

| Item No. | Application No. and Parish | 13 Week Date | Proposal, Location and Applicant |
|----------|--------------------------------|------------------|---|
| (1) | 14/03036/COMIND Aldermaston | 17 February 2015 | Part retrospective for continued use of land for race meetings and permanent retention of laid out track, buildings and structures. Blacks Lake, Paices Hill, Aldermaston, Reading, RG7 4PG Mr Malcolm Roberts, Short Track Associated Racing |

The application can be viewed on the Council's website at the following link:
<http://planning.westberks.gov.uk/rpp/index.asp?caseref=14/03036/COMIND>

Recommendation Summary: To **DELEGATE** to the Head of Planning and Countryside to **GRANT PLANNING PERMISSION** subject to conditions

Ward Member(s): Councillor Dominic Boeck

Reason for Committee Determination: Call-in from Councillor Irene Neill

Committee Site Visit: 3 June 2015

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1. INTRODUCTION

- 1.1 This application seeks full planning permission for the use of the application site as a motor racing circuit and associated operational development including an oval racing track, sound barrier, surrounding hard-standing, the siting of a seating stand, and a number of cabins functioning as race control, toilet blocks and snack vans.
- 1.2 The application site is located on the western side of Paices Hill, approximately 1.3km south of Aldermaston Village. For planning purposes, the West Berkshire Core Strategy classified the area as open countryside within the East Kennet Valley. AWE Aldermaston is located on the opposite side of Paices Hill to the east; Youngs Industrial Estate abuts the site to the north; Paices Wood Country Park abuts the site to the west; and to the south of the site lies an area of open land which is enclosed by trees/hedging with further development beyond. There is sporadic housing along Paices Hill, and a gypsy and travellers site some 200 metres to the south of the site. There is currently an unauthorised residential use adjacent to the application site and fishing pond.
- 1.3 Historically, some form of motor racing has been taking place on the site for several decades. However, this use ceased in 2004 and was abandoned until 2009 when the applicant constructed a new circuit and began using the site for motor vehicle racing. Planning permission is required because the former use was abandoned, and new operational development was undertaken when reinstating a motor racing use, including the construction of a new track.
- 1.4 The application seeks 23 racing events per year, but would prefer 26 racing events per year. The officers' recommendation is that 14 racing events per year can be accepted. The permission relates to the motor racing circuit, and therefore could potentially include any motor vehicle. The recommendation, however, is subject to the pre-approval of an Operational Management Plan that would need to include a list of the types (formulas) of vehicles to be raced on the track.
- 1.5 The use and operational development has been subject to formal enforcement action, including enforcement notices and related appeals, together with enforcement action relating to residential use adjacent to this application site. For the avoidance of doubt, the adjacent residential use next to the fishing pond does not form part of this application. The planning history is described in Section 2 of this report.
- 1.6 Section 73A of the Town and Country Planning Act 1990 provides that a planning application may be made retrospectively. In accordance with Subsection (3), planning permission for such development may be granted so as to have effect from the date on which the development was carried out. The fact that a development has been carried out is not in itself a material consideration and therefore should not have a bearing on the decision.

2. PLANNING HISTORY

- 2.1 The application site has a history of planning applications and, of particular relevance, recent appeals connected to the proposed use. The table below lists the relevant planning applications.

2.2 Of those listed below, the most relevant application is 141881. This application granted planning permission in 1993 for a fishing lake and use of the land for banger race meetings on 20 occasions per year, with permanent siting of laid out tracks and mobile buildings. However, Condition 2 of that permission restricted the number of race days to 14 per year, rather than the 20 applied for. An appeal against the imposition of this condition was dismissed by the Planning Inspectorate. In the decision letter the Inspector makes specific reference to the noise from loud speakers, but also comments that, in their opinion, 20 days per annum could establish the site as a more popular banger racing venue, and that vehicle noise may also increase noticeably.

| Application No. | Description | Decision |
|------------------------|--|---|
| 107085 | Agricultural dwelling for smallholding. | Refused 09/11/1977 |
| 107136 | Infill to return land to agricultural use. | Granted 23/01/1978 |
| 131488 | Light industrial units with office content class B1. | Refused 25/05/1988 |
| 137847 | Use of land for banger racing for sport and leisure and fishing. | Refused 12/09/1990 |
| 141881 | Fishing lake plus use of land for Banger Race meetings on 20 occasions per year with permanent siting of laid out tracks and mobile buildings. | Approved 06/01/1993 (Condition 2 restricted the number of race days to 14 per year). Appeal against Condition 2 (T/APP/G0310/A/93/222073/P2) Dismissed 01/09/1993 |
| 142193 | Formation of fisherman's car park and concrete access road. | Refused 03/01/1995 |
| 04/01114/OUTMAJ | 100% affordable, key worker, local affordable housing development. (101 houses and 136 flats/maisonette). | Refused 23/06/2004 |
| 05/01397/OUTMAJ | Removal of Banger Racing Track and the erection of 237 dwellings. | Refused 11/08/2005 |
| 11/00750/FULD | Removal of existing buildings used for residential accommodation and introduction of one permanent single storey dwelling. | Refused 28/07/2011. Appeal (APP/W0340/A/11/2158258) Dismissed 09/12/2011 |

2.3 The application site was brought to the attention of the Council in August 2010 and was investigated by the Enforcement Team, and enforcement proceedings then continued. This related to new development that had taken place to reinstate the abandoned use and construct an oval racing circuit.

