

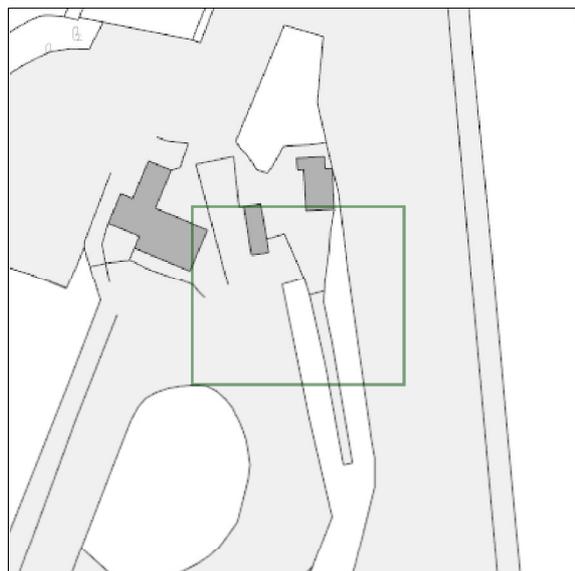
Ward Dunkeswell And Otterhead

Reference 19/0198/FUL

Applicant Mr Njal Lovell

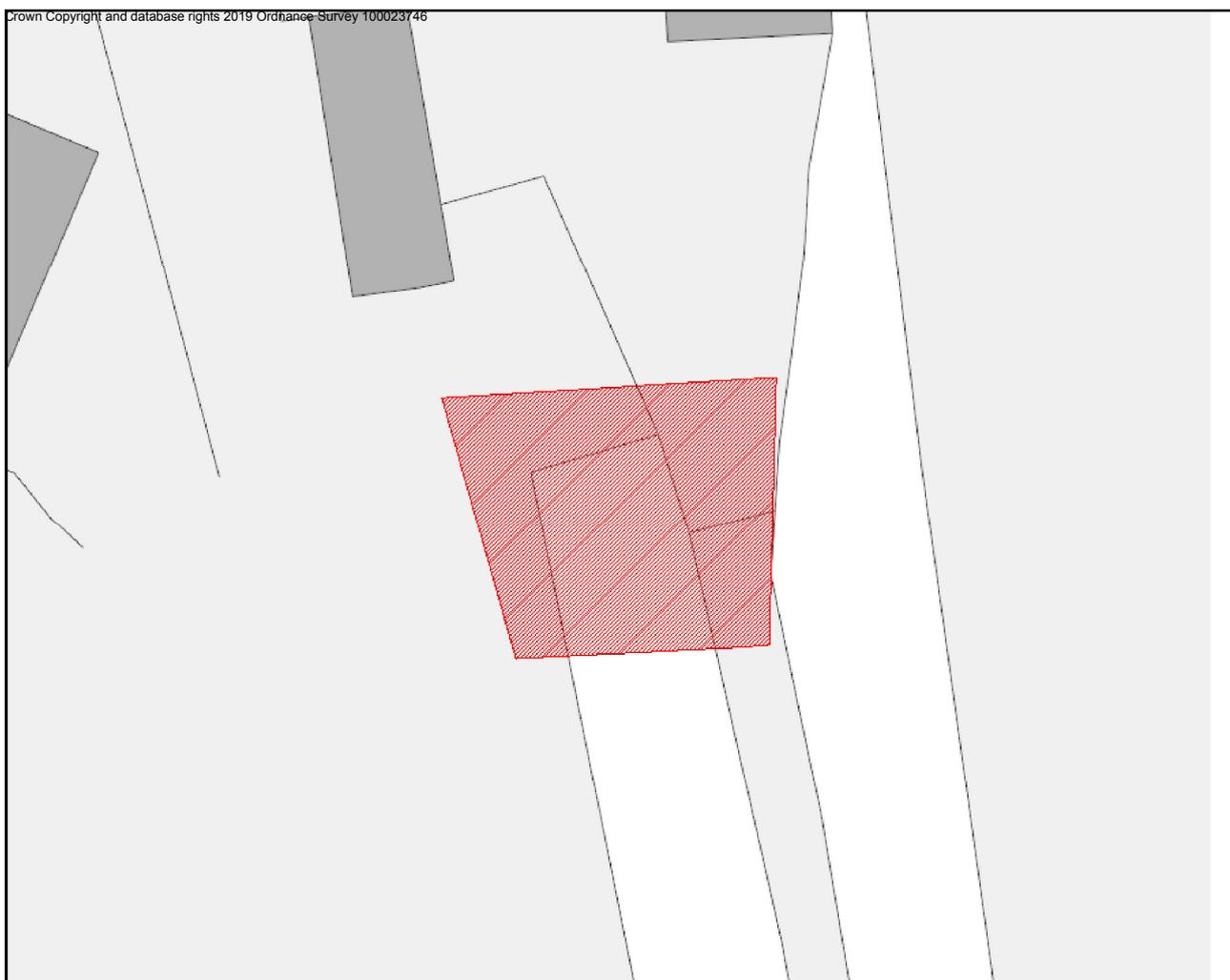
Location Mansell Raceway Dunkeswell Aerodrome
Dunkeswell Honiton EX14 4LT

