

LATE SHEET

DEVELOPMENT MANAGEMENT COMMITTEE – 14th JANUARY 2015

Item 6 (Supplement Pages 5-33) – CB/14/03678/VOC – Motorcycle Track South of, Stanbridge Road, Great Billington

Additional Information

The noise assessment referred to in the Committee report has been appended at Appendix A.

The applicant has withdrawn the proposed use of the track on any Bank Holidays from the proposal.

Additional Consultation/Publicity Responses

A letter of objection has been received from the occupiers of 4 Station Road, Stanbridge. The objections are as follows:

“1) The noise level will increase with more bikes and this will continue to disrupt our peace on a Sunday when we are trying to have some rest, of which we have had to endure for the past 2 years. We believe that it will not be possible to control the amount of bikes going in and out of the site.

2) We believe there is not going to be enough space on site for 18 vehicles to park which transport the bikes, and the first aid vehicle accompanying them, which will mean they will have to park on a very busy road congesting the surrounding areas. We are concerned about the training centre vehicles and this will further increase the traffic surrounding the field.

3) Also have the emergency services been contacted regarding access on site in order for them to treat any injured riders?

4) Are there facilities at the site that are going to be built such as toilets and accessibility for the disabled?

5) Another concern is that expanding this track will lead to the devaluing of the surrounding properties, including my own, and this will mean people will have to seek compensation from the council.”

An objection has been received via Andrew Selous MP from the occupiers of Mead House, Great Billington. The objection has been reproduced in full, below:

“Dear Mr Selous

I am writing to ask for your help to ensure the truth about the noise nuisance of the motocross track reaches the right people, i.e. those actually making the decision at the January Planning Meeting.

We received a letter from planning at central beds which just says the application is 'recommended for approval'!!!!

As over 130 objections were received by the planning officer I can only assume that this is as a direct result of the noise report requested by the council in November and presumably paid for by us, the taxpayers of Central Beds. I presume that you are aware that the address used on the application is not the applicant's home address. He has the luxury of being able to stay at home in more peaceful Essex when he feels like it and is NOT a Central Beds. resident.

I live at Mead House, the closest property to the track and am therefore uniquely placed to comment on the noise report which has been cited as the only 'OBJECTIVE' report carried out.

The report was carried out by a specialist noise company but the results can in no way be termed objective. The noise report was taken on one day at a TEST EVENT specially arranged by the applicant for the council.

The applicant spent a considerable time preparing the track the night before the event which was for specially invited participants. The applicant selected the groups of bikes which were to use the track at any given time and understandably completely CHOREOGRAPHED this event.

I stood near the microphone with Mr Stone from the council and there was indeed no discernible difference in the noise levels we experienced when more, presumably quieter, bikes were sent out onto the track.

I also pointed out to Mr Stone that the levels of noise were NOT TYPICAL and could not be termed REPRESENTATIVE of the more disruptive levels we more usually experience when the track is running.

I would therefore like the point that the only way a noise test can be termed OBJECTIVE is if the applicant is unaware of it taking place and is done on a more random basis to allow for changing weather conditions i.e. wind direction and speed etc.

This noise report can then reasonably be used as a control thus producing a FAIR TEST!

I would appreciate your also finding out why the council feel the change to winter use (7 months for the applicants purposes in this instance) is being considered for approval when this will compound the noise nuisance for those of us who choose to live a rural lifestyle using our outdoors to the max. The increase in operational hours is a huge concern in that it encompasses pretty much ALL of our daylight hours every weekend during the winter.

I do hope you can help us and look forward to receiving your suggestions as to who to contact and what we (myself and all the other central Bedfordshire residents affected) can do to ensure this application is not approved on the strength of one unfair, carefully choreographed, unrepresentative test event!"

A letter has also been received via Andrew Selous MP from an occupier in Station Road, Stanbridge. The letter has been reproduced in full, below:

"I apologise for writing to you on this issue, but I must add my voice to the others that I am sure have contacted you regarding the latest planning application from the motocross facility near Stanbridge. I have been a resident in the central beds area since 1985, and never felt it necessary to write to my MP before, but the current situation, and the way CBC have handled this issue is beyond belief.

