

## **Officers Report**

### **Planning Application No: 137443**

**PROPOSAL:** Planning application for change of use from agricultural steel portal shed to ACU accredited flat track training school with associated parking, landscaping and portakabin/office-resubmission of 136025

**LOCATION:** Moat Farm High Street Caenby Market Rasen LN8 2EE

**WARD:** Waddingham and Spital

**WARD MEMBER(S):** Cllr Summers

**APPLICANT NAME:** Mr Coles

**TARGET DECISION DATE:** extension of time agreed to 28/6/2018

**DEVELOPMENT TYPE:** Change of Use

**CASE OFFICER:** Martin Evans

**RECOMMENDED DECISION:** Approve subject to conditions

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#### **Description:**

This application has been referred to the Committee, as Officers consider it appropriate to do so in view of the interest generated, and third party comments received about the impacts of the existing operation of the use.

Retrospective planning permission is sought for the change of use of an agricultural building for use as an ACU (Auto-Cycle Union) accredited flat track training school with associated parking, landscaping and portakabin/office at Moat Farm, Caenby. The site contains an agricultural building that forms part of a wider farm complex. The site is accessed via a track used by other elements of the farm complex such as the stables. The access meanders between buildings to the subject agricultural building at the far east of the complex.

There is a dwelling known as Moat Farm House to the south, Cliff View (the applicants address) to the north, and Glenthams village is to the north. The wider area is characterised by open countryside/farmland.

Motorbike training currently takes place within the agricultural building and the arising noise is unmitigated.

The application forms state that the proposed opening hours are 10am-5pm Mon-Sat, with no opening on Sunday or Bank Holidays; and that the business employs 2 part time staff.

#### **Environmental Impact Assessment Regulations 2017**

The proposal does not need to be screened under the EIA regulations because despite falling within column 1- 11 Other projects- (a) Permanent

racing and test tracks for motorised vehicles, as the area of the development does not exceed the 1 hectare threshold for screening and the site is not within a sensitive area as defined. Development is not therefore 'Schedule 2' development and is not 'EIA Development' for the purpose of the regulations.

**Relevant history:**

136025 Planning application for change of use from agricultural steel portal shed to ACU accredited flat track training school with associated parking, landscaping and portakabin/office. Refused 2/6/17 for the following reasons;

*"1) The submitted noise assessment is not considered to accurately assess the noise and nuisance potentially generated by this development. Notwithstanding these concerns the submitted noise assessment demonstrates that the 'with mitigation' sound levels at Moat House Farm and dwellings in Glentham would be above the acceptance criteria set out by the Council. Combined with the potential frequency of motorbike use and the hours and days applied for, this is likely to be excessive and give rise to justified complaint. It is considered that the proposal would give rise to adverse noise pollution harmful to the amenities which existing residents may reasonably expect to enjoy contrary to Policy LP26 of the Central Lincolnshire Local Plan adopted 24th April 2017.*

*2) The application fails to demonstrate that there are no suitable or appropriate sites or buildings within allocated sites, planned urban extensions or within the built up area of existing settlements and it has not been demonstrated that such locations are unsuitable for the nature of the proposal and there is no overriding benefit to the local economy. The rural location of the enterprise is not justifiable to maintain or enhance the rural economy and the location is not justified by means of proximity to existing established businesses or natural features; the location of the enterprise results in conflict with neighbouring uses and is not considered to be an appropriate location by virtue of noise pollution; the proposal is not linked to the wider farm enterprise and would therefore not support it contrary to Policy LP5, LP7, and Parts E and F of Policy LP55 of the Central Lincolnshire Local Plan adopted 24th April 2017."*

**Representations:**

**Chairman/Ward member(s): Cllr Summers;**

"Should you be minded to refuse the application then i respectfully request it is heard by the planning committee."

