

EAST AYRSHIRE COUNCIL

SOUTHERN LOCAL PLANNING COMMITTEE: 27 FEBRUARY 2004

**03/0930/FL: PROPOSED CONTINUED USE OF TRACK FOR RALLY
CROSS VEHICLES AND FORMATION OF EXTENSION TO EXISTING
TRACK AT DUNASKIN HERITAGE CENTRE, DALMELLINGTON ROAD,
WATERSIDE, BY PATNA**

**APPLICATION BY DALMELLINGTON & DISTRICT
CONSERVATION TRUST**

EXECUTIVE SUMMARY SHEET

1. DEVELOPMENT DESCRIPTION

1.1 Full planning permission is sought for the continued use of the motor track for rally cross sports. The proposal also includes for engineering works to extend the existing track introducing a number of bends and straights in the northern section of the track to increase the overall length of the motor track.

1.2 The Dalmellington and District Conservation Trust, in a supporting statement, wishes to operate the track during the months of April to October inclusive and between the hours of 10:00 am and 5:00 pm. Formal race meetings will be confined to weekends and Bank Holidays only with training and corporate events taking place under supervision on weekdays. It is intended that the track would be utilised by auto clubs to test vehicles and to train younger club members.

1.3 Although temporary permission for the operation of an off road karting facility was granted in 2003, the use of the track during that year was limited to test runs for noise monitoring purposes and a two day time trial event in September. The Trust has indicated that attendance at this event exceeded all expectations with over 1500 members of the public in attendance, giving a much needed boost to Trust funds. The Trust further indicates that the success of the track was also reflected by a number of businesses in the area that reported an increase in trade over the event period and that this increase proves that stimulation of economic activity in the upper Doon Valley through a visitor attraction can be achieved.

1.4 The previous consent granted for the facility was for off-road kart racing. The present application seeks to extend the types of vehicle that would use track to various types of rally cross vehicles.

2. RECOMMENDATION

2.1 It is recommended that the application be approved subject to the conditions listed on the attached sheet.

3. CONCLUSIONS

3.1 As is indicated in Section 5 of the report, the application is considered to be in accordance with the development plan. Therefore, given the terms of Section 25 and Section 37(2) of the Town and Country Planning (Scotland) Act 1997, the application should be approved unless material considerations indicate otherwise. As is indicated at Section 6 of the report, there are material considerations relevant to this application, however it is considered that these are generally supportive of the application.

3.2 In terms of the use of the site for rally cross vehicles, the development is considered to be consistent with the policy provisions of the EALP. The noise implications of the development and the impact on the residential amenity of nearby residents are material considerations in the determination of the application. The Environmental Health Service has indicated that it has some concerns regarding potential noise impacts arising from the facility. Environmental Health is also of the view that any dust arising from the operation of the track could be controlled through the use of an appropriate scheme.

3.3 In terms of the previous grant of planning consent for the racetrack, it is considered that there were insufficient opportunities for appropriate monitoring and assessment of potential noise and dust nuisance or to assess the effectiveness of mitigation measures. It is recognised also that the scope of usage of the facility has widened to accommodate a range of vehicles and that consent is now sought for more intensive use of the facility.

3.4 However, it considered that amenity of nearby residents could still be maintained by the imposition of conditions. Notwithstanding this, it is considered that in order for the Planning Authority to be able to assess the impact of the development on the surrounding area, a temporary consent for one year should be granted. This will enable the Planning Authority, in conjunction with Environmental Health, to monitor the development and allow the impact of the activities to be assessed under full working conditions.

CONTRARY DECISION NOTE

Should the Committee agree that the application be refused contrary to the recommendation of the Head of Planning and Building Control, the application would not require to be referred to the Development Services Committee as it would not be a significant departure from the East Ayrshire Local Plan.

Alan Neish
Head of Planning and Building Control

Note: This document combines key sections of the associated report for quick reference and should not in itself be considered as having been the basis for recommendation preparation or decision making by the Planning Authority.

