
Permanent Change of Use of car park land to the sale of plant and machinery by auction with up to 5 auctions per annum

**Report Item No
A3**

**Donington Park Race Circuit Donington Park Castle
Donington Derby Derby DE74 2RP**

**Application Reference
14/00967/FULM**

**Applicant:
Donington Park Racing Ltd**

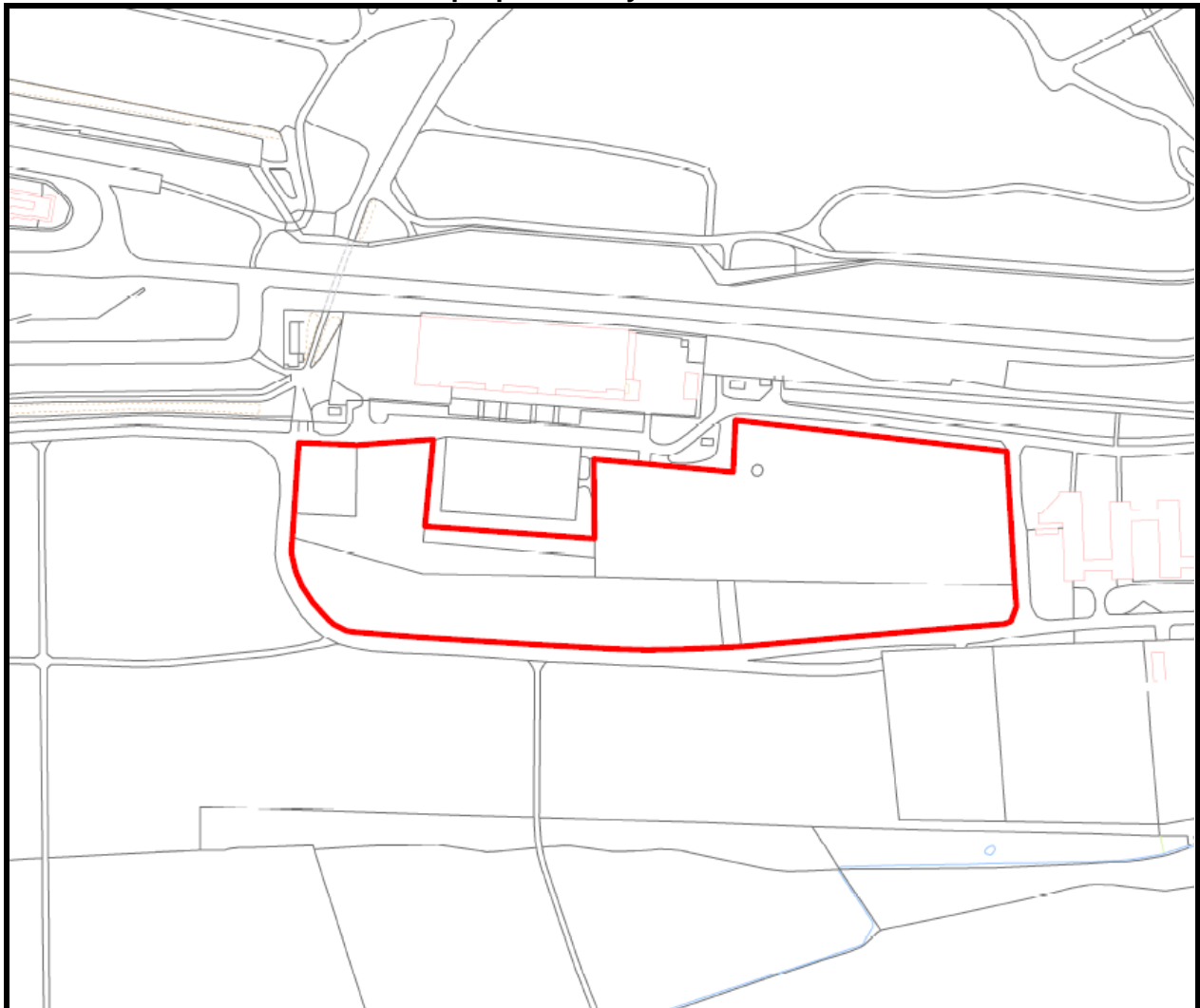
**Date Registered
24 October 2014**

**Case Officer:
James Knightley**

**Target Decision Date
23 January 2015**

**Recommendation:
PERMIT Subject to a Section 106 Agreement**

Site Location - Plan for indicative purposes only



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Executive Summary of Proposals and Recommendation

Proposal

This application seeks planning permission for the change of use of a site within the Donington Park complex of 4.87ha to use for the sale of plant and machinery by auction.

