

ROCKBEARE
(Broadclyst)

07/0203/COU

Target Date: 29.03.2007

Applicant: Mr Mingo

Location: Land lying to the south of Carradale Farm, Turkey Lane, Strete Raleigh, Exeter

Proposal: Change of use from agricultural land to motor cycle circuit for family and friends

CONSULTATIONS

County Highway Authority

The application states that the motor cycle circuit is for use by family and friends and on that basis I would not wish to object. I would not, however, wish to see any commercial use of such a circuit and it may be appropriate to impose a suitable condition.

Highways Agency

Does not propose to give a direction restricting the grant of planning permission

Head of Environmental Health and Equalities

I would like to recommend the following conditions to be included in any permission granted.

1. To erect a double storey of round straw bales to create an approximate 3 m high barrier the entire length of the track closest to the neighbouring village. The bales must NOT have any spaces that will allow sound leakage through.
2. To restrict the hours of use to Saturdays and Sundays only between the hours of 10.00 am and 6.00 pm. No activity on any other days including bank holidays.
2. To restrict the number of motor cycles to no more than 6 bikes at any one time on the track.

In response to the additional information submitted regarding noise levels of the motor cycles.

"I have considered the noise levels given and must query the logic of lowering the bike noise at source from 96 dec to 94 dec. and the acoustic report detailing this information, because a reduction of 2 dB if measured as A-weighted would not be audible to the human ear.

I would like to see the full noise report that was carried out to identify the methodology used and the terminology content. Likewise to identify the measuring points and their relevance to any receptors."

TOWN/PARISH COUNCIL

The site lies within the boundary of Rockbeare Parish Council but immediately abuts the boundary with Whimble Parish Council, the views of both Parish Councils are set out below.

Rockbeare Parish Council

Recommends approval, subject to conditions.

Three letters of objection received since last submission of this application and an e-mail from the head of the Primary School in support. The application was discussed at great length by members of the public during the public comment time in the meeting. As feelings are running high both for and against the circuit the parish council have asked all members of the community to write to both themselves and EDDC with their views. The parish council's view is as yet unchanged in as much as it feels this is a valuable community resource, but might need restrictions on time of use, quantity of riders and prohibition of commercial use in order to address both sides of the issue.

The parish council also requested an extension to the application deadline in order to have time to receive any letters from the public for consideration prior to recommendation. Following this period they have further responded:

Five letters/e-mails received either with constructive suggestions for restrictions that should be placed on the track or supporting the application. Approval recommended with conditions restricting the use to no more than 10 bikes at a time, no use before 10 am or after 7 pm (5pm on Sunday), the track should never be used for commercial gain.

Whimple Parish Council (adjoining Parish)

Recommends refusal.

Noise still an issue. Charging implies it may become a commercial venture. 29 letters of objection show local residents obviously concerned. Suggest restrictions: list of names of those allowed to use the track, instead of every weekend, limit to alternate weekends for 3 months to see if sound barrier is effective, site never to become a commercial venture otherwise permission to be withdrawn.

WARD MEMBER(S)

The initial comments of the ward members, are as follows:

Councillor Button:

"...I'm sure that, as last time this was submitted, you will receive local objections on grounds of noise and potential dust generation. I'm not convinced that proposals to limit the use to friends and family could be enforced and am concerned that it would also be difficult to enforce conditions relating to hours of operation. Was the last application refused or withdrawn and how does this application differ from that one?"

Clearly, I would rather that this application went to Committee rather than be decided under delegated powers and I reserve my right to judge the application on its merits based upon all the information available to me at that time."

Councillor Burrows:

"I have looked at the resubmitted application and my views are not changed. I feel very strongly that this application should be refused.

The erection of two rows of straw bales will still not go far enough to eradicate the noise from the bikes whilst on the circuit. There is the added problem of straw bales in that they will rot over a period of time and hence their height will diminish. To cover them with plastic and put soil on top to encourage grass growth will not work in long continued periods of dry weather. The grass will die. The long term management/replacement of these straw bales is another element that would be difficult to enforce.