Proposal Construction of a detached cart workshop with
first floor viewing terrace linked to the race
building.



RECOMMENDATION: Approval with conditions

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		Committee Date: 18th June 2019
Dunkeswell And Otterhead (Dunkeswell)	19/0198/FUL	Target Date: 27.03.2019
Applicant:	Mr Njal Lovell	
Location:	Mansell Raceway Dunkeswell Aerodrome	
Proposal:	Construction of a detached cart workshop with first floor viewing terrace linked to the race building.	

RECOMMENDATION: Approval with conditions

EXECUTIVE SUMMARY

This application is before Members as the officer recommendation differs from the view of the Ward Members.

The proposed development would see the existing workshop relocated into the proposed building to vacate space for a shop selling kart parts and club merchandise related to the Mansell Raceway business. Whilst this application is not applying for a retail use of the existing building, the retail use as described by the applicant is considered to be ancillary to the kart business and does not therefore require planning permission.

Concerns from Sheldon Parish Council and third parties regarding the visual impact of the scheme are noted. Objections have, in particular, taken issue with potential light spill of the development and subsequent impacts upon tranquillity of the AONB. Whilst it is appreciated the aesthetic qualities of the Blackdown Hills AONB are paramount importance, restricting the use of the viewing platform between certain hours and ensuring no external lighting of the platform, ensure that the impact would not be significant enough to warrant refusal. Whilst other third parties have also regarded the development as ‘planning creep’ the size, scale use of the proposed buildings, set within the context of the existing buildings, again, is not considered to cause significant visual harm.

The Local Ward Member and Parish Council have concerns with use of the viewing platform at later times of the evening. Concerns stem from a recently approved licensing application allowing the sale of alcohol and late night refreshments. Sale of alcohol is allowed between 10:00 – 21:30 Sunday to Wednesday and 10:00 – 23:30 on Thursday to Saturday. Despite the sale of alcohol and refreshments being permitted at these times use of the viewing platform shall be restricted as

suggested by Environmental Health. The use shall be conditioned as not be used after the hours of 21:00 as to reduce the amount of noise and light pollution.

Overall, owing to the visual impacts of the scheme being deemed acceptable, and light and noise being controlled by condition, the application is considered to be in accordance with policy within the Local Plan and Dunkeswell Neighbourhood Plan and therefore recommended for approval.

CONSULTATIONS

Local Consultations

Ward Member – Dunkeswell and Otterhead - Cllr C Brown

Thank you for giving me the opportunity to comment on this application, I can see no justification for this new extension to the not yet completed building which was only recently approved (August 2018) this extension is a almost 40 o/o increase in foot print, the building already has a kart work shop and if further space is required a justification should be given and supported by the East Devon Business Manager Rob Murray. It is inappropriate to put an unnecessary Building in the AONB, and in there comments, state that they would not support general commercial development in this location, which I think this is, and they also state that they, like myself, have concerns about this application.

