

## **EAST AYRSHIRE COUNCIL**

**SOUTHERN LOCAL PLANNING COMMITTEE: 06 SEPTEMBER 2002**

**02/0065/FL: PROPOSED DEVELOPMENT OF RACE TRACK FOR OFF-ROAD KART RACING 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 proposed development of a racetrack for off-road kart racing. The track would be utilised by a racing club and would be used by its members at the weekends. It is proposed to race the karts between 10.00 am and 4.00pm on Sundays with 4 or 5 karts participating in each race. The track may also be used for practice on Saturdays. Racing will take place during the summer months only. The general public would not be able to utilise the track, but would be able to spectate.

1.2 Whilst part of the site already consists of a hardstanding, other parts of the track would be formed by importing Type 1 infill material to form ramps and by removing existing scrub. Safety barriers and run-off areas would be formed within two areas of the track. The safety barriers would consist of large tyres banded together in sets of four. The existing bridge across the Dunaskin Burn, which comprises a steel pipe encased in concrete, will be widened by importing concrete and stone over the full length of the pipe.

#### **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 kart racing, the development is 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. Environmental Health is of the opinion that provided the exhaust silencers, which have been fitted to the karts, are retained, the noise levels from the karts will not be significantly higher than the existing ambient sound levels. 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. In this regard, it is considered that the amenity of nearby residents could 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.

3.3. In terms of the letters of objection, concerns regarding impact on habitats and wildlife have not been echoed by Scottish Natural Heritage and the Scottish Wildlife Trust. With regards to the effect of the development on the conservation area, the site comprises former coal stocking land the development will have a minimal visual impact. No excavation works will be undertaken and Historic Scotland has indicated that the development can be carried out without detriment to the historic, archaeological or architectural integrity of the scheduled monument. The objections in respect of noise have not been substantiated by the Environmental Health Service.

## **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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**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 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.

2.2 **Proposed Development:** Full planning permission is sought for the proposed development of a racetrack for off-road kart racing. The track would be utilised by a racing club and would be used by its members at the weekends. It is proposed to race the karts between 10.00 am and 4.00pm on Sundays with 4 or 5 karts participating in each race. The track may also be used for practice on Saturdays. Racing will take place during the summer months only. The general public would not be able to utilise the track, but would be able to spectate.

2.3 Whilst part of the site already consists of a hardstanding, other parts of the track would be formed by importing Type 1 infill material to form ramps and by removing existing scrub. Safety barriers and run-off areas would be formed within two areas of the track. The safety barriers would consist of large tyres banded together in sets of four. The existing bridge across the Dunaskin Burn, which comprises a steel pipe encased in concrete, will be widened by importing concrete and stone over the full length of the pipe.

### 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 Scottish Water, Scottish Power and the Coal Authority have 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 Dunaksin 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 indicates that the Scottish Ministers are satisfied that the works can be carried out without detriment to the historic, archaeological or architectural integrity of the ancient monument. The Scottish Ministers have granted scheduled monument consent for a period of one year only, starting on the date of the first race. Consent is granted subject to conditions. No excavation shall be permitted, especially in constructing the ramps. The ramps shall be constructed of inert, imported material, and are to be reversible and to be removed by Dalmellington and District Conservation

Trust once the life of the track is over. Areas of exposed brick hardstanding will be protected by grading imported material over these to a depth of about 100mm. Consent is for a period of one year only, starting from the date of the first race. At the end of the first year of the use of the track, Dalmellington and District Conservation Trust will arrange a site meeting with the Area Inspector of Ancient Monuments.

***Noted.***

3.6 West of Scotland Archaeology Service advises that as scheduled monument consent for the proposal has been granted, they do not consider that it raises any archaeological issues which the council needs to consider, as this will have been covered by Historic Scotland under the terms of the scheduled monument consent.

***Noted.***

3.7 The Scottish Wildlife Trust indicates that Dunaskin Ironworks was confirmed as a Wildlife Site in November 2001 and it is important for habitat and species diversity. The latter is mainly botanical and includes many notable plants. The aforementioned interest is a function of the post-industrial substrates and instability, hence the value of much of the site relies on change. The route of the kart track concentrates on bare ground and ephemeral plant communities. Disturbance is acceptable. The east end of the route crosses some marshy grassland and there would need to be some construction work here. All the marshy grassland might be lost, however it is species poor as is its contribution to the wildlife value of the site in terms of habitat diversity. Small areas of native woodland would be removed but recent planting elsewhere on the site offsets this. Disturbance/displacement of birds is considered to be a minor issue. They do not therefore object to the development.

