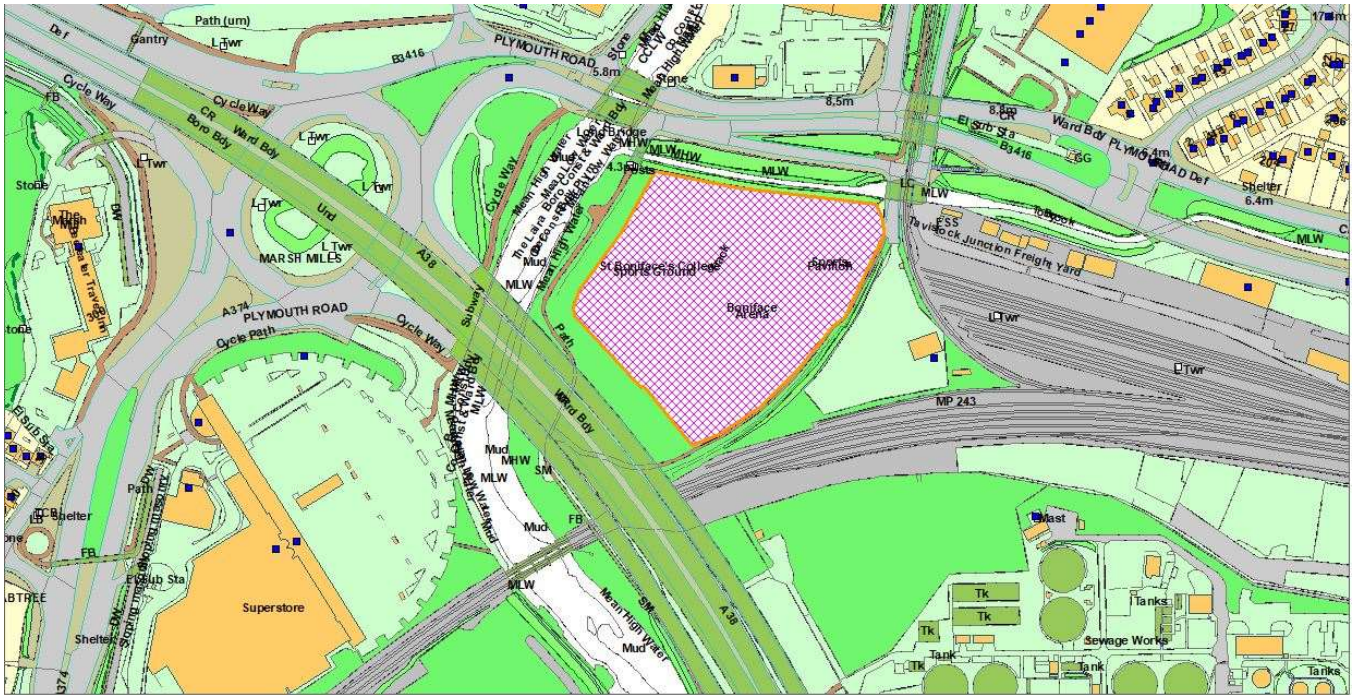


PLANNING APPLICATION OFFICERS REPORT



Application Number	18/02083/S73	Item	03
Date Valid	12.12.2018	Ward	PLYMPTON ERLE
Site Address	Speedway Track Plymouth Road Plymouth		
Proposal	Variation of condition 4 and removal of condition 8 of consent 17/00648/S73 to allow use of other motorised vehicles (including quad bikes)		
Applicant	Mr Phillips		
Application Type	Removal or variation of a condition		
Target Date	13.03.2019	Committee Date	27.06.2019
Extended Target Date	07.06.2019		
Decision Category	Councillor Referral		
Case Officer	Mr Jon Fox		
Recommendation	Grant Conditionally		



This application has been referred to the planning committee by Councillor Terri Beer.