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SOUTHERN LOCAL PLANNING COMMITTEE: 27 FEBRUARY 2004

03/0930/FL: PROPOSED CONTINUED USE OF TRACK FOR RALLY CROSS VEHICLES AND FORMATION OF EXTENSION TO EXISTING TRACK AT DUNASKIN HERITAGE CENTRE, DALMELLINGTON ROAD, WATERSIDE, BY PATNA

APPLICATION BY DALMELLINGTON & DISTRICT CONSERVATION TRUST

Report by Head of Planning and Building Control

1. PURPOSE OF REPORT

1.1 The purpose of this report is to present for determination a full planning application which is to be considered by the Local Planning Committee under the scheme of delegation as the proposed development is subject to objections

2. APPLICATION DETAILS

2.1 **Site Description:** The site is located within Waterside, 280 metres south-east of Dunaskin Heritage Centre. The site comprises degraded land on two levels, which formed part of the former Ironworks at Dunaskin. The lower level consists of a large gravel area whilst the higher level consists of overgrown land with shrubs scattered throughout. The application site lies wholly within the Dunaskin Heritage Centre site.

2.2 The site is bounded by a railway line, the A713 and a small row of houses (known as Chapel Row) to the south, and is surrounded by land of the former Ironworks on all other sides. The site lies within Waterside, Outstanding Conservation Area and is also located within the Waterside, Dalmellington Ironworks Scheduled Ancient Monument. Works have already taken place within the site for the formation of a motor sport track on the southern part of the application site.

2.3 **Proposed Development:** Full planning permission is sought for the continued use of the motor track for rally cross sports. The proposal also includes for engineering works to extend the existing track introducing a number of bends and straights in the northern section of the track to increase the overall length of the motor track.

2.4 The Dalmellington and District Conservation Trust, in a supporting statement, wishes to operate the track during the months of April to October inclusive and between the hours of 10:00 am and 5:00 pm. Formal race meetings will be confined to weekends and Bank Holidays only with training and corporate events taking place under supervision on weekdays. It is

intended that the track would be utilised by auto clubs to test vehicles and to train younger club members.

2.5 Although temporary permission for the operation of an off road karting facility was granted in 2003, the use of the track during that year was limited to test runs for noise monitoring purposes and a two day time trial event in September. The Trust has indicated that attendance at this event exceeded all expectations with over 1500 members of the public in attendance, giving a much needed boost to Trust funds. The Trust further indicates that the success of the track was also reflected by a number of businesses in the area that reported an increase in trade over the event period and that this increase proves that stimulation of economic activity in the upper Doon Valley through a visitor attraction can be achieved.

2.6 The previous consent granted for the facility was for off-road kart racing. The present application seeks to extend the types of vehicle that would use track to various types of rally cross vehicles.

3. CONSULTATIONS AND ISSUES RAISED

3.1 Dalmellington Community Council has not responded to the consultation letter at the time of writing.

Noted.

3.2 Power Systems has no adverse comments to make on the proposed development.

Noted.

3.3 East Ayrshire Council, Roads and Transportation Division has no objections subject to conditions. All parking associated with the proposal should be incorporated within the existing car parks at Dunaksin Heritage Centre.

A condition regarding the requirements of the Roads Division could be attached to any planning consent granted for the proposed development.

3.4 The Scottish Environment Protection Agency has no objections in principle to the proposals provided the drainage arrangements are to their satisfaction. Developments such as this are likely to give rise to surface water run off polluted with suspended solids churned up from the wheels of the karts. Such polluted drainage must not be allowed to discharge to any watercourse or surface water drain connected to a watercourse. In this regard any "water splash" on the course should be constructed as a closed loop system with no connection to either watercourses or drains. Any polluted drainage from the track should go to blind soakaway arrangements or to a closed loop system. From the plans it would appear that the driving course

crosses the Dunaskin Burn. Vehicles should cross the watercourse via a bridge to protect the burn habitat.

It is proposed to widen the existing bridge over Dunaskin Burn and vehicles would cross the burn via this bridge. A condition regarding the requirements of the Scottish Environment Protection Agency could be attached to any planning consent granted for the proposed development.

