

26/10/2004

Item 1.2**Reg. No.** 92004 0893U**Applicant:**

Mr G Mountford
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Burton-on-trent
Staffordshire
DE15 9TU

Agent:

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Proposal: The provision of an off-road motorcycle riding facility together with classroom and changing facilities in the existing office block at Royle Farm Caldwell Road Drakelow Burton-on-Trent

Ward: Linton

Valid Date: 15/07/2004

Site Description

The site for the proposed tracks is agricultural land with hedges and trees on the field boundaries. The land is located to the north and north east of former agricultural buildings which are now B1 and B8 units, one of the buildings currently used as offices, would be used to provide classrooms and changing facilities associated with the proposed use. The site is within the open countryside; the nearest dwellings are accessed from Rosliston Road South and are over 250 metres from the edge of the nearest track.

Proposal

The application proposes the creation of an off road motorcycle riding facility together with classroom and changing facilities. The facility would consist of a practice area adjacent to existing buildings and two tracks created around adjoining agricultural land. The Applicant has stated that they wish to run the programme five days a week between 9am and 4pm using 8 bikes and 4-6 quad machines/ buggies and that the courses would be run for corporate groups and private clients who had pre-booked and were using the centre's bikes only. The Applicant has specified the type of bikes to be used which utilise low noise emission motorcycle technology.

Applicants' supporting information

The Applicant has submitted a supporting planning statement, a noise assessment and a follow up letter to the noise assessment proposing additional noise control measures.

The conclusions of the noise assessment are:

- The noise impact from the planned off road experience would be minimal judged against the lowest ambient noise levels recorded in the noise survey
- For most normal days the predicted noise levels would be less than the ambient noise levels
- The predicted noise levels arising from the off road experience are significantly below the World Health Organisation criterion for moderate annoyance.

Thus overall the predicted noise impact from the proposed development is not a material reason why the development should not go ahead.

Following a visit to the site by Environmental Health Officers to record noise levels for a demonstration of two vehicles a letter was received from the noise consultants proposing the following additional noise control measures:

- Reduction of the transmission noise from the Buggies. This can be tackled in one of two ways. The transmission system can be quietened by utilising higher specification gear sets within the transmission. These gear sets would be manufactured to higher tolerance specification and would reduce the transmission noise at source. Alternatively Quad bikes could replace the Buggies. The Quad bikes are slightly noisier overall but do not have the transmission whine.
- Earth Bunding around the noise sensitive sides of the riding circuits. The whole area around the circuits will be extensively landscaped when the circuits are constructed and there will be sufficient material to build 5m high bunds along the west and north boundaries. This will greatly reduce the noise travelling towards Flint Mill and will provide some mitigation in the direction of Stapenhill Fields Farm.
- Vertical profiling of the circuits. Additional landscaping could produce small earth bunds between the different sections of the circuits. This would act as additional acoustic shielding and would be highly effective as the bunding would be close to the noise source. Both forms of bunding would be effective for the high frequency transmission noise from the Buggies.

Possible operational changes are:

- Replace the Buggies with Quad bikes as per the original proposals. This would remove the problem of the transmission noise from the Buggies. However it should be noted that there are several safety reasons why Buggies are preferable to Quads. The Buggy has an integral safety cage that protects the driver if it should roll over; the Buggy has full four point safety harness; the Buggy is wider and so less likely to topple over and having an automatic transmission is simpler to drive.
- Restriction of Buggies to North Circuit 2. This would locate the Buggies at the furthest distance from the noise sensitive properties and the quieter motorcycles would only be driven on the nearer North Circuit 1.

These additional measures will further remove the possibility of noise disturbance from the off road experience and are evidence of the operator's commitment to living at peace with their neighbours. The operators are happy to have an agreed noise control programme as a condition of the planning permission and are willing to work with the Council to reach a workable and effective solution to any noise issues.

The planning statement clarifies the precise nature of the proposal and daily routine to be undertaken and considers the proposal in the light of the National Forest Strategy, Leisure and Tourism Policy 2 of the Structure Plan, Recreation and Tourism Policy of the Local Plan, Policy

LRT 3 of the Emerging Local Plan and Planning Bulletin 6 from Sport England. The conclusions of the planning statement are:

- The proposed facility is fully in accord with the objectives and specific aims of the National Forest Strategy and will provide a complimentary facility to further those objectives. The scheme will provide a tourist attraction which will match the standards and reputation for off road riding that the Ron Haslam Race School provides at Donington for road racing/ track knowledge. This will provide a visitor attraction which this area of South Derbyshire currently lacks.
- It will be demonstrated through a noise impact assessment undertaken by Dr Mike Fillery of Symonds that predicted noise levels from the machinery would be less than the ambient noise levels and predicted noise levels would be significantly below the World Health Organisation criteria for moderate annoyance.