***Noted.***

3.8 Scottish Natural Heritage advises that they have no objection to the development as currently proposed. The proposal would require the removal of one mature tree for the construction of the track and another in poor condition would require to be felled for safety precautions. The development will also require the removal of some scrub vegetation. SNH does not consider that the loss of this vegetation will have a significant adverse impact on the natural heritage. The site is in close proximity to Dunaskin Glen SSSI that is designated for its geological interest. The proposal would not have an adverse impact on this site. The visual impact of the proposal is considered to be low as existing trees and scrub vegetation will screen the track adequately from the north east and the general topography of the area would not result in the track being significantly visible from the road.

***Noted.***

3.9 East Ayrshire Council, Environmental Health and Waste Management Service advises that an officer of the Service visited the site to undertake a number of sound level tests. The Service states that when the karts were fitted with exhaust silencer units, the noise from the karts was not significantly higher than the ambient sound levels. Indeed, the maximum sound level recorded was from a commercial vehicle passing the site on the adjacent Patna to Dalmellington road. The Service states that it would therefore have no justification to object to the proposal on noise grounds. The Service's Contaminated Land Officer also visited the site. A number of soil samples were taken and sent to the laboratory for analysis. Whilst the results confirmed the previous industrial use of the site, no contaminants were found at levels that would give cause for alarm. In particular, no asbestos was found, for which there is no "safe level". The Service also advises that a scheme to control dust arising from the wheels of the karts (possibly dampening the track) should be agreed and implemented as part of the proposal.

***Should the application be approved, appropriate conditions can be included on the planning permission to ensure the continued use of the exhaust silencer units and to ensure that a scheme is agreed and implemented to limit any dust created by the operation of the track. Furthermore, 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.***

#### 4. REPRESENTATIONS

4.1 Four letters of objection have been received. These are summarised as follows:

4.2 The site forms part of a conservation area that is designated as outstanding, and the proposed development would be totally contrary and detrimental to the objectives of such a conservation area.

***The Outstanding Conservation Area at Waterside is designated because of its industrial archaeological importance. It is considered that the proposed racetrack would not have an adverse affect on the industrial character or archaeological integrity of the site. Historic Scotland and West of Scotland Archaeological Service have raised no objections to the development.***

4.3 The site is in the vicinity of a Site of Special Scientific Interest and again the proposed development would be totally contrary to the objectives of such an area.

***The site is located in close proximity to Dunaskin Glen SSSI which is designated for its geological interest. Scottish Natural***

***Heritage has advised that the proposed development would not have an adverse impact on this site.***

4.4 The accompanying noise and air pollution caused by the vehicles would have a detrimental effect on the amenity of the adjoining area. There would be general disturbance to the surrounding area, not only by reason of noise, exhaust fumes, dust etc. but increased traffic volume which would have a detrimental effect on road safety in the area. The amenity and general ambience of the conservation area, including the walkways would be totally destroyed by the proposal. Property values would also be affected and there would be an increase of litter in the area.

***See response to paragraph 3.9 of the report that indicates that noise and dust pollution can be controlled by the use of conditions on any planning permission granted. Property values are not a material planning consideration.***

4.5 The noise and pollution would have a totally detrimental effect on the wildlife in the area, including specific endangered species. The dust in dry weather could also damage wildlife and plant life, including protected plant species.

***The Scottish Wildlife Trust and Scottish Natural Heritage have raised no objections to the proposed development.***

4.6 The area in question, due to its outstanding conservation and natural beauty has been used and advertised by Dunaskin Heritage Centre for a number of years for its walks and natural attractions. The locals and nearby residents have been using the walkways through Dunaskin to access Dunaskin Conservation Area and glen. The destruction of this area would be of little benefit to the surrounding villages and residents as the proposed development will only be geared towards the group in question and not the general public.

***Whilst it is acknowledged that members of the public will be unable to utilise the race track, they will be able to spectate. The applicant, Dalmellington and District Conservation Trust has stated that the application is based on the need of the Trust to expand its visitor attraction base. It is hoped that visitors to the racetrack shall also utilise the other facilities on offer at Dunaskin Heritage Centre.***

***The majority of walks at Dunaskin are located to the north of the site and would be not be directly affected by the development. It is however acknowledged that members of the public utilising the paths nearby the site would hear the karts racing. Notwithstanding this, the site is located within an area where increased levels of noise and activity from the A713 already exist. Furthermore, the track would only be utilised at weekends during the summer months. It is not therefore considered that the effect***

***of the development on other users of the area is significant enough to warrant refusal of the application.***

4.7 They understand that there is a public right of way through the site. How will this be affected by the use of the track?