I find it incredible that CBC are recommending the latest planning application. We have seen a huge local response rejecting it, yet CBC apparently have taken little notice. Do they believe that all these residents from three separate villages and three parish councils are lying to them?

CBC have commissioned a noise test that as far I can see has been performed completely to the advantage of an operator. The test omits crucial information such as the type of bikes and their respective decibel levels, in fact the report seems intent on misleading the reader by quoting specified sound levels of individual bikes, to give the impression they were measured when they were not.

This report is not objective, it is in many respects very subjective. There is no evidence to suggest the sample was representative of the site in use, in fact the report actually states bikes and riders were specially invited by the operator himself.

The ACU (Auto Cycle Union) are the UK national governing body for motorsport. Their latest (2014) requirements for Motocross mirror those of the FIM (international Motorsport body) and provide an up to date method of testing bikes in real world conditions with bikes under full throttle. Why then has the noise assessment been performed against a code of practice from 1994, in place of the latest accepted requirements?

The report also quotes the WHO guidelines for community noise to justify the use of decibel levels, but omits to reference other recommendations from the same WHO document which state these levels are for continuous sounds, and recommends maximum sound levels are considered where the sound is not continuous. It also references the capacity of a noise to induce annoyance. Again this aspect has been disregarded.

I am employed by the British Standards Institution in Kitemark Certification and routinely review assessment and test reports from a variety of sources. As a matter of principle, any tests we commission are from UKAS (www.ukas.com) accredited laboratories and suppliers as they are the only government recognised organisation that ensure laboratories are independent, and impartial, and the reports are objective. Why wouldn't CBC have done this?

Whilst, given the local opposition, I am at a loss to understand why the noise test is even necessary, I think that it should be repeated before any decision is made, this time

- 1) using an accredited supplier*
- 2) permitting representatives from the parish councils to attend*
- 3) to be conducted as far as possible to simulate a typical event*
- 4) to be evaluated objectively against appropriate criteria.*

I have now seen CBC report to the planning committee and am incredulous that they have chosen to include vague comments from the applicants supporters, but have chosen to ignore factual comments from residents. For example, I discussed the fact that increased popularity of 4 stroke machines since 1995 are known to cause problems, as these have a low frequency sound which travels much further (in the

same way as bass sounds from loud car stereos can be heard for a long time after the car has passed by)

I am also aware of a friend who attends church in Eaton Bray who objected due to the disturbance to a time of quiet contemplation during Sunday service yet their letter does not appear to have been included at all.

In addition to those who have objected, I am sure many local people have been intimidated by some of the comments made by the operator on Facebook etc, and not put their views across to CBC. In comparison, it seems many of the responses from the supporters believed the facility was closing, encouraging them to write in.

It seems the report has also been tailored to ensure the applicant is successful.

I can understand that it might appear to be minor problem to some, but to me it has become a most important issue. I work 5 days and only have weekends. My interests and hobbies revolve around my home and the noise levels are often intolerable. We can clearly hear the noise from inside our home.

I won't go on, as I am sure others have similar issues which you will have heard.

I am aware that you are involved in discussions with various parties on the issue, so I am not expecting a detailed response, but I (along with many others I am sure) am at my wits end with the situation and feel powerless to influence the outcome."

Appendix B comprises a statement made by the occupier of Rye Farm, Eaton Bray.

Appendix C comprises a statement submitted by a member of the public entitled "Motocross History".

Appendix D comprises a report prepared by Applied Acoustic Design reviewing the noise assessment referred to in the Committee report. This report was accompanied by a letter which states the following:

"I attach an report by AAD (one of the UK's leading motorsport noise specialists) prepared on behalf of a group of Eaton Bray residents which reviews the LFA Noise Report submitted by CBC in relation to the above application.