Planning History

Several planning applications have been approved for use of the former agricultural buildings surrounding Royle Farm as B1 (light industrial) and B8 (storage and distribution) units.

Responses to Consultations

The County Highway Authority consider that bearing in mind the uses that already exist at Royle Farm it would be difficult to demonstrate that the proposed operations would materially affect highway conditions.

The National Forest Company state that the site in question is land proposed to be planted to woodland through the National Forest Tender Scheme. As part of the Tender Scheme contract the applicant has agreed to enter 100% of the site as public access land for walkers, with around 8100 metres of unsurfaced permissive paths. The NFC is concerned that use of part of the site for motorcycle riding could be at odds with the Tender Scheme contract (ie. restrict the 100% public access proposed).

The Head of Environmental Health states that the track developers have suggested the track will be used five days a week, with riding taking place over 4 hours each day. The noise report submitted with the application states that noise 'is not a material reason why the development should not go ahead'. Environmental Health are concerned that if the activities are not carefully managed there is the potential for significant noise disturbance therefore they recommend a series of detailed conditions controlling the use.

Responses to Publicity

Thirty nine letters of representation have been received raising the following issues:-

- The fact that there are heavy traffic volumes on Rosliston Road South already including HGV traffic and that the proposed use will increase traffic and therefore adversely affect highway safety.
- Noise pollution and air pollution from the running of the bikes will adversely affect the amenity of the occupiers of nearby dwellings especially at weekends.
- Infringement of the countryside, environment and National Forest the use will adversely affect the peace and tranquillity of the area and destroy wildlife.
- Horses are kept on land surrounding the site and these will be frightened by noise, children will not be able to ride the horses safely.

- Devaluation of property.
- Caldwell Road is narrow with blind corners, there are already accidents and the proposed use would generate more traffic which would be detrimental to highway safety. The entrance to Royle Farm is in a hazardous location.
- Wildlife has prospered on land adjoining Royle Farm in recent years, including rare species, and the proposed use would disturb and harm the wildlife.
- There are enough problems to cope with in the locality at the moment with noise from Roger Bullivant's factory all night, pollution from the dismantling of Drakelow Power Station and the proposed new road and building programme for the power station site.
- The use may create dust pollution.
- The Caldwell Shoot based at Morriscroft Farm has a programme of breeding English Partridges and this would be adversely affected by the proposed use.
- Even though the motorcycles to be used have low noise emissions, this will still be noisy due to the numbers of machines being ridden at any one time.
- Five days a week is excessive.
- The area to be planted with trees and run over with motorbikes is in itself historic unploughed permanent pasture with a unique pumping system built into it and as such should be preserved.
- The noise reading was taken at the front of one of the nearby dwellings whereas the occupiers use the rear garden where noise levels would be higher.
- A bridlepath runs parallel to part of the proposed track and riding along the path would become unsafe due to noise unsettling the horses.
- First aid measures and accident prevention measures on the site are not mentioned.
- Motorcyclists riding around areas lined with trees could result in accidents.
- There are more suitable locations for this type of activity and the land is not sufficiently divorced from nearby dwellings.
- Adjacent farmland is used for grazing a pedigree cowherd and noise disturbance could cause problems particularly when cows are pregnant.

Structure/Local Plan Policies

The relevant policies are:

Joint Structure Plan: Leisure and Tourism Policy 4

Local Plan: Recreation and Tourism Policy 1

Emerging Local Plan: Policy LRT 3

Planning Considerations

The main issues central to the determination of this application are the principle of the proposed use in a countryside location and impact on the character of the countryside, impact on the occupiers of neighbouring dwellings in terms of noise and disturbance and traffic generation and highway safety concerns.