1. Description of Site

The site is approximately 1.2 hectares in area and comprises over one half of the former St. Boniface's sports ground, on its eastern side. The site is accessed via Coypool Road, on the northern side of the site, as it passes under, and runs up to, the main Plymouth Road. A rough footpath runs around the western, southern and eastern sides of the sports ground. The western boundary also abuts a site of local importance for nature conservation, which includes the River Plym as it joins the Laira. The main A38 trunk road runs beyond and above the site's southern boundary. The sports ground is thus situated on low lying ground and is within Flood Zone 3 of the Environment Agency's indicative floodplain map. The site has for approximately 12 years been used as a speedway circuit and accommodates associated infrastructure such as spectator stands, officials' building and covered motorcycle enclosures.

2. Proposal Description

Variation of condition 4 and removal of condition 8 of consent I7/00648/S73 to allow use of other motorised vehicles (including quad bikes). Conditions 4 and 8 are as follows:

CONDITION 4: TIME AND OPERATION OF SPEEDWAY MEETINGS

The development shall be carried out strictly in accordance with the following details:

- a) Speedway motorcycle racing will take place only between 15 March and 31 October and at these times no other form of motorised sport or activity shall be carried on at the site.
- b) Speedway motorcycle racing shall take place on Fridays in the first instance with an alternative of either Thursday or Saturday or Bank Holiday Monday.
- c) If a speedway meeting takes place on a Thursday there shall be no speedway meeting in the following six days inclusive.
- d) If a speedway meeting takes place on a Monday there shall be no more than one speedway meeting in the following nine days inclusive.
- e) There shall be no more than one speedway meeting per weekend.

F) There shall be no more than 21 races per meeting except for Championship events and British finals when 24 races are permitted. There shall be no use of the site for motorcycle training or any other motorised activity on race days.

G) Races shall take place between 19.00 (1800 on a bank Holiday) and 21.45 hours (2030 on a Bank Holiday) only and engine warm-up shall take place only between 1830 hours and 1900 hours (1730 to 1800 hours on a Bank Holiday).

CONDITION 8: NO OTHER MOTORISED SPORT OR ACTIVITY

When not in use for approved speedway events the site of the speedway track shall not be used for any other form of motorised sport or activity, except for rider training and use by fully silenced mini- motorbikes strictly in accordance with condition 9 of this decision notice.

In support of the applicant's proposal the agent has submitted figures for the number of occasions when speedway events were not held on the site during the 2018 season, owing to a lack of fixtures; that due to the current league structure, which governs all speedway racing, there are not sufficient teams in the National League to provide competitive racing every week. During the season of 2018 speedway events were not held on 13 occasions, three of which were rained off.

The applicant's agent has also stated that the use of the site by 'buggies' is part of the application, and that the Planning Statement which formed an integral part of the application and validated on 12th December 2018 contains reference to childrens buggies; that these were, unfortunately, not available at the time of demonstration but that these machines are powered by un-modified and silenced lawn mower engines and all those present would have some knowledge of the noise generated by a lawn mower. However, officers are of the view that the agreed description of development, i.e. 'Variation of condition 4 and removal of condition 8 of consent 17/00648/S73 to allow use of other motorised

vehicles (including quad bikes)' does not imply that buggies are part of the application. In fact no other form of motorised vehicle, apart from quad bikes, is actually referred to in the description. The Council's Public Protection Service (PPS) initially did not raise an objection to the proposals. However, it has since been deemed necessary to require a noise test, which demonstrates the impact of the use of quad bikes on residential amenity. The noise test was carried out on Friday the 24th of May. A noise report has subsequently been submitted and interested parties were consulted. The consultation period ends on 26th June. Any changes to the officer report following consultation will be reported in an addendum report.

3. Pre-application Enquiry

None.

4. Relevant Planning History

17/00648/S73 - Vary conditions 4 and 9 from application 13/01196/FUL to allow extended speedway and training operating hours and to allow up to 21 races per meeting (instead of the 20 currently allowed) (except for Championship events and British finals when 24 races are already permitted). This application was granted conditionally.

