

REPORT TO THE NORTHERN AREA PLANNING COMMITTEE

Date of Meeting	10 th October 2012		
Application Number	11/03051/S73A		
Site Address	Whites Farm, Grittenham, Chippenham, SN15 4JW		
Proposal	Retention of motocross circuit		
Applicant	Mr S Nicholls		
Town/Parish Council	Brinkworth		
Electoral Division	Brinkworth	Unitary Member	Councillor Sturgis
Grid Ref	402171 183107		
Type of application	S73A		
Case Officer	Mr S T Smith	01249 706 633	Simon.smith@wiltshire.gov.uk

Reason for the application being considered by Committee

Under the Scheme of Delegation Specific to Planning, Councillor Sturgis has requested that this planning application be taken to the Development Control Committee for determination so that the impact of the proposed activities upon the amenities of the neighbours and highway safety may be considered.

1. Purpose of Report

To consider the above application and to recommend that planning permission be GRANTED subject to conditions.

Brinkworth Parish Council object to the application on the grounds that activity on the site exceeds that permitted and that there has not been enough noise reading carried out.

2. Main Issues

The main issues in considering the application are:

- Principle of development
- Impact on the character and appearance of landscape
- Effect upon amenity of neighbours
- Highway safety

3. Site Description

The site is former farmland associated with Whites Farm, extending to 5 hectares and situated within open countryside.

Retrospective permission is sought for the change of use of land and the associated engineering operations (the movement of earth to form jumps, berms and topography) to form a permanent facility for the racing and practice of off-road motorcycles (hereafter referred to as a motocross track). The covering letter submitted in support of the application states that there has been no importation of material to form the track, rather the changes have been achieved entirely by cut

and fill works. A toilet block has been placed on the site, taking the form of a mobile portakabin type structure, typically seen at outdoor events.

Fourteen (14) events per year are proposed. On these days racing would take place between 2pm and 8pm. The events are currently run approximately once a fortnight, weather permitting, on Wednesdays. The events normally accommodate up to 120 participants in four sessions with the bikes themselves limited to motocross bikes only. No converted or altered road bikes are permitted.

Access to the track would be via an existing field opening and is shared with White's Farm, also under the control of the applicant.

4. Relevant Planning History

None.

5. Proposal

To retain the already created motocross track, complete with earth jumps, berms and general topography as well as retention of the toilet block. The application seeks to make use of the track on 14 occasions every calendar year.

6. Consultations

Brinkworth Parish Council – *“Not supported. Reasons: Local Plan 2011, C1 sustainability, C3 paras i, ii, iii, iv, vi and xi, NE15 i and ii, NE18 and T2. The Parish Council is aware that the number of events held this year far exceeds the permitted amount. The Parish Council has concerns that there has not been an adequate amount of noise readings in the surrounding area.”*

Environmental Health – *“Numerous noise complaints regarding this activity were received in late July / early August 2011 which were forwarded from the Planning Enforcement Team. In order to monitor noise nuisance advanced notice of practice days or racing were needed. One prior notification regarding a Wednesday afternoon practice was received. The site was in full flow, with approximately 50 camper vans on site and numerous bikes operating. The complainants property was visited which is situated approximately 1,600 metres from the site. There was a fairly strong breeze blowing from the application site despite the warm weather. The noise was audible but not a statutory noise nuisance. This will obviously vary with wind speed and direction.*

Monitoring was undertaken elsewhere in the area and found the activity to be either inaudible, barely audible or audible, depending on the location. That is not to say that there would be no adverse noise impact on residential amenity. It would not be difficult for a noise survey to prove that the noise level from the bikes is not exceeding the ambient noise climate that prevails due to the M4, but such an assessment would not cover the subjective impact of the noise.

Free flowing traffic noise such as that created by the M4 becomes what is called ‘anonymous’ to those living nearby, the same cannot be said about motocross noise.

It is recommended that only one event per month is permitted in the warmer weather between April and September and only two per month, during October to March (resulting in 14). The hours of operation should be as stated and the Noise Management Plan should be controlled by condition and agreed with the Local Planning Authority before the commencement of development.

The motocross noise is audible at c.1600 metres in the village despite the M4 noise. Close to the site it is even more audible and intrusive, and will cause an adverse noise impact if not subject to tight controls as outlined above.”

Highway Officer – While traffic movements related to Permitted Development rights need to be considered, this proposal is a 'new facility' in the countryside and while it is a specialised track it is likely to create more vehicle attraction opposed to a track on the flat field. The likelihood of more specialised, more rides is likely to increase as a result of a more specialised track and increased impact on the highway network.

County Archaeologist – No comments or objections to make in relation to the proposed development.