Planning Assessment

Policy LRT 3 of the emerging Local Plan outlines a sequential approach to locating new sports, leisure and tourism facilities, firstly within or on the edge of the towns and secondly within or on the edge of serviced villages, unless *'the development needs to be in a particular location because there is a meaningful and demonstrable link with the particular location.'* It is considered that the type of development proposed could not be located within or on the edge of a

town or village due to the noise impact on residents within the settlement and that a countryside location is therefore more likely to be appropriate. It is considered unlikely that a site would come forward in a location remote from dwellings that have a demonstrable link to motorcycling and in terms of the sequential approach of the above policy the site is considered acceptable. The site for the creation of the tracks is well away from any public highway and due to the undulating landform the tracks will not form a prominent feature in the landscape or be detrimental to the openness or character of the countryside. If the National Forest tender is successful the trees surrounding the site would form additional screening, it is considered that the concerns raised by the National Forest over public access is a matter to be resolved through their consideration of the tender application. The building to be used for changing and classroom facilities is already on the site and there would therefore be no new built development.

The site is in the countryside and people who use the facility would have to access it by the private car, as discussed above the type of use is not one that would be considered appropriate in an urban or village setting and it is not considered that refusal could be justified on grounds of sustainability. The County Highway Authority does not recommend refusal of the application on highway safety grounds as they consider that it would be difficult to demonstrate that the proposed operations would materially affect highway conditions bearing in mind the uses that already exist at the site.

Even though the site is within the countryside there are still dwellings within relatively close proximity and the occupiers could be affected by noise disturbance. The Applicant has carried out a noise survey, which the Environmental Health Section has studied and Environmental Health Officers have also measured noise levels during on site tests with two vehicles running. Environmental Health have not recommended refusal of the application but are concerned that if the activities are not carefully managed there is the potential for significant noise disturbance. Environmental Health therefore recommend a series of 10 conditions controlling the use, including Monday to Saturday use only, vehicles restricted to six on each circuit at any one time, vehicles limited to specified types and noise output levels and a personal permission for the Applicant. Environmental Health do however state that until the use is operational the actual extent of noise disturbance to surrounding properties cannot be thoroughly evaluated, they also state that if the use creates a statutory nuisance a noise abatement notice would be served. In view of the fact that the extent of disturbance to surrounding properties cannot be evaluated until the use has commenced it is considered that a temporary consent only would be appropriate in these circumstances so that further evaluation can be undertaken.

Recommendation

GRANT permission subject to the following conditions:

1. This permission shall be for a limited period only, expiring on 26th October 2005 on or before which date the use shall be discontinued and the site reinstated to the satisfaction of the Local Planning Authority unless, prior to that date, an application has been made and permission has been granted for an extended period.

Reason: A temporary permission only is considered appropriate in this case in view of the fact that the noise impact and levels of disturbance to occupiers of neighbouring dwellings cannot be fully evaluated until the use is operational.

2. Prior to the commencement of development detailed circuit layout plans, including earth bunding and vertical profiling, shall be submitted to and approved in writing by the Local Planning Authority and the circuits shall be constructed in accordance with the previously approved details.

Reason: In the interests of the appearance of the countryside and protecting the amenity of the occupiers of nearby dwellings from disturbance.

3. There should be no expansion of riding area from those indicated on the submitted plan unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure the use can be controlled in the interests of the amenity of occupiers of dwellings near the application site.

4. There should be no more than six vehicles per circuit at any one time, with buggies restricted to north circuit 2, as defined in the noise assessment, only.

Reason: Any intensification of use is likely to be detrimental to the amenity of occupiers of dwellings surrounding the site.

5. The use hereby permitted shall not take place outside the hours of 9am to 4pm Mondays to Saturdays.

Reason: To ensure the use can be controlled in the interests of the amenity of occupiers of dwellings near the application site.

6. There should be no competition use, practise or otherwise, as per paragraph 2.1 in the accompanying Noise Assessment.

Reason: To ensure the use is controlled in the interests of the amenity of occupiers of dwellings near the application site.

7. Any substitute motorbikes should be of equal or lower sound power level to that quoted in section 4.2 of the submitted noise assessment. That is 97.9dB(A) for the motorcycle and 91.2 dB(A) for the four wheel 'buggy'. This is to be established in the manner set out in the submitted noise report. Any vehicles substitutes must be notified to and agreed in writing by the Local Planning Authority.

Reason: To ensure the use is controlled in the interests of the amenity of occupiers of dwellings near the application site.

8. There shall be no tannoy or similar address system in place.

Reason: In the interests of the amenity of occupiers of dwellings near the application site.