"I visited the training school whilst it was operating it was a sunny, quiet Saturday. The reason for my visit was to accurately assess as is physically possible with a DBa Sound-monitor the volume of noise created by the training school. I sat 100 metre away from the shed-to the west in the direction of local housing to take some readings. I recorded 43 DBA as the

lowest recording on the monitor within a 15 minute period. At this point one could hear over a period of time, pigs, rooks, workshop noises, lawnmower, generator and a range of different birds which all did influence the level of noise. (le)

The quiet baseline. 43 dba

A pig squealing. 59 dba.

Rooks in trees 30 m away. 53 dba

A bang in the farm workshop. 51 dba

Lawnmower at moat house 50 m away. 49dba.

Generator in farm workshop 30 m away. 54 dba.

Generator plus a chaffinch singing. 56dba

Generator plus a pig squealing. 60dba

I coughed. 75dba.

Throughout this period of recording I did not hear the motorcycles once!

I next moved within 30 m of the motorcycles approximately 30 m from the lawnmower at moat house my recording was 52 DBA. At this distance I could only hear the slightest of noise from the motorcycles yet the lawnmower was very very clear. My next point for sound monitoring was next to Caenby Chapel in front of houses on the opposite side.

At Chapel house I could still very clearly hear the lawnmower at moat house some 150 to 200 metres away. At this point I could hear motor-vehicles travelling along the A631 towards Caenby Corner I could hear wood pigeons sparrows Robbins rooks Wren and cars passing but I could not hear any motorcycles from the specified site. DBa at this point ranged between 42.4 to 71. I then walked back to the shed where the motorcycles were running and stood 5 mtrs outside the curtain door and recorded 51 to 58 DBA which varied between the events and length of the shed. 58 DBA at the door 5 mtrs away and 51 DBA at the far end of the shed. I do accept I am not a trained officer but can competently read figures on a digital screen and recognise what has changed the reading.

Conclusions.

One has to be within 50 m of the facility inside the farmyard to hear the very slightest of noise. The very faint noise can only be recognised as being motor cycles because you are listening for them. Audibly they cannot be recognised. At a distance within the farmyard of 50 mtrs, rooks, pigs, a workshop, a generator, a lawnmower and even a chaffinch generate far more noise. The nearest property is moat house where the rookery is in the garden therefore if loud noise is a problem perhaps the rooks need rehusing. The Lawn mower noise is many many times more intrusive. Noise cannot realistically be given as a reason for refusal because it does not exist within the property let alone outside the perimeter where it affects residences. The application can be restricted to two days per week. Saturday, recognised as a sporting day and Wednesday on a rare occasion."

**Caenby Parish Meeting:** site notice taken down; portakabins have been delivered and outside track ready for use; building has been extended in the past; it operated on Good Friday.

22/3/18 objects based on noise (noise assessment not based on actual number of motorbikes used); noisy industrial fans will be needed if doors have to be closed; noise harms adjacent horses; noise and traffic will be harmful and disruptive; filling gaps and cladding is unclear- no specification provided; no details of extraction equipment;

**Glenthams Parish Council:**

13/4/18 "Council supports this application."

**Residents:**

23 letters of support have been received from;

**Residents of Caenby and Glenthams Parishes;**

- Wolds View, Caenby Road, Caenby
- Ivy House, Caenby Road, Glenthams
- Rose Cottage, Caenby Road, Glenthams
- Chapel House, High Street, Caenby

**Residents of other parishes within the District;**

- Wragby Road, Bardney
- 26 Waterloo Street, Market Rasen
- Mill House, Mill Lane, Osgodby
- Magpies, Magna Mile, Ludford, Market Rasen

**Residents outside the District;**

- 30 Sycamore Road, Ecclesfield
- 2 Boleyn Close, Loughton, Essex
- 12 Skylark Road, Trumpington
- 4-5 Wesley Place, Halifax
- 1 Moss View, Sheffield
- Glebe Farm, Tilton Lane, Billesdon, Leicestershire
- 1111 Station Road, Puckeridge, Hertfordshire
- 21 Castleton Road, Hope, Hope Valley, Peak District
- 4 South Bridge Close, Peterborough
- 20b Powell Road, London
- 23 Southland Way, Hounslow
- 12 East Bright, Lincoln

**Address incomplete;**

- 15 Highgreen Road, no further address
- 33 Canberra Crescent, no further address

They are summarised as follows;

- Have attended school and have learnt motorcycle safety with road safety benefits.
- Professional operation.
- Local retailers benefit.

