

Item No. 6

APPLICATION NUMBER	CB/14/03678/VOC
LOCATION	Motorcycle Track South of, Stanbridge Road, Great Billington
PROPOSAL	Application to vary conditions 3,4 & 5 of permission reference SB/TP/95/0176 to allow operation of the site during the following periods 1st October to 30th April (winter months) Fridays, Saturdays and Sundays from 10am till 1pm and 1.30pm till 4pm (3 days per week) and bank holidays from 10am till 2pm and the increase in the number of bikes on site at any given time from 7 to a maximum of 18.
PARISH	Stanbridge
WARD	Heath & Reach
WARD COUNCILLORS	Cllr Versallion
CASE OFFICER	Abel Bunu
DATE REGISTERED	03 October 2014
EXPIRY DATE	16 January 2015
APPLICANT	Dunstable MX
AGENT	
REASON FOR COMMITTEE TO DETERMINE	Called in by Ward member Cllr Mark Versallion due to: <ul style="list-style-type: none">• Noisy sport in the countryside;• Loss of amenity to the local residents and associated enforcement problems in at least the last two years.
RECOMMENDED DECISION	Variation of Condition - Recommended for Approval

Reasons for Recommendation

The proposed variation of conditions as detailed in the application documents would not be inappropriate development within the meaning of the National Planning Policy Framework and the principle of the operation of motocross events in this Green Belt and countryside location has been established since the grant of planning permission, reference, **SB/TP/95/00176** in 1995. The fallback position which this extant permission provides has therefore been given substantial weight in recommending the grant of permission for the current proposal. The results of the noise assessment carried out by a Noise Consultant on behalf of the Council provides an objective assessment which demonstrates that the increase in the number of operating months from 6 to 7 and the increase in the number of bikes from 7 to 18 together with the variation of hours of operation would not be detrimental to the amenity of the surrounding area and local residents. It is considered that the operation of the site as proposed would improve the amenities of the area compared to the permitted summer operation because of the following considerations:

- The proposal represents a potential significant reduction in the number of track hours from 809 to 385.
- It is highly unlikely that the track would operate for a complete seven month period due to unavoidable bad weather conditions in the winter months that would make the facility un usable to be used.
- Winter operation would cause less disruption to residential amenity as it is expected that there would be less likelihood of people spending more time outdoors compared to the summer months.
- The condition requiring the restoration of the bunding by a minimum height of 2 metres above the existing track levels would provide improved mitigation to noise from the track together with the landscaping condition from the previous permission requiring the preservation of the existing boundary trees.
- The requirement to submit a noise management plan and operate the site in accordance with the approved details with a provision for annual review would give the Local Planning Authority greater control of the operation of the site than at present. Furthermore, the grant of permission would not preclude action that could be taken under the Statutory Nuisance regulations.

It is also considered that the proposed variation of conditions would enable the motocross to operate viably and hence support the rural economy as required by national advice within the NPPF,(Paragraph 28). This national advice is also clear that Local Planning Authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions, (Paragraph 203).The proposed variation of conditions would therefore comply with Policies BE8, T10, R14 and R16 of the SBLPR and Policies 3, 27, 36, 43, 44, 49, 50 and 58 of the emerging Development Strategy for Central Bedfordshire and national advice within the NPPF and NPPG.

Site Location:

The application site comprises a 0.65 Ha parcel of land located on the south side of Billington Road, which branches south off the A505. The land is in use as a motorcycle training and practice facility. The site has been laid out with a motorcycle track incorporating jumps and banked corners. The track is surrounded on all four sides by earth bunding of varying heights. There are presently two temporary buildings on site providing a small canteen, staff and office facilities. The area at the northern end of the site is laid out as an informal parking area. The site is flanked by open fields to the east and west, and beyond Billington Road to the north. The land is bordered by a watercourse, known as Ouzel Brook, and a wooded area to the rear. The site lies to the north of Eaton Bray and to the east of Billington Village. The village of Stanbridge lies to the north. There are also a number of commercial and residential properties grouped around Billington Road to the west. The site falls within the South Bedfordshire Green Belt as defined on the proposals map of the South Bedfordshire Local Plan Review 2004. The rear part of the site falls within Flood Zones 1 and 2.

The Application:

It is proposed to vary conditions 3,4 & 5 attached to planning permission **SB/95/00176** in 1995 which control the use of the site as a motorcycle training and practice facility.

Condition 3

This permission shall only extend to the use of the site for the purpose of motor cycle training and practice between the 1st April and 30th September in any calendar year.

REASON: To enable the District Planning Authority to exercise proper control over the development in the interests of general amenity.

Condition 4

The site shall be used for the purpose hereby permitted only between the hours of 10.00am to 12.30pm and 2.30pm to 5.00pm Mondays to Saturdays and between the hours of 10.00am to 2.00pm on Sundays or Public Holidays.

REASON: To enable the District Planning Authority to exercise proper control over the development in the interests of general amenity.

Condition 5

No more than 7 motor cycles shall use the track at any one time.

REASON: To enable the District Planning Authority to exercise proper control over the development in the interests of general amenity.

It is proposed to vary the conditions as follows :

Condition 3 :

Proposal			Current		
Start	Finish	Total	Start	Finish	Total
1 October	30 April	7 months	30 September	1 April	6 Months

Condition 4:

Proposal is to reduce the operating days from Monday to Sundays & Bank Holidays to Fridays, Saturdays, Sundays and Bank holidays.

Proposal				Current			
Start	Break	Resume	Finish	Start	Break	Resume	Finish
10:00am	1:00pm	1:30pm	3:30pm	10:00am	12:30pm	2:30pm	5:00pm
Friday,				Monday			
Saturday				Tuesday			
				Wednesday			
				Thursday			
				Friday			
				Saturday			
Sunday				Sunday			
10:00am	1:00pm	1:30pm	3:30pm	10:00am	-	-	2:00pm
Bank							
Holidays							
10:00am	-	-	2:00pm	10:00am	-	-	2:00pm

Condition 5

Increase the number of bikes from 7 to 18.

Further information submitted by the applicant following the results of a noise test carried out on the 29th November 2014:

- Operation would be run 3 days a week from October 1st until April 30th and this amounts to 89 days over seven months to allow for poor weather throughout the winter.
- Number of days can be limited to a maximum of 77 and opening time would be reduced to 3.30 pm as opposed to the 5pm being run to at the moment. This is the equivalent of six months at three days a week and so that means we run for just 77 days as opposed to the 183 days we can run at present.
- We are also happy to agree to the bund being raised by 2 metres and I have spoken to our landlord who will submit drawings for this should this application be successful.
- If we run throughout the winter we will be fighting the weather for the most of it. To start with, a lot of riders put their boots up for the winter and so reduce our customer base. It is also a massive job for us to keep the track in a rideable condition and we have to continually pump out the small ponds around the track to allow for drainage and also riders will not ride if it is raining on the day as it is impossible for them to see where they are going. At present with the planning conditions we have in place, we don't have any of these problems and can, as we did this year, open every day that we wanted to with ease.
- In summary, we have proposed to swap all the summer months for winter months. We have also reduced our running days from 7 to 3 and opening times from 5pm to 3.30pm. We have reduced the hours we can run at present from 915 down to 385 or from 183 days down to 77 that's 106 days or 530 hrs less than we can run with our present planning permission and our landlord has agreed to raise the earth bund around the track by 2 metres. All we have asked for is to allow a maximum of 18 bikes at any one time on the track even though the industry standard is 40 and have proved that 18 bikes are no noisier than 7. The minimum I will accept is 18 as we have got this down to the bone for us now and can't afford to give away anything else.