You will see from the review that serious questions are raised over the test procedures used, proposed mitigation measures and the analysis and interpretation of results, to the extent that 7 motorbikes (let alone the 18 being proposed) are likely to exceed the maximum noise limits set by the WHO and other statutory bodies to avoid noise nuisance at residential dwellings close to the track. On this basis, it is clearly unsafe to continue using the LFA report as a fundamental justification by planning officers in recommending approval of the application. It is also recommended that any noise management plan should include a noise monitoring point with a pre-set noise limit as detailed in the review report and commonly used at tracks elsewhere in the country.

I would request that the attached review is included in papers made available to the Planning Committee as the conclusions of the report will be raised by objectors when addressing the committee on Wednesday."

In response to the representations received, the Public Protection Officer has made the following comments:

“Further to our meeting, please see the additional/amended conditions below.

The noise during motocross shall not exceed the following boundary noise levels at the locations shown on the attached site plan:

- a. 81 dB Laeq5min at location 1*
- b. 84 dB Laeq5min at location 2*

These levels closely represent (i.e. slightly above) the measured levels as reported in the noise assessment.

In addition to this, a further bullet point could be added to the list in the noise management plan which would read:

iii) A detailed noise monitoring scheme to assess noise levels at the boundary locations as identified in condition x, including measurement intervals, a monitoring record sheet and action to be taken should the boundary limits be exceeded.”

Appendix E shows the plan attached to the response from the Public Protection Officer.

Additional Comments

The report contains three errors which should be corrected. These are as follows:

- 1) The table on page 7 under the heading “Condition 3” should read as follows:

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

- 2) The response from Eaton Bray Parish Council, shown on page 11 under the heading “Comments”, point 2 should read:

*“Concerns that the applicant will **not** adhere to planning conditions, due to previous history; already has breach of condition notices, operating outside planning conditions/restrictions.”*

- 3) Under the heading “Neighbours” on page 12, it should be clarified that at the time of writing the report, the total number of objections received were 93 (including 35 from Stanbridge, 10 from Billington and 31 from Eaton Bray) and the total number of letters from supporters 123.

Additional/Amended Conditions/Reasons

The following amendments are made to the suggested conditions:

Condition 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 highest point of the track level and the necessary planning permission(s) granted. Once constructed the configuration of the track and the bund shall be maintained and repaired such that they remain at the approved heights.
- iii) A detailed noise monitoring scheme to assess noise levels at the boundary locations as identified in condition 13, including measurement intervals, a monitoring record sheet and action to be taken should the boundary limits be exceeded.

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

Condition 9:

The configuration of the track, including any bunding or noise barriers, 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)**

Condition 11:

No motorcycles 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)**

Condition 12:

No motorcycles 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)**

New Condition No. 13 (Existing condition No. 13 becomes condition No. 14)

The noise during motocross shall not exceed the following boundary noise levels at the locations shown on the attached site plan:

81dB Laeq5min at Location 1

83dB Laeq5min at Location 2

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

Additional Note to Applicant:

Please note that in order to comply with condition 8 requiring the provision of improved bunding or noise mitigation measures that planning permission would likely be required for additional height of bunding and that this would need to be submitted to the Planning Authority as a Waste and Minerals Planning Application. The applicant is advised to contact the Planning Authority accordingly.

Item 7 (Pages 15-24) – CB/14/04070/FULL – The Red Lion, 1 Station Road, Potton, Sandy

Additional Consultation/Publicity Responses

None

Additional Comments

Section 4 'Other Matters' of the officer's report, sets out that a nomination request has been received by Central Bedfordshire Council to list the Red Lion as an asset of Community Value. The report states that this nomination request was received from the Potton Town Council. This is incorrect. The nomination was received from East Bedfordshire Campaign for Real Ale.

The listing process has now been completed by Central Bedfordshire Council, with the following decision made;

In the opinion of Central Bedfordshire Council, our reasonable consideration of Section 88 of the Localism Act 2011 is that the building or other land has in the recent past been used to further the social wellbeing or social interests of the local community. Furthermore, until permission has been granted for a change of use, it is realistic to think that there can continue to be use of the building which will further the social wellbeing or social interests of the local community.