- Low speed course on standard bikes which are not noisy.
- Not a race track.
- Good education facility which improved individuals' safety and wider road safety.
- Local newspaper misreported nature of application.
- Noise outside barn is low.
- Almost unique facility.
- Good to diversity rural economy and farm.
- Better than pig farm expansion.
- Objections are not backed up by noise assessment

17 letters of objection have been received from;

**Residents of Caenby and Glenthams parishes;**

- The Bungalow, High Street, Caenby
- 4 Chapel Court, Glenthams
- Gatehouse Cottages, Caenby
- The Annex, The Old Rectory, High Street, Caenby
- Church View, High Street, Glenthams
- Dolphin House, High Street, Caenby
- Moat Farm, High Street, Caenby
- The Cottage, High Street, Glenthams
- The Old Rectory, High Street, Caenby
- The Cottage, High Street, Caenby
- 2 High Street, Caenby
- Chapel Court, Glenthams

**Residents of other parishes within the District;**

None.

**Residents outside the District;**

None.

They are summarised as follows;

- Refused previously
- Negative impact on quality of life
- Noise and air pollution
- Increased traffic
- Poor road infrastructure
- Danger to pedestrians, children, dog walkers.
- Effect on local wildlife
- Impact on house prices
- No community benefit.
- Ignores the planning system hence no trust for future conduct. Racing happens inside and outside.
- More motorbikes operate than measured in noise assessment.

- Animal welfare for horses nearby.

**The Council's Environmental Protection Officer (EPO);**

The EPO confirmed their team have received three recorded complaints regarding noise from motorcycles at this site in May 2016, June 2017 and February 2018, all from different parties and all resulted in no formal action being taken by the Environmental Protection Team.

17/5/18: The applicant should demonstrate the noise reduction is possible and this could be done via controlled condition tests before and after cladding.

25/4/18: The EPO confirmed the history of complaint regarding noise from motorbikes at this site has been taken into consideration when considering recommended conditions. The noise assessment and subsequent summary show the applicant can take measures to reduce noise break out from the site to a level which at near receptors will be under the required criteria ie less than 5dBA above background level. The indicated result is stated to be substantially below the ambient levels.

24/4/18: following the receipt of further noise assessment information dated 28/3/18, the EPO considers there would not be nuisance noise levels and recommends the following conditions;

- Limit of 6 motorbikes in use at any one time
- The bikes are restricted to a static noise level of 98dBA (standard Auto Cycle Union noise test) and suitably maintained thereafter to ensure compliance
- No other bikes are to be used on the site unless they can be shown to comply with these limits.
- The structure of the building shall be improved and thereafter maintained to ensure a sound reduction of at least 25dB Rw, (weighted noise reduction) Ctr (weighted for traffic noise) as per 14.1 of the noise assessment dated 14 December 2017
- A management plan is in place to routinely monitor and record noise levels during activity at the site and that these records are made available upon reasonable request to Officers of the Council. The management plan should include a method of recording complaints received by the site along with a requirement to notify the Council of any significant noise events.
- External doors and windows to be kept closed at all times when motorcycles are in use at the site.
- Any requirement for subsequent ventilation will need to be assessed and agreed by the Council prior to implementation.
- Opening hours of the site limited to 10:00 -18:00 Monday – Saturday with no activity on Sundays or Bank Holidays.

15/3/18: The applicant will need to explain the difference in findings of the noise assessment submitted with 136025 and that submitted with the current application. Objectors will need to demonstrate more than simply being able to hear motorcycles.

**LCC Highways:** does not wish to restrict the grant of permission.

**LCC Archaeology:** no objections.

**Relevant Planning Policies:**

Planning law<sup>1</sup> requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. The relevant Development Plan in this location comprises the Central Lincolnshire Local Plan (April 2017).