9. Proposed speed limiters and speed restrictions as specified in the noise report should be enforced for all riders.

Reason: To ensure the use can be controlled in the interests of the amenity of occupiers of dwellings near the application site.

10. A noise monitoring and control scheme should be agreed with the Local Planning Authority prior to the commencement of the use.

Reason: To ensure the use is controlled in the interests of the amenity of occupiers of dwellings near the application site.

11. This permission shall enure for the sole benefit of Mr G. Mountford.

Reason: To ensure the use is controlled in the interests of the amenity of occupiers of dwellings near the application site.

12. No development shall take place until there has been submitted to and approved by the Local Planning Authority a scheme of landscaping, which shall include indications of all existing trees and hedgerows on the land, and details of any to be retained, together with measures for their protection in the course of development.

Reason: In the interests of the appearance of the area.

13. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner, and any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: In the interests of the appearance of the area.

Informatives:

Notwithstanding the above conditions, you are advised to note the following:

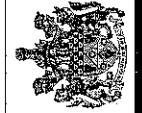
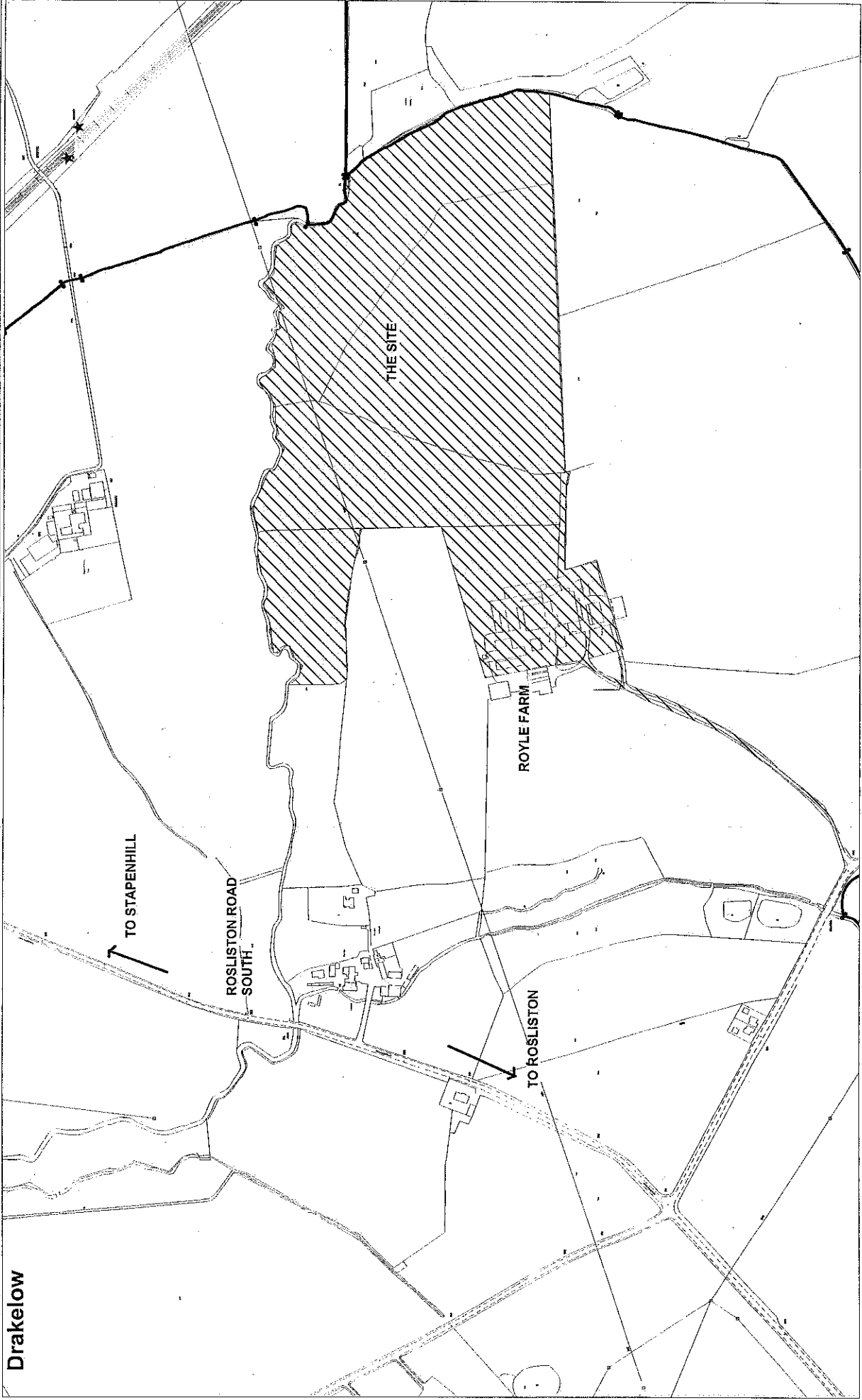
Although the site visits by the Environmental Health Department and the Symonds noise report submitted in support of this application are useful when predicting noise impact, until the facility is fully operational the actual extent of noise disturbance to surrounding properties cannot be thoroughly evaluated.