It is intended to hold five auctions per year. Each auction would be for one or two days only, but a total period of eight weeks per auction would be required with plant and machinery being brought onto and off the site. In addition, an area of permanent storage of plant and machinery is also proposed (i.e. for use at all times, not just in connection with auction events).

Consultations

Members will see from the main report below that objections have been received in respect of the proposals, and including from Castle Donington Parish Council. No objections are raised by other statutory consultees.

Planning Policy

The application site lies outside Limits to Development as defined in the adopted North West Leicestershire Local Plan. Also material to the determination of the application, however, is the need to consider whether the proposals would, overall, constitute sustainable development in the context of the National Planning Policy Framework (NPPF).

Conclusion

The report below indicates that, whilst the use has some visual impacts on the surrounding countryside site, having regard to the good standard of public transport serving the site, and the other positive contributions to sustainable development overall, subject to some additional strategic landscaping being provided to assist in reducing the wider visual impact, the proposals would be acceptable.

RECOMMENDATION:-

PERMIT, SUBJECT TO SECTION 106 OBLIGATIONS, AND SUBJECT TO THE IMPOSITION OF CONDITIONS

Members are advised that the above is a summary of the proposals and key issues contained in the main report below which provides full details of all consultation responses, planning policies and the Officer's assessment, and Members are advised that this summary should be read in conjunction with the detailed report.

MAIN REPORT

1. Proposals and Background

This application is for the change of use of land within the Donington Park complex (and including an existing car park) to use for the sale of plant and machinery by auction. The proposed use would appear to be a sui generis use.

The site area is 4.87ha in size, and is located to the southern side of the existing motor racing circuit. Part of the site was previously used as car parking / vehicle storage associated with an approved vehicle auctions use of the site's exhibition centre dating from a planning permission granted in 2001 (ref. 99/00764/FUL). By 2008, the vehicle auction use had ceased, and planning permission granted for the use of the site (together with a separate area to the west of the Melbourne Loop) as general car parking, limited to use by persons visiting or working at the circuit, and for use by vehicles not exceeding 3,000kg (unladen weight) (ref. 08/00086/FULM).

Planning permission was first granted for the use of the site for plant and machinery auctions in February 2012, subject to a maximum number of four events per year and on a temporary (five year) basis (ref. 11/00204/FULM); a subsequent Section 73 planning permission amending one of the conditions relating to storage of goods was approved in October 2013 (ref. 13/00118/VCIM). In June 2014 planning permission was granted for amended proposals (ref. 13/00941/FULM), allowing for the use to take place on five occasions per year (but, again, for a temporary period only, expiring in February 2017).

The current application seeks permission for the use (and based on five events per year) on a permanent basis. Insofar as the five annual events are concerned, whilst each auction itself would be for one or two days only, a total period of eight weeks per auction would be required with plant and machinery being brought onto and off the site (i.e. four weeks prior to the auction, and four weeks afterwards). The applicants' supporting statement advises that the majority of plant arrives and leaves within a period of three weeks either side of the auction itself, and that "for each auction the majority of the use will be concentrated for a period of two weeks either side of the auction day". In addition, permission is sought for the storage of some items to be stored on site on a permanent (i.e. 365 days per year) basis; the eastern end of the application site is proposed to be designated for this purpose (2.2ha approx).

The application is referred to Planning Committee for a decision at the request of Councillor Saffell.

2. Publicity

5 no. neighbours have been notified (Date of last notification 6 November 2014)

Press Notice published 12 November 2014

Site Notice published 06 November 2014

3. Consultations

Castle Donington Parish Council consulted 6 November 2014
 Isley cum Langley Parish Meeting consulted 6 November 2014
 County Highway Authority consulted 6 November 2014
 Head of Environmental Protection consulted 6 November 2014
 Airport Safeguarding consulted 6 November 2014
 Highways Agency- affecting trunk road consulted 6 November 2014

WARD MEMBER (delegated)2 consulted 8 January 2015

4. Summary of Representations Received

Castle Donington Parish Council objects on the following grounds:

- Not related to motor racing as required under Parish Council / District Council policy
- Area is designated as countryside
- Large yellow plant can be seen from a number of locations
- HGV vehicles have damaged kerbs and grass verges when accessing the site