Central Lincolnshire Local Plan<sup>2</sup>

Policy LP1: A Presumption in Favour of Sustainable Development

Policy LP2: The Spatial Strategy and Settlement Hierarchy

Policy LP7: A Sustainable Visitor Economy

Policy LP13: Accessibility and Transport

Policy LP14: Managing Water Resources and Flood Risk

Policy LP17: Landscape, Townscape and Views

Policy LP26: Design and Amenity

Policy LP55: Development in the Countryside

There is currently no neighbourhood plan for the area.

National Planning Policy Framework (NPPF) and Planning Practice Guidance (PPG)

**Main issues**

- Principle of development
- Noise Impacts & residential amenity
- Any other Matters

**Assessment:**

**Principle of development**

The significant weight of objection and support is noted. It is considered that local residents have been exposed to the unmitigated noise impacts of the proposal, the wider use of the site and local area for motorbike activities. It is critical to the consideration of the proposal that the 'with mitigation' noise implications now being proposed are considered.

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<sup>1</sup> [Section 38\(6\)](#) of the Planning and Compulsory Purchase Act 2004 and [section 70\(2\)](#) of the Town and Country Planning Act 1990

<sup>2</sup> Available here: <https://www.n-kesteven.gov.uk/central-lincolnshire/local-plan/>

The site is located in the countryside therefore tier 8 of Policy LP2 applies. This restricts development in the countryside unless permitted by, inter alia, certain policies in the CLLP including LP5 (Delivering Prosperity and Jobs), LP7 (A Sustainable Visitor Economy) or LP55 (Development in the Countryside).

The proposed use is considered to be sui generis (i.e. does not fall within any of the use classes).

LP55 Part F permits agricultural diversification provided the proposal will support farm enterprises and is an appropriate location for the proposal; is of a scale appropriate to the location; and is of a scale appropriate to the business need. Part E supports non-residential development in the countryside provided the rural location maintains the rural economy or the location is justified by means of proximity to established businesses; the location has suitable accessibility; there would be no conflict with neighbouring uses; and the proposal is of a size and scale commensurate with the proposed use and rural character.

The previously refused application was deemed not to comply with this policy primarily due to noise implications.

It is acknowledged that the proposal does constitute a form of farm diversification and it will support the wider farm business. Further consideration of noise is detailed below but provided this is acceptable the development can be considered an appropriate location for the proposed use as can the overall scale in relation to the location and business need because this is the reuse of an existing building. The rural location is justified by the fact this is the re-use of a building on an existing farm complex and because it is preferable to locate such uses away from urban areas. The site has suitable accessibility for the intended use via the local road network. The main potential conflict with neighbouring uses comes from noise as discussed below. The size and scale are considered to be commensurate with the proposed use and rural character of the area.

Policy LP7 relates to the visitor economy. The proposal is considered to be a leisure and sporting attraction. It would contribute to the local economy through visitors spending in the local area; benefit local communities and visitors by offering a facility that benefits road safety to the benefit of all; would respect the intrinsic natural and built environmental qualities of the area by reusing an existing building; and is appropriate for the character of the local environment in scale and nature as detailed in the noise section below. The policy requires such proposals are located within existing settlements or within planned urban extensions unless, inter alia, such locations are unsuitable for the nature of the proposal and there is an overriding benefit to the local economy, community or environment for locating away from such built up areas. It is considered that a locating such a proposal within an existing settlement would likely result in an industrial building being used. This is impractical because industrial buildings usually have a solid floor surface whereas the proposal requires a dirt floor to allow motorbike practice.



Furthermore, use of such a building would likely reduce the availability of suitable business premises within more sustainable locations. It is considered locations within existing settlements would be unsuitable and that there are overriding economic reasons for supporting the proposed location.

Therefore, provided noise implications are acceptable the principle of development can be considered acceptable under policies LP55 and LP7 and therefore LP2.

