

## Item No. 6

<b>APPLICATION NUMBER</b>	<b>CB/14/03678/VOC</b>
<b>LOCATION</b>	<b>Motorcycle Track South of, Stanbridge Road, Great Billington</b>
<b>PROPOSAL</b>	<b>Application to vary conditions 3,4 &amp; 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.</b>
<b>PARISH</b>	<b>Stanbridge</b>
<b>WARD</b>	<b>Heath &amp; Reach</b>
<b>WARD COUNCILLORS</b>	<b>Cllr Versallion</b>
<b>CASE OFFICER</b>	<b>Abel Bunu</b>
<b>DATE REGISTERED</b>	<b>03 October 2014</b>
<b>EXPIRY DATE</b>	<b>16 January 2015</b>
<b>APPLICANT</b>	<b>Dunstable MX</b>
<b>AGENT</b>	
<b>REASON FOR COMMITTEE TO DETERMINE</b>	<b>Called in by Ward member Cllr Mark Versallion due to:</b> <ul style="list-style-type: none"><li>• <b>Noisy sport in the countryside;</b></li><li>• <b>Loss of amenity to the local residents and associated enforcement problems in at least the last two years.</b></li></ul>
<b>RECOMMENDED DECISION</b>	<b>Variation of Condition - Recommended for Approval</b>

### 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:

## Recommendation

That Planning Permission **be delegated to be GRANTED to the Development Infrastructure Group Manager in consultation with the Chairman, Vice Chairman and Ward Representatives** 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 motorcycle training and practice and the site shall not be used for the holding of organised trials, races, or other similar events 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 site shall only be used for the purpose of motorcycle 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)

- 4 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 on Fridays, Saturdays and Sundays and at no time whatsoever on Mondays, Tuesdays, Wednesdays, Thursdays or Public Holidays.

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 No more than 18 motorcycles 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)

- 6 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)

- 7 **The development hereby approved shall not commence until a planning permission has been granted for the construction of bunding around the track area and the approved bunding is fully completed. The bunding shall be a minimum of 2 metres above the height of the highest part of the track level and once constructed the configuration of the track and the bunding shall be maintained and repaired such that they remain at the approved heights, unless a planning permission has been granted to vary the same.**

**Reason: To protect the amenities of the occupiers of nearby properties.  
(Policies BE8 & R16 SBLPR and 43 & 44 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 the approved noise management plan details. The noise management plan shall include:**

- i) A detailed monitoring methodology for assessing noise levels from individual motorcycles 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 motorcycles using the track and excluding motorcycles that do not meet the specified noise limits. No motorcycles with customised silencers fitted will be permitted on the track and exhausts fitted on all motorcycles shall be restricted to the manufacturers standards. 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 shall be in conformity with condition 7 of this permission.**
- iii) A detailed noise monitoring scheme to assess noise levels at the boundary locations as identified in condition 12, including measurement intervals, a monitoring record sheet and action to be taken should the boundary limits be exceeded.**

**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 the 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. (Policies BE8 & R16 SBLPR and 43 & 44 DSCB)**

- 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)

- 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 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)

- 12 The noise during any use of the track by motorcycles shall not exceed the following boundary noise levels at the locations shown on the attached site plan:

- 81dB Laeq5min at Location 1;
- 84dB Laeq5min at Location 2.

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.

## **INFORMATIVES**

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](http://www.centralbedfordshire.gov.uk).
4. Please note that in order to comply with condition 7 requiring the provision of improved bunding or noise mitigation measures that planning permission would 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.

### **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.

## **NOTES**

- (1) In advance of the consideration of the application the Committee were advised of additional consultation responses and relevant updates received subsequent to the agenda.

A noise assessment was also appended to the Committee report.

The Committee noted that the applicant had withdrawn the proposed use of the track on any Bank Holidays from the proposal.

The Committee was advised of amendments to the report as detailed in the Late Sheet appended to the minutes.

- (2) In advance of the consideration of the application the Committee received representations made under the Public Participation Scheme.