RELEVANT POLICIES:

National Planning Policy

The National Planning Policy Framework (NPPF)

South Bedfordshire Local Plan Review Policies

The NPPF advises of the weight to be attached to existing local plans for plans adopted prior to the 2004 Planning and Compulsory Purchase Act, as in the case of the Bedfordshire Structure Plan and the South Bedfordshire Local Plan Review, due weight can be given to relevant policies in existing plans according to their degree of consistency with the framework. It is considered that Policies BE8 and R16 are broadly consistent with the Framework and carry significant weight. Policy T10 carries less weight but is considered relevant to this application.

BE8 Design Considerations
T10 Controlling Parking in New Developments
R14 Informal recreational Facilities
R16 Control of Sport and Formal Recreational Facilities in the Countryside

Development Strategy for Central Bedfordshire

The draft Development Strategy was endorsed for Development Management purposes on the 27th May 2014 and was submitted to the Secretary of State on the 24th October 2014. It is therefore considered that having regard to the stage of the plan preparation, the policies listed below are given weight in the determination of this application :

Policy 3: Green Belt
Policy 27: Car Parking
Policy 36: Development in the Green Belt
Policy 43: High Quality Development
Policy 44: Protection from Environmental Pollution
Policy 49: Mitigating Flood Risk
Policy 50: Development in the Countryside
Policy 58 : Landscape

Supplementary Planning Guidance

Central Bedfordshire Design Guide: A Guide for Development (2014)

Planning History

- | | |
|------------------|---|
| SB/95/00176/FULL | Change of use of land for motorcycle training and practice. Permission. |
| CB/12/03419/VOC | Variation of Conditions 2, 3, 4, 5, & 6 of planning permission SB/95/00176 so as to allow the use of the track for motocross/quad practice only; the use of the track all year round; the use of the track between the hours of 10am and 4pm on Saturdays, Sundays and Wednesdays; the use of the track for "training and corporate days" with a maximum of 15 riders per day on Mondays, Tuesdays, Thursdays and Fridays; a maximum of 30 bikes on the track at any time; and a 1 metre increase in the height of the existing earth bunding. Refused: Would have an unacceptable adverse effect upon the amenity of neighbouring residents. |
| CB/13/00620/LDCE | Certificate of Existing Lawful Development: Land use as Motorcycle track.
Refused: Use of site in breach of Condition 3 of planning permission SB/95/00176/FULL not shown to be lawful on the basis of the submitted evidence. A subsequent appeal was lodged in respect of this decision. As there was an effective Breach of Conditions Notice in place at the site a Certificate of Lawfulness could not be issued in respect of the use of the site. The Planning Inspectorate therefore determined that no further action should be taken in respect of the appeal. |

CB/13/02819/VOC Refused. Variation of conditions 3, 4 and 5 of planning permission SB/95/00176 the use of the track all year round; hours of use, amount of bikes on the track at anyone time.

CB/ENC/12/0641 Non compliance with Condition 3 of permission SB/TP/95/00176 which states that :*This permission shall only extend to the use of the site for the purpose of motor cycle training and practice between the 1st April and 30th September in any calendar year.*

REASON: To enable the District Planning Authority to exercise proper control over the development in the interests of general amenity. (02 January 2013)

12 September 2013 Non compliance with Condition 4 of permission SB/TP/95/00176 which states that :*The site shall be used for the purpose hereby permitted only between the hours of 10.00am to 12.30pm and 2.30pm to 5.00pm Mondays to Saturdays and between the hours of 10.00am to 2.00pm on Sundays or Public Holidays.*

REASON: To enable the District Planning Authority to exercise proper control over the development in the interests of general amenity.

09 April 2014 Non compliance with Condition 5 of permission SB/TP/95/00176 which states that :*No more than 7 motor cycles shall use the track at any one time.*

REASON: To enable the District Planning Authority to exercise proper control over the development in the interests of general amenity.

**Representations:
(Parish & Neighbours)**

Parish Councils

Stanbridge Parish Council

We have no objection with the track moving its operating months from the summer to the winter, however we would like to see this period limited from 1st October to 31st March. We would like the current 2 hour lunch break to remain a condition of the planning application and are not happy to see any increase in the number of permitted vehicles over and above that currently allowed.

We maintain our current position that the noise pollution from this facility is excessive and impacts on residents to a huge degree. We therefore feel that our above proposal is a fair compromise and balances both the feelings of the local community with the

needs of this business operation.

Eaton Bray Parish Council

Objection

Points:

- Noise disturbance; increase in number of bikes
- Loss of amenity for local residents
- Intensification/inappropriate amount of use on proposed days

Comments:

- Request that Boxing Day/Christmas day be excluded from days of use.
- Concerns that the applicant will adhere to planning conditions, due to previous history; already has breach of condition notices, operating outside planning conditions/restrictions.
- Planning to note where many of the supporters of this application live, i.e. outside of the area.
- To note that the current usage is in excess of most other motorcycle tracks.

Billington Parish Council

Billington Parish Council has seen details of the new Planning Application relating to the Motocross Track on Stanbridge Road, requesting permission to use the track at weekends and Bank Holidays for 7 months of the year, and increasing the number of bikes allowed from 7 to 18. This potential number of days is far in excess of what is allowed for other tracks in the area.

Several members of the Council attended the “consultation” on the site of the Track, with Mr Steve Brooks, David Hale, and representatives of Parish Councils from Eaton Bray, Stanbridge and Tilsworth. We were not convinced by the arguments put forward by Mr Brooks, that he felt that the noise levels would diminish with an increased number of bikes.

On a number of occasions we have supported requests for CBC to act on “Breach of Conditions”. We regret that this has not been an easy task to enforce, but we are led to understand that similar difficulties have been experienced by other Councils in the past.

In addition to the issues of the number of hours, and the increased number of bikes, we were very concerned at the statements made by Mr Brooks at the site meeting, related to his possible use of the woods nearby for racing. We urge CBC to look into this matter.

We therefore wish to register our objection to this application, and hope that it will be turned down. We understand that it may be considered at the meeting of the CBC Planning Committee on 19th November. If that is the case then we, along with other interested bodies, would request permission to speak.