### **Noise**

It is noted that a number of residents in proximity of the site have cited concerns with noise disruption arising from the current use of the development. Differing from the earlier application, this application now proposes measures for noise mitigation.

Policy LP26 states “The amenities which all existing and future occupants of neighbouring land and buildings may reasonably expect to enjoy must not be unduly harmed by or as a result of development. Proposals should demonstrate, where applicable and to a degree proportionate to the proposal, the following matters have been considered, in relation to both the construction and life of the development: m. Compatibility with neighbouring land uses;.... r. Adverse noise and vibration;..... s. Adverse impact upon air quality from odour, fumes, smoke, dust and other sources;”

The NPPF states;

“109. The planning system should contribute to and enhance the natural and local environment by:.....

- preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of soil, air, water or noise pollution or land instability”.

“123. Planning policies and decisions should aim to:

- avoid noise from giving rise to **significant adverse impacts** on health and quality of life as a result of new development
- mitigate and reduce to a minimum other adverse impacts on health and quality of life arising from noise from new development, including through the use of conditions”

Footnote 4 refers the reader to Explanatory Note to the Noise Policy Statement for England (DEFRA). Further information on this is given below.

The PPG states;

“How to determine the noise impact?”

Local planning authorities’ plan-making and decision taking should take account of the acoustic environment and in doing so consider:

- whether or not a significant adverse effect is occurring or likely to occur;
- whether or not an adverse effect is occurring or likely to occur; and

- whether or not a good standard of amenity can be achieved.

In line with the explanatory note of the noise policy statement for England, this would include identifying whether the overall effect of the noise exposure (including the impact during the construction phase wherever applicable) is, or would be, above or below the significant observed adverse effect level and the lowest observed adverse effect level for the given situation. As noise is a complex technical issue, it may be appropriate to seek experienced specialist assistance when applying this policy.

#### Observed Effect Levels

- Significant observed adverse effect level: This is the level of noise exposure above which significant adverse effects on health and quality of life occur.
- Lowest observed adverse effect level: this is the level of noise exposure above which adverse effects on health and quality of life can be detected.
- No observed effect level: this is the level of noise exposure below which no effect at all on health or quality of life can be detected.”

This table summarises the noise exposure hierarchy, based on the likely average response.

Perception	Examples of outcomes	Increasing effect level	Action
Not noticeable	No Effect	No Observed Effect	No specific measures required
Noticeable and not intrusive	Noise can be heard, but does not cause any change in behaviour or attitude. Can slightly affect the acoustic character of the area but not such that there is a perceived change in the quality of life.	No Observed Adverse Effect	No specific measures required
		Lowest Observed Adverse Effect Level	
Noticeable and intrusive	Noise can be heard and causes small changes in behaviour and/or attitude, eg turning up volume of television; speaking more loudly; where there is no alternative ventilation, having to close windows for some of the time because of the noise. Potential for some reported sleep disturbance. Affects the acoustic character of the area such that there is a perceived change in the quality of life.	Observed Adverse Effect	Mitigate and reduce to a minimum

		Significant Observed Adverse Effect Level	
Noticeable and disruptive	The noise causes a material change in behaviour and/or attitude, eg avoiding certain activities during periods of intrusion; where there is no alternative ventilation, having to keep windows closed most of the time because of the noise. Potential for sleep disturbance resulting in difficulty in getting to sleep, premature awakening and difficulty in getting back to sleep. Quality of life diminished due to change in acoustic character of the area.	Significant Observed Adverse Effect	Avoid
Noticeable and very disruptive	Extensive and regular changes in behaviour and/or an inability to mitigate effect of noise leading to psychological stress or physiological effects, eg regular sleep deprivation/awakening; loss of appetite, significant, medically definable harm, eg auditory and non-auditory	Unacceptable Adverse Effect	Prevent

The Noise Policy Statement for England (NPSE) (March 2010) states;

“2.9..... Unlike air quality, there are currently no European or national noise limits which have to be met”

“2.22 It is not possible to have a single objective noise-based measure that defines SOAEL (Significant Observed Adverse Effect Level) that is applicable to all sources of noise in all situations. Consequently, the SOAEL is likely to be different for different noise sources, for different receptors and at different times. It is acknowledged that further research is required to increase our understanding of what may constitute a significant adverse impact on health and quality of life from noise. However, not having specific SOAEL values in the NPSE provides the necessary policy flexibility until further evidence and suitable guidance is available.”