13/01196/FUL - Continue use of part of land as motor cycle speedway track, with ancillary accommodation and facilities on a permanent basis, and including variations to existing terms/methods of operation with revision of conditions 4a & 4c of Approval 07/00547 to allow an alternative to main race night of Friday of EITHER Thursday or Saturday or Bank Holiday Monday (with only one meeting in any weekend) and to allow revisions to meeting timing allowing engine warm-up at 1845 (1730 on a Bank Holiday) and racing to commence at 1915 (1800 on a Bank Holiday) and complete meeting by 2145 (2030 on a Bank Holiday). This application was granted conditionally.

07/00547/FUL - Continue use of part of land as motor cycle speedway track, with ancillary accommodation and facilities on a permanent basis, and including variations to existing terms/methods of operation. This application was approved.

05/01452/FUL - Develop part of site by provision of motorcycle speedway track and ancillary accommodation and facilities. Granted temporarily.

5. Consultation Responses

Local Highway Authority (HA)

The Local Highway Authority would not wish to raise any objections in principle, and in accordance with the submitted details, to the Variation of Planning Condition 4, and removal of Condition 8, of consent 17/00648/S73, to allow other motorised vehicles, including quad bikes, to use the track. Where, the associated transport and highway impacts of the proposed variation would be of a similar order and nature.

Police Architectural Liaison Officer

From a designing out crime perspective there are no objections from the Devon & Cornwall Police.

Natural Infrastructure Team (NI Team)

Have no objections.

Public Protection Service (PPS)

Following the noise test on 24th May, the PPS understand that the applicant is seeking to modify condition 8 in order to maximise the usage of the Speedway track considering it is currently not being utilised on many of the occasions it has planning consent for.

Having reviewed the Noise Survey prepared by SB Consulting (Dated 7/6/2019 ref: 009/19) it can be seen that the noise produced from the Quad bikes is very slightly lower than the noise produced by the Speedway bikes.

As planning permission is already in place for the track to be used on a certain number of occasions throughout the season by the Speedway bikes, it seems reasonable, given the fact that the Quad bikes are not any noisier, that condition 8 can be modified to allow the flexibility to be able to use either.

It is worth pointing out however that local people may have become accustomed to the current frequency of noise from the track and any increase in this may generate complaints.

6. Representations

23 letters were received, which include objections on the grounds of:

1. The quadbikes will add high pitched engine noise to the environment.
2. Noise disturbance in the local area.
3. The submitted noise readings show that the noise from an unsilenced full race quad would exceed that of a speedway bike. The impact on noise levels at race meetings will be significantly increased in the surrounding residential areas.
4. The extra noise and traffic should be mitigated by provision of amenity in the form of an update to the valley road playpark or a zebra crossing on Larkham Lane near Woodford School.

11 letters of support were received, which include the following:

1. There would be no additional dates and the quad bikes are not noisier than speedway bikes.
2. This year the league has fewer teams to race and for the future of the club it is important to be able to use these free evenings.

7. Relevant Policy Framework

The Plymouth & South West Devon Joint Local Plan (JLP) was adopted by South Hams District Council on March 21st 2019 and by West Devon Borough Council and Plymouth City Council on March 26th 2019.

Section 70 of the 1990 Town and Country Planning Act requires that regard be had to the development plan, any local finance and any other material considerations. Section 38(6) of the 2004

Planning and Compensation Act requires that applications are to be determined in accordance with the development plan unless material considerations indicate otherwise. For the purposes of decision making, as of March 26th 2019, the Plymouth & South West Devon Joint Local Plan 2014

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2034 is now part of the development plan for Plymouth City Council, South Hams District Council and West Devon Borough Council (other than parts South Hams and West Devon within Dartmoor National Park).

Following adoption of the Plymouth & South West Devon Joint Local Plan by all three of the component authorities, monitoring will be undertaken at a whole plan level. At the whole plan level, the combined authorities have a Housing Delivery Test percentage of 166%. This requires a 5% buffer to be applied for the purposes of calculating a 5 year land supply at a whole plan level.

When

applying the 5% buffer, the combined authorities can demonstrate a 5-year land supply of 6.5 years at the point of adoption. This is set out in the Housing Position Statement conclusions in paragraphs 8.6 and 8.7. The three authorities have jointly notified the Ministry of Housing, Communities and Local Government of their choice to monitor at the whole plan level, and are currently awaiting a response from MHCLG regarding the Housing Delivery Test Measurement and its implications.