Highways Agency has no objections

Leicestershire County Council Highway Authority has no objections subject to conditions and Section 106 obligations

North West Leicestershire District Council Environmental Health has no objections

Third Party representations

One representation has been received, objecting on the following grounds:

- A firm policy of not allowing developments at the circuit not associated with motor racing should be followed
- If permanent permission is granted, will set a precedent for permitting almost any industrial development on circuit land
- Is aware of complaints being made regarding noise from reversing beepers from machinery being moved around the site

5. Relevant Planning Policy

National Policies

National Planning Policy Framework

The NPPF (Paragraph 215) indicates that due weight should be given to relevant policies in existing development plans adopted before 2004 according to their degree of consistency with the Framework. The closer the policies in the development plan to the policies in the Framework, the greater weight they may be given.

Save where stated otherwise, the policies of the North West Leicestershire Local Plan as listed in the relevant section below are consistent with the policies in the NPPF and, save where indicated otherwise within the assessment below, should be afforded weight in the determination of this application.

The following sections of the NPPF are considered relevant to the determination of this application:

Paragraph 14 (Presumption in favour of sustainable development)

Paragraph 28 (Supporting a prosperous rural economy)

Paragraph 34 (Promoting sustainable transport)

North West Leicestershire Local Plan

The site is outside Limits to Development as defined in the adopted North West Leicestershire Local Plan. Whilst part of the wider Donington Park complex is also subject to Policy L20, the application site appears to fall outside of this area as defined on the adopted Local Plan Proposals Maps. The following Local Plan policies are relevant to this application:

Policy S3 - Countryside

Policy E4 - Design

Policy T3 - Highway Standards

6. Assessment

Insofar as the principle of development is concerned, and in accordance with the provisions of Section 38(6) of the Planning and Compulsory Purchase Act 2004, the starting point for the determination of the application is the Development Plan which, in this instance, includes the adopted North West Leicestershire Local Plan (2002 (as amended)).

In terms of the adopted North West Leicestershire Local Plan, the site is outside Limits to Development. Policy S3 sets out the circumstances in which development will be permitted outside Limits to Development; the development proposed would not meet the criteria for development in the countryside, and approval would therefore be contrary to the provisions of Policy S3. Notwithstanding the countryside location, and whilst the proposals would be contrary to the adopted Development Plan, in determining the application, regard must be had to other material considerations, including other policies, such as other Development Plan policies and National policies.

At the time that the original temporary planning permission was granted, the final version of the NPPF had not as of yet been published, and the application was assessed against a number of former National policies, including PPS 4, PPS 7 and PPG 13, along with the then draft NPPF and the former East Midlands Regional Plan. Whilst the application was permitted, in approving the application the Local Planning Authority noted as follows in its formal reasons for approval:

The site is outside Limits to Development as defined in the North West Leicestershire Local Plan; Local Plan Policy S3 sets out the circumstances in which development will be permitted outside Limits to Development. The use of the site on a permanent basis for the purposes proposed would represent unnecessary and inappropriate development within the countryside, potentially with a significant visual impact, contrary to the provisions of Local Plan Policy S3, and to the detriment of the character of the countryside within which the site is located. Furthermore, the site is not particularly well served by public transport, with the result that the majority of users of the facility would be likely to access the site by private car. However, the Local Planning Authority recognises the importance that Donington Park plays in the local economy, and the current financial difficulties being experienced by its operators. Having regard to the temporary nature of the proposals, and the manner in which they would contribute to the continued operation of Donington Park as a motor racing venue, the Local Planning Authority considers that, as a temporary expedient, the harm caused to the interests above would be outweighed by the wider economic and cultural benefits resulting during the temporary period of the proposed use...

In coming to the view that, notwithstanding the unacceptable nature of the use in terms of its impacts on the countryside and the site's poor accessibility by modes other than the private car, the use was acceptable on a temporary basis, regard was had to arguments put forward by the operators of the circuit that the income from the proposed auctions use would, over the then proposed five year period, assist in addressing a lack of investment in the circuit over the

previous 10 years, and that there was a need for immediate and significant medium-term investment in improvement works which, in the absence of the additional income generated, could not take place, thus jeopardising the future of the circuit. The view was taken that, having regard to advice in the then Circular 11/95, there appeared to be a reasonable prospect that, within the life of the five year permission sought, the track's financial position would have been "normalised" and there would therefore no longer be any need for what was considered to be an essentially inappropriate use. In support of the current application the applicants now advise that the investment required to operate the race circuit is ongoing and significant, trading at a loss, and that track activities need to be supported by the additional income, including that from the auctions use; this, therefore, appears to indicate that the position previously understood (i.e. that the temporary approval would allow for the circuit's financial issues to be addressed) no longer applies.