If permission is granted by Planning Committee on 14 January 2015 the property will be de-listed at the point action is taken to change its use - as residential dwellings cannot be listed under the Act.

The listing of the building as an Asset of Community Value is a material consideration, however for the reasons set out in the main report, it is not considered that this material consideration outweighs the planning policy support for the proposal.

Additional/Amended Conditions/Reasons

None

Item 8 (Page 25-32) – CB/14/04511/FULL – River House, 6 Firs Path, Leighton Buzzard, LU7 3JG

Additional Consultation/Publicity Responses

The response from Leighton-Linslade Town Council has been received and the Town Council have no objections to the scheme.

A document has been submitted by the applicant in support of the application; this document is appended.

Additional Comments

In response to the document submitted by the applicant, it should be noted that each application must be determined on its own merits. A substantial number of the examples submitted by the applicant were in place prior to the introduction of the Area of Special character and policy BE6 in the 2004 South Bedfordshire Local Plan Review, including the extensions and construction of the garage at The Firs, Firs Path, the extension at Silver Birch, Plantation Road, the extension at 42 Redwood Glade and the extension at 12 Heath Park Drive.

Other examples, namely 180 Heath Road and 255 Heath Road were for first floor front extensions rather than side extensions and therefore did not include a loss of spacing between properties and thus are not directly relevant to the consideration of this application.

Insufficient information has been provided in regards to the example at Knolls Wood and the other example from Redwood Glade to identify the relevant applications.

The most applicable example provided is the side extension at 4 Firs Path, which was approved in 2007. However, this extension is of a different design in that is extremely subservient to the subject dwelling, being well set back from the front building line, which significantly reduces the impact of the extension on the sense of spaciousness within Firs Path. In contrast, the proposed extension under consideration would be forward of the main building line of the subject dwelling, exacerbating the loss of spacing. Furthermore, the extension at No. 4 has a very different relationship with the immediately adjoining neighbour at No. 5, which is set some 15 - 20m behind the rear building line of No. 4. This again reduces the impact of the extension at No. 4, however, this relationship does not exist in the current situation, where the neighbouring property at No. 7 is in line with the subject dwelling. Officers therefore consider that the recommendation for refusal to this application is not inconsistent with other decisions made within the vicinity.

Additional/Amended Reasons

None

Item 9 (Page 33-40) – CB/14/04656/FULL – 2 Lakefield Avenue, Toddington, Dunstable, LU5 6DB

Consultation/Publicity Responses

No objection from Toddington Parish Council

No objection has been raised by the Highways Officer subject to the following condition:

'No development shall take place until details of a scheme showing the provision of a minimum of two off-street parking spaces to serve the extended dwelling have been submitted to and approved by the Local Planning Authority. The details to be approved shall include the proposed materials for construction and arrangements shall be made for surface water from the site to be intercepted and disposed of separately so that it does not discharge into the highway. The approved scheme shall be implemented and made available for use before the development hereby permitted is occupied and that area shall not be used for any other purpose.

Reason: To enable vehicles to draw off and park clear of the highway to minimise danger, obstruction and inconvenience to users of the adjoining highway'.

One objection has been received from the occupiers of no. 1 Lakefield Avenue which is as following:

"I would like to object to the front extension on the above property. The proposed flat roof is not in keeping with my property or any other in the vicinity.

I cannot see any method of tying the proposed roof to my existing roof line that will keep the front of my property looking as designed.

The existing wall at the front of Number 2 also protrudes the front of my property (approx 100mm by eye) but the drawings show this as a flat line in keeping with my property line. The plans seem to show this wall staying.

A note for the rear extension and other works would be sound insulation between the properties. I would like the design to maximize any sound insulation available between the bedrooms, bathrooms and joining walls".

Additional Comments

None

Additional/Amended Reasons

None