Neighbours

<u>Stanbridge</u>	<u>Objection</u>
<p>29 Peddars Lane, 4 Peddars Lane, 1 High Banks; 4 Station Road; Cherry Trees, Station Road; 13 Orchard Way; 33 Orchard Way; 54 Tilsworth Road; 70 Tilsworth Road; 41 Orchard Way; 64 Station Road; 40 Tilsworth Road; 42 Tilsworth Road; 1A Tilsworth Road; 2 Leighton Road; 22 Tilsworth Road; 8 Mill Road; 85 Peddars Lane; 81 Peddars Lane; 19 Orchard Way; 33 Peddars Lane; 31 Orchard Way; 18 Orchard Way; 106 Station Road; 38 Station Road; 83 Peddars Lane; 8 Stanbridge Road; 33 Tilsworth Road; Mead Open Farm; 8 St Johns Close; 41 Orchard Way; 26 Orchard Way; 37 Orchard Way; Chapel House, Mill Road; 17 Orchard Way;</p>	<ul style="list-style-type: none"> • Application is unclear as it does not make clear if the applicant is requesting the 7 months which he calls winter months in addition to the current permission. • It is also unclear as to which Bank Holidays he is asking for. • Application should be put on hold till clarification has been given. • Excessive noise throughout Stanbridge. Previous operation of this site with the fewer bikes and fewer hours produced intrusive and loud noise which was so prolonged to be a health and safety aggravation. • We understand that the operators are not local people, and therefore unlikely to be sympathetic to the needs of surrounding residents to minimise noise pollution emanating from the site. • Weekends and Bank Holidays are precious times when the majority of the population are not working, with families and friends able to meet and socialise outside. These are the very times when they and we do not want avoidable noise to be pervading the atmosphere. • This is a long-running issue to which we have previously objected. Increasing the number of bikes from 7 to 18 would be likely to more than double the already intrusive noise from this site. • The proposed increase in the number of hours that the track is to be used - together with the increased number of bikes, will result in vastly increased noise nuisance and pollution, which will adversely affect the villages of Eaton Bray (of which we are residents) Totternhoe, Stanbridge, Great Billington, and Tilsworth. • Central Bedfordshire Council has always projected itself as being a Council which cares and manages the general environment for the benefit of it's rate payers and people living within it's boundary. • We are aware that Mr. Brooks is using social media to encourage users to support this application - you should question how many of
<p><u>Leighton Buzzard</u> 42 Middleton Way; 136 Marley Fields; 7 Station Road; 12 Wryneck, Billington Grove;</p>	
<p><u>Great Billington</u></p>	

2 Home Farm Cottages;
Manor Farm; Manor Farm
Annex; Mead
House, Stanbridge Road;
Great Billington Barn; Long
Straw Barn; 26 Stanbridge
Road;
1 Choakes Yard; Willow
Bank, Little Hill;
Wickenham Cottage,
Gaddesden Turn, Billington;
Billington Residents

Eaton Bray

17 The Orchards; 14 The
Rye;
16 The Orchards; 27 The
Rye;
9 Comp Gate; Garden
Scene Nursery, The Rye; 10
The Rye; Eyres Cottage,
The Rye;
36 The Rye; 6 Greenways;
Hollybrook, The Rye;
Orchard Cottage, 82 The
Rye; 17 The Orchards; Rye
Farm, The Rye;
80 The Rye; 6 The
Orchards;
13 The Orchards; 2
Wheatlands;
10 The Nurseries; 8 The
Rye;
36 The Rye; Ryecote Farm,
The Rye; 74 The Rye; 6
Greenways;
72 The Rye; 1 Wheatlands;
70 The Rye; 18 The
Orchards;
Lol Cottage, Green Lane;
Lovat House, 4 Wheatlands

Totternhoe

3 The Stables, Church End
Farm; Jessidore, Eaton Bray
Road;
301 Castle Hill Road;

Dunstable

74 Meadway;

these supporters live within the environs of the above villages.

- This application provides no benefit for the local economy in the terms of jobs or facilities and only produces noise, pollution and discomfort, with subsequent annoyance to the rate payers who look to Central Bedfordshire Council to totally reject this application on the grounds of its total unsuitability for both location and the area.
- Some of the neighbours were notified of the application and would question why being selective.
- The operator should be forced to comply with council decisions.
- Intrusive noise nuisance which spoils the use of the garden.
- The number of bikes causes enough noise currently and I fail to see how increasing from 7 to 18 will ever be the same amount of noise as Mr Brooks tries to convince us.
- The change from summer to winter use would be acceptable if it were the same. However, the planning request is to increase from 6 - 7 months, and to reduce the lunch break time to 30 mins is also unacceptable.
- It is believed that the site already has enforcements against it for breach of conditions and therefore no guarantees that any changes will be adhered to.
- It is doubtful whether the 30 minute lunch break is enforceable.
- Noise disturbance to the animals at Mead Open Farm.
- Most supporters live outside the area and so are not affected by the noise.
- The operator has a history of non-compliance with Council decisions.
- The code of Practice on Noise from Organised Off-Road Motor Cycle Sport suggests a maximum of 10 operating days per annum, the application is for about 90 days. The Code also suggests limiting the number of days to single rather than multiple. The Toddington Old Park Farm is limited to seven days per annum to safeguard local amenity.
- More traffic generated.
- Quiet walks in the countryside would be severely affected.
- Increase in bikes would increase pollution.
- The Council has a duty to protect the environment, Green Belt and its own residents from noise and pollution.

<p><u>Others</u> 20 Huntsman Grove, Blakelands, Milton Keynes; 76 Sheepcot Lane, Garston, Watford; 30 Birchen Lee, Emerson Valley, Milton Keynes; 5 Heather Mead, Edlesborough; 20 Drayton Road, Newton Longville, Milton Keynes; 5 Heather Mead, Edlesborough; 34 Inman Road SW18; 27 Milburn Avenue, Oldbrook, Milton Keynes; DGG Planning (on behalf of local residents).</p>	<ul style="list-style-type: none"> • Customers to the Garden Scene Nursery like to select their plants in quietness. • The area is flooded by development which include a proposed solar farm, housing development, etc which all spoil the countryside. • Walkers along the adjoining Footpath No.3(FP3) would be affected by increased noise and more traffic. • It has only been stated verbally by Mr Brooks that he does not intend to open on Christmas and Boxing Day but if not conditioned, this would not be enforceable. • The current two hour break gives respite to local residents. • Circumstances have not changed from the previous refusals of similar proposals. • Highway safety hazards due to increase in traffic in this countryside location. • Application represents intensification of use which is inappropriate in the Green Belt. • No evidence was provided by the applicant to support his claims that there would be no harm to residential amenity. • Use of adjoining woodland further compromises residential amenity.
<p>Cllr Marion Mustoe</p>	<p>Objection. The track affects a huge number of people in the villages of Eaton Bray, Billington and Totternhoe.</p>
<p><u>Others</u> 65 Matthews Close Deal, Kent; The Old Garden House, Old Hall Green, Ware; 65 Chelveston Drive, Corby; 2 Hesketh Crescent, Towcester; 7 Webb Rise; Stevenage, Herts; 111 Wheat field Road, Lewsey Farm, Luton; 40 Wedge Wood Road, Luton; 71 High Street, Cheddington; 19 Rothschild Avenue, Aston Clinton, Aylesbury; 1 Searchlight Cottage; Knowle Lane, Cranleigh, Surrey; John Noble Ltd, Sneaton Lane Ruswarp, Whitby, North Yorks; 38 Hawthorn Crescent, High Wycombe;</p>	<p><u>Support</u></p> <ul style="list-style-type: none"> • Not enough motorcycle facilities in the country. • This is a safe establishment which used to run at the owner's well run old track in Harlow. • This is one of the few facilities in the region where off-road cyclists can engage in lawful leisure activities and hence helps to reduce antisocial behaviour. • No noise nuisance as site is far away from dwellings and near a busy road. • Facility supports young talent. • Adequate noise mitigation measures in place and hence is a quiet track. • Motorsport is a popular sport and riders still use the facility in winter. • Winter operation causes less disturbance than summer opening. • A leaflet urging people to object was circulated but it has inaccurate information and why would anyone want to be encouraged to object anyway if they were affected by the noise?