Other material considerations include the policies of the National Planning Policy Framework (NPPF) and guidance in Planning Practice Guidance (PPG). Additionally, the following planning documents are also material considerations in the determination of the application: Development Guidelines Supplementary Planning Document.

8. Analysis

This application has been considered in the context of the Joint Local Plan, and other material policy documents as set out in Section 7.

8.1. Principle of Development

This application relates only to a proposed variation in the types of motorised sport permitted on the site. In this respect it is important to note that the principle of speedway racing has long been established.

8.1.1. The proposals are therefore considered to be in accordance with policies SPT1 (Delivering sustainable development); SPT2 (Sustainable linked neighbourhoods and sustainable rural communities); DEV1 (Protecting health and amenity); DEV2 (Air, water, soil, noise and land) and DEV29 (Specific provisions relating to transport)

8.2. Amenity

The proposals do not alter the date and timings of motorised activity on the site.

8.2.1. The applicant's submission includes formal noise monitoring of quad bikes being used at the site. The noise tests allowed technical comparison between the speedway bikes and the proposed quad bikes.

8.2.2. The results of the test showed that the use of quad bikes produced slightly less noise than the speedway bikes, which were engaged in a normal speedway fixture following the running of quad bikes on the track.

8.2.5. On balance, it is considered by officers that the use of quad bikes will not increase noise levels to the point where demonstrable harm would occur. The proposals are therefore considered to be in accordance with policies DEV1 (Protecting health and amenity) and DEV2 (Air, water, soil, noise and land) of the Plymouth and South West Devon Joint Local Plan.

8.3. Other Impacts

Regarding transport considerations, the associated transport and highway impacts of the proposed variation would be of a similar order and nature to the extant position with regard to the use of the site for speedway purposes. As such the proposals are not considered by officers to be harmful, in accordance with policy DEV29 of the Plymouth and South West Devon Joint Local Plan.

One of the objections argues that extra noise and traffic should be mitigated by provision of amenity in the form of an update to the Valley Road playpark or a zebra crossing on Larkham Lane near Woodford School. However, officers do not consider it appropriate for the applicant to pay for any further works as there would be no increased noise levels.

8.3.1. Officers consider also that the apparent fall-off in demand for speedway events should be taken into account. On the basis that the proposed use by quad bikes is not harmful in planning terms, it is considered appropriate to give weight to the viable use of alternative vehicles at the speedway arena. In this respect policy DEV3 of the Plymouth and South West Devon Joint Local Plan states that the LPAs will support opportunities for sport, physical activity and active leisure by:

1. Supporting the creation of new or enhancing existing sports facilities where a need has been identified.

9. Human Rights

Human Rights Act - The development has been assessed against the provisions of the Human Rights Act, and in particular Article 1 of the First Protocol and Article 8 of the Act itself. This Act gives further effect to the rights included in the European Convention on Human Rights. In arriving at this recommendation, due regard has been given to the applicant's reasonable development rights and expectations which have been balanced and weighed against the wider community interests, as expressed through third party interests / the Development Plan and Central Government Guidance.

10. Local Finance Considerations

The Local Planning Authority has assessed that this development, due to its size or nature, is exempt from any liability under the Community Infrastructure Levy Regulations 2010 (as amended).

11. Planning Obligations

The purpose of planning obligations is to mitigate or compensate for adverse impacts of a development, or to prescribe or secure something that is needed to make the development acceptable in planning terms. Planning obligations can only lawfully constitute a reason for granting planning permission where the three statutory tests of Regulation 122 of the CIL Regulations 2010 are met.

Planning obligations not required due to the nature and size of proposal.

12. Equalities and Diversities

This planning application has had due regard to Section 149 of the Equality Act with regard to the Public Sector Equality Duty and officers consider that, due to the lower noise levels produced by quad bikes, the proposals would not have harmful impacts in respect of equality issues and has concluded that the application does not cause discrimination on the grounds of gender, race and disability.