***There is a public right of way to the north of the site. It does not however run through the site and would not be affected by the proposed development.***

## **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 Dalmellington, Patna and Dalrymple Local Plan, (1989). The Adopted Plan was prepared within the context of the then approved Strathclyde Structure Plan.

5.2 Notwithstanding the age of the Adopted Local Plan, the proposal would fall to be considered against relevant townscape policies. Townscape Policy 48 states that within Waterside Conservation Area, the Council will adopt a strict code of development control to ensure that further developments will not adversely affect the character of these areas. Furthermore Policy 50 states that there will be a presumption against alterations or additions which adversely affect the character of designated conservation areas.

***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, and has already granted scheduled monument consent for a period of one year from the date of the first race. It is therefore also considered that the integrity of the conservation area will not be affected. The proposed racetrack would therefore comply with the policy provisions of Adopted Local Plan.***

## **6. ASSESSMENT AGAINST OTHER MATERIAL CONSIDERATIONS**

6.1 The other principal material considerations relevant to the determination of the application are the East Ayrshire Local Plan, Finalised Version with Modifications (2001), National Planning Policy Guideline 11, Sport, Physical Recreation and Open Space (NPGG11), Planning Advice

Note 56, Planning and Noise (PAN56), consultation responses and letters of representation.

### East Ayrshire Local Plan

6.2 The Adopted Local Plan is considerably out of date and therefore it is considered appropriate that greater weight should be attached to more recent expressions of policy. The Council has agreed that the East Ayrshire Local Plan, (Finalised Version with Modifications) (EALP) should be considered as a prime material consideration. 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.

6.3 Policy TLR10 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;

***No justification in terms of locational need has been provided by the applicant.***

- (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 already consists of hardstanding. The only changes to the existing landscape will be the formation of the easternmost part of the track and the formation of four ramps (which will be formed by importing Type 1 infill material), the alterations to the bridge, and the siting of tyres within three areas of the track. Given the current condition of the site, which comprises despoiled land and marshy grassland, and the relatively minor works proposed, 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. Furthermore, scheduled monument consent (for a period of one year) has been granted by Historic Scotland.***

- (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.***

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

6.4 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. This would enable the planning authority assess the effect of the development on the area.***

Planning Advice Note 56: Planning and Noise

6.5 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

6.6 No consultation responses would indicate refusal of the application.

## Representations

6.7 Objections with regard to affect of the development on conservation area have not been echoed by Historic Scotland. Furthermore, concerns regarding the affect of the development on wildlife and designated sites have not been echoed by Scottish Natural Heritage or the Scottish Wildlife Trust. 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.

## **7. FINANCIAL AND LEGAL IMPLICATIONS**

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

## **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 kart racing, the development is 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. Environmental Health is of the opinion that provided the exhaust silencers, which have been fitted to the karts, are retained, the noise levels from the karts will not be significantly higher than the existing ambient sound levels. 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. In this regard, it considered that amenity of nearby residents could 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.

8.3. In terms of the letters of objection, concerns regarding impact on habitats and wildlife have not been echoed by Scottish Natural Heritage and the Scottish Wildlife Trust. With regards to the affect of the development on the conservation area, the site comprises former coal stocking land the development will have a minimal visual impact. No excavation works will be undertaken and Historic Scotland has indicated that the development can be carried out without detriment to the historic, archaeological or architectural integrity of the scheduled monument. The objections in respect of noise have not been substantiated by the Environmental Health Service.

## **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

27 August 2002  
VE/VE  
FV/DVM

### **LIST OF BACKGROUND PAPERS**

1. Application form and plans.
2. Statutory notices/certificates.
3. Consultation responses.
4. Letters of Representation.
5. Adopted Dalmellington, Patna & Dalrymple Local Plan (1989)
6. Approved Ayrshire Joint Structure Plan (1999).
7. East Ayrshire Local Plan, Finalised Version with Modifications (2001).
8. Approved Strathclyde Structure Plan (1984)

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

**Implementation Officer: Dave Morris**



Application no: 02/0065/FL

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Location	Dunaskin Heritage Centre Dalmellington Road Waterside Patna
Nature of Proposal:	Proposed development of race track for off-road kart racing
Name and Address of Applicant:	Dalmellington & District Conservation Trust Dalmellington Road Waterside Patna KA6 7JF
Name and Address of Agent	N/A

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DPO's Ref: [Vivien Emery ]  
PPO's Ref: [ ]

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 16:00 on Saturdays and Sundays and at no time on Mondays to Fridays.

REASON – In the interests of residential and environmental amenity.

3. Whilst in use for the purposes of racing or test running, the karts 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

REASON – In the interests of residential and environmental amenity.

4. 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.

5. 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.

6. 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.

7. 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 the 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.

➤ **NOTE 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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**AGENDA**