140a High Road, Leavesden, Herts; 72 Felstead Way, Luton; 32 Henry Ave, Rustington; 2 Gooch Drive, Neeton Le Willows, 24 Little Orchards, Aylesbury; 38 Hawthorn Crescent, Hazlemere, High Wycombe; Field House, Higham Ferrers, Northamptonshire; 34 Knutsford Road, Bassing Bourn, Herts; Ashley Spurlands End Road, Great Kings Hill, High Wycombe; 23 The Darlington, Rustington; Unit 4b Tower Ind Estate, Wrotham, Sevenoaks, Kent; 55 Station Road, Hailsham; Park Farm, Ousden, Newmarket; 51 Oliver Road, Oxford; 16 Roedean Walk, Crewe, Cheshire; 5 Westfield Place, Harpenden; 152 Bishops Rise, Hatfield; The Cottage, Durbands Road, Wisborough Green, West Sussex; 56a Bedford Road, Houghton Conquest; 32 Amory Close, Cowley; 67 Beachfield Road, Hemel Hempstead; 1 Forge Cottages, Cryers Hill Road, High Wycombe; 24 Woodland Rise, Greenford, Middlesex; 4 Browning Close, Bracknell; 101 Brookhouse Road, Farnborough, Hampshire; 6 Harvest Lea, Warfield Park; Bracknell; 7 St Pauls House, Brentford; 50 Conway Road, Falmouth, Cornwall; 13 St Margarets, Stevenage; 48 Kite Wood Road, Penn; 18 Cherry Way, Hatfield; 25 Semele Close, Radford Semele, Leamington Spa; 8 Hilltop Gardens, Spencers Wood, Reading; 8 Bruton Way,

- More tracks are closing forcing people to ride illegally on public bridleways, wasteland, etc. posing a danger to others and the riders. At least with an organised facility, there are rules and regulations and medical attention.
- Gives young kids a chance to try something different in life.
- Facility is a great way to meet new people.
- Being close to the town centre, facility brings money into the area.
- The facility is well run with a family friendly environment.

Forest Park, Bracknell; 35
Golden Dell, Welwyn
Garden City; 4 Essex Road,
Huntingdon, Cambs;
11 Alcott Close, Feltham;
Spinneys, The Drive East
Wellow, Romsey, Hants; 44
Warmstone Close,
Waddesdon, Bucks; 2 Delly
Close, Hailey, Witney;
51 Waverley Crescent,
Harold Hill, Romford, Essex;
20 Cannon Place, Princes
Risborough, Bucks; 28
Fuller Street, Kettering,
Northants; 13 Lamva Court,
Galley Hill, Stony Stratford,
Milton Keynes; 13 Kettering
Road, Kettering, Northants;
105 Penn Road, Aylesbury;
1 Goffs Road, Ashford,
Middlesex; 22 Wyness Ave,
Little Brickhill, Bucks; 10
Keeble Close, Luton; 23
Copse End, Mortonbrook,
Sandown, Isle of Wight;
7 Windermere Close,
Flitwick;
29 Rembrandt Drive,
Northfleet, Kent; 34 France
Furlong, Great Linford,
Milton Keynes; 3 Amanda
Close, Bexhill on sea;
101 Edinburgh Crescent,
Waltham Cross, Herts; 13
Glan Aber, Wrexham; 31
Cadbury Road, Sunbury on
Thames, Middlesex, 1
Sheffield Gardens, Romford,
Essex; 33 Ravendale Road,
Sunbury; 31 Windmill Way,
Southam; 37 Old Dean,
Bovingdon; 62 Chipperfield
Drive, Kingswood, Bristol;
23 queens Close, Old
Windsor, Berks;
97 Mitcham Road, Tooting,
Broadway; 21 Whiteley
Close, Dane End, Ware,
Herts; 16 Corfe Close,
Middlesex;
10 Mapledurham, Milton

<p>Keynes; 11 Farnham Road, Guildford, Surrey; 47 King James Way, Henley on Thames; 65 Wheatcroft, Cheshunt, Herts; 59 Granby Court, Milton Keynes; 8 Llais Yr Afon, Garth, Powys; 9 Upper Court Crescent, Blaenau Gwent; 41 Weggs Farm Road, Duston, Northants; 30 Church Cottages, Stapleford Tawney; 25 Arden Walk, Bedford; 4 New Bridge Street, Witney, Oxon; 23 Kingshill Avenue, St Albans; 31 Stowe Court, Stantonbury, Milton Keynes; 30 Wattons Lane, Southam, Warwickshire; 61 Furtherfield, Abbots Langley, Herts</p>	
<p><u>Leighton Buzzard</u> 9 Tall Pines, Plantation Road; 12 Wryneck; 37 Goodman Drive, Sandhills; 23 Heron Road; 2 The Old Woodyard, Wingfield Road, Tebworth; 6 Clarence Road;</p>	<ul style="list-style-type: none"> • The facility offers local people a safe and controlled environment for off road motor cycle sporting. • Without it, kids would ride in fields or on the public highway. • Sound from the track can be heard from home but is not intrusive at all. • Far more noise is in fact generated by the local traffic on the local roads and industrial estate. • Even the local football pitches, rugby pitch and light railway create far more noise but there has not been a suggestion to close them.
<p><u>Dunstable</u> 3 Waterlow Chapel, Waterlow Road; 2 Beech Green; 53 Brive Road; 14 Campian Close; 112 Meadway, Dunstable; 17 Sundown Avenue; 68 Brive Road; 79 Westfield Road; 43 Beecroft Way; 12 Morris Road; 14 Leston Close; 184 Spoodell;</p>	<ul style="list-style-type: none"> • Young people can have somewhere to have fun in a legal environment. • Facility has been part of a number of people's lives since childhood. • The only noise one can hear is from the Leighton Buzzard Bypass. • Improvements to the track surface and the boundary trees and enclosure means the facility is quiet. • The facility generates custom to other businesses as well. • Winter operation is not really ideal for riders, but we have to compromise to respect local residents' amenities so that everyone benefits from the situation.

<p><u>Houghton Regis</u> 33 Bedford Road; 19 St Andrews Lane; 33 St James Close; 45 Drury Lane; 74 Halleys Way; 30 Dolphin Drive; 18 Moore Crescent;</p>	<ul style="list-style-type: none"> • Support due to track being a local facility. Closing it would attract riders back to Houghton/Sundon pits or the streets. • The adjacent Leighton bypass generates as much noise. • Winter/Spring is when most riders practice for the upcoming race season. • Many tracks cannot open in bad weather. • Winter/Spring would cause least disturbance to local residents. • The proposed opening period would enable the business to continue operating viably. • One of the objectors owns a helicopter which is far noisier than all the bikes put together.
<p><u>Eaton Bray</u> 8 Gurney Court; 1 Church Lane;</p> <p><u>Chalton</u> Summer Lodge, Sundon Road;</p> <p><u>Kensworth</u> 138 Common Road;</p> <p><u>Barton-Le-Clay</u> 14 Ramsey Road</p>	<ul style="list-style-type: none"> • I live close to the site and support the application. • Will have a great impact on young people. • Facility provides valuable service to young people, encouraging valuable motorbike ownership. • Business may not be viable if it doesn't open in winter. • The operator of the facility is always looking to keep the noise level to a minimum.

Consultations/Publicity responses

Public Protection

Further to the undertaking of a noise assessment and the submission of a noise assessment report and further correspondence from the applicant I can comment as follows.