There is also the added impact of these straw bales on the landscape and amenity aspect.

If indeed, even if a 3 metre height were suggested, then, more than two rows would be needed to meet that height requirement. The noise element, has always been the most contentious element of this application, and I fully understand the concerns of the Marsh Green residents, and I therefore feel, that EDDC must be 100% certain that the measures suggested will block the noise pollution that will be generated.

There is also the added problem of restricting the use to 'family and friends' and indeed, I have grave concerns as to how this could be prevented from becoming a commercial business should consent be granted.

In the event of this application coming to Committee, I reserve my position until I am in full knowledge of all arguments for and against."

REPRESENTATIONS

23 letters of objection and 22 letters of support had been received at the time of writing. Additionally a petition with 126 signatures was also received in support of the application.

Summary of objections:

- Noise impact.
- Use of the site exceeds family and friends use.
- Poor vehicular access to the site (including by emergency services).
- Visual impact on landscape.
- Dust creation and impact on motorists using the A 30.
- Environmental impact i.e. disturbance to wildlife, air/noise pollution.
- Fire risk of use of straw bales as barrier.
- Difficulties monitoring and enforcing the level and extent of use.
- Loss of agricultural land.
- Potential future expansion of use if permitted.
- Increased traffic generation and impact on country lanes.

Summary of reasons for support:

- Good facility for local children
- No adverse noise impact (where noise from the A 30 and the airport are greater)
- Next nearest track is 60 miles away

PLANNING HISTORY

App. No:	Proposal	Decision	Date
06/2095/COU	Change of use from Agricultural land to motor Cycle circuit for family And friends use	Refused (Enforcement Action authorised by committee	03.10.2006 21.11.06)

PLANNING POLICIES

Government Guidance

PPS 1 - Delivering Sustainable Development
PPS 7 – Sustainable Development in Rural Areas
PPG 17 - Planning for open space, sport and recreation

Devon County Structure Plan (2001-2016)

Policy CO6 – Quality of New Development
Policy TR10 – Strategic Road Network

East Devon Local Plan (1995-2011)

Policy D1 – Design and Local Distinctiveness
Policy RE5 – Recreation Facilities in the Countryside and on the Coast
Policy S4 – Countryside Protection
Policy TA6 – Adequacy of Road Network and Site Access

SITE LOCATION AND DESCRIPTION

The site relates to a broadly triangular plot of agricultural land to the immediate north of the A30 and located approx. ½ way between Exeter Airport and the Daisy Mount roundabout of the A30. The site extends to approx. 7 acres and is accessed via an unmade track (running parallel to the A30 for approx. 100m) itself accessed off the west side of Turkey Lane at the turning head at the end of this no through road. The site is relatively well screened from the A30 although there is a section of approx. 20 - 30 metres toward the eastern end (adjacent to the layby) that is clearly visible. The site is some distance (250-350 metres) from the nearest residential property.

The motorcycle track that has been formed is around the perimeter of the field and various small humps have been created along its course. In the south east corner at the entrance to the field is a portaloo and an open lorry trailer with notice board and a seat.

PROPOSED DEVELOPMENT

The application seeks a change of use of the agricultural field to use as a motor cycle circuit. The application states the use would be for family and friends between the hours of 10 am and 7 pm.

CONSIDERATIONS AND ASSESSMENT

The current application follows the refusal of application 06/2095/FUL for the same use as currently proposed. Enforcement action has also been authorised by the Development Control Committee against the use of the track outside the 14 days per annum allowed under permitted development rights.

The previous application was refused on the grounds of the visual impact of the proposed fencing that would be required to attenuate the noise of the circuit and the potential conflict between motorcycles and cars on the A30 (if using lights thereby causing a distraction to motorists).

The main issues in the determination of the application are considered to be: the acceptability and appropriateness of the site for this use; adequacy of access; affect on amenity in terms of increased activity and noise; affect on highway safety; affect on character and appearance of the surrounding area.

Principle of the Proposed Use

The site is located at some distance from the nearest residential property and is relatively well screened from public view. However, the site is visible through gaps in the tree line on the boundary with the A30 and the layby to the north side of this, adjacent to the site.