13. Conclusions and Reasons for Decision

Officers have taken account of the NPPF and S38(6) of the Planning and Compulsory Purchase Act 2004 and concluded that the proposal would not be harmful to the amenities of the area on the basis that the noise testing of quad bikes revealed them to generate slightly lower levels of noise than the already approved speedway bikes. The use therefore accords with policy and national guidance and is therefore recommended for conditional approval. Condition 4 is therefore amended to include quad bikes. Condition 8 is considered necessary to retain, and modify, as it specifically restricts the use of the site to speedway bikes and quad bikes only, apart from mini motos on certain Saturdays (condition 9).

14. Recommendation

In respect of the application dated 12.12.2018 it is recommended to Grant Conditionally.

15. Conditions / Reasons

The development hereby permitted shall be carried out in accordance with the following approved plans:

1 **CONDITION: APPROVED PLANS**

Site and Location Plan 09032017 0 received 09/03/17
Proposed Plans, Elevations and Section JRR/PDS/064/02/05
Proposed Access Plan 1:2500 PEDESTRIAN ACCESS AND EME

Reason:

For the avoidance of doubt and in the interests of good planning, in accordance with the Plymouth & South West Devon Joint Local Plan 2014–2034 (2019).

2 **CONDITION: DETAILS OF SURFACING AND SPECTATOR AREAS**

The construction and surfacing of all spectator areas around the speedway track shall accord with details approved by the Local Planning Authority in their letter of 7th September 2010.

Reason:

In the interests of visual amenity and to assess the potential impact on drainage of surface water and the flood storage capacity of the site, in accordance with policies DEV20 and DEV35 of the Plymouth and South West Devon Joint Local Plan and the National Planning Policy Framework.

3 **CONDITION: DETAILS OF DRAINAGE**

The site shall be drained in accordance with details approved by the Local Planning Authority in their letter of 7th September 2010.

Reason:

To minimise the potential for surface water run-off that might increase the risk of flooding, in accordance with policy DEV35 of the Plymouth and South West Devon Joint Local Plan and the National Planning Policy Framework.

4 CONDITION: TIME AND OPERATION OF SPEEDWAY AND QUAD BIKE MEETINGS

The development shall be carried out strictly in accordance with the following details:

- a) Speedway motorcycle and quad bike racing will take place only between 15 March and 31 October and at these times no other form of motorised sport or activity shall be carried on at the site.
- b) Speedway motorcycle and quad bike racing shall take place on Fridays in the first instance with an alternative of either Thursday or Saturday or Bank Holiday Monday.
- c) If a speedway or quad bike meeting takes place on a Thursday there shall be no speedway or quad bike meeting in the following six days inclusive.
- d) If a speedway or quad bike meeting takes place on a Monday there shall be no more than one speedway or quad bike meeting in the following nine days inclusive.
- E) There shall be no more than one speedway or quad bike meeting per weekend.
- F) There shall be no more than 21 races per meeting except for Championship events and British finals when 24 races are permitted. There shall be no use of the site for motorcycle training or any other motorised activity on race days.
- G) Races shall take place between 19.00 (1800 on a bank Holiday) and 21.45 hours (2030 on a Bank Holiday) only and engine warm-up shall take place only between 1830 hours and 1900 hours (1730 to 1800 hours on a Bank Holiday).

Reason:

To preserve the amenities of nearby residents, in accordance with policies DEV1 and DEV2 of the Plymouth and South West Devon Joint Local Plan and the National Planning Policy Framework.

5 CONDITION: DETAILS OF TANNOY SPEAKERS

The number, times of operation, orientation and noise levels of the tannoy speakers used at the site shall accord with details approved by the Local Planning Authority in their letter of 7th September

2010. The operation of the tannoy speakers shall at all times accord with the approved details.

Reason:

To preserve the amenities of nearby residents, in accordance with policies DEV1 and DEV2 of the Plymouth and South West Devon Joint Local Plan and the National Planning Policy Framework.