I support the recommendations for additional mitigation and control in the report in that I agree that the bund shall be reconstructed/reinstated and also that the procedure for identifying and removing noisy bikes is fully documented and extended. I have proposed 2 conditions to cover these aspects below.

Whilst I appreciate that under the current permission the track can be used every day from 1st April to 30th September between certain hours, compared to other motocross tracks across the country this is relatively permissive. Indeed, for new tracks the Code of Practice on Noise from Organised Off-road Motor Cycle Sport (Noise Council, 1994) section 6.5 (Times and Durations of Events) states: 'A judgement needs to be made on the suitability of a site taking into account the proposed

frequency of its use. It is suggested that a site be used for not more than 10 days per year, with at least four weeks between events'. As an example, the Old Park Farm motocross track in Toddington in Central Bedfordshire is restricted to 7 event days per calendar year with a minimum of 4 weeks between events.

As mentioned, this site has historically had permission to operate throughout the summer and if the current application was refused then could continue to do so.

Following the noise survey, subjective assessment and considering this application I broadly agree that operating through the winter would be less detrimental to the amenity for the average person. However, I still have concerns over noise emanating from the site being detrimental to the amenity, causing annoyance and even perhaps statutory nuisance under the Environmental Protection Act 1990 (the latter would not be precluded by the granting of any permission).

I visited the area when the noise assessment was being undertaken which included listening to the bikes (7 and up to 18) from Mead House and from track side. Whilst it is appreciated that the average noise level may not increase by a significant amount acoustically (offsite), the noise is readily noticeable due to its sporadic/pulsing/intermittent nature. The change from 7 bikes to 18 bikes was not immediately noticeable from my observations on this day and this seems to be borne out by the results displayed in table 4.1 of the noise assessment report (comparing measurement between 13:38 and 13:43 of 7 bikes with 13.50-13.55 of 18 bikes and, indeed, 11.05-11.10 of 16 bikes). This leads me to believe then that the noise levels are driven by the types and configurations of bikes and the way they are ridden rather than applying a simple numerical value to control levels. Improvements in bunds would reduce noise emanating from the site further, however, it may be prudent to reduce the allowed maximum number of bikes from the proposed 18 to make control more manageable and to reduce the potential for increased noise generation.

The new proposals set out in the email from Mr Brooks dated 11th December 2014 set out that the track would be used for a maximum of 77 days between October 1st and April 30th. Further, that the track times are to be 10am-1pm and 1.30pm-3.30pm. This represents six months of weekends over this period with an increase in the hours on Sundays, a shorter lunch break but an earlier finish. The hours applied for on Fridays and Saturdays have been increased by 30 minutes, finishing earlier (3.30pm as opposed to 5pm) but with a shorter lunch break. The hours for Sundays have been increased from 4 (10am-2pm) to 5.5 (these are stated above). It

may be beneficial to extend the break for lunch to one hour and leave the end time at 3.30pm or push back the closing time until 4pm to offer respite to residents during the day.

Considering all this information is difficult in terms of assessing the impact on the residents in the area due to the amount of variables in the equation. However, I have written the noise management plan condition in such a way as to allow for an annual review of the plan. With this in place, it will provide an opportunity to review the activities periodically when any impact can be fully quantified and investigated and improvements made where necessary. In addition to this, I would seek to restrict specifically the Christmas period.

Prior to the commencement of the use of the Motocross track hereby permitted, a bund shall be constructed around the track which shall be a minimum of 2 metres above the height of the track level. Once constructed, the bund shall be maintained and repaired such that the barrier is effective and remains a minimum of 2 metres above track height.

Within 4 weeks 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) A detailed monitoring methodology for assessing noise levels from individual motocross bikes in accordance with Code of Practice on Noise from Organised Off-road Motor Cycle Sport (1994) and ACU standards and a procedure for recording bikes using the track and excluding bikes that do not meet the specified noise limits;**
- ii) A detailed layout of the track including information on track construction, jumps, direction of flow and bunds (including bund height in relation to track height), the number of bikes using the track at any one time and the amount of days the track is to be used per year.**

If after 4 weeks of the commencement of the development hereby permitted a noise management plan has either:

- a) Not been submitted 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.**

**The noise management plan shall be submitted to the
Local Planning Authority annually for approval prior
to October 1st in any given year.**

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

Other conditions for consideration or matters for the noise
management plan could include:

**The configuration of the track, including any
bunding, as approved in the noise management
plan shall not be altered without approval in writing
from the Local Planning Authority. No sound
amplifying equipment shall be utilised as a public
address system on the site.**

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

**No machines with customised silencers fitted will be
permitted on the track.**

**Exhausts on all motorcycles are to be restricted to
manufacturer's standards.**

Additional comments

Further to our conversation, the 'bike track hours' are
roughly:

The new proposals: $77(\text{days}) \times 5 \text{ hours} \times 18 \text{ bikes} = 6930$
bike track hours plus 18×8 for Easter bank holidays (I
have assumed that Christmas will be excluded)

The existing permission: $183 (\text{days}) \times 5 \text{ hours} (4 \text{ for}$
 $\text{Sundays}) \times 7 (\text{bikes}) = 6379$ minus some for bank
holidays.

This, therefore, would be a slight increase in bike hours
than currently exists. However, this has to be reconciled,
I believe, with the amount of time the track is to be open
(and, therefore, potentially generating noise) which are:

The new proposals: $77(\text{days}) \times 5 \text{ hours} = 385$ track hours
plus 8 for Easter bank holidays (I have assumed that
Christmas will be excluded)

The existing permission: $183 (\text{days}) \times 5 \text{ hours} (4 \text{ for}$
 $\text{Sundays}) = 809$ (minus some for bank holidays).

This represents a significant reduction in potential track hours than currently exists. This would be further mitigated by the increased/improved bunds, formalised checks on the noise output from individual bikes afforded by the suggested conditions and operations taking place in the winter months. In addition, further days may be lost due to inclement weather. Also, the condition I suggested (i.e. the Noise Management Plan) also offers a degree of control should the bike numbers cause undue disturbance.

Please be aware that these calculations are rough and not necessarily exact but give a good indication of the difference of potential use of the site under the existing/proposed conditions.

Highways Officer

The applicant wishes to vary conditions 3,4 and 5 of planning permission SB/TP/95/00176 for the change of use of land for motor sports. The original planning application attracted a highways response which recommended one highway condition to be imposed, requiring the vehicular parking areas to be surfaced in a manner to the Local Planning Authority's approval; this condition is not the subject of any of the variations.

The conditions to be varied relate to the site being used on specific days of the week throughout the autumn/winter months, amending the hours of use and increasing the maximum number of bikes competing on the track at anyone time.

There were no issues raised on the previous application regarding traffic generation nor indeed any visibility issues, therefore the vehicular access must be regarded as acceptable.

I would not consider the proposal detrimental to highway safety, therefore I could not object to the variation of condition 3, 4 and 5 on highway grounds.

Environment Agency

No objection to this Variation. Please consult the Buckingham and River Ouzel IDB in case this effects any of their operational requirements as the adjacent watercourse is within their jurisdiction.