With regards to the new building which had still to be completed. There is a restriction on the times it can be open, 9am to 9pm. They have applied for and been given an alcohol licence with extended opening times way longer than permitted opening times, and also to allow casual walk-ins contrary to the granted permission which states the building can only be used for purposes incidental to the use of the site for Commercial Pro/Leisure Karting.

Dunkeswell have reviewed this application and along with Sheldon think this new building is inappropriate, unnecessary, and not in keeping with the AONB, and the AONB Partnership also has concerns. Although the officers seem to be to the contrary, I think it should go before the DMC to be discussed, where I will keep an open mind until I have heard all the arguments both for and against.

Ward Member – Dunkeswell and Otterhead - Cllr D Key

Having only just become involved in this application due to reorganising wards I have read the report and fully support the comments of my joint ward member.

Parish/Town Council

04.02.2019

Following our conversation regarding the above application, I have made the Chairman aware of the proposal to use the outside terrace until 11pm in the evenings.

Dunkeswell Parish Council would have objected to this proposal, but were under the impression from the planning application that it's use was until 6pm as discussed. In light of this the Council would like to suggest a limit be applied to this to 9pm, so that it remains within the current operating hours to protect the character & environment for the use of residents and limit the noise and lighting pollution from the venue.

Further comments 05.03.2019

- There were no objections to the application.

The Parish Council would like to request that the following be considered should you recommend the application for approval. The Parish Council would like to see the previous applications 16/2946/FUL & 18/0419/VAR completed and the buildings removed as stipulated in those applications, before works commence on the new application. To minimise the chance of changes being made by the applicant to the overall size or height of the proposed building, light pollution is kept to a minimum to avoid nuisance to residents here and in Sheldon and to minimise any adverse effect on wildlife.

Neighbourhood Plan, Page 50, Policy LE2 & Para 8.12, Blackdown Hills AONB Management Plan 2014-2019 RET1/B

Adjoining Parish Council – Sheldon 05/03/19

- Comments from Sheldon Parish Meeting

Meeting held Monday 4th March 2019

18 Members present

19/0198/FUL | Construction of a detached cart workshop with first floor viewing terrace linked to the race building. | Mansell Raceway
Dunkeswell Aerodrome Dunkeswell Honiton EX14 4LT.

1. Previous application Ref. No: 16/2946/FUL Erection of building containing workshop/storage, reception, visitor facilities and race control replacing existing portacabin and associated outbuildings. Was granted and given amendments after much deliberation by the Development Control Committee. Debate was raised over the size of this application, the surface area creating far more than the applicant already had to run the Kart Club. It was granted permission but not without objections from councillors on the committee. Objections were raised on the size of the building and the light pollution that it would create in an otherwise blank and night time black area of the AONB.

2. Sadly now there is light pollution in that area of the AONB that was not previously there which the council has been made aware of by parish members.

3. This current application is duplicating facilities that have already been catered for in the previous application, kart workshop and visitor facilities. If therefore the club/raceway is anticipating exponential increase in visitors numbers as well as becoming a retail outlet without submitting a business plan, will other facilities also be required like food, alcohol and other refreshments altogether changing the use. A licence for alcohol for example will increase the out of hours use of the buildings exacerbating light pollution.

4. Previous applications for visitor facilities were rebuffed vigorously and at great expense by the District Council. Reasoning for refusal being unacceptable light pollution within the AONB. Although the kart workshop and parts retail facility is noted as being lower within the ground than normal buildings the glazed viewing gallery on top will by definition be lit as use of the track goes on until 7:30. Should some alcohol/recreation licence be applied for this facility may well be lit well into the night.

5. Members of the parish have had to except the light pollution which has come with the previous application, that is new in a skyline once void of light in this part of the AONB.

This new application will undoubtedly exacerbate the light pollution in this area, compounding a whole heartedly insensitive approach to permitting a business to expand at any cost to its very sensitive environment.