6 CONDITION: DETAILS OF LIGHTING

The use of the lighting columns on the site shall accord with details approved by the Local Planning Authority in their letter of 7th September 2010.

Reason:

To prevent the potential for light pollution and to preserve the amenities of nearby residents, in accordance with policy DEV2 of the Plymouth and South West Devon Joint Local Plan and the National Planning Policy Framework.

7 CONDITION: PROVISION OF TRAINING PITCH

The training pitch within the perimeter of the speedway track constructed and laid out in accordance with details that were submitted to and approved in writing by the Local Planning Authority shall be retained in its approved condition.

Reason:

To provide sports facilities that are necessary in lieu of the playing field area taken up by the speedway track and associated works, in accordance with policy DEV4 of the Plymouth and South West Devon Joint Local Plan and the National Planning Policy Framework.

8 CONDITION: NO OTHER MOTORISED SPORT OR ACTIVITY

When not in use for approved speedway or quad bike events the site of the speedway track shall not be used for any other form of motorised sport or activity, except for rider training and use by fully silenced mini-motorbikes strictly in accordance with condition 9 of this decision notice.

Reason:

To protect the amenities of nearby residents and the general amenity of the area, in accordance with policies DEV1 and DEV2 of the Plymouth and South West Devon Joint Local Plan and the National Planning Policy Framework.

9 CONDITION: DETAILS OF MINI-MOTOS OPERATION

The use of the speedway site for rider training and mini-motorbikes is permitted between 1200 hours and 1600 hours on the following Saturdays only between 1st February and 31st October in any calendar year: Every Saturday in February and the first two Saturdays in March; thereafter training is limited to alternate Saturdays only.

No such rider training or mini-motorbike use shall take place on the same day as a race night. The said permitted use shall at all times accord with details of the number of motorised vehicles in use at any one time that shall be submitted to and agreed in writing by the Local Planning Authority.

Reason:

To protect the amenities of nearby residents and the general amenity of the area, in accordance with policies DEV1 and DEV2 of the Plymouth and South West Devon Joint Local Plan and paragraphs 109 and 123 of the National Planning Policy Framework.

10 CONDITION: ENVIRONMENTAL MANAGEMENT PLAN

The speedway operation shall be conducted in accordance with the environmental management plan that has been submitted to and approved in writing by the Local Planning Authority.

Reason:

in accordance with policies DEV1 and DEV2 of the Plymouth and South West Devon Joint Local Plan and the National Planning Policy Framework.

11 CONDITION: SITE EVACUATION

The means of evacuating the speedway site in the event of the site becoming flooded shall be in accordance with details approved by the Local Planning Authority in their letter of 7th September 2010.

Reason:

To ensure that spectators and officials are afforded safe and convenient escape from the site, in accordance with policy DEV35 of the Plymouth and South West Devon Joint Local Plan and the National Planning Policy Framework.

12 CONDITION: COMMUNITY FORUM

The forum approved under condition discharge application 14/00130/CDM shall continue to be operated in the agreed format at all times while the site continues to be used for the approved speedway activities, unless there are subsequently any variations to the agreed forum details that have been agreed in writing by the Local Planning Authority.

Reason:

To ensure that the facility is managed in an appropriate manner to avoid harm to the living conditions of nearby properties to comply with policy DEV2 of the Plymouth and South West Devon Joint Local Plan and the National Planning Policy Framework 2012.

INFORMATIVES

1 INFORMATIVE: (NOT CIL LIABLE) DEVELOPMENT IS NOT LIABLE FOR A COMMUNITY INFRASTRUCTURE LEVY CONTRIBUTION

The Local Planning Authority has assessed that this development, due to its size or nature, is exempt from any liability under the Community Infrastructure Levy Regulations 2010 (as amended).

2 INFORMATIVE: CONDITIONAL APPROVAL (NO NEGOTIATION)

In accordance with the requirements of Article 31 of the Town and Country Planning (Development Management Procedure) (England) Order 2010 and paragraph 38 of the National Planning Policy Framework (2018) the Council has worked in a positive and pro-active way and has imposed planning conditions to enable the grant of planning permission.