“2.24 The second aim of the NPSE refers to the situation where the impact lies somewhere between LOAEL (Lowest Observed Adverse Effect Level) and SOAEL. It requires that all reasonable steps should be taken to mitigate and minimise adverse effects on health and quality of life while also taking into account the guiding principles of sustainable development (paragraph 1.8). This does not mean that such adverse effects cannot occur.”

The following submitted documents relate to noise matters;

Moat Farm Noise Assessment Thursday, 14 December 2017  
 Executive Summary to Noise Assessment published 14th December 2017  
 Noise Assessment - Response to Comments Wednesday, 28 March 2018

The closest noise sensitive receptors to the applicant building are (all measurements are approximate and are taken from the closest point building to building);

- Moat Farm (dwelling), High Street, Caenby- 133m to the south west
- Moat Barn (dwelling- prior approval granted for conversion 132079), High Street, Caenby- 150m to the west
- Cliff View (dwelling), High Street, Caenby (The applicants property)- 150m to the north west
- Glenthams Methodist Chapel (place of worship), High Street, Caenby- 170m to the north west
- 1 Caenby Road (dwelling), Caenby- 200m to the north west
- The Bungalow (dwelling), High Street, Caenby- 300m to the south west

The noise assessment found that local noise levels without activity at the motorcycle training centre were:

- Baseline background level (L90(15)) = 41dBA
- Ambient (baseline plus ambient noise sources) = 46dBLAeq(15)

The motorcycles used for training are Honda 125cc vehicles. The noise assessment recorded sound levels within the building during demonstration laps at training speeds by two such vehicles. The result was used to estimate the maximum sound level within the building whilst six simultaneously used the track to be 92dBLAeq(1). This data is analysed below.

The noise assessment notes the building has a large number of openings including;

- Many of the walls were of 30% perforated steel and effectively transparent to noise.
- The main entrance way was fitted with a slashed curtain door, however it provided little sound insulation.
- The ridge of the building was vented along its length.
- The side entrance way was open.
- There were gaps between the walls of the structure and the ground.
- The openings listed above were sufficient to render the structure ineffective for the purpose of noise containment.

The noise assessment uses measurements taken during motorbike tests to estimate the current sound reduction capacity of the existing building is 10-12dB. This could be increased to approximately 25dB if the building is improved. This would reduce sound impact at noise sensitive receptors by approximately 12-13dB. The noise assessment considers the application of solid cladding, the closing of gaps in the structure, doors being kept closed when motorcycle training is in progress, restricted training hours of 9am-9pm, the type of motorbike being restricted to a static noise level of 98dBAS and configuring any necessary ventilation outlet to the south aspect would be required to achieve this. It is noted the training hours are more extensive than those stated on the application form.

In relation to motorbike training activities the noise assessment concludes;

“Providing that the mitigation measures recommended in the Mitigation and Management section above are implemented effectively, residual noise levels from motorcycle training activities will be imperceptible and therefore constitute a negligible environmental impact.”

Following measurements taken in the community during motorcycle tests, the calculated levels based upon six motorcycles in use and the calculated impact after mitigation works are summarised in the following table:

Location	dBLAeq(1) (2 m/ cycles)	dBLAeq(1) (6 m/ cycles)	L90	Am b	dB above L90	Level relative to L90 after mitigation (-13dB Rw, Ctr)
Methodist Chapel	45.7	50.4	41.0	46.0	9.4	-3.6
Caenby Road	51.2	55.9	41.0	46.0	14.9	1.9
Glenthams	46.7	51.4	41.0	46.0	10.4	-2.6
Bungalow	44.6	49.3	41.0	46.0	8.3	-4.7
Moat House	48.2	52.9	41.0	46.0	11.9	-1.1

\* Note that the levels recorded at Caenby Road included significant local traffic noise. It was not possible to record a full minute without passing cars.