3.5 Historic Scotland has no comments to make on the application. However, the Scheduled Ancient Monument Consent granted in March 2002 was for a period of 1 year and has therefore now expired. HS has written to the applicant in this regard.

Noted.

3.6 West of Scotland Archaeology Service advises that no known archaeological issue is raised by the proposed development.

Noted.

3.7 East Ayrshire Economic Development Division indicates that this is an application that it would wholeheartedly support. The establishment of the track was a project that aimed to diversify and expand the facilities available at the Dunaskin Heritage Centre and therefore to assist in consolidating the operation and financial viability of the Centre. To date the rally cross project has been very successful, both in terms of attracting significant numbers of visitors who would not otherwise have come to Dunaskin and thereby it has been successful in generating revenue for the Centre.

The continuation of the project and the associated extension of the track will allow opportunities for further development, particularly in respect of events and competitions, which focus on attracting people from other areas of the country to Ayrshire. This particular facility also compliments other visitor attractions available in the Doon Valley area, such as Loch Doon itself and the Dalmellington Book Town projects.

Increased numbers of visitors in the area will also have positive benefits for other local businesses and attractions and thereby for the economy of the local area. The management at Dunaskin has evidence from other local businesses of the benefits that the two-day event brought to them.

Noted.

3.8 East Ayrshire Environmental Health and Waste Management Service advises that whilst it has no objections to the proposal in principle, there are a number of concerns in relation to the proposed activity.

(i) Two officers from the Service visited the site on Sunday 28 September 2003 during a weekend event organised to publicise the facility. While it would

be fair to say that noise levels witnessed in front of Chapel row were comparable to traffic noise on the A713, the noise levels witnessed in the upper part of Dunaskin in the direction of St. Xavier's school may be a cause for concern, as in the opinion of the officers, the noise generated by the activities may give rise to complaint, particularly if the level of activity on site is as suggested in the application. It would be fair to say that the weekend meeting in September 2003 did not, to the knowledge of the Service, generate complaints to the department.

It is the intention of the site operators to ensure that all vehicles using the track are fitted with appropriate exhaust silencer units to minimise any noise nuisance arising from the proposed development.

(ii) The Contaminated Land Officer advises that the area of the site to be used as a rally cross track was historically used as a coal yard. Limited site investigation by the CLO has indicated that there are no contaminants present that would give cause for concern. However, the CLO recommends that the track be dowsed with water prior to any racing to minimise the release of dust into the atmosphere. It is understood that this has been discussed with the applicant and that this will be done.

A condition can be attached to any consent granted for the proposed development to meet the requirements of the Environmental Health Service.

(iii) The Service suggests that further to (i) above, should consent be given, the site operators should undertake to carry out a noise monitoring programme with measurements being taken at various points surrounding the site as agreed with this Service. The Service will carry out a preliminary noise survey to ascertain background noise levels in order to provide a base reference point for comparison. Any measurements taken by the site operators should thereafter be submitted to the Planning Division for analysis.

Should the application be approved, appropriate conditions can be included on the planning permission to ensure the continued use of exhaust silencer units and to ensure that an appropriate noise monitoring scheme is agreed and implemented to meet the requirements of the Environmental Health Service.

(iv) The Service further suggests that permission be granted for a temporary period of not more than two years to determine whether or not the activity is likely to give rise to complaints of nuisance. A monitoring programme will be set up by the Service to establish ambient noise levels exhibited in the area as a result of the activity and to that end, the applicant should be required to notify this Service of any forthcoming race days/ corporate days etc.

It is considered that a temporary consent is appropriate in this instance to allow the Planning Authority to monitor any

disturbance to which the proposal may give rise. The noise monitoring scheme referred to above can include provision for the Environmental Health Service to be advised of race / corporate events.

3.9 Strathclyde Fire Brigade has no adverse comments to make on the proposed development. SFB indicates that the applicant should be informed that the premises may be subject to the Fire Precautions (Workplace) Regulations 1997 as amended, which are based on the principle of self-compliance and require that a fire risk assessment be undertaken by the employer or other relevant person.

The applicant has been advised of the comments of Strathclyde Fire Brigade.