- 2.4 Four planning appeals were heard by the Planning Inspectorate at a single public inquiry in April 2014. These related to three enforcement notices and a refused Certificate of Lawfulness. The details of the four appeals is summarised below. Appeals B and C are relevant to this application, but all are listed for completeness.
- 2.5 Appeal A (APP/W0340/C/13/2203819) was against an enforcement notice alleging the following breach of planning control: “Without planning permission, the material change of use of the Land from agriculture to the mixed uses of:
- a. residential, including the siting of four mobile homes, marked ‘M1’, ‘M2’, ‘M3’ and ‘M4’ on Plan 2, used for residential purposes and one sectional building marked ‘D’ on Plan 2, used for residential purposes; and
 - b. use of the workshop building marked ‘W’ on Plan 2; and
 - c. siting and use of the metal storage containers marked ‘S1’ and ‘S2’ on Plan 2; and
 - d. siting and use of the portacabin building marked ‘O’ on Plan 2.”
- 2.6 Appeal B (APP/W0340/C/13/2205528) was against an enforcement notice alleging the following breach of planning control: “Without planning permission, the material change of use of the Land from agriculture to the use of:
- i. banger racing with associated banger racing track, together with the siting of hard standing and competitor/public car parking areas, sound barrier structure, fencing/barriers/means of enclosures, ancillary temporary structures/portacabins, lighting, toilet blocks, and grandstand/seating all associated with the banger racing track; and
 - ii. storage of ancillary track apparatus; and
 - iii. storage and parking of vehicles.”
- 2.7 Appeal C (APP/W0340/C/13/2205532) was against an enforcement notice alleging the following breach of planning control: “Without planning permission, the carrying out of development by way of building operations upon the Land including:
- i. the creation of a banger racing track and the construction of associated sound barrier structure and fencing/barriers/means of enclosures, and the importation of materials for the creation of associated hard standing and competitor/public car parking areas; and
 - ii. the erection of a means of enclosure marked A-C on the attached plan.”
- 2.8 Appeal D (APP/W0340/X/13/2202926) was against the refusal of Application 13/00983/CERTE, which sought a Certificate of lawfulness (Existing) for the erection of building (D) and its occupation as dwelling.
- 2.9 In summary, four enforcement notices related to the unauthorised use and operational development comprising the racing circuit and associated development, and an unauthorised adjacent residential use. In effect, the appeal decisions relevant to this application upheld the enforcement notices. The current application has been submitted in order to regularise the unauthorised use and operational development associated with the racing circuit.
- 2.10 The grounds of appeal in relation to the enforcement notices did not enable the inspector to consider the planning merits of the motor racing track. As such, the planning merits of this specific case were not considered during any of the above appeals.

3. EIA & PUBLICITY

- 3.1 The application has been considered under the provisions of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011. In accordance with Regulation 7 of the Regulations, the local planning authority (LPA) is required to adopt a screening opinion as to whether the proposal constitutes EIA development, and therefore whether Environmental Impact Assessment (EIA) is required as part of the application, where it is considered to be Schedule 2 development under the Regulations.
- 3.2 A formal screening opinion has been undertaken. Having regard to the nature and scale of the proposal, the screening opinion concluded that EIA is not required.
- 3.3 The Town and Country Planning (Development Management Procedure) (England) Order 2015 (DMPO) requires in the case of an application for planning permission for major development, the application shall be publicised by giving requisite notice:
- a) by site display in at least one place on or near the land to which the application relates for not less than 21 days; or by serving the notice on any adjoining owner or occupier; and
 - b) by publication of the notice in a newspaper circulating in the locality.
- 3.4 A site notice was displayed adjacent to the access on Paices Hill on 12/12/2014 to expire on 02/01/2015. Neighbour notification letters have been sent to 43 nearby addresses. The application was also listed in a public notice in the Newbury Weekly News on 04/12/2014. The authority has therefore discharged and exceeded the statutory requirement to publicise applications in accordance with the DMPO. The publicity has also been undertaken in accordance with the West Berkshire Council Statement of Community Involvement.

4. CONSULTATION

4.1 Consultations

Aldermaston Parish Council:

Aldermaston Parish Council objects to this application for the following reasons:

1. We understand that the previous permission which was abandoned (Planning Inspectors findings earlier this year) limited the number of events to 14 per annum, and this was the basis on which Mr Roberts was operating until recently. The supporting information states that permission is sought for the current number of events but without quantifying what that is, but we understand it is in excess of the 14 events for which planning permission previously existed. For it to be considered retrospective the number of days of racing should have been limited to 14 days per annum.
2. We question whether there has been “testing” occurring on a regular basis for 6 hours per day, to the extent that

this enables a retrospective application to be relevant for consideration. In any case we would object to the testing of motor racing vehicles on any weekday (excluding bank holidays) for 6 hours a day.

3. Despite a brief conversation between Mr Roberts and Aldermaston Parish Council in 2013 regarding motorcycling racing, we do not believe that there has ever been motorcycle racing at the venue since Mr Roberts started operating the site, and believe that any historical use was abandoned prior to 2004.
4. The noise from this site during events is intrusive for many people across the parish and travels as far as Aldermaston Village, Baughurst and Tadley. A letter of support confirms that for safety reasons the PA system has to be heard above the level of noise of the competing vehicles, further adding to the negative impact from the noise.
5. The Noise Impact Assessment is flawed in that it tries to suggest that the noise levels should be considered per hour rather than noise at peaks of transmission during races. The impact on the residents in the surrounding areas is impacted by the peaks during the races rather than the average over a period of time.
6. The regulations for competitors at the venue states that every car must have “an efficient exhaust system” and “A decibel reading of 95 decibels measured at trackside will be enforced”. The applicant supplied no information on whether any cars were ever tested or as to why a figure of 95 decibels was selected. The applicant does not include a filter (such as A, B or C) used to the 95 figure indicating a lack of understanding. There is no information on how the measurement is made other than “at trackside”. Other motorsport regulated by the Motors Sports Association has very strict rules on both how the measurements are made and the limits which are applied. For example “road rally cars” are limited to 86db(A) measured at 2m with the engine at 2/3 maximum engine speed.

| | |
|-----------------------|--------------------------------------|
| Planning Policy: | NPPF requires sequential test. |
| Highways: | Conditional permission. |
| Environmental Health: | Conditional permission. |
| Emergency Planning: | Conditional permission. |
| Office of Nuclear | Does not advise against development. |

Regulations:

| | |
|-----------------------------|-------------------------|
| Environment Agency: | No objection. |
| Ecologist: | Conditional permission. |
| Thames Valley Police: | No response. |
| Thames Water: | No objections. |
| Archaeologist: | No objections. |
| Lead Local Flood Authority: | No response. |
| Access Officer: | No response. |
| Countryside: | No response. |
| BBOWT: | No response. |
| Natural England: | No objections. |
| MOD: | No response. |
| Southern Electric: | No response. |
| West Berkshire Spokes: | No response. |