Reiterating, a previous judgement by the council at appeal to great expense to the tax payer that it would not be expectable to pollute this area in particular with light associated with out of hours visitor facilities.

6. Parish members whole heartedly expect the council to uphold it's previous decision not to allow light pollution in this area of the AONB. Permitting further development of the area to the applicant is not a given right without consideration to the environment and the everlasting damage it will knowingly do. Parish members do not except that more development of this area is in keeping. The area is not industrial, it is divorced from that part of the airfield that is industrial. Nearest buildings to the site are agricultural.

Planning Officers at East Devon District Council have offered great consideration and much attention and sensitivity to other applications within the AONB. We would like assurance that such attention will be given to this application.

7. Parish members object to this application and would appreciate that it would be debated at a Development Control Committee Meeting.

Technical Consultations

Environmental Health

08/03/19 - I have considered the application for a small kart workshop adjacent to the new building. I note that no external lighting is proposed because it is not required, and therefore concerns regarding potential additional light in this corner of what is otherwise quite a busy airfield have already been taken into account. I therefore do not anticipate any environmental health concerns in relation to this development, however I do consider that an hours of use restriction on the use of the open air viewing area would be appropriate. I therefore recommend the following condition:

" This building shall be used only for the uses described and the viewing area shall only be used during the hours of 8am and 9pm on any day."

I refer to the above application. The proposed development lies in an area of high archaeological potential with regard to known archaeological activity associated with the Roman and later iron ore extraction industry on the Blackdown Hills. Recent archaeological work on the adjacent site demonstrated the presence of well-preserved ore extraction pits and it is highly likely that groundworks for the construction of the proposed development may expose and destroy archaeological and artefactual deposits associated with this industry. The impact of development upon the archaeological resource should be mitigated by a programme of archaeological work that should investigate, record and analyse the archaeological evidence that will otherwise be destroyed by the proposed development.

The Historic Environment Team recommends that this application should be supported by the submission of a Written Scheme of Investigation (WSI) setting out a programme of archaeological work to be undertaken in mitigation for the loss of heritage assets with archaeological interest. The WSI should be based on national standards and guidance and be approved by the Historic Environment Team.

If a Written Scheme of Investigation is not submitted prior to determination the Historic Environment Team would advise, for the above reasons and in accordance with paragraph 199 of the National Planning Policy Framework (2018) and Policy EN6 (Nationally and Locally Important Archaeological Sites) of the East Devon Local Plan, that any consent your Authority may be minded to issue should carry the condition as worded below, based on model Condition 55 as set out in Appendix A of Circular 11/95, whereby:

'No development shall take place until the developer has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation (WSI) which has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out at all times in accordance with the approved scheme, or such other details as may be subsequently agreed in writing by the Local Planning Authority.

Reason

'To ensure, in accordance with Policy EN6 (Nationally and Locally Important Archaeological Sites) of the East Devon Local Plan and paragraph 199 of the National Planning Policy Framework (2018), that an appropriate record is made of archaeological evidence that may be affected by the development'

This pre-commencement condition is required to ensure that the archaeological works are agreed and implemented prior to any disturbance of archaeological deposits by the commencement of preparatory and/or construction works.

I would envisage a suitable programme of work as taking the form of the archaeological supervision of all groundworks associated with the construction of the proposed development to allow for the identification, investigation and recording of any exposed archaeological or artefactual deposits. The results of the fieldwork and any post-excavation analysis undertaken would need to be presented in an

appropriately detailed and illustrated report, and the finds and archive deposited in accordance with relevant national and local guidelines.

I will be happy to discuss this further with you, the applicant or their agent. The Historic Environment Team can also provide the applicant with advice of the scope of the works required, as well as contact details for archaeological contractors who would be able to undertake this work. Provision of detailed advice to non-householder developers may incur a charge. For further information on the historic environment and planning, and our charging schedule please refer the applicant to: <https://new.devon.gov.uk/historicenvironment/development-management/>.

