

**Item No. 9****SCHEDULE B**

<b>APPLICATION NUMBER</b>	<b>CB/10/02161/FULL</b>
<b>LOCATION</b>	<b>Old Park Farm, Bridle Way, Toddington, Dunstable, LU5 6HP</b>
<b>PROPOSAL</b>	<b>Change of use of land to a Moto Cross Circuit.</b>
<b>PARISH</b>	<b>Toddington</b>
<b>WARD</b>	<b>Toddington</b>
<b>WARD COUNCILLORS</b>	<b>Cllrs Costin &amp; Nicols</b>
<b>CASE OFFICER</b>	<b>Abel Bunu</b>
<b>DATE REGISTERED</b>	<b>15 July 2010</b>
<b>EXPIRY DATE</b>	<b>09 September 2010</b>
<b>APPLICANT</b>	<b>Luton &amp; District Motorcycle Club Ltd</b>
<b>AGENT</b>	<b>Mr D Lewis</b>
<b>REASON FOR COMMITTEE TO DETERMINE</b>	<b>Member call in by Councillor Mrs C F Chapman MBE (original Ward Member) on grounds of adverse comments from Harlington residents relating to noise, pollution and difficulties of enforcing any conditions</b>
<b>RECOMMENDED DECISION</b>	<b>Full Application - Granted</b>

**Site Location:**

The site lies to the north east of the M1 Motorway, Junction 12, Toddington, off the eastern side of Harlington Road (A5120), to the rear of Poplars Nursery and some 300m to the north of the farmstead at Old Park Farm. The site is roughly triangular in shape, the boundary on its western side running level with Harlington Road at a distance of 350m, the southern boundary in parallel to the route of public footpath 54 at a distance of 250m, the north-eastern boundary coinciding with the former District boundary between Mid and South Bedfordshire. It has an area of some 13ha. The land is also used for grazing animals and slopes uphill from west to east.

**The Application:**

seeks permission for the permanent change of use of land to a moto cross circuit on seven occasions per annum. The site has been in such use on the basis of permitted development rights and temporary permission for up to seven days per year since 1999, by the applicants, the Luton and District Motorcycle Club. The application was deferred at the Committee on 12th October to enable Toddington Parish Council to respond to the consultation process.

**RELEVANT POLICIES:****National Policies (PPG & PPS)**

PPS1 - Delivering Sustainable Development  
PPG2 - Green Belts  
PPS7 - Sustainable Development in Rural Areas  
PPG24 - Planning & Noise

## Bedfordshire Structure Plan 2011

None saved.

### South Bedfordshire Local Plan Review Policies

BE8 - Design Considerations

R16 -Control - Sports/Recreational Facilities

T10 - Parking-New Developments

### Supplementary Planning Guidance

Design in Central Bedfordshire, A Guide for Development, Adopted 23 July 2010.

#### RELEVANT HISTORY:

SB/TP/99/0302            Temporary permission for use of land as moto cross circuit on seven days per calendar year, retention of earth mounds and stationing of portable buildings. Granted January 2001.

SB/TP/03/00469        Temporary permission for use of land as a moto cross circuit.

#### Representations: (Parish & Neighbours)

Toddington Parish  
Council

##### Objection

- Inadequate information to enable making an informed decision.
- Parish council objected to previous application though it was approved with strict conditions.
- If approved, the same strict conditions should be considered.

Further more recent objection, requesting deferral of application to enable further consultation with local residents, due to changes from original objection that result from Council elections and changes in Ward boundaries.

Harlington Parish  
Council

##### Objection

- Noise disturbance detrimental to residential amenity.
- No way of stopping noise from motor bikes.
- Sound proof fences would be harmful to the openness of the Green Belt. Hedging would take a long time to have an effect.
- Concern over effect on ground water and risk of pollution.
- Likely access complications due to M1 J12 improvements.
- Temporary permission is easier to stop than a permanent permission.

- The moto cross is not solely for the young as stated by the applicant.
- Central Bedfordshire would have to bear the costs of policing a permanent permission.
- If permission is granted, some kind of noise measurement must be undertaken on the event days to ascertain the facts.
- Recommends refusal of application.

Neighbours  
Dunedin House

No objection in principle. However raises concerns

- House too close to application site and would be affected by noise and dust.
- Any increase in level of activity and traffic would be of concern.
- Current level of activity does not cause concern.
- Concern about safety and security measures to control traffic movement and parking.

