

# ADDENDUM REPORT

Planning Committee



**Item Number: 7.4**

**Site: Plymouth Speedway, St Boniface's College Sports Ground Coypool Road, Marsh Mills**

**Application Number: 17/00648/S73**

**Applicant: Mr M Phillips**

Members are advised that, following the Public Protection Service's (PPS) objections, the applicant has offered to remove that part of the proposal which extends the racing time from 2145 hours to 2200 hours.

PPS were advised of this change, which still leaves in place the proposed extended training times and dates as well as the proposal to start racing at 1900 hours, instead of the extant 1915 hours.

The PPS appreciate the applicant's compromise, but still recommend refusal. In their opinion the biggest impact local residents will face should this application be granted, is the proposal to extend the training season which currently runs from 15th March – 31st October (currently alternate Saturdays) to all year round (excluding the Christmas period – continuing to take place on alternate Saturdays). Local residents are already exposed to noise created from the Speedway's activities however, should this application be accepted, the Council would be exposing residents to noise all year round. This is likely to cause annoyance and lead to complaints as residents will be affected throughout the entire year – throughout November, part of December and January, February and part of March on top of what they are already exposed to.

PPS previously stated that they had reviewed their complaints record and found details of a total of 27 noise complaints that had been logged, some of which were mail merged i.e. more than one complainant per case. PPS have reviewed the records again to obtain further information of each case and can confirm the previous figure was incorrect. There have in fact been 53 noise complaints since June 2006 – July 2016.

To PPS, this suggests that a high number of residents in the locality have previously been disturbed by the Speedway which would suggest considerable impact on local amenity. They feel that extending the hours, increasing the number of races and altering the training season to become an all year round event will only exacerbate this.

Further PPS comments are as follows:

- The most recent monitoring undertaken during the 2014 season suggested that the noise caused by The Speedway did have the potential to be a nuisance. Despite a statutory nuisance not being determined at the time, it is of upmost important to note the difference between the Planning Considerations and Statutory Nuisances/ Nuisance.
- When considering nuisance one must consider factors such as time, duration, frequency, nature of the noise and the nature of the area etc. This application seeks to alter the time, duration and frequency which does have the potential to create a nuisance in the future.
- It is also important to note that when a statutory nuisance has been identified as being caused by a business, the business has to demonstrate they are doing everything they can that is reasonably practicable to mitigate the nuisance – this is called a Best Practicable Means (BPM) defence. If a business demonstrates they have a BPM defence they may use this defence if served with a Noise Abatement Notice i.e. the PPS department may not be able to take action against the business in order to resolve the nuisance.
- When considering the location of the Speedway and nearby residents as well as the lay of the land, PPS believes it is potentially likely the only way to mitigate against noise could be to enclose the entire stadium. Mitigation of this scale would be costly and may be deemed disproportionate to expect the Speedway to incur costs of this nature. In simple terms the PPS department may not be able to take action against the Speedway should a nuisance be determined (if planning permission is granted) and are therefore reliant upon controls/ conditions put in place via the Planning process to protect nearby sensitive receptors.
- PPS considers that the Planning Committee must consider the impact on the amenity, and not whether the activities at the Speedway create a statutory nuisance. In a case like this where a nuisance has not yet determined, does

not necessarily mean the activities at the Speedway do not have a considerable impact on local amenity, as can be demonstrated by the sheer number of complaints received.

PPS feel the application is not acceptable and therefore recommend it is not granted permission because the noise created from The Speedway has the potential to negatively impact noise sensitive receptors by:

- 1) Potentially creating a statutory nuisance
- 2) Diminishing the general amenity of the locality
- 3) Create noise that could be deemed persistent and continuing in nature
- 4) Affect the use and enjoyment to noise sensitive receptors within their homes and gardens.

No amendments are proposed to the officer recommendation as a result of the PPS comments.