

# REPORT TO THE NORTHERN AREA PLANNING COMMITTEE

<b>Date of Meeting</b>	<b>13<sup>th</sup> October 2010</b>		
<b>Application Number</b>	<b>10/02385/S106</b>		
<b>Site Address</b>	<b>Castle Combe Circuit, Castle Combe, Wiltshire.</b>		
<b>Proposal</b>	<b>Variation of condition to allow one day of motor racing on a Sunday rather than a Saturday (renewal of 08/2453/S73)</b>		
<b>Applicant</b>	<b>Castle Combe Circuit</b>		
<b>Town/Parish Council</b>	<b>Castle Combe/Yatton Keynell</b>		
<b>Electoral Division</b>	<b>By Brook</b>	<b>Unitary Member</b>	<b>Mrs J. Scott</b>
<b>Grid Ref</b>	<b>385118 176906</b>		
<b>Type of application</b>	<b>Full</b>		
<b>Case Officer</b>	<b>Mrs Charmian Burkey</b>	<b>01249 706667</b>	<b>Charmian.burkey@wiltshire.gov.uk</b>

## Reason for the application being considered by Committee

Councillor Scott has requested the application come to Committee for the following reason:

The affect on the amenity to the local residents on Sundays due to noise and traffic.

## 1. Purpose of Report

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

Castle Combe Parish Council approves the application subject to strict conditions. Yatton Keynell Parish Council object but no grounds are provided.

Two letters of objection have been received.

## 2. Main Issues

This application proposes to allow a further 2 day weekend event to take place permanently (following on from temporary permissions 04/02558/S73A and 08/02453/S73A) at Castle Combe Circuit by the substitution of a Saturday for a Sunday. The current temporary permission (08/02453/S73A expires 31<sup>st</sup> December 2010).

Castle Combe Circuit, amongst its many permissions, is currently allowed to operate car race days on 2 full (ie Saturday and Sunday) weekends each year on a permanent basis. Separate Saturdays and Sundays are also permitted. This application seeks to make permanent an arrangement to have another full weekend, but giving up a Saturday elsewhere in the calendar and combining another Saturday and Sunday. This has been in operation on a temporary basis for 4 years.

The main issues to be considered are whether the temporary permission has lead to an increase in noise complaints and/or an unacceptable nuisance and whether there are any additional highways implications.

### 3. Site Description

The site is a well established racing venue which hosts car racing, driver days, car boots and other related activities throughout the year.

4. Relevant Planning History		
Application number	Proposal	Decision
The site has an extensive planning history, which is attached as appendix 1. But the most relevant history is:		
04/02558/S73A	Variation of condition to allow motor racing on a Sunday.	Temp permission.
06/01814/S73A	2 additional sprint meetings per year – variation of 92.01654.FUL	Permission.
08/02453/S73A	Variation of condition to allow one day of motor racing on a Sunday rather than a Saturday (temp permission)	Temp permission

### 5. Proposal

The proposal is to create an additional 2 day weekend event by giving up a Saturday of racing and substituting it for a Sunday. This will create a total of 3 of the 2 day weekend events per calendar year. Castle Combe Circuit, amongst its many permissions, is currently allowed to operate car race days on 2 full (ie Saturday and Sunday) weekends each year on a permanent basis. This application seeks to make permanent an arrangement to have another full weekend, but giving up a Saturday elsewhere in the calendar and combining another Saturday and Sunday. This has been in operation on a temporary basis for 4 years.

### 6. Consultations

**Castle Combe Parish Council** approves the application subject to strict control of noise; strict rules about early morning engine operation; implementation of adequate traffic control systems (the current ones are not as efficient as the application implies); two consecutive weekends of Saturday and Sunday racing should not be allowed and a condition that non-compliance would result in withdrawal of the permission.

**Yatton Keynell Parish Council** object, but no grounds were given.

**Highways** do not object as in the 4 years there has been a permission, there have been no undue highways issues.

**Environmental Health** have provided the following information to support their recommendation for no objection.

1. "It is my understanding that Planning-wise, there are 248 days allowed in the year when cars/motorcycles may use the circuit, each being controlled by a Planning consent and also most by a noise nuisance abatement notice served either in 1992 (to control most of the

'car' days) or more recently early 2005 to control the 12 race days. Weekday motorcycle days have never given rise to a statutory noise nuisance.