Subsequent letter supports application - the sporting activity is best suited to this countryside location.

Neighbours  
57, 66, Park Leys, 7 &  
7A Station Road, 57, 87  
Sundon Road, 2,  
Shepherds Close, 8,9  
11, 27, 29, 33, 56  
Pilgrims Close,5  
Toddington Road.

Objections

- Agricultural land in the Green Belt.
- Noise disturbance.
- If permission is granted, strict conditions should be imposed.
- Site is close to watercourses and could pose a danger to the environment through leakage of oil and petrol.
- Smell from the petrol fumes is a health hazard.
- Temporary permission affords better control of the site than a permanent permission.
- Use of site as a moto cross circuit erodes the quality of the countryside.
- Permanent permission would mean unrestricted moto cross events with possibilities of operational development taking place.
- Close to residential properties in Harlington.

## Consultations/Publicity responses

Highways Development  
Control

- There should be no highway restrictions to the granting of planning permission.
- The Highways agency has started works on the M1 Motorway Junction 12 improvements. This part of Harlington Road will be re-aligned as part of the works. The existing road will only act as an access road to a few properties which include the application site. A new junction, designed to acceptable standards will connect this access to the re-aligned road.

Environmental Health Officer	Not aware of any complaints in recent years from legacy South Bedfordshire District Council residents and only one complaint in 2004 in respect of legacy Mid Bedfordshire District Council residents. Given that the applicant is not seeking to increase the number of events per annum and the fact that no complaints have been reported about the current events, no objections are raised.
Rights of Way Officer	No objections.
Internal Drainage Board	No objections provided there is no change to the existing storm water drainage arrangements, no increase in impervious area and no raising of ground levels.

## Determining Issues

The main considerations of the application are:

1. Whether or not the development is acceptable in principle
2. Impact on residential amenity
3. Impact on highway safety

## Considerations

### 1. Principle of the development

The principle of limited use of the site has been accepted with the grant of a five year temporary permission which expired on the 17th February 2009, reference, **SB/TP/03/0469**. It should be noted also that prior to the grant of this permission, a temporary permission had previously been granted for the same use, reference, **SB/TP/99/0302**. These previous permissions were granted having regard to the national advice contained within *Circular 11/95 – The Use of Conditions in Planning Permissions*, which states that “temporary permission will normally only be appropriate either where the applicant proposes temporary development, or when a trial run is needed in order to assess the effect of the development on the area”. It is considered that the two permissions have afforded the local planning authority adequate time to assess the full impact of the development. As such, given that no adverse complaints have been received during these trial periods, it is considered reasonable to issue a permanent permission under the same conditions as before.

### 2. Impact on residential amenity

The objections and comments received from the interested parties regarding use of the site as a moto cross circuit have been considered. The objections are premised on two main concerns, namely, harm to residential amenity and highway safety implications. The latter will be examined below.

For clarification, the nearest residential property to the circuit is Dunedin on the A5120 adjoining Junction 12, some 300 metres to the west; New Manor Farm off Toddington Road, north of the site is some 430 metres; Pilgrim Close, Harlington the closest properties in that village is situated some 555 metres to the east, across the main line railway; and Park Farm lies some 325 metres to the south, just to the north of the M1 motorway. Given these distances and the

background noise of the motorway and the railway line and the limited number of events per year and limited times of such events, we consider that the proposal is acceptable in terms of impact on residential amenity. Thus, whilst admitting that noise can have a significant effect on the environment and on the quality of life enjoyed by individuals and communities, national advice contained within PPG24, 'Planning and Noise' also recognises that, through the use of conditions, the planning system can be used to minimise the adverse impact of noise without placing unreasonable restrictions on development or adding unduly to the costs and administrative burdens of business. The previous conditions would therefore be maintained. The grant of a permanent permission does not equate to a material intensification of the use of the application site nor does it confer any automatic rights for future increases in the number of events held on site.

### **3. Impact on highway safety**

The improvements to the M1 Junction 12 being carried out by the Highways Agency which involve re-aligning part of Harlington Road will ensure that the existing road will only act as an access road to a few properties which include the application site. Once complete, these works would ensure that there is safe access to and from the application site. In view of these circumstances, the Highways Officer considers that if permission is granted, this should not be subject to any highway conditions. Furthermore, the applicant has submitted evidence from Bedfordshire Police confirming that over a four year period, from January 2007 to December 2010, no accidents related to the use of the site for moto cross events was recorded. It is considered therefore that the development would not be prejudicial to highway safety.

