

<b>APPLICATION NO</b>	<b>PA/2009/0444</b>
<b>APPLICANT</b>	Act Fast
<b>DEVELOPMENT</b>	Planning permission for change of use to provide off-road motorcycle riding facility and to site storage containers
<b>LOCATION</b>	Land adjacent to Bottesford Beck, North Moor Lane, Messingham
<b>PARISH</b>	<b>MESSINGHAM</b>
<b>WARD</b>	Ridge
<b>SUMMARY RECOMMENDATION</b>	<b>Grant permission subject to conditions</b>
<b>REASONS FOR REFERENCE TO COMMITTEE</b>	Objection by Messingham Parish Council
<b>POLICIES</b>	<p><b>Regional Spatial Strategy for Yorkshire and the Humber:</b> No specific policies apply.</p> <p><b>North Lincolnshire Local Plan:</b> Policy RD2 (Development in the Open Countryside) states that planning permission will only be granted for development which is essential for the provision of outdoor sport or countryside recreation provided that the development would not be detrimental to the character or appearance of the open countryside in terms of siting, scale, massing, design and use of materials.</p> <p>Policy DS1 (General Requirements) states that the design and external appearance of the proposal should reflect or enhance the character, appearance and setting of the immediate area and should not result in unacceptable loss of amenity to neighbouring land uses in terms of noise, smell, fumes, dust or other nuisance.</p> <p>Policy R10 (Potentially Disruptive Sports) states that the development of noisy sport will be permitted where it can be developed so that the character, appearance and quiet enjoyment of the locality remains unharmed and the nature conservation or archaeological importance of the site will be unaffected. Additionally noise attenuation measures should be incorporated to reduce noise levels to an acceptable level.</p>
<b>CONSULTATIONS</b>	<b>Highways:</b> Advise conditions.

**Severn Trent Water Ltd:** Advise a condition.

**Environment Agency:** Advise conditions.

## **PARISH COUNCIL**

Object on the following grounds:

- The proposed use is inappropriate on this existing agricultural site;
- The siting of two steel containers would be out of keeping with this open countryside location, to the detriment of its character and appearance;
- The proposed vehicle access to the site has poor visibility at its junction with North Moor Road.

## **PUBLICITY**

Neighbouring properties have been notified and a site notice posted. One letter of objection has been received raising the following material issues:

- the number of motorcycles that will be using the facility at any one time needs to be restricted;
- loss of amenity through noise disturbance from motorcycle activity;
- concern raised about the operating hours of the facility, especially given that the times specified on the planning application form are vague

## **ASSESSMENT**

The application site is a relatively flat, open field with hedges to all boundaries. There is an existing gated field access to North Moor Road in the north-western corner of the site and a public footpath runs east to west along the southern boundary. There are ditches along each boundary of the site. The nearest residential property is Low Hill Farm located approximately 0.5 miles to the south-west.

**The main issues in determining this application are whether the proposed use is appropriate in this open countryside location and whether the siting of two steel storage containers is out of keeping with the open countryside. Further issues are whether the proposed hours of operation and number of motorcycles being used need to be restricted and whether the proposed use would result in loss of amenity to the occupants of Low Hill Farm through noise disturbance.**

The proposed use has the potential to create noise disruption. However, the nearest residential property is located some 0.5 miles from the site and the site is well screened by existing hedges. Furthermore noise attenuation measures can be suggested by way of attaching planning conditions. These include fitting the motorcycles with silencing equipment and restricting the number of motorcycles being used in the open at any time. The request for a noise impact assessment to be undertaken prior to development commencing will assess whether the proposed use will be disruptive. Additionally a temporary time limit condition can be imposed to allow the local planning authority to assess whether the proposed use impacts upon residential amenity and the open countryside in the short-term.