The noise assessment executive summary states;

“7.2. Noise levels in the community from the planned motorcycle training activities **after mitigation works** would be similar to or below **baseline levels**.

7.3. Noise levels in the community from the planned motorcycle training activities after mitigation works would be substantially below **ambient noise levels**.

7.4. Including an uncertainty factor of +/- 3dB, there would be a **margin of safety of approximately 3dB** between the actual noise impact and the EPO’s specification of ‘**not more than 5dB above background level**’.”

The EPO considers that without mitigation the use of the building for up to 6 motorcycles would fall into the noticeable and intrusive category of the PPG on noise. Therefore, the action required is to mitigate and reduce to a minimum. The EPO considers that with mitigation, the proposal would fall within the noticeable and not intrusive category which, crucially, is below the lowest observed adverse effect level. This means the noise generated by the proposal and the impact this would have on nearby sensitive noise receptors is acceptable in light of the requirements of the NPSE, PPG regarding noise and LP26.

There are not considered to be any harmful impacts arising from vibration or air quality.

The EPO has also suggested controlled conditions tests are carried out pre and post mitigation to demonstrate the suggested noise mitigation reduction can be achieved.

The applicant has demonstrated that, with suitable mitigation, acceptable noise levels can be achieved. It is considered reasonable for a condition to secure the predicted noise levels (or to secure further mitigation if these are not being achieved).

### **Other Matters**

The parking area would provide ten car parking spaces and a large circulation space to the front. The existing access would be used. LCC Highways raises no objection to the highway impacts. Despite objections to the highway impacts, the parking and access arrangements are considered acceptable in accordance with Policy LP13.

The portakabins are well positioned in relation to the larger former agricultural building. The portakabins would be views with the backdrop of these buildings and would merge into the built form of the cluster of buildings. They are considered acceptable in light of Policies LP17 and LP26.

There is not considered to be a need to landscape the site and there are not expected to be any drainage issues.

There is not considered to be any requirement for ecological surveys as the proposal is already established with no protected species or potential habitat apparent.

Impact on house prices is not a material planning consideration. There is no requirement for wider community benefits. Past conduct of the applicant/business cannot be taken into account.

### **Conclusion**

The proposal entails farm diversification of an appropriate scale in relation to the location and business need as it entails reuse of an existing building in accordance with Policy LP55 Part F. The rural location is justified by the fact this is the re-use of a building on an existing farm complex and because it is preferable to locate such uses away from urban areas. Accessibility via the local road network is appropriate for the nature of the proposal. There is no identifiable conflict with neighbouring uses. The proposals size and scale is commensurate with the proposed use and rural character of the location in accordance with Policy LP55 Part E. The proposal is a leisure and sporting attraction that contributes to the local economy through visitor spending. Motorbike road safety improvements benefit locals and visitors alike. The proposal respects the intrinsic natural and built environmental qualities of the area by reusing an existing building and is appropriate for the character of the local environment in scale and nature. Locating the proposal in a settlement is likely to result in use of an industrial building which is impractical as the

motorbikes require a dirt floor and undesirable as use of such a building would likely reduce the availability of suitable business premises within more sustainable locations to the detriment of the economy. The proposal complies with Policy LP7. Compliance with Policies LP55 and LP7 leads to compliance with Policy LP2. The proposal is acceptable in principle.

The proposal demonstrates that noise levels post-mitigation, would fall within the noticeable and not intrusive category which, crucially, is below the lowest observed adverse effect level. This means the noise generated by the proposal and the impact this would have on nearby sensitive noise receptors (residential dwellings) is acceptable in light of the requirements of the NPSE, PPG regarding noise and Policy LP26.

On site vehicle parking, turning space and access arrangements comply with Policy LP13. There are no technical problems with the application. The application is acceptable therefore planning permission should be granted subject to conditions.