As set out above, the Local Planning Authority identified two principal areas of concern identified at the time that the original temporary planning permission was granted, namely the impact on the character of the area given the site's location within the countryside, and the accessibility of the site, having regard to the location of the motor racing circuit away from any established settlement. Further consideration is given to these issues below.

Countryside / Visual Impact Issues

As set out under Relevant Planning Policy above, the application site appears to fall outside of the area subject to Local Plan Policy L20 (which, in effect, allows for development essential in association with the motor racing use of the circuit, notwithstanding its countryside location) and, as such, it is not necessary to assess the proposals' compliance with this policy. Regardless, however, as concluded at the time that the original temporary planning permission (ref. 11/00204/FULM) was granted, it is not considered that the use of the site for the sale of plant and machinery by auction would constitute a use with a clear operational need or functional relationship to the principal use of the site as a motor racing circuit. In coming to this view, it is noted that, in dismissing an appeal in 2002 in respect of the use of an existing building at the circuit for purposes associated with a vehicle auction use formerly operating at the circuit (Local Planning Authority ref. 000725), the Inspector in respect of that appeal concluded that the vehicle auction use was neither essential to the operational needs of the racetrack, nor functionally related to it. On this basis there would similarly appear to be no motor racing-related rationale for the proposed plant and machinery auction use.

In terms of the visual impact, at the time that the original temporary planning permission was considered, it was anticipated that, given the topography of the area, the southerly direction would be the one from which the greatest impact would be likely to result, together with some impacts from the east (i.e. in the area adjacent to the site entrance). In view of the fact that the auction use is now operational (i.e. in accordance with the temporary permissions expiring in February 2017), it is now possible to observe the visual impacts of that use.

Insofar as the impacts from the easterly direction are concerned, the plant and machinery available for sale are clearly visible from the public highway (C8214), and particularly so in view of the brightly coloured finishes typically applied to this kind of plant and machinery. However, the visual impact is to some extent mitigated in this direction by an existing hedgerow and the backdrop of existing buildings in the vicinity, albeit it does, it is considered, add to the visual "clutter" and has some urbanising effects.

From the southerly direction, the separation between the plant and machinery and the nearest

public viewpoint (A453) is greater, and there is also an intervening tree belt. Nevertheless, the equipment is still clearly visible from the A453, and particularly so during the winter months when the intervening trees provide less screening.

Whilst there is permission for other forms of vehicle to be parked in the approximate location of the proposed sales and storage areas, (and including the parking area approved under planning permission ref. 08/00086/FULM), this is limited to smaller vehicles and, hence, their visual impact is considerably less pronounced than that arising from the siting of plant and machinery. In addition, the vehicles of visitors to the auctions need to be accommodated; the area subject to the application itself is, on the basis of the submitted plans, limited to sale and plant storage only and, hence, the car parking area approved under planning permission ref. 08/00086/FULM would no longer be available for this use. The submitted documents show provision of a dedicated car parking area on adjacent land to the south and west; there appears to be no existing planning permission for parking on these adjacent areas but, it is considered, their availability for car parking on auction days could be secured by way of condition if required. This, however, would add to the overall visual impacts of the use, albeit over a relatively short period relating to each auction; to secure its use as a permanent car parking area would, it is considered, be likely to require planning permission.

It should also be borne in mind that, whilst the use (and hence visual impact) would be limited to five events per year, the associated plant could be located on the site for a total of 290 days per year (i.e. 5 x 2 day events plus two 4 week periods either side of each of those 5 auction events). Furthermore, the application as now submitted includes for an area for storage of items on a permanent basis (i.e. not just in the periods leading up to and following an auction event).