Other Representations

27 objections were received regarding the following:

- The development is considered to cause an increase in light pollution and therefore harmful to the AONB.
- The development is another built physical structure in the AONB
- Increase in noise pollution and therefore detrimental to neighbouring amenity and tranquillity of the AONB.
- Increase in traffic
- Overdevelopment of the site and considered 'planning creep'
- Felling of trees
- Concerns over an application for an alcohol licence and the resulting noise from extended operating hours.

POLICIES

Adopted East Devon Local Plan 2013-2031 Policies

Strategy 7 (Development in the Countryside)

Strategy 46 (Landscape Conservation and Enhancement and AONBs)

D1 (Design and Local Distinctiveness)

E5 (Small Scale Economic Development in Rural Areas)

E20 (Provision of Visitor Attractions)

TC2 (Accessibility of New Development)

TC7 (Adequacy of Road Network and Site Access)

TC12 (Aerodrome Safeguarded Areas and Public Safety Zones)

Government Planning Documents

NPPF (National Planning Policy Framework 2019)

National Planning Practice Guidance

Dunkeswell Neighbourhood Plan

NE1 – Retaining, Conserving and Enhancing the Natural Beauty of our Parish

BE1 – Maintaining the Built Character through High Quality Design

Site Location and Description

Mansell Raceway is an existing kart racing business that occupies a site on the north western corner of Dunkeswell Aerodrome between the villages of Dunkeswell and Sheldon. The facility is primarily used to privately hire karts in addition to the Dunkeswell Kart Racing Club holding regular events. The site comprises of the race track, some porta cabins and a new race building that is currently under construction (Application 16/2946/FUL). This application has since been amended under a Section 73 application (18/0419/VAR) altering the buildings appearance, height and position. The site is located within the Blackdown Hills Area of Outstanding Natural Beauty.

Proposal

This current application seeks permission for a cart workshop at ground floor level and a viewing platform at first floor level. The Design and Access Statement details how this will free up space within the existing building for a cart retail unit for the sale of kart spares, race clothing and club merchandise.

The workshop would extend off the existing buildings south elevation and have an overall footprint measuring 102sqm. A powder coated aluminium door would be constructed on the west elevation that would act as the main access in and out of the building for karts. The viewing terrace at first floor level would overhang a walkway below and connect to the first floor of the existing building. The viewing terrace would be enclosed by glass balustrade with the external elevations being finished in render and a sarnifil membrane roof.

ANALYSIS

The main issues for consideration are the principle of development and its visual impact upon the surrounding landscape.

Principle of Development

Strategy 7 (Development in the Countryside) of the adopted East Devon Local Plan resists development in the countryside except where it is in accordance with a specific Local Plan policy which explicitly permits it. In this instance it is recognised that Mansell Raceway is an existing and successfully operated business in the rural area. As such the proposal gains support under Policy E5 (Small Scale Economic Development in Rural Areas) and to a lesser extent Policy E20 (Provision of Visitor Attractions) of the East Devon Local Plan. In particular Policy E5 is a permissive policy that allows for small scale economic development and expansion of existing businesses subject to a number of criteria. Therefore the principle of development is accepted.

The site falls outside of The Historic Airfield Area as designated within the Dunkeswell Neighbourhood Plan under Policy BE2, as such this policy is not relevant to the current application.

Although the proposal benefits from support in principle from Local Plan Policy E5, detailed consideration still needs to be given to other policies within the East Devon Local Plan and Dunkeswell Neighbourhood Plan to ensure that the visual impact from the proposal is acceptable and that there is no other harm from the proposal. These matters are considered below.

The proposed development would see the existing workshop relocated into the proposed building to vacate space for a shop selling kart parts and club merchandise related to the Mansell Raceway business. Whilst this application is not applying for a retail use of the existing building, the retail use as described by the applicant is considered to be ancillary to the kart business and therefore in compliance with condition 8 of application 18/0419/VAR which is worded as follows;

'The building hereby permitted shall only be used for purposes incidental to the use of the site for Commercial Pro/Leisure Karting.