Determining Issues

The main considerations of the application are;

1. Principle of the development
2. Impact on residential and general amenities of the surrounding area
3. Other matters

Considerations

1. Principle of the development

The principle of the use of the site as a motorcycle training facility was established with the grant of permission reference, **SB/95/00176/FULL** in 1995 which was subject to various conditions of which Conditions 3,4 and 5 form the subject of the current application. This application follows the refusal of two previous applications reference **CB/12/03419/VOC** and **CB/13/02819/VOC** both of which were refused on the grounds that the proposals would have resulted in adverse harm to residential amenities. These two previous applications are therefore a material planning consideration in the determination of the current proposal. It is therefore necessary to consider whether the current proposal overcomes the previous reasons for refusal without introducing any new concerns.

It is important to note that the current application differs significantly from the two previous applications. The first application, reference CB/12/03419/VOC sought permission to vary Conditions 2,3,4,5 & 6 of permission reference SB/95/00176 so as to allow use of the track for motocross/quad practice only, use of the track all year round between the hours of 10am and 4pm on Saturdays, Sundays, and Wednesdays, use of the track for training and corporate days with a maximum of 15 riders per day on Mondays, Tuesdays, Thursdays and Fridays, a maximum of 30 bikes on the track at any given time and an increase in the height of the earth bund by 1 metre. The second application, reference CB/13/02819 was modified and sought permission to vary conditions 3,4 and 5 to enable use of the track all year round with a maximum of 18 bikes at any given time.

Whilst there are no changes in the relevant site circumstances since the previous applications, it is evident that the current application differs significantly from the previous ones, not least for example in proposing the use of the track for 7 'winter' months only, rather than a full year. Furthermore, determination of these previous applications was not informed by the results of any noise assessment. From a policy perspective, since the submission of the emerging Development Strategy for Central Bedfordshire (DSCB) to the Secretary of State on the 24th October 2014, weight is now attached to the policies in this document which are considered to be consistent with the NPPF and the National Planning Practice Guidance (NPPG) was published in March 2014. This NPPG provides information on the assessment of noise and forms a material planning consideration. Though lacking in objective criteria on which to base noise assessments, the guidance provides a description of the relevant Effects levels of noise identified in the NPPF and Noise Policy Statement for England [2] (NPSE).

The proposed development falls within the scope of Paragraph 89 of the National Planning Policy Framework which supports, as an exception the provision of facilities for outdoor recreation in the Green Belt and as such, there is no requirement to demonstrate the existence of very special circumstances. Policy 36 of the DSCB echoes the same approach in this national advice.

Further specific criteria are contained within Policy R16 of the South Bedfordshire Local Plan Review (S.B.L.P.R) which states that:

Proposals for the development or use of land in the countryside for organised outdoor sport or formal outdoor recreation, including noisy sports, will be treated on their merits.

When considering such proposals, the District Planning Authority will pay particular regard to the effect of the proposals on the openness and visual amenities of the Green Belt and quiet enjoyment of the countryside. Planning permission will not be granted, except in very special circumstances, for development for indoor sport or recreation in the countryside.

Where proposals involve the construction of buildings or other structures they will be judged against the provisions of policy GB1.

b. The District Planning Authority will require applications for planning permission for such uses to include full details of the proposals, including:

any proposed earth moving, levelling or drainage operations to be carried out on the site;

the location, size, design and appearance of any proposed building or other structure, including lighting;

car parking and access arrangements; and

proposed landscaping.

The District Planning Authority may also require the applicant to submit a detailed assessment of the environmental impact of the proposal in terms of landscape, ecology, archaeology, noise, nuisance and any other relevant matter.

It is considered that the proposed development accords with the objectives of Policy R16 which generally conforms with the National Planning Policy Framework and can therefore be given significant weight.

Overall, the principle of the development remains acceptable on this site subject to there being no unacceptable adverse impact on the residential and general amenity of the area as will be discussed below.

2. Impact on residential and general amenities of the surrounding area

The application seeks to vary conditions 3,4 and 5 of permission reference , **SB/TP/95/00176** in order to operate the site from the 1st October to the 30th April between the hours of 10.00am to 1.00pm and 1.30pm to 3.30pm Fridays, Saturdays and Sundays and between the hours of 10.00am to 2.00pm on Public Holidays. The application also seeks to increase the number of bikes allowed on site at any given time from 7 to 18. The applicant has provided further clarification explaining that the track would be used for a maximum of 77 days and would exclude Christmas and Boxing Day opening. The proposal is to increase the Friday and Saturday operation by 30 minutes but finishing 2½ hours earlier at 3.30pm as opposed to 5pm allowed under the current

permission. The lunch break would be 30 minutes hence representing a reduction of 1 1/2 hours from the current permission. The applicant states that the 30 minute break is just to facilitate regrading the track. Sunday opening would be increased from 4 to 5.5 hours. The proposed changes would amount to approximately six months of weekends. It is estimated that overall, the proposal would result in a maximum of about 450 track hours, more likely 385 hours, representing a significant decrease from about 800 hours of the current permitted use.

The applicant has provided justification for the proposed changes, in particular, the increase from 6 to 7 months and states that in practice, due to bad weather, the track would be able to run for only about four months of the seven. Given that this operation is a motocross and not enduro, riders of the latter love the wet muddy conditions whereas motocross riders do not like wet muddy weather due to the high jumps they perform.

It is therefore necessary to examine the impact of the proposed changes to residential and general amenity of the surrounding area.

When considering proposals for potentially noisy outdoor sport, the Local Planning Authority will have regard to the effect of the proposal upon the quiet enjoyment of the countryside, in line with Policy R16 of the SBLPR. This includes the effect upon neighbouring residential properties and users of nearby public rights of way and other uses within the countryside. In accordance with Local Plan Review Policy BE8, proposals should ensure that development likely to generate noise, disturbance and other pollution emissions do not unacceptably disturb or otherwise affect adjoining properties and uses.

Under emerging Policies 43 and 44, development should respect the amenity of surrounding properties, and their occupiers and, where appropriate, development shall comply with current guidance on noise pollution. Policy 44 of the emerging Development Strategy sets out that development proposals which are likely to cause pollution, including noise pollution, will not be permitted unless it can be demonstrated that measures can be implemented to minimise impacts to a satisfactory level which protects health, environmental quality and amenity.

This is consistent with the core planning principles contained within the NPPF which set out that planning should seek to secure a good standard of amenity for all existing and future occupants of land and buildings (paragraph 17).

In this case, the application site is within a rural location approximately 1 mile south of Stanbridge village and south of the A505 bypass. Noise complaints when the site has been in operation have previously been made by residents from Stanbridge and also the neighbouring villages of Billington and Eaton Bray which lie to the east and south of the site respectively. Furthermore, such motorcycle noise is often audible from public rights of way and neighbouring residential properties within the wider area.

Representations to this application have been received from both objectors and supporters and are equally persuasive. The objectors argue that the proposed changes would represent an intensification of use that would have a detrimental

impact on residential and general amenity of the area. From a business point of view, the Garden Scene Nursery in Eaton Bray and the Open Mead Farm contend that the proposed changes would disrupt the quiet atmosphere which their clients enjoy. The mitigation measures at the site are not considered adequate and it is also argued that the operation contributes nothing to the local economy. It is also argued for the objectors that the previous reasons for refusing to grant permission for similar proposals should be taken as material considerations weighing against the application. The objectors assert that there has been no change in circumstances since the last refusals of permission such that the result should be the same and the fact that there is support from the users of the facility should not be given weight given that the majority of them do not reside within close proximity of the application to be affected by the noise nuisance generated by the operation of the track.