3.10 Strathclyde Police states that during the weekend of Saturday 27 and Sunday 28 September 2003, a two-day rally cross event took place at the site. The event was organised by the Dalmellington and District Conservation Trust and attracted nearly 1500 spectators. The event was well marshalled by the organisers with ample car parking facilities at and near the venue. Traffic congestion on the adjoining A713 Ayr – Dalmellington Road was minimal with local police patrols requiring only to monitor the flow of traffic in and out of the parking facilities. Strathclyde Police has no objection to the proposed development.

Noted.

4. REPRESENTATIONS

4.1 Four letters of objection have been received with respect to the proposed development. The points of objection are summarised as follows:

4.2 We strongly object to the extra usage of the facility as it is directly opposite our small row of cottages. Days when it has been used (e.g. open days, weekend and photo shoots), the noise is extremely loud and on the day it was used for the photo shoot it was very dusty. The disturbance this development will cause is immeasurable. It was bad enough having weekends disrupted, but to now have the possibility of weekdays as well is most disturbing.

The proposals under consideration do represent a significant intensification of the use of the racetrack facility both in terms of operational days and times. It is considered however that with appropriate conditions and monitoring of noise output from the proposed development, it can be operated to acceptable environmental standards.

4.3 We were under the impression that the original application limited use to weekends only. Now it seems that usage can be any day of the week.

Times of use were limited to between 10 am and 5 pm but there is no such limitation mentioned for weekday use. We feel that this change could lead to unacceptable noise levels especially in the evenings.

The previous consent granted for the race track facility was limited to weekends only during the months of May to September, and between the hours of 10 am to 4 pm. The current application seeks to extend usage of the facility from April to October inclusive and between the hours of 10 am to 5 pm. It is the applicant's intention to only allow vehicles that would meet with acceptable environmental standards including noise levels. It is accepted however, that this represents significant intensification of the usage of the facility and that this would require to be monitored to ensure that the applicant maintains such standards. The applicant does recognise the concerns of local residents and is prepared to discuss issues of concern that may arise from the operation of the facility.

4.4 Noise levels were monitored during the open day but on this day only one car used the track at any one time. However the proposal to hold races will mean the number of cars competing with each other will greatly increase the level of noise and render any previous monitoring meaningless.

The comments of the objector are noted. However, it is considered that by ensuring that all vehicles using the track are fitted with appropriate exhaust silencers, the noise output from the vehicles should be significantly reduced. A condition can be attached to any consent granted for the proposed development to ensure that the facility is operated such that there is no significant difference between average operating noise levels and ambient sound levels as measured at potential noise sensitive locations within Waterside. In agreement with the Environmental Health Service and the Planning Authority, the applicant will require to undertake appropriate noise monitoring to ensure that noise levels fall within environmental standards.

4.5 On the open day, numerous cars were parked on the open green area opposite Dunaskin on the south side of the A713. Frequent regular use of such an area as a car park, especially in wet weather would cause a great deal of unsightly damage to this grassy area. The A713 road is a very busy road and the use of the area mentioned as a car park will surely have an impact on the safety of road users and pedestrians alike.

The comments of the objector are noted. With respect to concerns raised regarding road safety, neither Strathclyde Police nor the Roads and Transportation Division have offered any objections to the proposal.

4.6 How can the applicant apply for continued use when there is no existing planning consent? As the original planning consent had lapsed, then any further application should start at the beginning.

The original planning consent for the racetrack facility expired on 06 September 2003. However, the applicant is seeking a fresh consent to allow use of, and extension to the existing racetrack already formed on site.

4.7 When the previous temporary consent was granted, it was subject to a review for environmental impact on the local community. What has happened to this review?

The previous grant of planning consent for the racetrack was on a temporary basis only. This was to allow monitoring of the site in respect of potential noise and dust nuisance. However, due to the fact that only one actual event took place in 2003, this monitoring has been limited. Notwithstanding the comments of objectors, this event appears to have taken place without any complaints either to the Planning Authority or the Environmental Health Service. Environmental Health Officers were in attendance on one day during the course of this event and found that noise levels witnessed in front of Chapel Row were comparable to traffic noise on the A713.