4.3 Representations

Total: 37 Object: 6 Support: 31

Summary of support

- Long established facility
- Excellent community/leisure facility
- Benefits for child development
- Contributions to charity from club
- Race track is a preferential use to other potential uses
- Site attracts large numbers of people from a wide area
- Safe environment for the sport
- Improvements to track have been undertaken to improve safety and reduce impacts
- Other tracks have closed due to land issues
- No access or traffic problems experienced
- Operators strictly enforce noise controls
- Enjoy competing/spectating at events
- Not aware of any noise concerns by local residents
- Well located between industrial sites
- Makes good use of scrap cars
- Contribution to the local economy
- Not aware of plans to provide this facility in another location

Summary of objection

- Inspector took into account the cumulative effect of disruption (including noise and traffic) on the community during the appeal against gravel extraction
- Cumulative impact with gravel extraction in Wasing on local road network
- Noise and disturbance generated by use
- Noise impacts travel at least 1 mile
- Traffic generated by use
- Noise and disturbance during Sundays intrusive
- Racing has taken place on Remembrance Day
- Lack of enforcement action
- Would prevent objector buying local property on Paices Hill
- Occupying land without consent
- Residential use on site without consent

5. PLANNING POLICY

- 5.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that the determination of any planning application must be made in accordance with the development plan unless material considerations indicate otherwise. The statutory Development Plan comprises:
- The West Berkshire Core Strategy (2006-2026)
 - The West Berkshire District Local Plan 1991-2006 (Saved Policies 2007)
 - The Replacement Minerals Local Plan for Berkshire (2001)
 - The Waste Local Plan for Berkshire (1998)
- 5.2 The National Planning Policy Framework (NPPF) was published in March 2012. The Framework sets out Government planning policies for England and how these are expected to be applied. It is a material consideration in planning decisions.
- 5.3 The Planning Practice Guidance (PPG) was published on 6 March 2014. The Planning Practice Guidance is a material consideration for all planning decisions. It provides guidance on procedural matters (including planning conditions and obligations), and on numerous material planning considerations.
- 5.4 The following other material considerations are relevant to this application:
- Manual for Streets (DfT; March 2007)
 - NSCA Code of Practice for the Control of Noise from Oval Motor Racing Circuits (February 1996)
 - The Noise Council Code of Practice on Noise from Organised Off-road Motor Cycle Sport (1994)
- 5.5 The West Berkshire Core Strategy was adopted on 16 July 2012 and carries full weight in decision-making as a development plan document adopted since the publication of the Framework. The following policies from the Core Strategy are relevant to this application:
- NPPF Policy
 - ADPP1: Spatial Strategy
 - ADPP6: The East Kennet Valley
 - CS5: Infrastructure Requirements and Delivery
 - CS8: Nuclear Installations AWE Aldermaston and Burghfield

- CS9: Location and Type of Business Development
- CS10: Rural Economy
- CS11: Hierarchy of Centres
- CS13: Transport
- CS14: Design Principles
- CS16: Flooding
- CS17: Biodiversity and Geodiversity
- CS18: Green Infrastructure
- CS19: Historic Environment and Landscape Character

5.6 The saved policies of the West Berkshire District Local Plan carry due weight according to their degree of conformity with the Framework. The following saved policies from the Local Plan are relevant to this application:

- OVS.5: Environmental Nuisance and Pollution Control
- OVS.6: Noise Pollution
- OVS.7: Hazardous Substances
- OVS.8: Hazardous Substances
- TRANS.1: Meeting the Transport Needs of New Development

5.7 In addition, the following locally and regionally adopted policy documents are material considerations relevant to this application:

- Planning Obligations SPD
- Quality Design SPD

6. APPRAISAL

6.1 Principle of development

6.1.1 To the extent that development plan policies (detailed in Section 5 of this report) are material to an application for planning permission the decision must be taken in accordance with the Development Plan unless there are material considerations that indicate otherwise (in accordance with Section 70(2) of the Town and Country Planning Act 1990 and Section 38(6) of the Planning and Compulsory Purchase Act 2004).

6.1.2 The National Planning Policy Framework (NPPF) is a material consideration. It stresses the importance of having a planning system that is genuinely plan-led. However, the NPPF has a presumption in favour of sustainable development that provides for where the development plan is absent, silent or relevant policies are out-of-date, the Framework says planning permission should be granted unless:

- any adverse impacts on doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole; or
- specific policies in the Framework indicate development should be restricted, including sites protected under the Birds and Habitats Directive, Sites of Special Scientific Interest, Local Green Space, AONB, designated heritage assets, and locations at risk of flooding.

6.1.3 Firstly, therefore it is necessary to establish whether the Development Plan contains relevant up-to-date policies insofar as it relates to this application, and therefore

whether the primacy of the Development Plan can be relied upon to decide this application.

- 6.1.4 It is considered that a racing circuit can broadly be regarded as a form of leisure and entertainment development. The definition of a 'Main Town Centre Use' in the NPPF includes "...leisure, entertainment facilities and the more intensive sport and recreation uses (including cinemas, restaurants, drive-through restaurants, bars and pubs, night-clubs, casinos, health and fitness centres, indoor bowling centres, and bingo halls)..." The NPPF seeks to direct Main Town Centre Uses to defined town centres, otherwise it requires the application of a sequential test of accessible sites. Core Strategy Policy CS11 incorporates this policy into the Development Plan by stating that these uses will be directed to the town and district centres of Newbury, Thatcham, Hungerford, Pangbourne, Lambourn and Theale.
- 6.1.5 Whilst the proposed development is capable of falling within the definition of a 'Main Town Centre Use', it is considered that the impacts associated with this particular use make it inappropriate to apply the sequential test. An open air racing circuit clearly has the potential to impact surrounding amenity (e.g. noise, air quality); it is not considered appropriate to seek to direct such a use to a densely populated town centre.
- 6.1.6 Given that the application of a sequential test has the potential to cause greater harm than considering an individual site on its merits, the policies of the Development Plan that most closely relate to leisure development are not considered sufficiently relevant to the proposed use. It is therefore considered that the NPPF presumption in favour of sustainable development should be used, but having regard to the Core Strategy Spatial Strategy that provides an overarching framework for development in West Berkshire, and to the other relevant policies of the Core Strategy that relate to the various planning aspects.
- 6.1.7 The key factors that determine the suitability of the site for the proposed use are considered to be the planning history of the site, whether the site constitutes a sustainable accessible location in the context of the development proposed, and the potential for harm to local amenity. The social and economic benefits of the proposal are also relevant considerations.