On the other hand, the supporters have great regard for what they see as a professionally run business which offers a great opportunity for social interaction. It is also argued for the supporters that the site is one of the few family run facilities located within a reasonable distance and is valued for taking young children off the streets and other public places where they could otherwise engage in antisocial behaviour like riding on pavements, footpaths, bridle ways, etc. Apart from generating income for the operator, the facility is seen as supporting the local rural economy through fuel purchases, motorcycle accessories, etc. Ambient noise especially from the Leighton Buzzard Bypass is considered high anyway such that the noise from motorcycles is not necessarily intrusive. Improvements to the track surface and the boundary trees and enclosure means the facility is quiet. Whilst winter operation is not really ideal for riders, the users of the track consider that this is a compromise situation they are willing to settle for in view of the local residents' amenities concerns so as to achieve a win-win outcome. It is however noted that some of the views of supporters were based on the wrong assumption that the Local Planning Authority intends to close the motocross site.

Noise Assessment

Faced with these diametrically opposed views, the Council considered it appropriate to commission a noise test to enable an objective assessment of the likely impact of the proposed variation of conditions of the previous planning permission. This followed the realisation that none of the views expressed were supported by empirical evidence. The test was carried out from the application site and from the two residential dwellings situated closest to the site, viz, Mead House, situated on Stanbridge Road, approximately 400 metres to the west of the track and from The Rye in Eaton Bray, approximately 900 metres away. (The full Noise Assessment document is included as an appendix to this report). Only the results and recommendations of the noise assessment are summarised below :

Summary of the Noise Assessment

The report notes that whilst the bikes were audible at Mead House, the level of noise associated with their use was very low, with the bikes becoming inaudible as either a vehicle passed along Stanbridge Road or an aircraft flew overhead. During the measurements, winds were light although in a slight positive direction towards Mead House. With a slightly stronger wind, given the distances between the property and the track, it is likely that noise levels could increase marginally,

but would reduce when winds were blowing in a direction away from the house. The general ambient noise environment at this location was attributable to vehicles travelling along the A505 to the north, which was audible throughout, regular vehicle movements along Stanbridge Road, aircraft movements overhead, flying into Luton Airport and occasional light aircraft. There were also chickens within the farm yard clucking at times, which influenced the measured noise levels.

It was noted however that the operation of the track could generate an observed adverse effect during certain weather conditions, when winds were blowing towards the surrounding properties. In this situation the NPPF guidance recommends that the noise should be mitigated and minimised. Whilst bunding exists around the track, over time, its height has reduced as it has slumped and there are presently a number of gaps within it and where it was never fully completed. In addition, the improvements to the track have effectively raised the height by approximately 1 metre compared to the original track. The effect of the bund slumping and the increase in track height has effectively reduced the overall mitigation height by approximately 2 metres. In fact, at present, the tops of the two main jumps are above the height of the bund, thus negating any effect in reducing noise levels. The existing bund has therefore become ineffective and this should be reinstated, should consent be granted, which would reduce noise levels at the properties and a recommendation is made to ensure that this is constructed to a minimum height of 2 metres relative to the adjacent track level.

Similarly, at Rye Farm, it was observed that the use of the bikes could be audible when the winds were from a north westerly direction. However, it is also likely that the noise associated with distant road traffic using the A505 would also increase on these occasions. The meter at this location was positioned within the garden area to the side of the property at a position where there was a line of sight toward the track. Noise levels monitored throughout the day at this location were principally influenced by distant road traffic, bird song and the periodic aircraft flying overhead.

The results of the monitoring indicated that there was little variation in the noise levels at the dwellings when 18 bikes were using the track, compared to the presently permitted 7. With a larger number of bikes on track, the noise generated tended to be more continuous, as the bikes spread around the course, whereas with a smaller number of bikes, the riders tended to bunch up creating periodic highs and lows in the noise. Based upon the measured noise levels, allowing 18 bikes to use the track would make no significant increase in noise levels at the surrounding properties.

With regards the proposed changes in operating days and times during the year from summer to winter operation, the report notes that this would be a very subjective matter. The majority of people would tend to spend less time outdoors over the winter months and hence the bikes operating would be less noticeable. However, a few people who make use of the daylight hours within the winter months, may notice the bikes more, as they would be operating for a longer period, although stopping an hour earlier in the day on Fridays and Saturdays. With regards Sundays, a 16:00 finish would make little difference objectively in noise terms, as the general background noise environment will be very similar at 14:00 and 16:00 hours.

Furthermore, whilst a longer operating period of 7 months a year is being sought, in reality it is unlikely that the track would be fully operational during this period, as there would be times when the track would have to be closed due to poor weather, which is more likely than when operating during the summer months.

The report concludes that on balance, it is not considered that the proposed variations to the operational times nor increasing the number of bikes from 7 to 18 would result in a noticeable change in the noise environment at the surrounding properties. The overall increase in operating hours is not anticipated to be as high as anticipated, as the track would be closed for a number of days within the 7 month period due to poor weather, which is more likely over winter than summer months. Furthermore, the results obtained from the noise monitoring indicated that whilst the bikes were audible, the level of noise generated was below that associated with other surrounding noise sources. With appropriate control and reinstated boundary mitigation, it is considered that the proposed winter operating would not result in any additional impacts upon occupants of surrounding properties.

Further observations that support the conclusions of the noise assessment are that the standard of the track has been improved considerably over a period of time by altering the layout and improving the overall surface of the track. The new layout of the track has sought to ensure that the main jumps are located furthest from the surrounding properties, with the section of track running closest to the nearest property running parallel to the existing bunding to reduce noise. The operator considers that an earlier finish on Fridays and Saturdays would provide a benefit to the residents, utilising a shorter lunch period to provide a broadly equivalent operating period each day. On Sundays, whilst longer hours are proposed than at present, he considers that this is offset by the winter operating and the fact that the track could not operate for 4 days during the week.

The applicant states that the increase in the number of bikes is being sought to ensure that the operation of the track can remain financially viable, with the reduced operating period. The changes to the operating hours would equate to an overall increase in the potential bike track hours over the year. However, it should be noted that it is unlikely that the track would operate every weekend, as there would be a number of times where it would need to be closed due to inclement weather and in addition, it is highly unlikely that the track would be operational at Christmas. On this basis, it is not anticipated that the overall bike track hours would differ significantly to those presently permitted.

Whilst it is considered that the operation of the track over the winter months and with up to 18 bikes on track is unlikely to generate significant adverse effects, additional noise mitigation and control measures have been identified, which would further seek to reduce noise levels and potential adverse impacts.

The NPPF advises that development should seek to ensure that noise from proposed developments does not give rise to significant impacts, ie, a level identified as Significant Observed Adverse Effect (SOAEL) which is at a level where noise would cause a material change in behaviour. Whilst the

assessment demonstrated that the operation has the potential to generate an Observed Adverse Effect under certain weather conditions, the NPPG guidelines advises that the noise from the operation should be mitigated and reduced to a minimum. As a result, the report recommends mitigation measures which include restoration of the perimeter bunding and the control of noise levels of bikes on site.