Should it be decided that subsequent noise disturbances arising from activities on site amounted to a statutory nuisance as defined in Part 3 of the Environmental Protection Act Section 79, a noise abatement notice would be served.

The noise management scheme referred to in condition 9 above should include regular sound checks at noise sensitive boundaries. Findings and observations should be documented and records held on site, these records should be made available to Officers from the authority for inspection should complaints arise. Any extraneous noise identified should be rectified, or operations ceased until such time that a solution could be implemented (for example a damaged exhaust system on a vehicle or whining transmission).

Vehicles should be serviced regularly and maintained and kept in a roadworthy condition.

9/2004/0893/U- Royle Farm
Caldwell Road
Drakelow



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26/10/2004

Item 1.3**Reg. No.** 92004 1058D**Applicant:**

David Wilson Homes
Forest Business Park
Cartwright Way
Bardon Hill
Leicestershire
LE67 1UB

Agent:

David Wilson Homes
Forest Business Park
Cartwright Way
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LE67 1UB

Proposal: Application for the approval of reserved matters of application 9/1990/0515/O for substitution of house types to plots 122-146 and the additon of plots 186-203 and associated works at Area B Land To The North Of Castle Road Castle Gresley Swadlincote

Ward: Gresley

Valid Date: 18/08/2004

Site Description

The site is the easternmost point of the large residential development site off Castle Road, Castle Gresley, the proposed plot changes are on the land directly to the north of the roundabout at the entrance to the development.

Proposal

The application proposes a change of house type on plots 122 to 146 and an additional 18 plots, 186 to 203. The previous reserved matters approval on the first phase of development was for 185 plots and the majority of these dwellings are nearing completion. The application proposes changing the house types on this eastern corner of the site to include three-storey apartments which will therefore increase the number of plots in the first phase of development to 203.

The proposed three storey blocks contain two bedroom apartments and are aligned around the northern side of the main entrance to the development facing onto Castle Road and the primary road into the development site. The blocks are sited over 15m from Castle Road separated by a footway/ cycleway and landscaped strip. Parking and bin stores are proposed at the rear of the apartments.

The rest of the dwellings proposed are a mix of detached, semi-detached and terraced three and two storey properties of similar types and layout as constructed on the rest of the phase one development and as previously proposed on this site.

Applicants' supporting information

The Applicant has submitted an amended plan and made the following comments in relation to points raised by the Highway Authority:

- The apartments, plots 122-146, have been linked to give a continuous street scene and set back from Castle Road. Extending the turning head to Road 9 through the apartment scheme would damage this street scene.
- Just over 100% parking has been provided for the apartments, which is within the guidance set out in PPG3.
- The position of the bin store has been amended to the rear of Plot 190, thus giving a distance of 25 metres from the doors to the carriageway.
- The driveways to plots 198 and 199 have been amended to allow easier access on to the driveways from the private drive whilst still maintaining a private drive width of 4.25m, as set out in Derbyshire County Council's Design Guide.
- In respect of the shared footpath cycleway, this is not within the application site and has been previously approved under the original Reserved Matters application for the 185 units.

Planning History

Reserved matters approval for the construction of 185 dwellings was granted in 2002.

Responses to Consultations

The County Highway Authority has stated that the plots are provided with pedestrian access from what appears to be the main entrance in front of the buildings, leading to Castle Road or 'Road 1'. It is entirely inappropriate that any parking associated with these dwellings should take place on either of these roads – Castle Road, which is a classified road forming the main route from Church Gresley to the A444, and also Road 1 (Brunel Way) which is to become the main distributor road into and through this major development site and, as such, would become much busier as the development progresses. This layout with the flats fronting onto these roads will tend to encourage such parking, which is not in the best interests of highway safety.