It was however noted that the noise levels witnessed in the upper part of Dunaskin in the direction of St. Xavier's school may be a cause for concern, as in the opinion of the officers, the noise generated by the activities may give rise to complaint, particularly if the level of activity on site is as suggested in the application.

If consent is granted for the proposed development, then this should also be on a temporary basis to allow for appropriate monitoring of the facility. Appropriate conditions can be included on the planning permission to ensure the continued use of exhaust silencer units and to ensure that an appropriate noise monitoring scheme is agreed and implemented to meet the requirements of the Environmental Health Service.

4.8 The proposed development lies within a designated Conservation Area. The Council has a general duty as respects conservation areas in exercise of planning functions – i.e. special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area. How can the Council possibly show that piles of rubble and old tyres can enhance the character or the appearance of the area.

The major part of the racetrack has already been formed. Given the current condition of the site, which comprised despoiled land and marshy grassland, and the relatively minor works proposed as part of the extension to the existing track, it is not considered

that the proposals would have an adverse impact on visual amenity or significantly alter the landscape character of the Conservation Area. The establishment of the track was a project that aimed to diversify and expand the facilities available at the Dunaskin Heritage Centre and therefore to assist in consolidating the operation and financial viability of the Centre and furthering the interests of conserving built heritage.

4.9 As East Ayrshire Council and a local councillor have publicly stated that they fully support this development, planning consent will be granted, paying 'lip service' to planning regulations and with scant consideration for the views and interests of local residents.

The present application requires to be considered on its merits in accordance with the development plan and other material considerations including representations received.

4.10 Objection is made on the grounds of increased volume of traffic on an already busy road.

Neither Strathclyde Police nor the Roads and Transportation Division have offered any objections to the proposal on road safety grounds.

4.11 When the racetrack had its open day we were unable to open our front windows due to the smell of fumes and dust which were being created from the track. As a sufferer of severe bronchial asthma this proposal would have an extremely detrimental effect on my health and quality of life. We have a baby and we were unable to sit her outside as we normally do and this will only be compounded in the summer months.

Notwithstanding the comments of the objector, it is noted that neither the planning Authority nor the Environmental Health Service are aware of any specific complaints made regarding the operation of the racetrack during the open days. It is considered however that with appropriate conditions and monitoring of noise output from the proposed development, it can be operated to acceptable environmental standards.

4.12 We would also draw your attention to the parking problem, which was created on this day. The ground opposite the Heritage centre was fully occupied with visitor's cars, therefore creating an additional car park on recreational ground that is supposed to be used for recreational purposes. I was unaware that over a hundred cars parked on recreational ground did not need planning permission, suitable exits and for health and safety not to be informed. It was impossible to gain access to this public amenity, thereby surely infringing on rights as a Council Tax payer.

The area of land to which the objector is referring is not a formal area of public open space. It is identified in the East Ayrshire

Local Plan as Development Opportunity site for new industrial development. It was used as a temporary over spill car park on the open days. As intimated by Strathclyde Police the event was well marshalled by the organisers with ample car parking facilities at and near the venue. Traffic congestion on the adjoining A713 Ayr – Dalmellington Road was minimal with local police patrols requiring only to monitor the flow of traffic in and out of the parking facilities.

4.13 Previously the track was to be used for off-road karting and now it is for rally cross vehicles; this covers a very wide and non-specific type of vehicle. The previous health and safety issues were based on karts of a specific engine size and noise blanketing. Therefore it is purely speculative that noise, pollution and health and safety levels will be the same as last year. Details of predicted noise and dust pollution levels, details of who will be providing health and safety, predicted visitor numbers and car parking arrangements should be provided.

It is recognised that the present proposals represent a significant intensification of usage of the racetrack. However, it is considered that by ensuring that all vehicles using the track are fitted with appropriate exhaust silencers, the noise output from the vehicles should be significantly reduced. A condition can be attached to any consent granted for the proposed development to ensure that the facility is operated such that there is no significant difference between average operating noise levels and ambient sound levels as measured at potential noise sensitive locations within Waterside. In agreement with the Environmental Health Service and the Planning Authority, the applicant will require to undertake appropriate noise monitoring to ensure that noise levels fall within environmental standards.