6.2 Planning history

- 6.2.1 The fact that planning permission was granted for a similar racing circuit in 1993 is an important material consideration. Given that this decision relates to the same site and in similar conditions, this previous decision represents a genuine precedent that indicates that planning permission should be granted unless there have been significant changes in planning policy or physical changes to the site or surrounding area since the previous decision.

6.3 Social and economic benefits

- 6.3.1 The NPPF encourages economic growth in rural areas. It supports sustainable rural tourism and leisure developments that benefit business in rural areas, communities and visitors, and which respects the character of the countryside. It promotes the retention and development of, amongst other facilities, sports venues. Core Strategy Policy CS10 states proposals to diversify the rural economy will be

encouraged, particularly where they are located in or adjacent to Rural Services Centres and Service Villages. Existing small and medium sized enterprises within the rural areas will be supported.

- 6.3.2 As an existing enterprise, these policies of the NPPF give weight to the social and economic benefits of the use. The site is located a short distance from Aldermaston, a defined Service Village within the Core Strategy, and therefore attracts support from Policy CS10. The representations received on this application indicate that the application site is a valued racing circuit. As such, it is considered that significant weight should be given to the social and economic benefits of the proposal.

6.4 Accessibility

- 6.4.1 One of the core planning principles of the NPPF is that planning should actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling, and focus significant development in locations which are or can be made sustainable.
- 6.4.2 Core Strategy Policy ADDP1 states that most development will be within or adjacent to the settlements included in the District Settlement Hierarchy. West Berkshire's main urban areas will be the focus for most development, and the majority of development will take place on previously developed land. Aldermaston (approximately 1.3km north) is identified as a Service Village within the Hierarchy.
- 6.4.3 The representations received on this application indicate that the location should be considered in a more-than-local context. It is clear that competitors and spectators to previous events have travelled significant distances, especially across the south of England. At a regional level it is considered that the site is relatively well-related to the M4 and M3 motorways, although access via rail is limited.
- 6.4.4 At a district level, the application site is located in open countryside with relatively poor public transport. There are railway stations serving nearby settlements (e.g. Aldermaston Station at Aldermaston Wharf), but given the wide area which competitors and spectators appear to travel, it is considered unlikely that many would walk or cycle. It is understood that travel to the site has effectively been exclusively by private vehicle. It is considered that use of public transport would be limited regardless of the opportunities available, particular as many visitors to the site would be bring vehicles with which to compete. As such, whilst the site is not considered to be within an accessible location within West Berkshire, this cannot weigh significantly against the proposal.

6.5 Noise and local amenity

- 6.5.1 Securing a good standard of amenity for all existing and future occupants of land and buildings is one of the core planning principles of the Framework. Core Strategy Policy CS14 states that new development must make a positive contribution to the quality of life in West Berkshire.
- 6.5.2 Motor sport events have the potential to create noise nuisance. A number of representations on this application comment on noise disturbance caused to them from racing at Blacks Lake, although Environmental Health has advised that they

have not received any formal complaints about noise from the site over the past few years.

- 6.5.3 This is a retrospective application. In 2014 there were 23 race meetings. Permitted development rights for temporary uses would allow 14 events per calendar year, but not the physical track and ancillary development. A previous planning permission in 1993 (defended at appeal) also allowed for no more than 14 events per year to protect residential amenity, although any former lawful use has been abandoned.
- 6.5.4 The applicant is seeking a minimum of 23 events per year, but preferably 26 events per year. Practice sessions throughout the week are also sought, where competitors would be able to visit the circuit to practice for a few hours.
- 6.5.5 A noise assessment accompanying the application concludes that there will be no impact on noise sensitive receptors of continuing operations as at present. However, measurements are given for the average (LAeq, 1 hour) noise levels and no maximum levels are given (associated with revving etc). This limits the weight that can be given to the noise assessment. It is noted that events take place throughout the day with each race lasting about 7 to 8 minutes. It is likely that noise from events (including the public address system) will be propagated over large distances.
- 6.5.6 Environmental Health Officers have examined this application having regard to two Codes of Practice, both of which are material considerations for this planning application. The National Society for Clean Air and Environmental Protection (NSCA) published a Code of Practice for the Control of Noise from Oval Motor Racing Circuits in February 1996. The Code of Practice on Noise from Organised Off-Road Motor Cycle Sport was published by the Noise Council in 1994, and the issues are considered comparable and therefore contain relevant guidance. Copies of both Codes of Practice are provided at the end of this report.
- 6.5.7 The 1996 Code recognises that many racetracks are situated close to noise sensitive areas, but suggests that, with careful management, they can be operated without major problems. Ideally, events should be run on land which is not close to noise sensitive areas. However, if this is not possible, careful attention must be given to the need for noise control. It must also be recognised that noise from events may carry over large distances. Noise sensitive areas include houses and country parks, both of which are within close proximity of the application site. The Code sets out to control noise in two ways: firstly the control of noise from race cars at source; secondly by other means such as site layout and the use of barriers.
- 6.5.8 The 1996 Code recommends that the best way to minimise disturbance is to cut down noise at source. Noise reduction of race cars can be managed by two methods – standard silencers or an imposed noise limit. The use of standard silencers reduces the level of training required for officials, but can be difficult to implement when multiple formulas use a track. Alternatively, a noise limit can be specified to be met by all cars. Whilst this method requires accurate measurement equipment and competent use by officials, it is more flexible when there may be a range of cars/engines.
- 6.5.9 The General Rules submitted with the application state “19. Exhaust Systems: All vehicles must have efficient exhaust system. A decibel reading of 95 decibels

measured at trackside will be enforced.” This is comparable with the maximum permitted noise levels of 96dB(A) from individual machines for Rally Cross/Super Motos events given in the Motor Cycle Sport Code of Practice.