As anticipated prior to the use commencing, the auction use has an element of visual impact on the surrounding countryside, and broadly in line with the range of viewpoints expected to be affected in the original temporary permission Planning Committee report. However, further, additional impacts are now apparent, and including from more distant viewpoints such as from Breedon on the Hill and Wilson. Whilst it is accepted that the impacts to the immediate locality are to some extent limited by virtue of the plant's viewing against a backdrop of other features / buildings, it is considered that it would be appropriate to require mitigation to address the more distant impacts such as those outlined above. Whilst the visual impact of the equipment is to some extent diminished by virtue of the greater distance, the plant is nevertheless considered to "jar" visually more than would otherwise be the case at this distance given its brightly coloured finish. Having regard to this, the view is taken that, in order to assist in mitigating the impact, some additional landscaping ought to be provided of a type and in a location designed to address more distant views, and some further mitigation to the A453 would also appear possible. Subject to this being undertaken, it is considered that, on balance, the visual impact would not be so unreasonable as to warrant a refusal when having regard to the overall contribution to sustainable development as assessed in more detail below.

Accessibility

At the time that the original application was considered, concerns were expressed that the circuit was not particularly well served by public transport, and that customers of the proposed use would therefore be heavily reliant on use of the private car to access the facility. Since that time Donington Park has benefitted from improvements in public transport services, and the bus services available from outside of the circuit include daytime services at 20 minute intervals to each of Derby, Leicester and Nottingham, plus an hourly service to Coalville. Whilst, in practice, it may remain the case that a significant proportion of users of the facility would continue to access it by private car, it is nevertheless the case that the site is now well served by public

transport, and a reasonable transport choice would hence be available for customers. On this basis, it is accepted that the earlier concerns regarding accessibility would no longer apply. For its part, the County Highway Authority considers that limited numbers of visitors and employees would be likely to walk or cycle to the site but, having regard to its location in close proximity to East Midlands Airport, notes that the site benefits from what it describes as very frequent bus services (up to 6 an hour) and, on balance, considers the scheme acceptable in accessibility terms.

In terms of other access issues, the County Highway Authority notes that Melbourne Road is of limited width and has issues with regard to vertical and horizontal alignment and, as such, is not suitable for larger delivery vehicles etc. Similarly, the County Highway Authority considers that all HGVs associated with the proposal should avoid travelling through Castle Donington village. The County Highway Authority therefore raises no objections subject to conditions and Section 106 obligations (relating to vehicle routeing).

In terms of other transportation issues, the Highways Agency accepts that there would be no material impact on the strategic highway network.

Contribution to Sustainable Development

Having regard to the three dimensions of sustainable development, it is accepted that the development has the potential to make a positive contribution to the economic and social dimensions having regard to the associated economic activity and employment opportunities. Insofar as the environmental role is concerned, however, whilst it is accepted that the earlier concerns regarding accessibility have to a significant degree now been addressed given the current level of public transport provision serving the site, it is considered that issues remain in respect of the visual impact on the wider countryside within which the application site is located. Whilst this harm to the environmental dimension could, to some degree, be mitigated by enhanced landscaping, it is considered that the overall impact in terms of the environmental dimension remains adverse. However, when having regard to the reduced adverse impacts that would result in the event that additional landscaping were secured, and to the overall positive impacts in terms of the economic and social dimensions, it is accepted that, overall, the proposals would represent sustainable development in NPPF terms and, as such, the presumption in favour of such development applies. Approval is therefore recommended.

The current temporary permission is subject to Section 106 obligations in respect of, amongst others, HGV routeing and, having regard to the views of the County Highway Authority, it is again considered that such provisions should apply.

In terms of other issues, whilst it is noted that objections have been raised in respect of noise, it is considered that, in the context of the area's noise environment (including the circuit, airport and roads), materially adverse noise impacts on sensitive receptors arising from the use would be unlikely; no objections have been raised by the District Council's Environmental Protection team.

Approval is therefore recommended subject to conditions, and subject to Section 106 obligations.

RECOMMENDATION- PERMIT, subject to Section 106 Obligations, and subject to the following condition(s):

- 1 The development shall be begun before the expiration of three years from the date of this permission.

Reason- to comply with the requirements of Section 91 of the Town and Country Planning Act 1990 (as amended).

- 2 The proposed development shall be carried out strictly in accordance with the following plans, unless otherwise required by a condition of this permission:
- Site location plan (10610 DPR/RB/Applic) deposited with the Local Planning Authority on 24 October 2014
 - Site layout plan (10863/DPR/Ritchies) deposited with the Local Planning Authority on 24 October 2014

Reason - To determine the scope of this permission.

