

## Appendix 2

wording should be that *the recommendation is that outline planning permission be approved in this instance.*

### Recommendation

Remains as per the officer report with the changes to conditions 11 and 12.

### Agenda Item 9

**21/00517/F – Land Used for Motocross, Stratford Road A422, Wroxton, OX15 6HX**

### Additional representations received

- 1) Hornton Parish Council ('HPC') has made further comments, urging refusal of the application, drawing attention to the outstanding matters, and making requests for the imposition of additional conditions in the event the planning application is approved. These suggested conditions relate to restrictions on the number of active days to 20 per year with no more than 5 per quarter (officers recommend 24 and 6 respectively), no more than 2 per month between May and September, no use of the track on the first Bank Holiday Monday of each year, restrictions on the running of motorbike engines to between 9am and 4pm, exploring decibel limits, and obtaining noise measurements closer to the track. HPC has also requested conditions to restrict changes to the circuit, prohibit further permanent structures, restrict the boundary of the circuit, restrict the number of vehicles on the site at any one time and to require three months' notice of any fixtures and bookings. HPC also requests a temporary stop of all activity until conditions are discharged and requests that compliance with conditions is enforced.
  - i) The local highway authority ('LHA') has commented on HPC's representation, and advises that a May Day event restriction could be reasonably required by condition. Alternatively, they suggest that a condition could be in place to ensure that motocross events to only take place on Sunday and for the site to be vacated by Sunday evening.
  - ii) The Council's Environmental Protection team has commented on HPC's representation, reiterating that EP officers have no objections to the development on noise grounds, but that an hours of event condition could reduce local concern. They state that 24 event days is reasonable to require by condition. The EP team states that if the guideline level (96dB(A) at trackside) is adhered to, then no further monitoring is required.
- 2) Hornton Parish Council has responded to the LHA's comments made on 4<sup>th</sup> June, stating that there are errors and omissions in the LHA's response, including failure to mention narrow roads from Wroxton and underplaying of blind bends near gateway of track. HPC states that the assumption made that there are one or two national events per year is untrue. HPC add that one of the passing places mentioned in the comments is a weak bridge and is not suitable for heavy vehicles to use. HPC also note that vehicle speeds can reach 60mph.
- 3) Hornton Parish Council has commented that the application counters the principles of the CDC Climate Action Framework.
- 4) Hornton Parish Council has commented on the applicant's "*Mitigation Measures for Great Crested Newts*" document, raising concerns that the measures suggested will

not avoid, mitigate or compensate against any danger or harm against Great Crested Newts.

- 5) Hornton Parish Council has submitted a rebuttal of the Environmental Health Officer's comments. Their comments focus on the days on which the EHO took sound readings of events in the Hornton village. HPC states on 15.09.2019 it was a Girls National event, on which they state that different bikes are used to male/adult bikes which are larger. HPC states that the readings on 22.09.2019 were taken from a schoolboy scrambling event, with children on small bikes. HPC states that the third reading, taken on 20.10.2020 [assumed 20.10.2019], was not southerly and therefore the noise impact was reduced.
- 6) Further third-party objections have been received, contesting elements of the committee report, making objections to additional ecological information received, responding to the further LHA representation and suggesting conditions should the planning committee be minded to grant permission.

#### **Officer comment**

- 1) Compliance with conditions and the question of whether activity would need to stop are matters for the Council's Planning Enforcement team. Conditions relating to further growth and expansion do not meet the tests for conditions – they do not relate to the development subject of the current application and are not reasonable or necessary, as further permission would be required for any further development, including any material changes in levels across the site. Officers' view is that conditions can reasonably be imposed to restrict use of the site on bank holidays and to restrict the number of vehicles attending the site.
- 2) There is no evidence that the LHA has not considered all matters in hand. The development is considered acceptable in highway safety terms, subject to conditions.
- 3) Your Officers have considered sustainability and climate change in paragraphs 9.78 – 9.85 of the committee report (beginning on page 117).
- 4) A further consultation response from the Council's Ecologist is yet to be received. At this time officers are unable to confirm whether the "*Mitigation Measures for Great Crested Newts*" document alleviates previous concerns raised.
- 5) HPC's comments that the noise levels of those events were lower than other events are not evidenced. Officers acknowledge that the applicant's Noise Impact Assessment submitted with the application provides a modelled noise level in different scenarios, including in the case of a large event (40 bikes on track) and in the case that there are strong southerly winds. Officers therefore consider that the development is acceptable in terms of noise and therefore in residential amenity terms.
- 6) The neighbour objections received do not raise any new issues that have not been previously considered, or which are not otherwise explained in points 1 – 5 above.