With respect to health and safety matters, it is for the applicant to ensure that the operational conduct of the site meets with health and safety requirements for such events.

4.14 As a resident of Chapel Row considering the racetrack will only be approximately 60 ft. from my place of dwelling, who will be liable if my health was to suffer and deteriorate due to this venture. Would it if proven to be a detrimental effect to my health be infringing on my human rights?

The Planning Authority is required to make decisions on proposed developments in accordance with the development plan taking into account all other material considerations. It is not for the planning system to make judgements on issues of health but rather to minimise potential risks to human health. The planning system by its very nature respects the rights of the individual whilst acting in the interests of the wider community.

5. DEVELOPMENT PLAN STATUS

5.1 Sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997 require that planning applications be determined in accordance with the development plan unless material considerations indicate otherwise. For the purposes of this application, the development plan comprises the Approved Ayrshire Joint Structure Plan (1999) and the Adopted East Ayrshire Local Plan (2003).

Ayrshire Joint Structure Plan

5.2 Policy W5 states that the three Ayrshire Councils shall encourage development to increase the range and improve the quality of facilities, attractions and experiences for tourists and day visitors subject to other relevant policies in the Structure Plan and Local Plans

It is considered that the proposed development is consistent with Policy W5.

5.3 Policy E20 states that development proposals considered to have an adverse effect on heritage resources shall not conform to the Structure Plan i.e. listed buildings of architectural and historic interest, designated conservation areas, historic gardens and designed landscapes and archaeological locations. Policy E21 further indicates that development proposals considered to have an adverse effect on the Upper Doon Valley archaeological landscape shall not conform to the Structure Plan.

Waterside is designated as an Outstanding Conservation Area because of its industrial archaeological importance. Furthermore, the site forms part of the former Ironworks site that has been designated by the Scottish Executive as a Scheduled Ancient Monument. Historic Scotland is satisfied that the works can be carried out without detriment to the historic, archaeological or architectural integrity of the monument. The West of Scotland Archaeology Service has not raised any objections to the proposed development. It is therefore also considered that neither the integrity of the conservation area nor the archaeological landscape will be significantly adversely affected. The proposed racetrack would therefore comply with the provisions of Policies E20 and E21.

East Ayrshire Local Plan

5.3 Part of the site (approximately 60%) is located within the settlement boundary of Waterside, with the other part being located within the Rural Diversification Area. The site is affected by Tourism, Leisure and Recreation Policy TLR10 which states that the Council will assess all applications for commercial leisure developments against the relevant policies as contained in the Retailing and Town Centre section of the Local Plan. Commercial Leisure Developments specifically geared towards rural leisure and recreation may be

considered acceptable to the Council where they can be justified against all of the following criteria:

- (i) there is a site specific locational need;

The applicant has provided no justification in terms of locational need. However, the greater part of the racetrack has already been formed.

- (ii) there is no adverse impact on the visual amenity, landscape character or scenic quality of the area concerned;

The majority of the proposed track has already been formed. Given the current condition of the site, which comprises despoiled land and marshy grassland, and the relatively minor works proposed as part of the extension to the existing track, it is not considered that the proposals would have an adverse impact on visual amenity or significantly alter the landscape character of the area.

- (iii) there is no adverse impact on areas of natural or built heritage resources requiring conservation; and

In terms of the impact on the built heritage, the proposal would have no impact on the existing buildings which formed part of the former ironworks.

- (iv) the proposal can be fully justified in terms of infrastructure, provision of services, access and car parking provision.

No objections have been received from statutory consultees.

6. ASSESSMENT AGAINST OTHER MATERIAL CONSIDERATIONS

6.1 The other principal material considerations relevant to the determination of the application are National Planning Policy Guideline 11, Sport, Physical Recreation and Open Space (NPPG11), Planning Advice Note 56, Planning and Noise (PAN56), consultation responses, letters of representation and the planning history of the site.