- 6.5.10 The 1996 Code also advises that operational management plays an important role if minimising disturbance. This includes properly trained officials, the times and duration of events, and the use of public address systems. Based on the information submitted, it is considered that such matters can be adequately addressed in an Operational Management Plan (OMP) that would need to be approved by the Local Planning Authority before any racing or practice sessions take place. The OMP would need to demonstrate how the recommendations of the Code are implemented on the site.
- 6.5.11 Noise levels will vary depending on individual vehicles, how well they are maintained and if any modifications have been made. The OMP would need to include details of the different types of race car that would be permitted to use the circuit, silencing requirements, and any other features unique to different formulas that would affect noise levels.
- 6.5.12 Race days are normally on Sundays and bank holidays when back ground noise levels would normally be lower than during the rest of the week. It is not unreasonable for residents to expect not to be regularly disturbed by noise from track racing on Sundays and bank holidays.
- 6.5.13 Practice sessions during the week, where only one vehicle would be permitted to use the circuit at a time, would not cause a significant disturbance provided it does not continue into the evenings.
- 6.5.14 The loudspeaker system, and any amplified music, also has the potential to have an adverse impact on neighbouring amenity. The applicant advises that the loudspeakers are directed down on the surrounding spectators so that they can be heard without excessive volume. Such matters can be controlled pursuant to the OMP.
- 6.5.15 A sound barrier is provided along the southern length of the track and wrapping around the eastern end. According to the 1996 Code, whilst it is unlikely that barriers will in themselves provide sufficient noise attenuation, they should form part of an overall package of noise control measures, including the others described above. The most effective noise barriers are those which are close to the source of noise, as is the case of this site. Barriers should be as long and as high as possible and continuous throughout their length because gaps can significantly reduce their effect. In this case the sound barrier does not completely enclose the track or pit area (south of the track).
- 6.5.16 The 1996 Code confirms that its terms are “not intended to be hard and fast rules applied to every site. It is recognised that local circumstances vary and different controls may be appropriate in individual cases.” Further, “where planning permission for the use of a site is granted, it may include conditions to control the frequency of use, type of event, timing and duration of meetings and measures to limit noise as well as dust and fumes.”

- 6.5.17 As detailed above, the specific circumstances of this case include a history of motor vehicle racing on the site, including a planning permission for 14 events per year in 1993. The inspector of the 1993 appeal decision focused largely on the impact of the loudspeaker, an impact which can be mostly mitigated by appropriate management. However, since the previous decision there has been an increase in the amount of noise sensitive receptors in the surrounding area; most notably the adjacent country park.
- 6.5.18 Overall, it is considered that the application site is a relatively appropriate location for such development. It is not densely populated compared to other areas within the District, is not subject to any statutory designation (e.g. tranquillity is one of the special qualities of the North Wessex Downs Area of Outstanding Natural Beauty), and is located within the context of neighbouring industrial development.
- 6.5.19 Nonetheless, there are noise sensitive receptors in the vicinity, including homes and the country park, which would be impacted by noise from activities on the circuit. This requires a balanced decision taking into account the benefits of the use, the appropriateness of the site, and the potential for local disturbance.
- 6.5.20 Taking these matters into account, it is considered that the proposed use could be operated at the site for up to 14 events per year, and for individual practice days on weekdays, subject to the approval of an Operational Management Plan, and other restrictions by condition. It is considered that the 23 annual events which have been applied for would result in significant harm to the amenity of the country park and surrounding residential properties.
- 6.5.21 In the circumstances of this case (having regard to the previous planning decisions on the site, and the technical evidence accompanying the application), it is considered that with the mitigation measures detailed above the racing track could operate whilst maintaining a good quality of life to surrounding noise sensitive uses. The application therefore complies with the NPPF and Core Strategy Policy CS14.

6.6 AWE Aldermaston and public safety

- 6.6.1 There are two licensed nuclear installations located in West Berkshire, the Atomic Weapons Establishment (AWE) in Aldermaston and in Burghfield. In the interests of public safety Core Strategy Policy CS8 provides a framework for determining planning applications in close proximity to either site.
- 6.6.2 The application site lies within the Inner Land Use Planning Consultation Zone of Policy CS8 of AWE Aldermaston. Consultation has therefore been undertaken with the Council's Civil Contingencies Manager (CCM) – responsible for the preparation of the Aldermaston off-site emergency plan required by the Radiation Emergency Preparedness and Public Information Regulations (REPPIR) 2001– and the Office of Nuclear Regulation (ONR).
- 6.6.3 The CCM has reviewed the application, in consultation with the ONR, to determine the impact on the AWE Off-Site Emergency Response Plan, which is managed by West Berkshire Council.
- 6.6.4 The application is located within the Detailed Emergency Planning Zone (DEPZ) of AWE Aldermaston, approximately 705 metres from the centre of the DEPZ and in

very close proximity to the site. The location is on the A340, which is the main arterial route for responders in the event of an incident.

- 6.6.5 The proposal straddles Sectors M and N of the Off-Site Emergency Response Plan. These sectors have a relatively low population density in terms of residential and business uses. The site has been operating periodically over a number of years, albeit without planning permission, and therefore the proposal is regarded as an existing enterprise in terms of emergency planning.
- 6.6.6 The application seeks up to 26 each year, although the proposed restriction of 14 racing events each year has been taken into account by the CCM and ONR. The average number of attendees has been approximately 170 people over the last 21 events, with the highest being 365.
- 6.6.7 The people attending events are not necessarily from the area, and therefore likely to be unaware of the implications and actions to take if there were a radiation emergency. Consequently, the impact on the AWE Off-Site Emergency Response Plan could be significant. It is therefore essential that a robust site-specific Emergency Plan is in place, which addresses the above points and the actions that will be taken in the event of an incident at AWE Aldermaston. The approval of such a plan can be secured by condition.
- 6.6.8 Following assessment by the Council's emergency planners, the ONR is satisfied that adequate assurances that the proposed development can be accommodated within the AWE Off-Site Emergency Response Plan provided that the condition recommended by the CCM is applied. On that basis, the ONR advises that the proposed development does not present a significant external hazard to the safety of AWE Aldermaston, and therefore the ONR does not advise against the development. The proposed development therefore complies with Policy CS8.