Under the guidance of policy RD2 (Development in the Open Countryside) a site in the open countryside can be used for outdoor sport and countryside sport. The proposed use, namely off-road motorcycling, is considered to be outdoor sport and thereby regarded as acceptable under current policy guidance. The proposed storage containers would be screened by existing hedging along the western boundary of the site and by one of the agricultural buildings proposed adjacent to the site access. Furthermore a condition can be imposed requesting that the proposed storage containers be painted in a colour to be agreed by the local planning authority to ensure that they are in keeping with this open countryside location.

It should be noted that the council's Environment Officer and Sites and Monuments Officer have raised no issues in relation to the impact of development upon sites of archaeological or conservation importance. Therefore the proposed change of use is considered to comply with the guidance set out in policies R10 (Potentially Disruptive Sports) and RD2 of the North Lincolnshire Local Plan.

The proposed vehicle access to the site is from North Moor Road, a classified highway. The council's Highway officers have considered the proposed access and visibility splays and raise no objection. Furthermore a condition can be imposed to ensure that any gates or gate positions are set back from the road to allow vehicles to safely pull-off the main road without causing traffic congestion along North Moor Road.

A condition can be imposed requesting details of a noise impact assessment to be conducted prior to development taking place. This would allow the local planning authority

to assess whether the proposed use would result in any loss of amenity to existing properties in the surrounding area. Furthermore, conditions can be imposed to restrict the number of motor cycles in operation at any one time and the hours of operation. This would ensure that there would be reduced loss of amenity to the occupants of Low Hill Farm.

## **RECOMMENDATION**

### **Grant permission subject to the following conditions:**

1.

The development must be begun before the expiration of three years from the date of this permission.

#### **Reason**

To comply with section 91 of the Town and Country Planning Act 1990.

2.

Within one month of the change of use being commenced on site, the applicant or their agent shall confirm in writing to the local planning authority the date of when the change of use took place.

#### **Reason**

To allow time to assess the impact of the development on the open countryside and in the interest of protecting the amenity of surrounding properties in accordance with policy DS1 of the North Lincolnshire Local Plan.

3.

The buildings and works hereby permitted shall be removed and the use hereby permitted shall be discontinued and the land restored to its former condition within 2 years of the change of use commencing.

#### **Reason**

To allow time to assess the impact of the development on the open countryside and in the interest of protecting the amenity of surrounding properties in accordance with policy DS1 of the North Lincolnshire Local Plan.

4.

The development shall be carried out in accordance with the amended details received by the local planning authority on 16 June 2009.

#### **Reason**

To define the terms of the permission and to help ensure the development is in keeping with its surroundings in

accordance with policy DS5 of the North Lincolnshire Local Plan.

5.

No loose material shall be placed on any driveway or parking area within 10 metres of the adopted highway unless measures are taken in accordance with details to be submitted to and approved in writing by the local planning authority to prevent the material from spilling onto the highway. Once agreed and implemented these measures shall be retained.

Reason

In the interests of highway safety and to comply with policy T19 of the North Lincolnshire Local Plan.

6.

Any gates or gate positions at the vehicular access shall be set back a minimum distance of 10 metres from the edge of the nearside carriageway.

Reason

In the interests of highway safety and to comply with policy T19 of the North Lincolnshire Local Plan.

7.

The proposed facility shall not be brought into use until the vehicular access to it and the vehicle parking and turning space serving it have been completed in accordance with drawing number XU/05/04 of planning application PA/2005/1668 and, once provided, the vehicle parking and turning space shall be retained thereafter.

Reason

In the interests of highway safety and to comply with policy T19 of the North Lincolnshire Local Plan.

8.

No development shall take place until a scheme for the disposal of foul and surface water has been agreed in writing by the local planning authority and none of the dwellings shall be occupied until it is connected to the approved drainage system.

Reason

To ensure satisfactory drainage is provided in accordance with policy DS14 of the North Lincolnshire Local Plan.

9.