2. In terms of noise levels, the 12 race days have a static test which is 108dBA at 0.5m from the exhaust, plus there are another 10 practice days(Thursdays) permitted which are also limited to 108dBA.
3. The reason we served an abatement notice in 2005 was because the circuit had reintroduced in 2001, the two day F3/GT Championship after a gap of approximately 25 years which tested at 118dBA at the exhaust. This led to an increase in complaints and we also found evidence of bad practice during noise testing at this Championship between 2001 and 2004. They appealed the notice and the court upheld all of our requirements, one of which required race days to emit no more than 108dBA. For your information, whenever a race day involves motorcycles, the static level is 107dBA at the exhaust.
4. There are also 20 'silenced testing' days (usually Thursdays) which emit 105dBA at source. The 12 race, 10 practice and 20 testing days are what are referred to as the 'noisier' days . So that is 42 days and the remaining 206 days consist of road-going highway levels of 100dBA for cars or 105dBA for motorcycles(although not > 30 days per year) . Indeed, motorcycle track days(Wednesdays) are actually included by the Circuit in the 20 permitted days at 105dBA despite being a highway level.
5. So to summarise, there are:

20 days at 105dBA referred to as an 'A' day (testing days)

22 days at 108dBA referred to as a 'B' day (race/practice days)

206 days at 100dBA/105dBA referred to as a 'C' or 'm/c' day ie highway level  
(track/dealer/company days)

These 248 permitted days are never fully utilised. The circuit send monthly usage lists to Environmental Health, Planning, Parish Council's and others and so are being transparent in that respect.

6. Unlike industrial noise, where it is possible to make measurements close to the noise source and then predict noise levels at another distance(ie a noise sensitive receptor), with motor sport this is not feasible. This is because vehicle noise tests are static and then the vehicles become mobile around the circuit. Furthermore, the surrounding villages are also obviously affected by topography and wind speed and direction and so it is impossible to say ,for example, that 108dBA @ 0.5m = XdB @ 1000m. Often the noise can be audible, but immeasurable. Sometimes it can be inaudible somewhere, but exaggerated elsewhere because of the wind. What we can say, is that the noise emissions imposed on the locality when the circuit was operating for two days at 118dBA between 2001 and 2005, caused a nuisance and that was accepted by the Court of Appeal, due to the evidence provided by ourselves.
7. With regard to monitoring race days, which is the subject of this application, I tend to select 3 or 4 of the 12 days per year and visit the site (unannounced)to check that the noise testing is being done correctly. I have specifically included Sundays in the last few years because of the nature of this application. I can confirm that the noise testing has been carried out in an exemplary manner since 2005 on all race days. I also assess in the community depending on wind direction and have found no evidence of statutory noise nuisance.
8. With regard to complaints against 'Sunday' race days, I can confirm that I have received 4 complaints in the last two years, two of which were from residents who did not actually realise that racing was allowed on a Sunday.

9. Out of the 22 days permitted at 108dBA, the 12 race days are always used, but because there are only 9 race meetings/events, only 9 out of the 10 practice days are actually used. Therefore, if the situation reverted back to another individual Saturday, instead of a 3<sup>rd</sup> 'double- header', there would be a 10<sup>th</sup> practice day on a Thursday operating at 108dBA.
10. In summary, I am not able to state that the 3<sup>rd</sup> Sunday, replacing a previously consented Saturday, has caused or will cause sufficient adverse noise impact on the locality so as to warrant me raising an objection, although I accept that public perception is subjective. I would recommend , however, that if permission is granted, then the 3 Sundays should never become 4 .”

In support of the application the agent has written that the circuit was previously an airfield but for the last 60 years has been a race circuit. The permitted use of the circuit is 248 days, but these are not all used. The figure is nearer 200.

The proposal does not lead to an additional day of racing. The previous temporary permissions made it clear, through conditions, that there would be no more than 9 race meetings on a Saturday and no more than 3 race meetings on a Sunday in any calendar year, and in the event that all 3 Sundays are used, one of them should be held following and event on the immediately preceding Saturday.

The actual number of racing days would decrease from 10 to 9 in any one year with one weekend less overall. 4 years is sufficient to allow the Council to assess the impact of the development and there is no basis for refusing a permanent permission.

## **7. Publicity**

The application was advertised by site notice, press advert and neighbour consultation.

2 letters of objection have been received

Summary of key relevant points raised:

- There are in the region of 250 days when noisy racing or motorised vehicles can use the track.
- Lack of knowledge at Committee about the number of days of noisy events.
- Increase in noise from the circuit.
- The events are taking place in an AONB, where there should be quiet enjoyment.

## **8. Planning Considerations**

### Previous Permissions

As with 04/02558/S73A and 08/02453/S73A, the arguments are finely balanced and weigh up the harm to the local community by way of noise, disturbance and traffic issues against the benefit of removing a Saturday from the calendar. This application seeks to make the arrangement permanent. The temporary permission in 2004 was only used once in 2008, so a further temporary consent was granted under 08/02453/S73A to allow further assessment. This 2<sup>nd</sup> lot of 2 years is now up and has given sufficient time for the Council to assess any impact.