6.7 Transport and highway impacts

- 6.7.1 In accordance with Core Strategy Policy CS13, development that generates a traffic impact will be required to reduce the need to travel, improve and promote opportunities for healthy and safe travel, improve travel choice and facilitate sustainable travel, and mitigate the impact on the local transport network and the strategic road network. The main transport and highway issues relating to this application are parking, site access, and traffic generation.
- 6.7.2 With respect to traffic, the Local Highway Authority's Traffic Management Team is not aware of any congestion or other highway matters of concern within the vicinity of the site due to previous race days that have taken place. According to the application, race days are attended on average by some 200 visitors. Whilst this is a significant number, the local road network is considered capable of accommodating such traffic without adverse impacts to highway safety.
- 6.7.3 Representations have been received suggesting a possible cumulative traffic impact with nearby minerals extraction. Minerals & Waste Officers understand this to be a reference to an appeal against application 00/00644/FUL, which granted planning permission for sand and gravel extraction, importation of inert materials and subsequent restoration at Woolhampton Quarry to the north-west of Aldermaston Village. That appeal inspector considered the possible cumulative

effects. Highways and Minerals & Waste Officers are satisfied that there would be no significant cumulative effects of the two developments, particularly if race days are to take place on weekends or bank holidays.

- 6.7.4 It is considered that sufficient parking space can be made available within the application site to accommodate the number of visitors attending a race day. However, the parking shown on the site plan provided with the application is imprecise and of insufficient detail, therefore a detailed parking plan will be required before activities take place by way of condition.
- 6.7.5 The level of detail on the proposed site access is insufficient; although it is considered that the access is capable of accommodating the traffic safety with some readjustment to open up visibility splays in both directions. Taking into account the 50mph speed limit, highway officers are satisfied that sufficient visibility (approximately 160 metres) could be achieved in both directions within the extent of the application site. As such, the approval of a detailed access plan should be agreed pursuant to a condition. A landscaping condition would also ensure that any loss of screening from the realignment of the front boundary is mitigated.
- 6.7.6 For the above reasons it is considered that, subject to conditions, the proposed development would not have significantly adversely transport or highway impacts that would indicate planning permission should be refused.

6.8 Character and appearance

- 6.8.1 Core Strategy Policy CS14 states that all new development must demonstrate a high standard of design that respects and enhances the character and appearance of the surrounding area. Policy CS19 seeks to ensure that new development is appropriate in terms of location, scale and design in the context of existing settlement form, pattern and character.
- 6.8.2 The application site is located in open countryside, but adjacent to other industrial development that largely defines the vicinity. Most notably is AWE Aldermaston that covers a wide area along the eastern side of Paices Hill. This site is mostly industrial in character, particularly those buildings adjacent to Paices Hill, and the perimeter security fencing is also a prominent feature. Youngs Industrial Estate and further development of an industrial character to the south, are also significant contributors to the character of this part of Paices Hill. Paices Hill Country Park has a markedly different natural and rural character, although Young Industrial Estate does have a limited influence.
- 6.8.3 The external appearance of the proposed development is considered to be in keeping with industrial-influenced character of the surrounding area. The visual impact of the race track on Paices Hill is partially mitigated by existing vegetation along the boundary, although glimpsed views are possible in passing. Any alteration to this boundary to facilitate visibility splays could be mitigated by a landscaping scheme. The dense collection of boundary trees adjoining the western boundary of the site prevents the track being visible from the adjacent country park, although there are glimpsed views across the southern boundary of the site from the access track to the country park.

6.8.4 Overall, it is considered that within the context of the existing industrial development, the proposed development respects the character and appearance of the area, and therefore the development is appropriate in terms of its location, scale and design.

6.9 Environmental protection

6.9.1 The Environment Agency and Council's Ecologist has identified that the proposed development involves surface water drainage from the track to a small pond, which drains into the fishing lakes in the nearby country park. Environmental Health has also identified the risk of contamination from waste oils spilt from vehicles being maintained on the site under the proposal.

6.9.2 Given that such racing activities have the potential to spill oils and fuels, it is strongly recommended that some form of attenuation scheme is included in the drainage system. This could be a conventional oil interceptor added in line, or alternatively some form of sustainable drainage system that caters for oil interception or attenuation.

6.9.3 Appropriate measures should be incorporated into a drainage scheme to be submitted and approved pursuant to a condition. Mitigation measures against maintenance spillages should be secured under an approved Operations Management Plan to be submitted and approved before any events take place on the site.

6.9.4 In accordance with Core Strategy Policy CS17, the Council's Ecologist considers it necessary to require the submission and approval of a simple ecological management plan for the pond and adjacent trees (located within the blue line of the location plan). This is considered reasonable for their protection and enhancement and can be secured by condition.

6.10 Flood risk

6.10.1 The Framework states that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk. Core Strategy Policy CS16 strictly applies a sequential approach across the district. The application site is located in the Environment Agency's Flood Zone 1, which has the lowest probability of fluvial flood risk. The site is not located in or close to a Critical Drainage Area. As such, the site is considered appropriate for the proposed development in flood risk terms.

6.11 Sustainable drainage

6.11.1 Core Strategy Policy CS16 states that on all development sites, surface water will be managed in a sustainable manner through the implementation of Sustainable Drainage Methods (SuDS). The Planning Practice Guidance is more specific; it advises that whether a sustainable drainage system should be considered will depend on the proposed development and its location, for example whether there are concerns about flooding. Sustainable drainage systems may not be practicable for some forms of development. When considering major development, as defined in the Town and Country Planning (Development Management Procedure)

(England) Order 2015, sustainable drainage systems should be provided unless demonstrated to be inappropriate.

6.11.2 Generally, the aim should be to discharge surface run off as high up the following hierarchy of drainage options as reasonably practicable:

- (a) into the ground (infiltration);
- (b) to a surface water body;
- (c) to a surface water sewer, highway drain, or another drainage system;
- (d) to a combined sewer.

6.11.3 The proposed development constitutes major development because the size of the site exceeds 1 hectare. The development includes significant areas of hard-standing for the track and parking, and there are no known practical reasons why sustainable drainage measures should not be incorporated. Such measures can be secured by condition.