### **Recommendation**

It is recommended that planning permission is granted subject to the following conditions;

- 1) Within two months of the date of this planning permission, the following information shall be submitted to the Local Planning Authority;
  - a) A scheme for the acoustic insulation of the building; closure of openings of the building; and provision of self-closing and sealed doorways
  - b) If required, a scheme of ventilation for the building with outlet(s)
  - c) The details submitted pursuant to a) and b) shall ensure a sound reduction of at least 25dB Rw, (weighted noise reduction) Ctr (weighted for traffic noise) as per 14.1 of the noise assessment dated 14 December 2017
  - d) A maintenance schedule for a) and b) above
  - e) A method of the site operator keeping a record of noise complaints and their investigations and action taken. Record of complaints shall be retained for a period of two years and made available to the Local Planning Authority upon request.

The approved measures shall be implemented in full within three months of the date they are approved. Should the information not be submitted to the Local Planning Authority or implemented within the aforementioned timescales, this planning permission will cease to have effect.

Reason: To ensure noise mitigation measures take place that make the proposal acceptable in accordance with Policy LP26 of the Central Lincolnshire Local Plan.

- 2) Within 21 days from receipt of a written request of the Local Planning Authority, following a complaint to it alleging noise disturbance at a dwelling relevant to the development hereby permitted, the operator shall, at its expense, employ a qualified acoustician to assess the level of noise

immission from the development hereby permitted at the complainant's property. The written request from the Local Planning Authority shall set out at least the date, time and location that the complaint relates to. Within 21 days of receipt of the written request of the Local Planning Authority made under this paragraph, the operator shall provide a noise assessment relevant to the complaint received to the Local Planning Authority. Should the noise assessment identify an exceedance of noise levels of more than 5dB above background level at the relevant property, it shall include further mitigation measures to reduce noise levels to or below this level. Following approval of any further mitigation measures in writing by the Local Planning Authority, they shall be implemented in full within 1 month of the date of their approval.

Reason: To ensure noise mitigation measures take place that make the proposal acceptable in accordance with Policy LP26 of the Central Lincolnshire Local Plan.

3) Motorbike training shall take place within the building and no more than six motorbikes shall be in use at any one time. The type of motorbikes used shall be restricted to a static noise level of 98dBAS (when subjected to the standard ACU noise test) and maintained to ensure compliance as per 14.2.3 of the noise assessment dated 14 December 2017 and no other motorbikes shall be used unless they comply with these limits.

Reason: To ensure noise mitigation measures take place that make the proposal acceptable in accordance with Policy LP26 of the Central Lincolnshire Local Plan.

4) All openings in the building shall be kept closed at all times when motorbike engine(s) are running within the building.

Reason: To ensure noise mitigation measures take place that make the proposal acceptable in accordance with Policy LP26 of the Central Lincolnshire Local Plan.

5) The use hereby permitted shall only operate between the hours of 10am-5pm Monday to Saturday with no opening on Sunday or Bank Holidays.

Reason: To prevent undue noise and disturbance to local residents in accordance with Policy LP26 of the Central Lincolnshire Local Plan.

6) No additional openings or ventilation shall be added to the building without planning permission having first been granted by the Local Planning Authority.

Reason: To bring under the control of the Local Planning Authority additions to the building that may generate harmful noise pollution contrary to Policy LP26 of the Central Lincolnshire Local Plan.

7) This planning permission relates to the following drawings; (cd)-110, (cd)-110 Rev p1, (cd)-111 and (cd)-112.



Reason: For the sake of clarity and in the interests of proper planning.

**Human Rights Implications:**

The above objections, considerations and resulting recommendation have had regard to Article 8 and Article 1 of the First Protocol of the European Convention for Human Rights Act 1998. The recommendation will not interfere with the applicant's and/or objector's right to respect for his private and family life, his home and his correspondence.

**Legal Implications:**

Although all planning decisions have the ability to be legally challenged it is considered there are no specific legal implications arising from this report