7. Publicity

Sixteen (16) letters of objection have been received in response to the application publicity. The concerns raised are summarised below:

- Noise for residents and visitors or ramblers using the many footpaths in the area;
- The duration of each event, often starting at lunchtime and going well into the late evening without any noticeable break in noise;
- Noise will be affected by wind direction, conditions and the number of bikes at a particular event;
- Whites Farm is located in a valley and noise is therefore channelled down the valley and is bounced off the rising landscape on either side;
- Noise affects the many farms in the area;
- Use of the very narrow lanes by spectators and participants which are already congested and narrowed for traffic calming;
- Consideration should be given to restricting the hours of operation and limited the maximum number of hours per event and the maximum number of events (including practice sessions) per year;
- Pollution;
- The area is already plagued by the continuous noise of the M4 but that is constant and at a low level, the pitch from motorbikes is much higher and more unpredictable;
- Granting permission for retrospective applications will give the impression that it is better to flout planning laws and apply later;
- No further meets should be allowed whilst the application is being processed;
- No money is going to the local economy, visitors arrive in motorhomes and do not leave the site;
- The regular attendance of the air ambulance are costing the County money;
- The young from the village cannot afford to join in at the track and are driving around fields without permission;
- Animals have not been grazed here for some years and could not because of the frequency of the meetings;
- The information provided in the covering letter is inaccurate;
- The number of events is well in excess of 14 days; and
- A PA system has been installed.

Two (2) comments have been received stating, in summary:

- The noise from the specialised motorbikes comes in bursts of varying intensity and has a distinct penetrating quality that makes it very hard to ignore;
- If approved, racing should be restricted to Wednesday afternoons between April to September;
- The noise travels on the prevailing wind; and
- Not against motocross taking place at the site but 25 meetings per year is excessive.

One (1) letter of support has been received in response to the application publicity. This raises the following:

- It is not every weekend;
- There are many young people involved in this skilful sport;
- There should be a compromise not a stop on the activity; and
- The Council and applicant could look at ways to decrease the noise rather than stop the events altogether.

8. Planning Considerations

Principle of development

There are no specific policies within the adopted North Wiltshire Local Plan 2011 or any specific guidance within the National Planning Policy Framework (NPPF) which relate to motocross. As such, there is no “in principle” prohibition on this type of development taking place in the countryside. Indeed, motocross, by its very nature is an activity that can only realistically be carried out in an open and non-urban context.

However, the above does not mean that the appropriateness or acceptability this application cannot be fully considered making use of more generalised criteria based policies.

Policy C3 of the adopted Local Plan states that new development will be permitted subject to the satisfaction of a number of criteria. In particular: (i) respect for the local character and distinctiveness of the area with regard to the design, size, scale, density, massing, materials, siting and layout of the proposal; (iii) avoid the unacceptable loss of privacy and amenities to adjacent dwellings; and (vii) have a satisfactory means of access, turning, car parking and secure cycle storage and not result in a detrimental impact upon highway or pedestrian safety.

Policy NE15 of the adopted Local Plan states that the landscape of North Wiltshire and its locally distinctive characteristics shall be conserved and enhanced, development will be permitted if it does not adversely affect the character of an area and features that contribute to local distinctiveness.

Impact on the character and appearance of landscape

Ground levels across the site and wider landscape generally rise from south to north. Accordingly, the village of Brinkworth to the north is set at a higher level than the application site. The M4 corridor forms the southern boundary of the site. Views of the track are undoubtedly possible from a range of vantage points.

Aside from the associated parking of vehicles on race days, the permanent characteristic of the development would be the humps, jumps, berms and other man made changes in topography and removal of top-soil/grass. None of these features exceed c.3.0 metres in height above ground level, but they are nonetheless predominant. Other features such as the start gate, marshall stations and toilet clearly add to the permanence of the track as wider feature in the landscape, but are in themselves temporary.

In visual terms, the track is clearly a departure from untouched agricultural land. However, it is perhaps no more visually harmful to the landscape (in absolute terms) than a poorly run or intensively organised agricultural business, which is not an uncommon sight. The grant of a conditional planning permission for the motocross track would afford a degree of control that does not typically extend to such agricultural businesses.

Perhaps most significantly, whilst views of the track from both distance and closer range are undoubtedly possible from a range of vantage points, they would almost exclusively only be

possible in the context of the adjacent M4 motorway. The M4 corridor is in itself a considerable landscape feature that defines the landscape when viewed at a localised level, but also when viewed at great distance. Whilst its existence should not justify development considered to be unacceptable in other respects, it must nonetheless be a significant material consideration.

Paragraph 109 of the National Planning Policy Framework (NPPF) states, *inter alia*, that the planning system should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes. Factually, the site does not within a landscape that is covered by any particular designation such as an Area of Outstanding Natural Beauty. Of course an absence of a specific landscape designation does not render the landscape valueless, since the countryside should be protected for its own sake, but it does make it more difficult to identify precisely which attribute the development is adversely affecting.