Conclusion

The Council's Public Protection Officer concurs with the recommendations in the report. It is however accepted that the results of the noise assessment could have been affected by weather conditions, direction of the wind, condition of the bikes and the different levels of experience of the riders among other things. Whilst the Officer considers it desirable to reduce the number of bikes from 18, the results of the noise assessment do not justify such a requirement. The proposed mitigation measures which comprise the restoration of the perimeter bunding, the winter operation instead of summer operation and the control of noise from the bikes would all lend weight to the acceptability of the proposals. The recommended noise management condition is considered reasonable only to the extent that it would formalise the testing of motor bikes on site and detail the mitigation measures which would include track construction, jumps, bunds, etc. However, the control of number of bikes would be covered by a separate condition as it is one of the conditions for which permission is currently being sought. The need to review the noise management plan is considered reasonable as it would ensure that, once approved, the mitigation measures would remain in place to protect residential and general amenity of the surrounding area. It is therefore considered that to the extent that this assessment is the first objective test carried out for many years, and taking into account the recommended mitigation measures which could be secured by planning conditions, it forms a basis for control of the operation of the site in the future and on balance, the proposed variation of conditions would not result in a situation of unacceptable adverse living conditions of the neighbouring property occupiers and local residents and hence would conform with Policies BE8 and R16, SBLPR and Policies 43 and 44 of the emerging Development Strategy for Central Bedfordshire.

3. Other matters

Representations

Some of the objectors have raised doubts about the applicant's willingness to adhere to planning conditions given the history of Breach of Condition Notices on the site.

Comment

Whilst it is correct that Breach of Condition Notices have been served on the applicant, these have since been complied with and as such, do not constitute a material planning consideration in the determination of the current application. Furthermore, this demonstrates that the Local Planning Authority is capable of enforcing its own planning conditions.

Absence of a noise assessment report to support the application

Whilst the application was not supported by a noise assessment report and the applicant's own records were considered inadequate, the Local Planning Authority considered it appropriate to carry out its own tests through an

independent Noise Consultant. This would have been necessary even if the applicant had submitted a detailed noise assessment report because the Council has a duty to check the supporting information submitted by applicants in order to make informed decisions.

Use of the adjoining woodland

The adjoining site forms a separate planning unit and hence its use has no bearing on the determination of the current application. The Council would nevertheless take appropriate action if it was considered that this site were operated outside the permitted development rights.

Human Rights issues

The application raises significant human rights issues as reflected by the responses received from both objectors and supporters of the application. However, as discussed above, the matters raised by the objectors could either be sufficiently mitigated by planning conditions or could be resolved by intervention through the Statutory Nuisance Regulations under the Environmental Protection Act, 1990. It is therefore considered that a decision to withhold planning permission under the circumstances would materially infringe the applicant's and users' human rights.

Equality Act 2010

The application raises no issues regarding equality.

Recommendation

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

RECOMMENDED CONDITIONS

- 1 The development hereby permitted 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 This permission shall extend only to the use of the site for the purposes of motor cycle training and practice and the site shall not be used for any other motor vehicle related activity or for any other purpose notwithstanding the provisions of Part 4, Class B of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order).

Reason: To enable the Local Planning Authority to exercise proper control over the development in the interests of general amenity.
(Policies BE8 & R16 SBLPR and 43, 44 & 50 DSCB)

- 3 This permission shall extend only to the use of the site for informal motor cycle activity and shall not extend to the holding of organised trials, races, and other similar events.

Reason: To enable the Local Planning Authority to exercise proper control over the development in the interests of general amenity.
(Policies BE8 & R16 SBLPR and 43 & 44 DSCB)

- 4 This permission shall only extend to the use of the site for the purpose of motor cycle training and practice between the 1st October and 30th April in any year.

Reason: To enable the Local Planning Authority to exercise proper control over the development in the interests of general amenity.
(Policies BE8 & R16 SBLPR and 43 & 44 DSCB)

- 5 The site shall be used for the purpose hereby permitted only between the hours of 10.00am to 1.00pm and 1.30pm to 3.30pm Fridays, Saturdays and Sundays and between the hours of 10.00am to 2.00pm on Public Holidays excluding Christmas and Boxing Days.

Reason: To enable the Local Planning Authority to exercise proper control over the development in the interests of general amenity.
(Policies BE8 & R16 SBLPR and 43 & 44 DSCB)

- 6 No more than 18 motor cycles shall use the track at any one time.

Reason: To enable the Local Planning Authority to exercise proper control over the development in the interests of residential and general amenity.
(Policies BE8 & R16 SBLPR and 43 & 44 DSCB)

- 7 The existing trees and hedges shall be retained and protected to the satisfaction of the Local Planning Authority, in a manner to be agreed in writing, and shall not be destroyed, uprooted, felled, lopped or topped during that period without the previous written consent of the Local Planning Authority. Any trees or hedges removed without such consent or dying or being severely damaged or becoming seriously diseased shall be replaced by trees of such size and species as may be agreed with the Local Planning Authority.

Reason: To comply with Section 197 of the Town and Country Planning Act 1990 and to safeguard the existing trees on the site in the interests of visual amenity.
(Policies BE8 & R14 SBLPR and 43, 50 & 58 DSCB)

- 8 **The development hereby approved shall not commence until a noise management plan has been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in strict accordance with the details so approved and shall thereafter be maintained at all times in accordance with those details. These details shall include:**

i) A detailed monitoring methodology for assessing noise levels from individual motocross bikes in accordance with the Code of Practice on Noise from Organised Off-road Motor Cycle Sport (1994) and ACU standards and a procedure for recording bikes using the track and excluding bikes that do not meet the specified noise limits. This

record shall be kept on site and made available on request to the Local Planning Authority.

- ii) A detailed layout of the track including information on track construction, jumps, direction of flow and bunds around the track which shall be a minimum of 2 metres above the height of the track level. Development shall not commence other than in accordance with the completion of the approved details and once constructed, the bund shall be maintained and repaired such that the barrier is effective and remains at the approved height above track level.

**Reason: To protect the amenities of the occupiers of nearby properties.
(Policies BE8 & R16 SBLPR and 43 & 44 DSCB)**

- 9 The configuration of the track, including any bunding, as approved in the noise management plan shall not be altered without the prior approval in writing from the Local Planning Authority.

**Reason: To protect the amenities of the occupiers of nearby properties.
(Policies BE8 & R16 SBLPR and 43 & 44 DSCB)**

- 10 No sound amplifying equipment shall be utilised at any given time as a public address system on the site other than with specific written permission from the Local Planning Authority.

**Reason: To protect the amenities of the occupiers of nearby properties.
(Policies BE8 & R16 SBLPR and 43 and 44 DSCB)**

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

**Reason: To protect the amenities of the occupiers of nearby properties.
(Policies BE8 & R16 SBLPR and 43 and 44 DSCB)**

- 12 No machines with customised silencers fitted will be permitted on the track and exhausts fitted on all motorcycles shall be restricted to the manufacturer's standards.

**Reason: To protect the amenities of the occupiers of nearby properties.
(Policies BE8 & R16 SBLPR and 43 & 44 DSCB)**

- 13 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: To identify the approved plans and to avoid doubt.

Notes to Applicant

1. 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 South Bedfordshire Local Plan Review (SBLPR) and the emerging Development Strategy for Central Bedfordshire (DSCB).

- 2. 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.
- 3. 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.

Statement required by the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2012 - Article 31

Planning permission has been recommended for approval for this proposal. The Council acted pro-actively through positive engagement with the applicant and representatives of the parish councils and Ward member at the pre-application stage and during the determination process which led to improvements to the scheme. The Council has therefore acted pro-actively to secure a sustainable form of development in line with the requirements of the Framework (paragraphs 186 and 187) and in accordance with the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2012.

DECISION

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