No development shall take place until a landscape and biodiversity management plan has been submitted to and approved in writing by the local planning authority. The plan shall include:

- (a) details of measures to avoid harm to protected species, including nesting birds, during the construction phase of development;
- (b) details of enhanced ditch management and habitat buffers to be left next to existing hedgerows and ditches;
- (c) details for the retention and management of existing boundary hedgerows, including the provision of native hedgerow trees;
- (d) details of proposed tree and hedge planting and aftercare;
- (e) details of the timing of the above works in relation to development of the site;
- (f) monitoring procedures and remedial measures triggered by monitoring, including monitoring of water vole activity and any landscaping amendments required to conserve potential water vole habitats.

The management plan shall be carried out in accordance with the approved details and timings, and the approved features shall be retained thereafter, unless otherwise approved in writing by the local planning authority.

Reason

To provide appropriate landscaping and protect features of recognised nature conservation importance in accordance with policies DS1, LC5, LC6 and LC12 of the North Lincolnshire Local Plan.

10.

No external lighting shall be erected on the site at any time.

Reason

To avoid light pollution in accordance with policies DS12 and DS1 of the North Lincolnshire Local Plan.

11.

No development shall take place until a noise impact assessment has been submitted to and approved in writing by the local planning authority. The assessment shall include the following details:

- (a) existing background noise levels in the vicinity of the site;
- (b) likely noise sources associated with the proposed development which may impact upon sensitive receptors and their respective noise levels;
- (c) mitigation methods to be employed to reduce impact on sensitive receptors;
- (d) the resulting predicted level of noise at sensitive locations;
- (e) predicted noise levels shall be compared to relevant guidance levels contained within the World Health Organisation document 'Guidelines for Community Noise'.

Any approved mitigation measures shall be implemented in their entirety prior to development taking place and shall be retained thereafter.

Reason

To avoid unacceptable loss of amenity through noise disturbance to residential properties located within the vicinity of the site in accordance with policy DS1 of the North Lincolnshire Local Plan.

12.

The proposed motorcycle training facility shall not be operated outside the hours of 9am to 6pm Monday to Saturday, 10am to 4pm on a Sunday and at no time on a public holiday.

Reason

To define the terms of the permission and to avoid unacceptable loss of amenity through noise disturbance to residential properties located within the vicinity of the site in accordance with policy DS1 of the North Lincolnshire Local Plan.

13.

No more than 30 motorcycles shall be in operation on the site at any time.

Reason

To define the terms of the permission and to avoid unacceptable loss of amenity through noise disturbance to residential properties located within the vicinity of the site in accordance with policy DS1 of the North Lincolnshire Local Plan.

14.

No motorcycle shall be used anywhere on the site unless it is fitted with a silencer that enables the motorcycle to comply with the relevant sound level requirements of the Federation Internationale de Motorcyclisme (FIM), or when a motorcycle is being tested to determine whether it complies with this condition.

Reason

To define the terms of the permission and to avoid unacceptable loss of amenity through noise disturbance to residential properties located within the vicinity of the site in accordance with policy DS1 of the North Lincolnshire Local Plan.

15.

Within one month of the date of this permission the steel containers hereby approved shall be painted in a colour to be agreed in writing by the local planning authority and shall remain as such thereafter.

Reason

To ensure that the steel containers are in keeping with their surroundings in the interests of visual amenity in accordance with policies DS1 and RD2 of the North Lincolnshire Local Plan.