In principle it is considered that a limited use for the purpose proposed is acceptable. However, this is subject to the number of riders being limited, that the use remains as a private, non-commercial use and that the noise impact from the use can be satisfactorily attenuated. The application states that the use would be for family and friends only. However in reality restricting the use of the site to this would be very difficult to monitor and/or enforce if a more intensive use were to take place.

The parish council has stated that they consider the proposal provides a valuable facility for local children and subject to conditions: restricting the times of use; the number of riders and prohibiting any commercial use are in support of the application. The adjoining parish council (Whimble) has recommended refusal on the grounds of the noise impact from the motor cycles using the circuit. They have also suggested that charging to use the circuit occurs although there is no evidence presented to support this contention. However, was permission to be granted they feel that this should include limits on those riders that are allowed to use the track and to be on a restricted and temporary basis to ensure that the sound attenuation measures work.

The site itself is not part of a designated landscape and is close to the main A30. In terms of the groundworks that have been constructed these are considered to have minimal visual impact on the surrounding area but the proposed straw bale barrier would be more prominent.

Local facility

A number of local residents as well as other members of the public have written in support of the application. The parish council also feels that the proposal provides a valuable facility for local children to ride their motorbikes in relative safety. Indeed for those wishing to ride motorbikes the available options are likely to be limited. However, the use applied for is for family and friends only and is therefore a private use. The applicant would therefore be in control of who was able to make use of it and therefore the facility would be of limited public benefit. On the other hand if the track was open to members of the public such a use is likely to create problems due to the intensity of the use, access to the site and other related issues. Indeed this scenario is one that both parish councils do not wish to see.

Access

It is noted that there have been objections on the grounds of poor access to the site, particularly for emergency vehicles. With a low level of usage it is considered that access to the site is acceptable and no objections have been raised by the highways authority in this regard. However, a more intensive level of use may give rise to problems particularly if cars using the site were poorly parked on the track or approach roads leading to the site.

Highway Safety

As the site directly adjoins the north side of the A30 several concerns were previously raised by the Highways Agency regarding the potential highway safety risk of motorbikes when using lights in dark or foggy conditions and the confusion this could lead to for motorists on the A30. It is understood that the motorbikes that use the track would not be fitted with lights and the Highways Agency has therefore withdrawn their original objection. Although some local residents have raised concern about dust, created by the vehicles using the track blowing onto the A 30 and effecting visibility, again the highways agency has not raised this as a concern.

Amenity

The two amenity issues to consider are the noise impact of the development and the visual impact of any measures proposed to provide noise abatement.

a. Noise

In the first regard, the majority of the objections received have been primarily concerned with the noise from the track and the effect of this on nearby residents' amenity. The environmental health officer has concluded that subject to certain conditions the proposal would be acceptable from the point of view of noise creation. It is suggested that the barrier proposed be to a height of 3 metres and constructed along the entire length of the track closest to the nearest village (Marsh Green, to the south) and that the barrier be constructed in such a manner as to ensure there would be no gaps for sound leakage. Secondly, that the use of the track be restricted to Saturdays and Sundays only between the hours of 10 a.m. and 6 p.m. Finally, that the number of motor cycles be limited to no more than 6 on the track at any one time.

The applicant has submitted additional information in relation to the noise levels from the motor cycles. It has been suggested that this would be lowered to 94 decibels at source and that all bikes will be checked before being allowed onto the track. Additionally the applicant has stated that regular noise readings would be taken throughout the year and that a water bowser would be used before the start of each period of use to prevent any problems of dust creation. However, in response to the proposed reduction in noise levels from the bikes from 96 decibels to 94 decibels it is understood that such a reduction would be inaudible to the human ear.