(Reason - To define the permission and in the interests of conserving the character and tranquillity of the Blackdown Hills Area of Outstanding Natural Beauty in accordance with Strategy 46 (Landscape Conservation and Enhancement and AONBs) of the East Devon Local Plan 2013-2031.)'

As such, planning permission is not required for the ancillary sale of goods in relation to the current karting activity.

Visual Impact

Strategy 46 (Landscape Conservation and Enhancement and AONBs) states that development will need to be undertaken in a manner that is sympathetic to, and helps conserve and enhance the quality and local distinctiveness of the natural and historic landscape character of East Devon. Policy NE1 of the Neighbourhood Plan states that 'Proposals for development should demonstrate that there would be no significant adverse impacts on the natural environment (landscape and biodiversity)'. This is reinforced by Policy BE1 which states that 'development proposals should: i) Ensure that the size, scale and location of the development is appropriate to the form, scale and setting of the surrounding built environment' and 'iii) Ensure that it is designed in such a way as to minimise its impact on the visual amenity of the surrounding landscape, on views of the proposed development and on the natural environment'.

In this case the extension is modest in scale and set within the context of existing buildings. The existing building is cut into the site and is partly screened by engineering works that have lowered the surrounding land allowing for the build to be set down, therefore minimising its prominence within the local landscape.

Currently the main view of the site is from the east on the road that crosses the end of the runways and links Dunkeswell with Sheldon and beyond to Hemyock and Culmstock. The belt of trees along the north western edge of the escarpment provide a backdrop for the existing and proposed building at Mansell Raceway. The extension is single storey and would benefit from the same screening. Therefore the workshop is not considered to be visually intrusive or detrimental to the aesthetic qualities of the AONB. The proposal is considered to comply with Strategy 46 and Policy D1 (Design

and Local Distinctiveness) of the East Devon Local Plan and Policies NE1 and BE1 of the Dunkeswell Neighbourhood Plan.

Noise and light pollution

Whilst Dunkeswell Parish Council have not objected to the application, their comments regarding light pollution are acknowledged alongside the comments from Sheldon Parish Council.

Additionally third party comments have also raised concerns over the visual impact of light spill upon the tranquillity of the AONB.

During the assessment of applications 16/2946/FUL and 18/0419/VAR efforts were made to keep light pollution to an absolute minimum through the use and conditioning of tinted windows to reduce light-spill. It has been confirmed with the applicant that there is to be no external lighting on the viewing platform and this can be controlled by condition.

Additionally Environmental Health have suggested a condition to restrict the use of the viewing terrace between 8am and 9pm. This time frame is in line with the operating hours of the track and therefore no additional impact from light spill is anticipated.

It is appreciated that a License has been granted to allow the use of the building for the sale of alcohol and late night refreshments until 21:30 Sunday to Wednesday and 23:30 Thursday to Saturday but in the interests of protecting the AONB from additional light spill and noise, it is recommended that the use of the viewing platform be restricted to between the hours of 08:00 to 21:00.

It has been recommended that the building be restricted from being constructed until existing buildings have been removed as part of the consent for the main building but this is not considered to be necessary or reasonable as the application is acceptable in itself and the removal of these buildings controlled by other permissions.

Subject to conditions controlling the use of the viewing platform, the proposal is considered to be acceptable and be in compliance with Policy EN14 (Control of Pollution) of the East Devon Local Plan and relevant policies within the Neighbourhood Plan that support mitigating measures to prevent harm.

Additional activity

The small ancillary retail area may lead to a very small increase in the number of people visiting the site solely to purchase merchandise but such level will be minimal and therefore acceptable.

The viewing platform may encourage some more people to visit the site to watch people karting but again these numbers will be relatively small and it is not considered that this would result in any additional harm from increased noise, activity or traffic, particularly as the hours of operation and karting activity remains unchanged from existing.