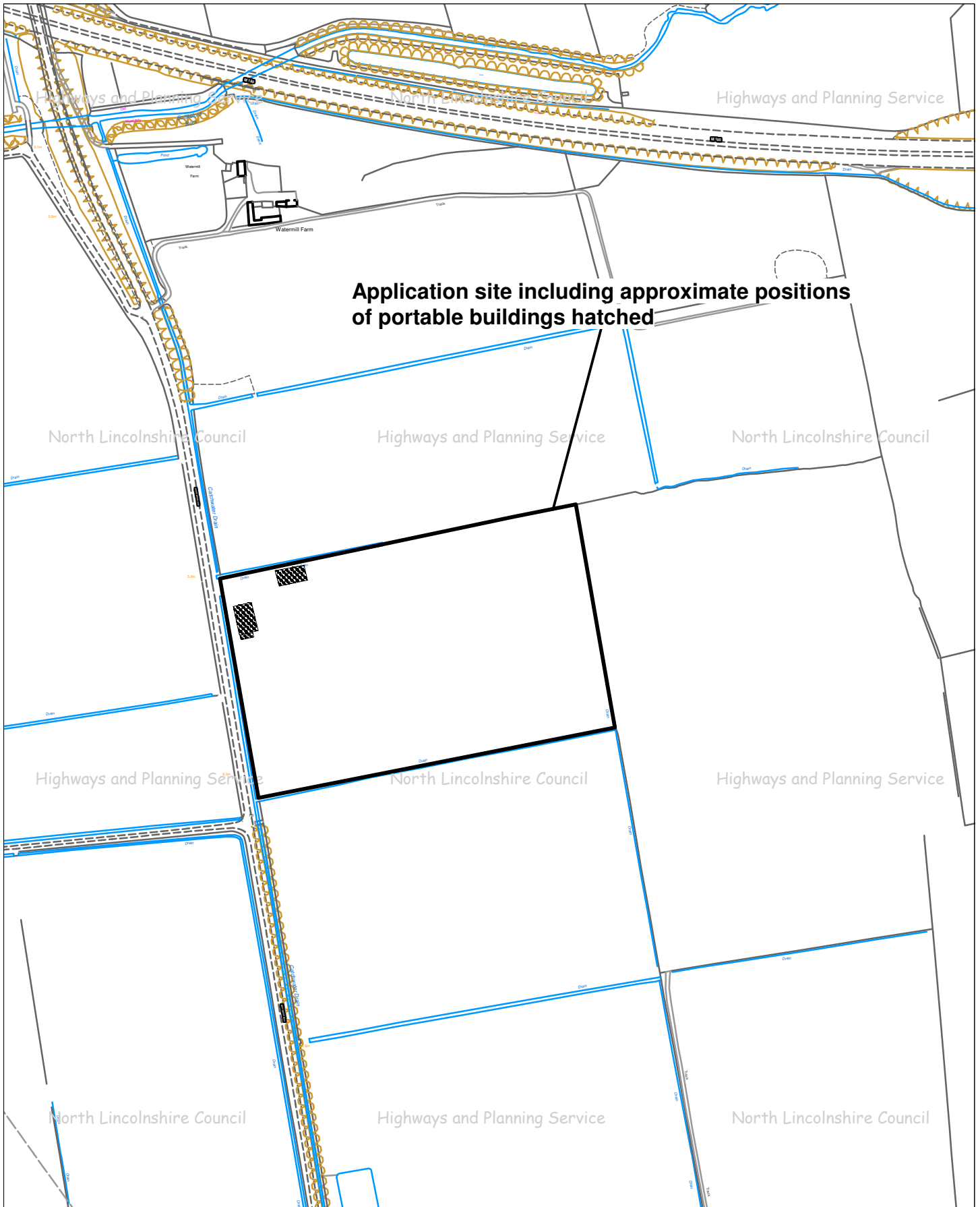
16.

Any excavation within the cross-hatched area shown on the attached plan (reference NLSMR 2009/0444) will be restricted to a maximum depth of 15 centimetres below existing ground level.

Reason

To comply with policy HE9 of the North Lincolnshire Local Plan and protect archaeological remains.