With regards to the barrier it is necessary to consider the visual impact of this as well as its ability to attenuate noise, this is discussed separately below. In terms of time restrictions, if the barrier would reduce noise from the site to an acceptable level then restricting the days of the week on which it could be used may be unreasonable and in any case it is likely that Saturday and Sunday would be the days when the track would be most likely to be used. On the final point restricting the number of motor cycles that could use the track at any time would help to reduce noise but may in reality prove difficult to enforce.

b. Visual Impact

Regarding visual impact, the applicant has proposed the construction of a double layer of straw bales along the length of the south side of the track. The finished height of the barrier would be approximately 2.6 metres which would be below that required to effectively attenuate against the noise from the track. However, it is suggested that this would then be capped in polythene sheeting, covered in earth and allowed to grass up. Although the site is relatively well screened along most of the south side of the field there are some significant gaps from which the proposed barrier would be visible. The barrier would also be likely to be visible from the road bridge and lane to the west of the site.

Whilst it is not unusual to see the storage of straw bales in fields at certain times of the year, the form, length and permanency of the barrier would be unusual and clearly not part of any agricultural operation. This being the case it is considered likely that the straw bale barrier would appear as an alien feature in the landscape. It is proposed to cap the barrier in polythene, to put earth on top and to allow this to grass up. The polythene capping, depending on colour, may increase the visual prominence of the barrier but the proposal to grass over this would disguise the capping. However, it is considered doubtful that the barrier would grass up fully and it has not been demonstrated how this would be maintained long term. Furthermore the straw bale barrier would also be subject to some decomposition over time that would affect both its appearance and its ability to effectively maintain its intended purpose as a sound barrier. It is noted that the applicant has stated that bales that decompose would be replaced and the capping and grass cover reinstated.

An alternative that might be considered more visually acceptable would be for the straw bales to be set out for a six month period of the year only (for example April – September) without capping and when surrounding planting would be in leaf and the barrier would be better screened. However, the barrier would still be likely to be visible, although to a lesser extent (unless more than two bales were required to make the 3 metre height), and would need to be removed and replaced each year and the track use limited to when the barrier was in situ.

CONCLUSIONS

This proposal has given rise to wide interest amongst local residents with broadly similar levels of objection and support. In terms of objection the primary concern that has been voiced has been the noise from the use of the track, whilst supporters consider the track provides a valuable recreational facility for local children.

Having considered both positions in relation to the planning issues it is considered that on balance the application should be refused. There is clearly widespread concern relating to the noise of the motorbikes using the tracks, which is based on the previous use of the track before retrospective planning permission was refused. The Environmental Health Officer has suggested that with certain conditions the proposal would be acceptable in terms of noise prevention. However, the measures proposed to create an effective sound barrier would in themselves result in a long line of double stacked straw bales that would be visible to a certain extent through existing screening (more so at certain time of the year than others) and which are likely only to be effective for a limited period of time before requiring maintenance or replacement. The proposal to grass over the straw bales would help to ameliorate the appearance of the barrier but as the bales are likely to require regular replacement, this grassing over is unlikely to be successful. It may be that alternative forms of sound barrier could be used that would be visually more acceptable and more permanent, such as a grass bank with fencing atop and screening planting in front (where required), however these requirements would place an onerous and costly burden on the applicant for a use that is stated to be for family and friends only and which would be likely to be further restricted in terms of numbers and hours of operation.

There are also concerns that restricting the use of the track and the enforcement of this would be very difficult and that a more intensive, commercial use of the track would be clearly inappropriate given the location of and access to the site.

In conclusion, it is considered that the proposed use would be detrimental to the visual amenity of the surrounding area and result in an alien feature in the landscape which would be, out of proportion with the level of use that is being applied for and which would require regular maintenance and/or replacement to maintain its effectiveness.

RECOMMENDATIONS

Refuse for the following reason:

1. Based on the available information it has not been demonstrated that measures to attenuate against such noise disturbance would be effective and would permanently control noise levels from the proposed use so as to prevent noise nuisance in the locality and would not have a visually detrimental impact on the character and appearance of the surrounding area. The proposal is therefore contrary to policies S4 (Countryside Protection) and EN21 (Control of pollution) of the adopted East Devon Local Plan.

List of Background Papers

The file containing all letters, consultations, and documents referred to in the report.