In dealing with an appeal in 1993 (N.93.0513/FUL) for motor racing on 2 Sundays per annum, the Inspector clearly stated that his decision to grant planning permission should in no way be construed as a precedent for favourable decisions of future similar applications. He stated that it was necessary to strike a balance between the undoubted impact of the proposals on the residential and rural amenity, but also paying regard to this long established facility.

Whilst it may be considered that this incremental drip approach to the usage of the circuit is undesirable, there is some real benefit in losing a Saturday to create a further race free weekend (3 race weekends in total). The list of planning applications related to the circuit is attached as **appendix 1** and this shows that there are a number of permissions which relate to car driving on the circuit on Sundays, the most significant of which are:

Company Car Days – **40 allowed** – can be Sundays – Permission 89/01556/F.  
RAC Classic Day – **1 day** allowed – can be a Sunday – Permission 86/01816/F.  
Under Age Driving – **14 Days** allowed 4 specified as Sundays and all can be Sundays – 83/01216/F and 02/02116/F.  
Existing Motor Sport – **2 Sundays** specified – 93/00513/F.  
Classic Car Rally – **1 Sunday** – 97/-2501/F.

### Noise Nuisance

There will be no increase in noise, just a different distribution of it. Environmental Health's conditions will remain.

It is considered that the Local Planning Authority has had sufficient time and knowledge of the additional Sunday to assess its impact.

No complaints specifically relating to Sunday racing have been received in this time period. Therefore, it would be unreasonable to refuse on noise nuisance grounds.

### Impact on AONB

Castle Combe Circuit does lie within the Cotswold AONB, but it is not considered that the proposal would affect the designation over and above the current activities at the circuit.

### Impact on Highways

Highways are happy with the proposal and a reason for refusal on highway danger or inconvenience is not considered to be sustainable.

## **9. Recommendation:**

Planning Permission be GRANTED for the following reason:

The proposed permission for an additional Sunday instead of a Saturday is considered to be acceptable in terms of noise and traffic generation and therefore in accordance with policies C3 and NE18 of the North Wiltshire Local Plan 2011.

And subject to the following conditions:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

REASON: To comply with the provisions of Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

2. One months notice of the implementation of this permission shall be given in writing to the local planning authority. Following implementation, race meetings shall be held on no more than 9 Saturdays in a calendar year and on no more than 3 Sundays in a calendar year and if there are 3 Sundays on which events are held at least one shall be held following an event on the immediately preceding Saturday.

Reason: In the interests of clarity.

3. The public address system shall not be used on the permitted days before 0900 hours (or in the case of the paddock tannoy 0830 hours) or after 1830 hours and such use shall be limited to the purpose of commentary or announcement on racing and any race practising.

Reason: In the interests of amenity.

4. Before the use hereby permitted is commenced, details of a scheme for the management of the traffic entering, leaving and circulating within the site shall be agreed with the local planning authority.

Reason: In the interests of highway safety.

5. The means of access to the site from the C164 Long Dean - Castle Combe Road opposite Westway House shall not be utilised in connection with the use hereby permitted without the prior written agreement of the local planning authority.

Reason: In the interests of highway safety.

6. The use hereby permitted shall not take place on consecutive Sundays.

Reason: In the interests of residential amenity.

7. The local planning authority shall be notified of all race meetings involving a Sunday, no later than 28 days prior to the meeting.

Reason: In the interests of clarity.

8. The use hereby permitted shall not be carried out so as to result in more than two consecutive days of racing.

Reason: In the interests of residential amenity.

9. All vehicles or motorcycles should be tested in accordance with the appropriate section of the MSA British Motorsports Yearbook or ACU handbook and any subsequent revisions. No racing car shall exceed a noise level of 108dB(A) at 0.5 metres from the exhaust. No motorcycle shall exceed a noise level of 107dB(A) as measured in accordance with the ACU handbook.

Reason: To safeguard the amenity of local residents by reason of noise.

Informatives:

1. This decision relates to documents/plans submitted with the application, listed below. No variation from the approved documents should be made without the prior approval of this Council. Amendments may require the submission of a further application. Failure to comply with this advice may lead to enforcement action which may require alterations and/or demolition of any unauthorised buildings or structures and may also lead to prosecution.

location plan dated 12<sup>th</sup> July 2010.

<b>Appendices:</b>	<b>Appendix 1 – Planning History</b>
<b>Background Documents Used in the Preparation of this Report:</b>	<b>2.02, 3.06, 4.02, 4.03, 4.04, 4.07, 5.01</b>