Drawing Title: 2009/0444

OS Grid Ref: SE88220553

Drawn by: KC

Scale: 1:5000

Date: 04/08/2009



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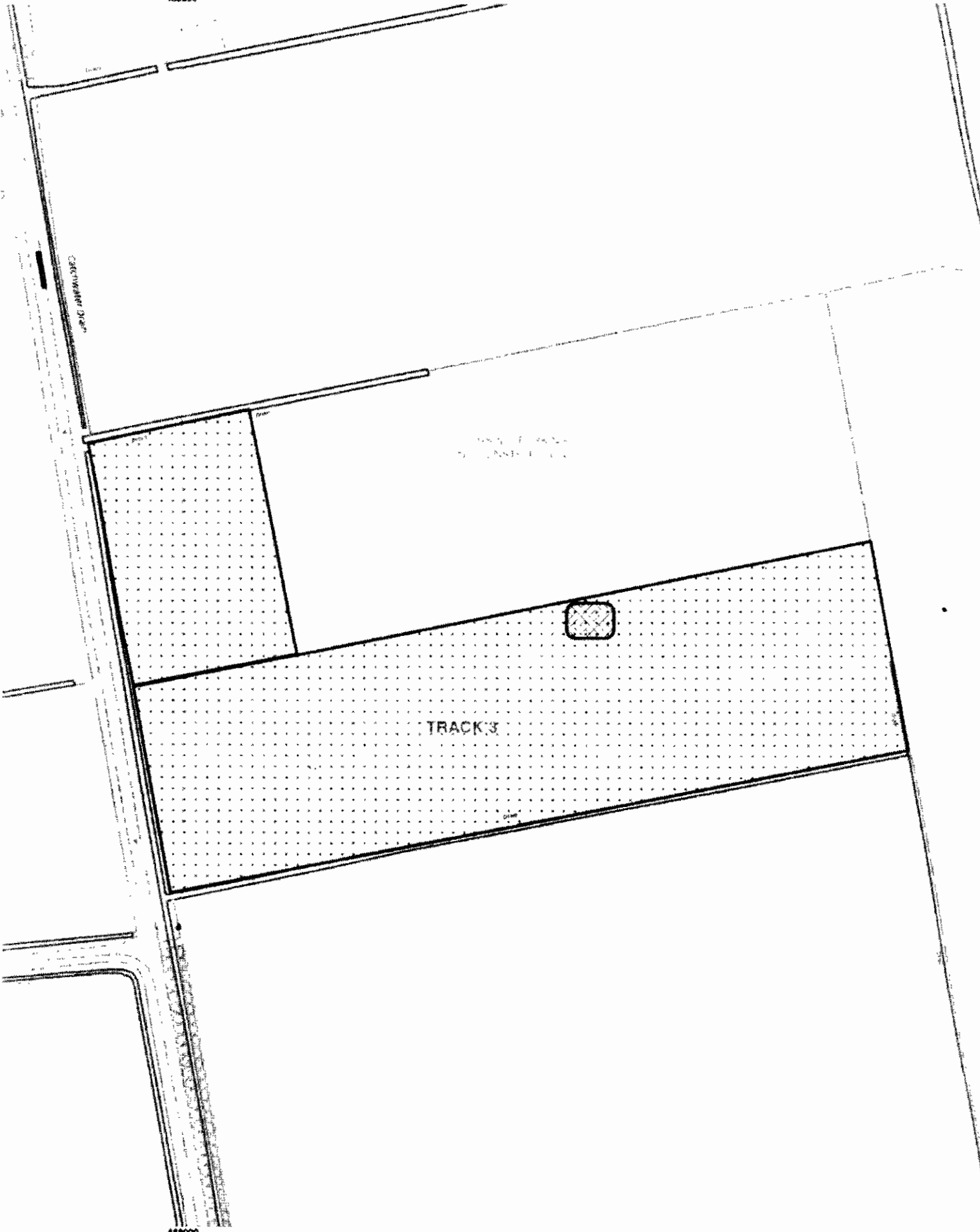


**Highways and Planning Service**

**Service Director,  
G Pople**

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Plan Ref: NLSMR 2009/0444

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