6.12 Community Infrastructure Levy

6.12.1 The Community Infrastructure Levy (CIL) is only chargeable on residential and retail development. Any sales on the site, such as the snack van, are considered ancillary to the main use and do not constitute retail development in their own right. CIL is therefore not chargeable on this development.

6.13 Rights in land

6.13.1 Representations have been received contesting the applicant's right to occupy the land. Such rights and other matters of land law are not relevant to the consideration of this planning application, and are therefore not a reason for refusing planning permission. Similarly, the granting of planning permission does not affect other areas of land law and any rights over land.

7. CONCLUSION

7.1 In accordance with the NPPF presumption in favour of sustainable development, planning permission should be granted unless any adverse impacts on doing so would significantly and demonstrably outweigh the benefits, or specific policies indicate that development should be restricted.

7.2 Whilst the Core Strategy Spatial Strategy and NPPF seek sustainable locations for development, the nature of the proposed use requires careful consideration of its particular merits and impacts. A review of case law has been undertaken to establish precedents nationwide for such uses. Noise objections tend to be the key determining factor. The close proximity to other significant noise sources, such as motorways, has been used to justify locating such uses in certain locations. Former airfields also regularly appear to be chosen for such uses.

7.3 As detailed in this report, it is considered that the application site is a relatively appropriate location for the proposed development because of the limited number of homes in close proximity and the presence of other industrial uses. The fact that there are a number of houses and an adjacent country park that would evidently be affected by the activities on site does indicate that there is a potential for harm to

the local amenity. However, it is considered that this potential is limited relative to many areas within West Berkshire. The fact that planning permission has previously been granted for a similar use taking place 14 days per year is particularly significant and it follows that a balanced decision can be taken to grant planning permission subject to conditions that would ensure the impacts are minimised. It is considered that the noise impacts and the impact on the AWE Off-Site Emergency Response Plan justify a restriction to allow 14 racing events per year.

- 7.4 Having regard to the relevant development plan policies and other material considerations as detailed above, it is considered that planning permission is justified for the proposed development, subject to conditions to restrict the number of racing events and other controls as detailed in this report. As such, the application is recommended for conditional approval as detailed in Section 8.
- 7.5 According to the NPPF, Local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations. Planning conditions should only be imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects.
- 7.6 Standard conditions relating to timescale for implementation and listing approved plans and documents are necessary. As detailed in the report, specific conditions are required in relation to an Operational Management Plan, operation restrictions, entrance and parking arrangements, and environmental considerations.

8. FULL RECOMMENDATION

Subject to no objections being raised by the Civil Contingencies Manager, to **DELEGATE** to the Head of Planning & Countryside to **GRANT PLANNING PERMISSION** subject to the following conditions.

1. **Use**
Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 (as amended), and the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking, re-enacting or modifying that Order), the site shall not be used for any purpose except for motor car racing, practice sessions and incidental activities. The use hereby permitted shall not take place outside the red line shown on the 1:2500 Location Plan.

Reason: Any other use may not be acceptable on the site, in the interests of promoting sustainable development, neighbouring amenity, and highway safety. This condition is imposed in accordance with the National Planning Policy Framework, Policies CS13 and CS14 of the West Berkshire Core Strategy (2006-2026), and Policies OVS.6 and TRANS.1 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).

2. **Plans**
The development hereby permitted shall be carried out in accordance with the following plans and other documents: [to be confirmed in the Update Report].

Reason: For the avoidance of doubt and in the interest of proper planning.

3. **Operational Management Plan**

No racing events or practice sessions shall take place until an Operational Management Plan has been submitted to and approved in writing by the Local Planning Authority. This plan shall cover all operations taking place on site in connection with the approved use, including but not necessarily limited to:

- (a) Details of the types (formulas) of racing cars to use the site, silencer details, and any other vehicle parameters or noise mitigation measures specific to individual types of vehicle;
- (b) Procedures for noise testing of vehicles;
- (c) The number of vehicles in operation simultaneously
- (d) The operation of public address systems or other acoustic amplification equipment;
- (e) The location and maintenance of noise barriers;
- (f) Communication with the public about events;
- (g) Procedures to prevent any contamination of the site (e.g. from waste oils);
- (h) Procedures for responding to an incident at AWE Aldermaston (in accordance with the AWE Emergency Plan).

The site shall not be used for the permitted use except in complete accordance with the approved Operational Management Plan.

Reason: To protect neighbouring amenity. A pre-condition is required because an Operational Management Plan has not been submitted with the application. This condition is imposed in accordance with the National Planning Policy Framework, Policy CS14 of the West Berkshire Core Strategy (2006-2026), and Policies OVS.5 and OVS.6 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).

4. **AWE Emergency Plan**

No development shall take place until a site-specific Emergency Plan has been submitted to and approved in writing by the Local Planning Authority. The Emergency Plan shall detail the measures to be implemented at the premises in the event of an incident at AWE Aldermaston.

The Emergency Plan shall be kept up-to-date by the site operator. The Plan may be amended at any time by way of a written submission to the Local Planning Authority pursuant to this condition. The Local Planning Authority may at any time require the amendment of the Plan by giving notice pursuant to this condition; and the amended plan shall be submitted to the Local Planning Authority within 1 month of notice being given.

No racing events or practice sessions shall take place except in complete accordance with the latest approved Emergency Plan.

Reason: The approval and implementation of a site-specific Emergency Plan is necessary to mitigate the residual risk posed to public safety by the close proximity of AWE Aldermaston, and to ensure that the development hereby permitted does not adversely affect the AWE Off-Site Emergency Response Plan. This condition is imposed in accordance with the National Planning Policy Framework, and Policy CS8 of the West Berkshire Core Strategy (2006-2026).

5. **Site entrance plan**

No racing events or practice sessions shall take place until a drawing showing accurate, scaled, details of the site entrance, together with a timetable for implementation, have been submitted to and approved in writing by the Local Planning Authority. The drawing shall show the width of the entrance and be overlain with visibility splays in both directions along Paices Hill. The site entrance shall be provided in accordance with the approved drawing and the timetable for implementation. Thereafter, the visibility splays shall be kept free of all obstructions to visibility above a height of 0.6 metres above carriageway level.