CONCLUSION

The proposed development would see the existing workshop relocated into the proposed building to vacate space for a shop selling kart parts, club merchandise related to the Mansell Raceway business. Whilst this application is not applying for a retail use of the existing building, the retail use as described by the applicant is considered to be ancillary to the kart business and does not therefore require any further planning permission.

Concerns from Sheldon Parish Council and third parties regarding the visual impact of the scheme are noted. Objections have, in particular, taken issue with potential light spill of the development and subsequent impacts upon tranquillity of the AONB. Whilst it is appreciated the aesthetic qualities of the Blackdown Hills AONB are paramount importance, restricting the use of the viewing platform between certain hours, preventing any lighting of the viewing platform and the use of tinted windows to the main building will adequately protect the AONB. Whilst other third parties have also regarded the development as 'planning creep' the size, scale and use of the proposed buildings, set within the context of the existing buildings, is not considered to cause significant visual harm.

The Local Ward Member and Parish Council have concerns with use of the viewing platform at later times of the evening. Concerns stem from a recently approved licensing application allowing the sale of alcohol and late night refreshments. Sale of alcohol is allowed between 10:00 – 21:30 Sunday to Wednesday and 10:00 – 23:30 on Thursday to Saturday. Despite the sale of alcohol and refreshments being permitted at these times use of the viewing platform shall be restricted as suggested by Environmental Health. The use shall be conditioned as not be used after the hours of 9pm as to reduce the amount of noise and light pollution.

Overall, owing to the visual impacts of the scheme being deemed acceptable and light and noise being controlled by condition, the proposal is considered to be acceptable. The application is considered to be in accordance with policy within the Local Plan and Dunkeswell Neighbourhood Plan and is therefore recommended for approval.

RECOMMENDATION

APPROVE subject to the following conditions:

1. The development hereby permitted shall be carried out in accordance with the approved plans listed at the end of this decision notice.
(Reason - For the avoidance of doubt.)
2. The development hereby permitted shall be begun before the expiration of three years from the date of this permission and shall be carried out as approved.
(Reason - To comply with section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).
3. The building hereby approved shall only be used for the storage, maintenance and repair of race karts used at Mansell Raceway.

(Reason - To define the permission and in the interests of conserving the character and tranquillity of the Blackdown Hills Area of Outstanding Natural Beauty in accordance with Strategy 46 (Landscape Conservation and Enhancement and AONBs) of the East Devon Local Plan 2013-2031.)

4. There shall be no direct or indirect lighting of the viewing terrace hereby approved.
(Reason - To minimise the impacts of light pollution on the Blackdown Hills Area of Outstanding Natural Beauty in accordance with Strategy 46 (Landscape Conservation and Enhancement and AONBs) of the East Devon Local Plan 2013-2031.)
5. The viewing area shall only be used during the hours of 8am and 9pm on any day.
Reason - To minimise the impacts of noise pollution on the Blackdown Hills Area of Outstanding Natural Beauty in accordance with Strategy 46 (Landscape Conservation and Enhancement and AONBs) of the East Devon Local Plan 2013-2031.)
6. No development shall take place until the developer has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation (WSI) which has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out at all times in accordance with the approved scheme, or such other details as may be subsequently agreed in writing by the Local Planning Authority.

Reason

To ensure, in accordance with Policy EN6 (Nationally and Locally Important Archaeological Sites) of the East Devon Local Plan and paragraph 199 of the National Planning Policy Framework (2018), that an appropriate record is made of archaeological evidence that may be affected by the development.

NOTE FOR APPLICANT

Informative:

In accordance with the requirements of Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 in determining this application, East Devon District Council has worked positively with the applicant to ensure that all relevant planning concerns have been appropriately resolved.

Plans relating to this application:

19005-SLP	Location Plan	30.01.19
19005-01	Proposed Floor Plans	30.01.19

19005-02	Proposed Floor Plans	30.01.19
	CIL Additional Information	30.01.19
19005-03	Proposed Elevation	30.01.19
19005-05	Proposed Block Plan	30.01.19
19005-04	Proposed Elevation	30.01.19

List of Background Papers

Application file, consultations and policy documents referred to in the report.