National Planning Policy Guideline 11: Sport, Physical Recreation and Open Space

6.2 NPPG 11 outlines Government Policy on Sport, Physical Recreation and Open Space. Paragraphs 78 and 79 outline specific advice with regard to motorsports and indicate that a positive attitude to making provision for motorsports should help to locate them where issues such as noise and dust, traffic generation, disturbance of wildlife and livestock and in some cases soil

erosion, can be properly addressed. Suitable sites can often be found; they could include degraded land, former mineral sites or set-aside farming land. They may be adjacent to an existing source of noise such as a main road, or in locations screened by banks and trees.

The site comprised a large area of degraded land that has not been used for a number of years. The development would therefore bring an area of disused land back into use. There are no issues with regard to traffic generation and disturbance of wildlife. Furthermore, whilst it is acknowledged that the site is located some 55 metres from a small group of residential properties, these properties have a frontage to the main A713 public road and the conditions regarding noise and dust can be imposed on any planning consent. Notwithstanding this, it is considered that a temporary consent would be appropriate in this instance given the concerns raised by the Environmental Health Service. This would enable the Planning Authority to assess the effect of the development on the area.

Planning Advice Note 56: Planning and Noise

6.3 PAN56 provides advice on good practice with regard to planning and noise. Paragraph 42 provides advice on Noise from Recreational and Sporting Activities and indicates that the impact of noise from sport, recreational and entertainment will often depend on frequency of use and design of facilities. For these activities, the planning authority will have to take account of how frequently the noise will be generated and how disturbing it will be. Depending on local circumstances and public opinion, it may be reasonable to permit higher noise levels than for other types of development, subject to a limit on the hours of use, and the control of noise during unsociable hours.

Of the six dwellings located at Chapel Row, the residents of three have objected on noise grounds. It is considered that conditions could be imposed on any planning consent that would control noise levels. Notwithstanding this, it is considered that a temporary consent would be appropriate. This would enable the Planning Authority to assess the effect of the development on the area.

Consultation Responses

6.4 No consultation responses have been received that would indicate refusal of the application.

Representations

6.5 Objections with regard to affect of the development on Waterside and Dunaskin Conservation Area have not been echoed by Historic Scotland.

Concerns regarding dust and the noise implications of the development on nearby residents and users of the countryside could be addressed by the imposition of conditions on any planning consent.

Planning History

6.6 Planning permission for the development of a racetrack for off-road kart racing at Dunaskin Heritage Centre was granted for on 06 September 2002 (Ref. No. 02/0065/FL). This consent expired on 06 September 2003.

7. FINANCIAL AND LEGAL IMPLICATIONS

7.1 There are no financial or legal implications for the Council in the determination of this application.

Noted.

8. CONCLUSIONS

8.1 As is indicated in Section 5 of the report, the application is considered to be in accordance with the development plan. Therefore, given the terms of Section 25 and Section 37(2) of the Town and Country Planning (Scotland) Act 1997, the application should be approved unless material considerations indicate otherwise. As is indicated at Section 6 of the report, there are material considerations relevant to this application, however it is considered that these are generally supportive of the application.

8.2 In terms of the use of the site for rally cross vehicles, the development is considered to be consistent with the policy provisions of the EALP. The noise implications of the development and the impact on the residential amenity of nearby residents are material considerations in the determination of the application. The Environmental Health Service has indicated that it has some concerns regarding potential noise impacts arising from the facility. Environmental Health is also of the view that any dust arising from the operation of the track could be controlled through the use of an appropriate scheme.

8.3 In terms of the previous grant of planning consent for the racetrack, it is considered that there were insufficient opportunities for appropriate monitoring and assessment of potential noise and dust nuisance or to assess the effectiveness of mitigation measures. It is recognised also that the scope of usage of the facility has widened to accommodate a range of vehicles and that consent is now sought for more intensive use of the facility.

8.4 However, it considered that amenity of nearby residents could still be maintained by the imposition of conditions. Notwithstanding this, it is considered that in order for the Planning Authority to be able to assess the impact of the development on the surrounding area, a temporary consent for

one year should be granted. This will enable the Planning Authority, in conjunction with Environmental Health, to monitor the development and allow the impact of the activities to be assessed under full working conditions.