Effect upon amenity of neighbours

Part 4, Schedule 2, Class B of the Town and Country Planning (General Permitted Development) Order 1995, as amended allows for the use of land for up to 14 days in any calendar year for motorcycle racing (including practicing) without the need for planning permission. The proposed development however, does not fall under permitted development because between races the humps, jumps and berms would remain in situ and the land itself does not return to agricultural use. Furthermore, the engineering operations undertaken to create the track requires planning permission and would entail a change of use.

The applicants agent states that the scope of the permitted development tolerance is a material consideration and it is not tenable to suggest that the externalities (eg. traffic and noise) associated with a motocross event would be materially different from one held in the adjacent field under permitted development rights. This theoretical position is considered to carry weight and should rightly be a material planning consideration, since it would be entirely possible for the applicant to re-grade the site back to its previous condition and to hold 14 motocross events each year with no requirement for planning permission to be sought. Following this logic, it is evident that the substantive consideration relating to this application should be the visual effect of the permanent track and not matters relating to traffic and noise generation.

Notwithstanding the above, it is clear that the Council's Environmental Health Officer has concluded that the motocross events, whilst audible, would not constitute a "nuisance" and subject to the imposition of planning conditions requiring comprehensive event management plan and hours/timings of use, would not be objectionable. Such a event management plan condition could require the applicant to submit and agree with the Council matters such as to how traffic would be managed, health and safety measures and a mechanism to address and ameliorate unacceptable levels of noise, usage of bikes and behaviour on the site.

Highway safety

The Highway Officer has rightly commented that whilst the existence of Permitted Development Rights must be a material consideration, it is logical to conclude that a purpose built track, complete jumps and berms, will be likely to attract a greater number of users. The vast majority of those users will be arriving by car, van or lorry, since motocross bikes do not tend to be road-legal.

Following the requests of the Highway Officer the applicant has supplied additional information upon which the Highway Officer might reach a view. That information suggests that a single event would be expected to attract in the region of 120 participants, arranged into four sessions. Spectator numbers are more difficult to define, although it is the author's experience of this type of sub-national level facility that the riders and the spectators will be arriving in the same cars.

The additional information submitted suggests that not all participants and spectators will arrive on the actual day of the event, with some 25% arriving the day before, staying in motorhomes

overnight. The information suggests that peak arrivals would typically be expected between 07:00hrs and 10:00hrs on the day of the event. Most participants and spectators would leave immediately after the closing of the event, with the suggestion that a proportion would stay overnight and travel the following day

The Council's Highway Officer is in the process of considering the acceptability of the proposal, the characteristics of the events and the ability of the access and surrounding highway network to cope with the traffic generated. His comments and conclusions will be reported to the Committee under Additional Information and, depending on what is concluded, may also be effectual upon the recommendation.

9. Conclusion

The proposal does result in the placement of a permanent motocross track in the open countryside, which indeed would be visible at distance, albeit in the context of the M4 corridor. However, this is not considered to result in an unacceptable impact upon the landscape, with is not recognised as being of particular importance by a specific policy designation.

Sympathy must be had for the concerns and objections of the nearest residents who have experienced disturbance from the use of motocross bikes on the site, since such use has been unauthorised. However, the applicant seeks permission for only the number of days that any land may be used for such purposes without the need for planning permission. This is a significant material consideration. In this context and in the absence of an objection from the Council's Environmental Health Officer, it is considered that a reason for refusal on this basis would not be reasonable or objectively justified.

10. Recommendation

Subject to the satisfaction of the Highway Officer in respect of the additional information submitted; then:

Planning Permission be GRANTED for the following reason:

The proposal is considered to be an acceptable form of development in this particular location. Whilst comprising an alteration to the landform of an agricultural field, the visual effect of development is not considered to be unacceptable in the context of the adjoining M4 corridor. Furthermore, subject to the imposition of appropriate planning conditions, the characteristics of the proposed use of the land would not have an unacceptable impact upon the amenities of neighbouring residents nor upon highway safety. As such the proposed development is considered to comply with the provisions of Policies C3, NE15 of the adopted North Wiltshire Local Plan 2011 and guidance contained in the National Planning Policy Framework.

Subject to the following conditions:

To be advised as additional information.

Informative:

1. The development hereby permitted shall be implemented in accordance with the submitted plans and documents listed below. No variation from the approved plans should be made without the prior approval of the local planning authority. Amendments may require the submission of a further application.

Site location plan, date stamped 11th October 2011
LPC/2798/2 – Site layout plan, date stamped 9th September 2011
LPC/2798/3 – Sections 1, date stamped 9th September 2011

REASON: To ensure that the development is implemented as approved