Reason: To ensure that the site entrance is suitable and safe, in the interests of highway safety. A pre-condition is required because the entrance detailed on the submitted site plan provides insufficient accuracy. This condition is imposed in accordance with the National Planning Policy Framework, and Policy CS13 of the West Berkshire Core Strategy (2006-2026).

6. **Landscaping**

No racing events or practice sessions shall take place until a detailed landscaping scheme has been submitted to and approved in writing by the Local Planning Authority. The landscaping scheme shall incorporate any changes to the frontage of the site onto the A340 required as a result of providing visibility splays at the vehicular access. The landscaping scheme shall include detailed plans, planting and retention schedule, programme of works, and any other supporting information. All landscaping works shall be completed in accordance with the approved soft landscaping scheme within the first planting season following completion of building operations to the site access. Any trees, shrubs, plants or hedges planted in accordance with the approved scheme which are removed, die, or become diseased or become seriously damaged within five years of completion of this completion of the approved landscaping scheme shall be replaced within the next planting season by trees, shrubs or hedges of a similar size and species to that originally approved.

Reason: A comprehensive landscaping scheme is necessary to ensure site access improvements do not have an adverse visual impact along the A340. This condition is imposed in accordance with the National Planning Policy Framework, Policies ADPP6, CS14, CS17, CS18 and CS19 of the West Berkshire Core Strategy (2006-2026), and Quality Design SPD.

7. **Parking plan**

No racing events or practice sessions shall take place until a parking plan has been submitted to and approved in writing by the Local Planning Authority. Parking spaces should measure 2.4 x 4.8 metres, and at least 6 metres must be provided for intervening aisles. No racing events or practice sessions shall take place until the parking spaces have been provided in accordance with the approved plan. The parking spaces shall thereafter be kept available for parking during race events.

Reason: To ensure that the site is provided with sufficient parking arrangements, in the interests of highway safety. A pre-condition is required because the parking detailed on the submitted site plan provides insufficient accuracy. This condition is imposed in accordance with the National Planning Policy Framework, Policy CS13

of the West Berkshire Core Strategy (2006-2026), and Policy TRANS.1 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).

8. Sustainable drainage

No racing events or practice sessions shall take place until a scheme of surface water drainage has been submitted to and approved in writing by the Local Planning Authority. The scheme shall:

- (a) Incorporate sustainable drainage principles to deal with surface water run-off from the areas of hard-standing within the application site;
- (b) Incorporate an attenuation scheme to ensure that pollutants are not discharged into surface waters (this could be a conventional oil interceptor added in line, or alternatively some form of sustainable drainage system that caters for oil interception or attenuation);
- (c) Include a timetable for the implementation and provision of such measures.

The surface water drainage shall thereafter be provided and retained in accordance with the approved details and timetable.

Reason: To ensure that surface water will be managed in a sustainable manner, and to ensure that pollutants are not discharged into surface waters. A pre-condition is required because insufficient details have been submitted with this application. This condition is imposed in accordance with the National Planning Policy Framework, Policy CS16 of the West Berkshire Core Strategy (2006-2026), Policy OVS.5 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007), and Supplementary Planning Document Quality Design – Part 4 Sustainable Design Techniques (June 2006).

9. Ecological management plan

No racing events or practice sessions shall take place until an ecological management plan for the adjacent ponds and trees (including implementation timetable as appropriate) has been submitted to and approved in writing by the Local Planning Authority. Thereafter the approved ecological management plan shall be implemented in full.

Reason: To ensure the protection and enhancement of the adjacent pond and trees. A pre-condition is required because insufficient details have been submitted with this application. This condition is imposed in accordance with the National Planning Policy Framework, and Policy CS17 of the West Berkshire Core Strategy (2006-2026).

10. Event restrictions

Racing events shall only take place on Saturdays, Sundays or Bank Holidays, no racing events shall take place on weekdays (except Bank Holidays). No more than 14 one-day events shall take place in any given year. No racing shall take place outside the hours of 10am to 6pm. No competitors, spectators or other visitors to the event shall be on site before 8am or after 8pm.

Reason: To protect neighbouring amenity. This condition is imposed in accordance with the National Planning Policy Framework, Policy CS14 of the West Berkshire Core Strategy (2006-2026), and Policy OVS.6 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).

11. **Practice session restrictions**

Practice sessions shall only take place on Mondays to Fridays, no practice sessions shall take place on Saturdays, Sundays or Bank Holidays. Practice sessions shall be for individual vehicles only. No practice session shall take place outside the hours of 8am to 5pm. No public address system, or other amplified acoustic equipment, shall be used during practice sessions.

Reason: To protect neighbouring amenity. This condition is imposed in accordance with the National Planning Policy Framework, Policy CS14 of the West Berkshire Core Strategy (2006-2026), and Policy OVS.6 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).

Informatives:

1. **Proactive actions of the LPA**

The Local Planning Authority (LPA) has worked with the applicant in a positive and proactive manner based on seeking solutions to problems arising in relation to dealing with a planning application. In particular, the LPA:

- a) Provided the applicant with a case officer as a single point of contact.
- b) Alerted the applicant to issues that were raised during the consideration of the application.
- c) Sought to make development acceptable through the use of planning conditions, which would otherwise be unacceptable.
- d) Responded to the applicants representations on the reasonableness of proposed planning conditions.

2. **Consent to enter land**

You must obtain the prior consent of the owner and occupier of any land upon which it is necessary for you to enter in order use the site, construct, externally finish, decorate, or in any other way carry out any works in connection with this development, or to obtain any support from adjoining property. This permission granted by the Council in no way authorises you to take such action without first obtaining this consent.

3. **Discharging of pollutants**

It is an offence under the Environmental Permitting Regulations 2010 to cause or knowingly permit any discharge that will result in the input of pollutants to surface waters.

4. **Emergency Plan informative**

For queries relating to the content of the site-specific Emergency Plan, please contact the Civil Contingencies Team, West Berkshire Council, Council Offices, Market Street, Newbury, RG14 5LD. Tel: 01635 519111, Email: emergencyplanning@westberks.gov.uk. Please quote the application reference.