout. The scheme approved shall be carried out in the first planting season following the occupation of the building or the completion of the development whichever is the sooner. If within a period of 5 years from the date of planting, any trees, shrubs or plants die, are removed or, in the opinion of the Local Planning Authority, become seriously damaged or defective, others of the same species and size as that originally planted shall be planted at the same place, in the next planting season, unless the Local Planning Authority gives its written consent to any variation.

Reason: To improve the appearance of the site in the interests of visual amenity.

17 The existing bunds hereby permitted shall be retained for the duration of the use hereby permitted.

Reason: In the interests of residential amenity

18 Works and ongoing management of the site (including control of Japanese Knotweed) shall be carried out in accordance with the Section entitled 'Management of the bunds' within the Supplementary Design and Access Statement (undated), and email from Simon Browne (dated 24 October 2011)

Reason: In order to avoid ecological impacts and provide suitable management of the site and invasive species.

19 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 as amended by the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008 (or any Order revoking and re-enacting that Order with or without modification) no structures or buildings as permitted by Class A of Part 4 of the Order shall be erected or placed within the site.

Reason: In order to control development that may otherwise have a harmful impact on the visual amenity of the site.

Informatives

01. 1 - This permission is granted for the following reasons:

Subject to the restrictions and controls recommended through the conditions, the development would not have a significantly detrimental effect on the living conditions of existing and future residents of nearby settlements and would therefore comply with Policy NRM10 of The South East Plan – Regional Spatial Strategy for the South East, 2009

(RSS) and Policies DP.3, DP.11 and RT.13 of the WDLPR. Furthermore it is not considered that the development would have an adverse impact on the ecology of the site and surrounding area, the visual amenity of the area or highway safety and therefore complies with policies NRM5, CC6, C4 and C6 of The South East Plan – Regional Spatial Strategy for the South East, 2009 (RSS) and policies CE10, CE5, CE28, DP3 and T2 of the WDLPR. In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, planning permission should therefore be granted.

02. 2 - The Local Planning Authority has taken account of the following development plan policies and proposals:-

South East Plan 2009:

- CC6 (character of the environment)
- NRM5 (conservation and improvement of biodiversity)
- NRM10 (noise)
- NRM11 (energy efficiency)
- C4 (landscape and countryside management)
- C6 (countryside access and rights of way management)
- TSR2 (rural tourism)
- S5 (cultural and sporting activity)

Winchester District Local Plan Review

- CE5 (landscape character);
- CE10 (nature conservation)
- CE28 (recreation in the countryside);
- RT13 (noisy sports);
- DP3 (general criteria);
- DP11 (un-neighbourly uses);
- DP12 (pollution sensitive development)
- T2 (highway access)

The meeting commenced at 2.00pm and concluded at 5.20pm.

Chairman