- 3 The use hereby permitted shall not be undertaken at any time other than in accordance with the following:
- (i) No more than five auction events in any calendar year
 - (ii) No single auction event shall exceed two days in duration
 - (iii) No storage / display of plant / machinery anywhere within the site other than within the areas coloured in blue and yellow on drawing no. 10863/DPR/Ritchies
 - (iv) No storage / display of plant / machinery at a height exceeding 7m in height above the relevant ground level at any time save for on the days of an auction event or on the two days immediately prior to that event
 - (v) Notwithstanding (iv) above, no storage / display of plant / machinery at a height exceeding 18m in height above the relevant ground level at any time on the day of an auction event or on the two days immediately prior to that event
 - (vi) Notwithstanding (iii) above, save for the days of an auction event and the period 28 days immediately prior to or immediately following the relevant auction, no storage / display of plant / machinery anywhere within the site other than within the area coloured in blue on drawing no. 10863/DPR/Ritchies

Reason - To ensure the development takes the form envisaged by the Local Planning Authority, in the interests of visual amenity.

- 4 No auction hereby permitted shall take place on a day where reasonable estimates of attendance at any event at the race circuit indicate that the number of visitors is likely to exceed 10,000.

Reason - To minimise the likelihood of the proposals giving rise to both congestion and increased dangers on the strategic and local highway networks.

- 5 The use hereby permitted shall not be undertaken at any time save in full accordance with the details of mitigation to the traffic signal controlled junction of the Castle Donington Road with the A453 agreed by the Local Planning Authority on 27 July 2012 in respect of Condition 4 of planning permission ref. 11/00204/FULM or in accordance with alternative details first submitted to and agreed in writing by the Local Planning Authority.

Reason - To ensure the road network is of satisfactory geometry and design to cater for all types of traffic generated by the proposal such that the development does not impact on the free flow of traffic or introduce dangers to road users.

- 6 Notwithstanding the submitted details nor Condition 2 above, the use hereby permitted shall not be commenced until such time as a detailed scheme of off-street car parking for auction attendees' vehicles has been submitted to and agreed in writing by the Local Planning Authority. No auction event shall take place at any time unless the whole of the agreed parking provision is available for use as off-road car parking in association with the use hereby permitted.

Reason - To ensure that adequate off-street parking provision is made to reduce the possibilities of the proposed development leading to on-street parking problems in the area.

- 7 Notwithstanding the submitted details nor Condition 2 above, the use hereby permitted shall not be commenced until such time as a detailed scheme of off-site strategic landscaping (and including a timetable for its implementation) has been submitted to and agreed in writing by the Local Planning Authority. No auction event shall be held, nor shall any items for sale be stored on the site at any time unless all landscaping required to be provided at that time in accordance with the agreed scheme and timetable has been implemented in full.

Reason - To ensure that landscaping is provided at an appropriate time to mitigate the visual impact of the development on the wider locality.

- 8 Any tree or shrub which may die, be removed or become seriously damaged shall be replaced in the first available planting season thereafter and during a period of 5 years from the first implementation of the approved landscaping scheme or relevant phase of the scheme, unless a variation to the landscaping scheme is agreed in writing with the Local Planning Authority.

Reason- to provide a reasonable period for the replacement of any trees.

Notes to applicant

- 1 Planning permission has been granted for this proposal. Discussion with the applicant to seek an acceptable solution was not necessary in this instance. The Local Planning Authority has therefore acted pro-actively to secure a sustainable form of development in line with the requirements of the National Planning Policy Framework (paragraphs 186 and 187) and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2010 (as amended).
- 2 For the purposes of complying with Condition 6 above, the applicants are advised that a detailed scheme of car parking in the general location indicated in green on drawing no. 10863/DPR/Ritchies would be likely to be acceptable in principle. However, the applicants are advised that this area is located outside of the application site and approval of any details pursuant to this condition would, in effect, only authorise its use as car parking as a temporary arrangement during auctions, and for auction-related uses only, and without any associated engineering operations. Any permanent change to use as car parking, or any engineering operations required to make any area proposed to be made available for car parking use during auctions suitable for such use would be likely to require an application for planning permission in the usual manner.
- 3 For the purposes of complying with Condition 7 above, the applicants are advised that particular attention should be paid to reducing the visual impact of the use when viewed from public viewpoints in areas to the south and south west of the application site,

- including views from the A453, Breedon on the Hill and Wilson.
- 4 Your attention is drawn to the attached report of Leicestershire County Council's Director of Environment and Transport.
 - 5 This planning permission is in accordance with the decision of the Planning Committee of 3 February 2015, and is subject to a Section 106 obligation.