The flats are each to be provided with a single parking space with no provision for visitor parking nor any proper means of access for delivery or refuse collection vehicles. These flats need to be provided with much better facilities for access by service, delivery and visitors' vehicles. Consideration should be given to providing a service road or drive to the front and looping round the flats.

Driveways to Plots 198 and 199 require 6 metres manoeuvring space in front. The shared cycleway/ footpath should be designed on a much straighter alignment for safety reasons.

Responses to Publicity

None received.

Structure/Local Plan Policies

The relevant policies are:

Joint Structure Plan: Housing Policy 3
 Local Plan: Housing Policies 2 and 11
 Emerging Local Plan: Policies H4 and ENV 21

Planning Considerations

The main issues central to the determination of this application are the external appearance of the development and impact on the street scene, access provision and highway safety.

Planning Assessment

The proposed three-storey apartments will wrap around the northern side of the main entrance to the development site and follow the alignment of Castle Road and the principle estate road (Brunel Way). The design and appearance of the apartment blocks are considered acceptable and the overall bulk is broken down by the incorporation of elements with different ridge heights including a two-storey link block and with projecting gables on the front elevation. It is considered that the development will have an acceptable appearance within the street scene; there are already a couple of three storey buildings on the other side of Castle Road from the site. The apartments are set back from Castle Road to the rear of a landscaping strip and are a significant distance from any neighbouring dwellings; the scheme will therefore have no adverse impact on the occupiers of any neighbouring properties in terms of overlooking or loss of privacy. The layout and house types for the remaining plots, 186 to 203, are similar to those already approved on the site and elsewhere within the housing development.

The Highway Authority has raised concerns over the fact that the apartments would appear to have pedestrian front doors facing Castle Road and Brunel Way which they consider may encourage parking on the main roads. However the apartments have main doors on both the front and rear elevations and parking is provided through the estate at the rear of the apartments. It is considered unlikely that occupiers of the dwellings will choose to park on the main roads especially as there is a wide landscaped strip and cycle path between the 'front' of the apartments and the roads. The proposed parking provision for the apartments and other dwellings accords with the Council's parking standards. The Highway Authority suggest that consideration should be given to the provision of a service road or driveway looping around the front of the apartments however it is considered that this would adversely affect the appearance of the development and the street scene by changing the alignment of the dwellings and as the site is relatively level it would create an unattractive hard surface which would be clearly visible from the main road. It is not considered that a reason for refusal of the application could be substantiated on highway grounds.

Recommendation

GRANT permission subject to the following conditions:

1. No part of the development shall be carried out until precise details, specifications and, where necessary, samples of the facing materials to be used in the construction of the external walls and roof of the building(s) have been submitted to and approved in writing by the Local Planning Authority.