#### **Change to recommendation**

As per published report, but with additional conditions as set out below:

12. Except where otherwise stipulated by conditions attached to this permission, the development shall be retained strictly in accordance with the application forms and the following plans and documents:

- PI 01
- PI 02
- SU2192 2D-1
- SU2192 2D-2
- SU2192 2D-3
- SU2192 2D-4

Reason – For the avoidance of doubt, to ensure that the development is carried out only as approved by the Local Planning Authority and comply with Government guidance contained within the National Planning Policy Framework.

13. There shall be no use of the track or set-up or take down of events on the first Bank Holiday Monday in May of each year.

Reason - in the interests of highway safety and to comply with Policy ESD15 of the Cherwell Local Plan 2011 – 2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

14. There shall be no further practising or competitive racing unless and until a plan showing parking provision for vehicles to be accommodated within the site have been submitted to and approved in writing by the Local Planning Authority. The site shall not be used other than in accordance with the approved details, and the number of vehicles parking within the site shall not exceed this capacity.

Reason - In the interests of highway safety, to ensure the provision of off-street vehicular parking and to comply with Government guidance contained within the National Planning Policy Framework.

15. The noise levels at or from the site shall not exceed 96dB(A) and the track shall only be used for motocross purposes between the hours of 9:00am and 6:00pm.

Reason - To ensure the creation of a satisfactory environment free from intrusive levels of noise and to comply with Saved Policy ENV1 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

16. There shall be no further practising or competitive racing unless and until a spectator and access strategy has been submitted to and approved in writing by the Local Planning Authority. The spectator and access strategy shall include: -

- How the calendar of events would be regulated
- An event ticketing strategy
- A vehicle permitting strategy

The site shall not be used other than in accordance with the approved details thereafter.

Reason - in the interests of general amenity and to comply with Policy ESD15 of the Cherwell Local Plan 2011 – 2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

And Condition 2 to be amended as follows:

There shall be no further practising or competitive racing unless and until full details of the means of access between the land and the highway, including position, layout, construction, drainage and vision splays have been submitted to and approved in writing by the Local Planning Authority. The details required by this condition shall include the formation of a kerbed bellmouth junction where the site access road meets the unnamed public highway between Wroxton and Hornton , and the surfacing of the area alongside the carriageway, opposite to the site entrance, which has been worn away by vehicles making the turn into and out of the site. The means of access shall be constructed in strict accordance with the

approved details prior to any further practising or competitive racing and shall be retained and maintained as such thereafter.

Reason - In the interests of highway safety and to comply with Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

### **Agenda item 10**

#### **21/01330/F – Symmetry Park, Morrell Way, Ambrosden**

#### **Additional Representations received**

Environment Agency – object to the application because it involves the use on non-mains foul drainage.

CDC Tree Officer – the tree officer has noted that an arboricultural report has not been submitted.

CDC Ecology – no issues raised with the ecological documents submitted or protective/avoidance measures to be taken for protected species but recommends that additional information be provided in respect of the submitted CEMP.

#### **Officer comments**

With regards to the objection from the EA. The discharge of foul drainage will be subject to a separate consenting regime with the statutory authority (EA). The applicant has confirmed that they are in discussion with the EA to secure environmental permits to discharge to the watercourse and are confident of resolving the matter.

Within the wider Symmetry Park site, other units have been permitted to discharge to on site package treatment works and then to surface water as is also proposed within this site.

The approach to the use of Private Sewage Treatment Plant has been consistent throughout the construction of the Park, and was approved at the 2016 Hybrid stage (15/02316/OUT), for Unit B (18/0091/F), the DPD Parcel Depot (20/00530/F) and the extant planning permission (19/00388/F).

On this basis, officers would not wish to recommend the refusal of planning permission.

In respect of the comment made by the Council's tree officer, the baseline arboricultural report for the site accompanied the outline planning application for the site. The current application is supported by a robust landscape scheme which demonstrates that no trees are to be removed and there is considerable structural planting of new trees within the site.

As such, it is considered that this matter has been satisfactorily addressed and that the submission of further reports would not be necessary.

The comments of the Council's ecology officer are noted. The applicant has submitted a CEMP to support the application in order to reduce the imposition of pre-commencement conditions. The applicant has been made aware of the ecology officer's comments and the need to revise the submitted CEMP. If a satisfactory CEMP has not been submitted prior to the issue of the planning consent, then a condition will be imposed to secure the required information as follows;