### **4. Other material considerations**

Under Part 4 of Schedule 2 to the Town and Country Planning General Permitted Development Order 1995, the use of land for motor sporting on a temporary basis for a period not exceeding 14 days in any calendar year is permitted without the need to apply for planning permission. However, in this case there are various factors which combine to take the use out of the permitted development category - during periods of non-use the land retains physical features associated with the motorcycle racing use, namely mounds created from imported material to form part of the course, moveable structures and buildings associated with the motor cycle activity and fencing or other means of marking the track.

## **Recommendation**

That Planning Permission be **GRANTED** subject to the following:

- 1 The development shall begin not later than three years from the date of this permission.

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.

- 2 Access to and egress from the site for the purpose of the moto cross activity hereby permitted shall not be taken by way of the access road between the A579 Fancott Road and Old Park Farm.

Reason: In the interests of highway safety.

- 3 The site shall be used for moto cross activity on no more than seven days in any one calendar year and there shall be a minimum of four weeks between each event or session of moto cross activity.

Reason: To safeguard the amenity of the area.  
(Policy BE8 S.B.L.P.R).

- 4 Notwithstanding the provisions of Schedule 2 to the Town and Country (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no buildings or other structures shall be erected or constructed within the application site without the grant of further specific permission from the Local Planning Authority.

Reason: To control the development in the interests of the visual amenities of the open countryside.  
(Policy BE8 S.B.L.P.R).

- 5 The duration of any event or session of moto cross activity shall be restricted to between the hours of 10:00 hours to 18:00 hours.

Reason: To safeguard the amenity of the area.  
(Policy BE8 S.B.L.P.R).

- 6 The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers CBC/001 & CBC/002.

Reason: For the avoidance of doubt.

### **Reasons for Granting**

The application site has previously been used for a moto cross circuit for seven days in a year and no adverse harm has been caused to residential amenity and highway safety during the two trial periods spanning from 1999. The proposed development would therefore conform with the development plan policies comprising policies ENV7 of the Regional Spatial Strategy for the East of England, policies BE8, T10 and R16 of the South Bedfordshire Local Plan Review and national advice contained in Planning Policy Statement 1 and Planning Policy Guidance 13 and 24 and the supplementary planning guidance, 'Design in Central Bedfordshire, A Guide for Development', 2010.

### **Notes to Applicant**

1. In accordance with Article 31 of the Town and Country Planning (Development Management Procedure) (England) Order 2010, the Council hereby certify that the proposal as hereby approved conforms with the relevant policies of the Development Plan comprising of the Regional Spatial Strategy for the East of England (the East of England Plan and the Milton

Keynes and South Midlands Sub-Regional Strategy), Bedfordshire Structure Plan 2011 and the South Bedfordshire Local Plan Review and material considerations do not indicate otherwise. The policies which refer are as follows:

**East of England Plan (May 2008)**

ENV7 - Quality in the Built Environment

**South Bedfordshire Local Plan Review**

BE8 - Design Considerations

R16 - Control - Sports/Recreational Facilities

T10 - Parking-New Developments

- 2. In accordance with Article 31 of the Town and Country Planning (Development Management Procedure) (England) Order 2010, the reason for any condition above relates to the Policies as referred to in the Regional Spatial Strategy (RSS), Bedfordshire Structure Plan 2011 (BSP) and the South Bedfordshire Local Plan Review (SBLPR).
- 3. This permission relates only to that required under the Town & Country Planning Acts and does not include any consent or approval under any other enactment or under the Building Regulations. Any other consent or approval which is necessary must be obtained from the appropriate authority.
- 4. The applicant and operator of this permission is advised that the organisation and operation of any moto cross event held on the site shall be in accordance with the Code of Practice on Noise from Organised Off-Road Motor Cycle Sport.
- 5. Please note that the unnumbered drawings submitted in connection with this application have been given unique numbers by the Local Planning Authority. The numbers can be sourced by examining the plans on the View a Planning Application pages of the Council's website [www.centralbedfordshire.gov.uk](http://www.centralbedfordshire.gov.uk).

**DECISION**

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