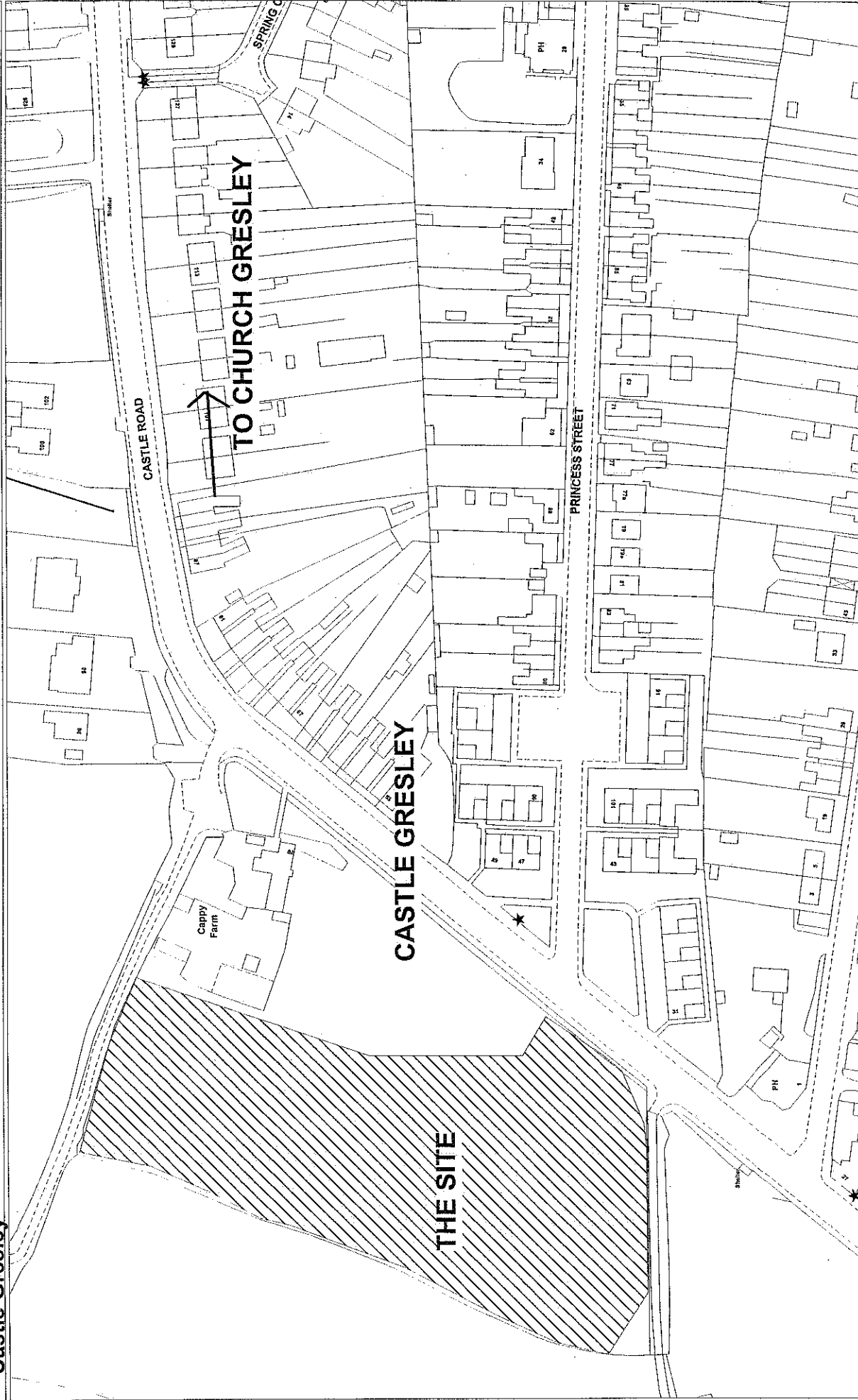
Reason: To safeguard the appearance of the existing building and the locality generally.

2. Notwithstanding any details submitted, no development shall take place until there has been submitted to and approved in writing by the Local Planning Authority plans indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed in accordance with the approved details before the development is occupied or in accordance with a timetable which shall first have been agreed in writing with the Local Planning Authority.
Reason: In the interests of the appearance of the area.
3. Prior to the development hereby approved commencing, details of the finished floor levels of the buildings hereby approved and of the ground levels of the site relative to adjoining land levels, shall be submitted to, and approved in writing by, the Local Planning Authority. Thereafter, the development shall be constructed in accordance with the agreed level(s).
Reason: To protect the amenities of adjoining properties and the locality generally.
4. Prior to the first occupation to which it relates, private driveways shall be laid out and constructed and surfaced with a solid bound material at a gradient no steeper than 1 in 15 and shall incorporate measures to prevent the flow of surface water onto the highway.
Reason: In the interests of highway safety.
5. All areas shown for the parking of cars shall be made available prior to the first occupation of the dwelling to which they relate. Thereafter, (notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995), the parking spaces, measuring a minimum of 2.4m x 4.8m, shall be retained as such or as may be otherwise approved in writing by the Local Planning Authority.
Reason: To ensure that adequate parking/garaging provision is available.

Informatives:

The proposed development lies within a coal mining area. In the circumstances Applicants should take account of any coal mining related hazards to stability in their proposals. Developers must also seek permission from the Authority before undertaking any operations that involves entry into any coal or mines of coal, including coal mine shafts and adits and the implementation of site investigations or other works. Property specific summary information on any past, current and proposed surface and underground coal mining activity to affect the development can be obtained from the Coal Authority. The Coal Authority Mining Reports Service can be contacted on 0845 762 6848 or at www.coal.gov.uk.

9/2004/1058/D- Land to North of Castle Road
Castle Gresley



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