9. RECOMMENDATION

9.1 It is recommended that the application be approved subject to the conditions listed on the attached sheet.

CONTRARY DECISION NOTE

Should the Committee agree that the application be refused contrary to the recommendation of the Head of Planning and Building Control, the application would not require to be referred to the Development Services Committee as it would not be a significant departure from the East Ayrshire Local Plan.

Alan Neish
Head of Planning and Building Control

16 February 2004
HM/HM

LIST OF BACKGROUND PAPERS

1. Application form and plans.
2. Statutory notices/certificates.
3. Consultation responses.
4. Letters of Representation.
5. Approved Ayrshire Joint Structure Plan (1999).
6. Adopted East Ayrshire Local Plan (2003).
7. NPPG 11: Sport, Physical Recreation and Open Space
8. PAN 56: Planning and Noise
9. Previous application 02/0065/FL

Any person wishing to inspect the background papers listed above, should contact Mr. Hugh Melvin on 01563 555481.

Implementation Officer: Dave Morris

Location	Dunaskin Heritage Centre Dalmellington Road Waterside Patna
Nature of Proposal:	Proposed continued use of track for rally cross vehicles and formation of extension to existing track
Name and Address of Applicant:	Dalmellington & District Conservation Trust Dalmellington Road Waterside Patna KA6 7JF
Name and Address of Agent	N/A

DPO's Ref: []
PPO's Ref: [Hugh Melvin]

The above **FULL** application should approved subject to the following conditions:

1. Permission is granted for a limited period of one year from the date hereof, and the use shall be discontinued and the land restored to its former condition in accordance with a scheme to be agreed by the Planning Authority, at the expiration of this period unless a further permission is granted.

REASON – To enable the Planning Authority to review the situation in the interests of residential amenity.

2. The use hereby approved shall be carried out only between the hours of 10:00 and 17:00 Monday to Sunday inclusive.

REASON – In the interests of residential and environmental amenity.

3. Whilst in use for the purposes of racing or test running, all vehicles using the track shall be fitted with appropriate exhaust silencer units. These shall be effective in reducing the noise output from the vehicles, to the satisfaction of the Planning Authority, and the Environmental Health Authority, such that there is no significant difference between average operating noise levels and ambient sound levels as measured at Chapel Row or other noise sensitive properties within Waterside.

REASON – In the interests of residential and environmental amenity.

4. Prior to the commencement of the use hereby approved, the applicant shall submit to, and have approved by the Planning Authority, in consultation with the Environmental Health Authority, details of a noise-monitoring scheme for the proposed development. The applicant shall submit the results of this noise monitoring to the Planning Authority following monitoring.

REASON – In the interests of residential and environmental amenity.

5. Notwithstanding any specification on the approved plans or application form, a scheme to minimise the effects of dust rising from the site, shall be submitted to and approved by the Planning Authority prior to the commencement of the use hereby approved. Thereafter, the scheme shall be effectively implemented to the satisfaction of the Planning Authority and the Environmental Health Authority.

REASON – In the interests of residential and environmental amenity.

6. Notwithstanding any specification on the approved plans or application form, all car parking associated with the proposed use shall be incorporated within the existing car parks at the Heritage Centre.

REASON – In the interests of public road safety.

7. Notwithstanding any specification on the approved plans or application form, any “water splash” within the site shall be constructed as part of a closed loop system and shall not connect to any watercourse or drain.

REASON – In the interests of environmental amenity.

8. Notwithstanding any specification on the approved plans or application form, details of the design and location of any fences, walls or other means of enclosure (other than proposed tyre barriers) to be erected on the site, shall be submitted to and approved by the Planning Authority prior to the commencement of the use hereby approved.

REASON – In the interests of visual amenity.

NOTES TO APPLICANT

1. The applicant is advised to contact the Scottish Environment Protection Agency, 31 Miller Road, Ayr with regard to drainage issues.
2. The applicant is advised to contact East Ayrshire Council, Environmental Health and Waste Management Service, Western Road, Kilmarnock, with regard to the discharge of Condition 4 of the planning permission.

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