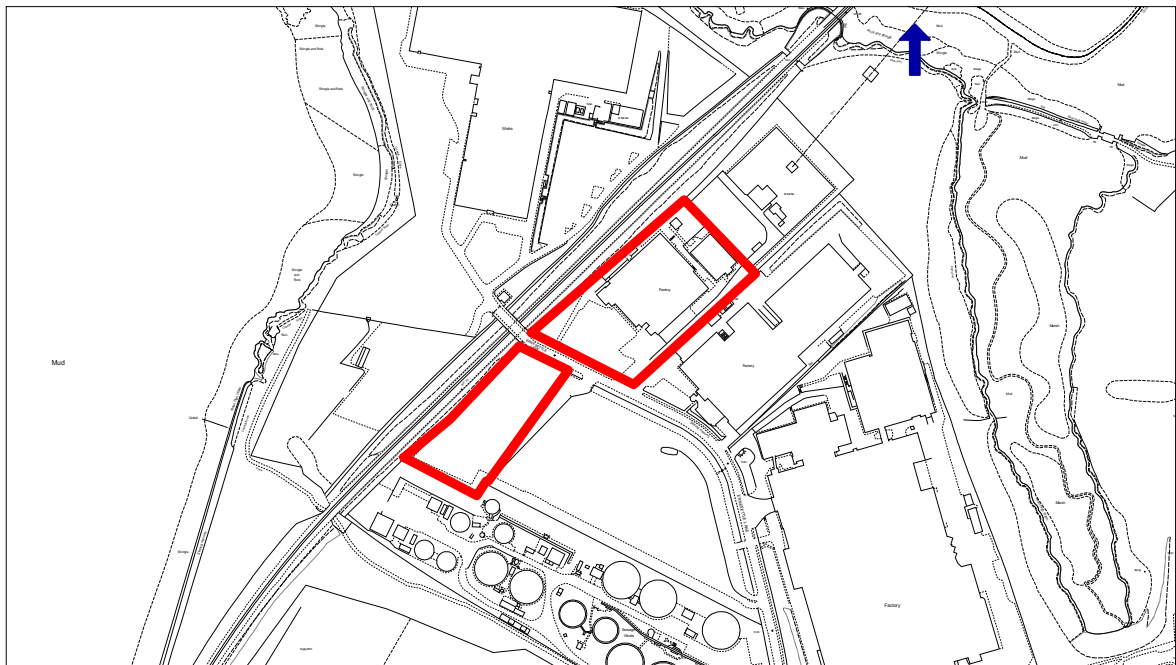


ITEM: 04

Application Number:	10/01601/FUL
Applicant:	Visitract Ltd
Description of Application:	Change of use, conversion and alteration to in-door karting arena
Type of Application:	Full Application
Site Address:	FORMER ENVIRON EUROPE LTD, ERNESETTLE LANE PLYMOUTH
Ward:	Honicknowle
Valid Date of Application:	20/09/2010
8/13 Week Date:	20/12/2010
Decision Category:	Major Application
Case Officer :	Janine Warne
Recommendation:	Grant Conditionally
Click for Application Documents:	www.plymouth.gov.uk



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OFFICERS REPORT

Site Description

The application site comprises a vacant factory unit, formerly occupied by Environ Europe Ltd. The site is located at the far north-western end of Ernesettle Lane on an established industrial estate. Ernesettle Lane divides the application site in two; with the main building, associated access and landscaping to the northeast of the highway and a dedicated car park to the southwest. The entire site measures approximately one and a half hectares and is bounded by a Water Treatment Works to the south-west, the Kawasaki factory to the north-west (beyond the railway line), the Vi-Spring complex to the south-east and a council-owned property/electricity sub-station to the north-east. The nearest residential boundary (in the Ernesettle estate) lies approximately 400 metres to the east.

Proposal Description

This application is seeking consent for the change of use, conversion and alteration of the vacant factory unit to form an in-door Karting arena (use class sui-generis). Opening times are proposed to be between 0900hrs and 2200hrs, seven days a week.

Relevant Planning History

Whilst there is some historic planning history relating to this site it is not deemed to be especially relevant to this application and therefore this has not been listed here.

It should be noted that the applicant engaged in detailed pre-application discussions with the Council prior to this submission (development enquiry service ref: MI/40/PRE).

Consultation Responses

Transport – no objections, subject to recommended conditions.

Public Protection Service – no objections, subject to recommended conditions.

Economic Development – no objections.

Representations

Two letters of representation have been received regarding this planning application. One letter has been received from a local resident; noting concern that the site may be used for purposes other than karting. One letter has been received from a neighbouring business premises; this letter notes concerns relating to issues of highway safety with specific reference to the parking bays on Ernesettle Lane, limited sight lines, the volume of traffic and the size of vehicles operating in the area.

Analysis

Introduction

This application turns upon policies CS04 (Future Employment Provision), CS05 (Development of Existing Sites), CS22 (Pollution), CS28 (Local Transport Considerations), CS30 (Sport, Recreation and Children's Play Facilities) and CS34 (Planning Application Considerations) of the adopted Core Strategy for Plymouth. The primary planning considerations are: the principle of the proposed change of use and the loss of a factory unit, transport / highway considerations, the impact on neighbouring amenity, land contamination considerations and noise/disturbance, as discussed in no particular order below.

Change of Use

The application property is located in an industrial area dominated by a small number of large units. The building has been vacant since August 2008 and has been actively marketed since. There has been limited interest which may, in part, be due to the impact of the economic downturn. The unit is well connected to the road network being in close proximity to the A38 at the Crownhill Road/Victoria Road junction at Higher St. Budeaux. This ensures good access to both Cornwall and mid/eastern Devon; it is therefore somewhat surprising that there has been limited interest in this site.

Whilst the loss of an established B1/B2 employment site is undesirable, your officers are mindful that the property has lain vacant for a number of years and the proposal would bring this unit back into use. As noted above, the previous occupant vacated in August 2008 and despite active marketing the property has been empty since that time. Local Authority Officers have been able to trace the marketing of the unit back to the Industrial Schedule of July 2008 through to April 2010.

The proposed indoor karting arena would create around thirty new full and part-time jobs (equating to twenty full-time) ranging from managerial to track-marshals, grounds staff, security, mechanical repair and maintenance.

The Council's Economic Development Team have confirmed that 'whilst an industrial use of the building would be preferable on this site, the proposed use would also be seen as acceptable'.

The proposed use is appropriate in this case and will not compromise the area's current or longer term economic development needs in accordance with Policy CS05. Given the above, your officers are satisfied that granting consent would not create a precedent preventing the Council from resisting future proposals that do not accord with LDF policies or Government guidance.

Sui Generis Use

Most leisure/sports uses fall within Use Class D2. However a go-kart arena is deemed to be *sui generis*. Such categorisation indicates that the proposed use does not fall within any Use Class and therefore does not enjoy the privileges of being therein. Every material change of use involving *sui generis* uses would require planning consent. And therefore it should not be assumed

that the premises could be used for purposes other than go-karting as this is likely to require a fresh planning application.

The establishment of an indoor karting arena on the proposed site is deemed to accord with the Policy CS30 which seeks to enhance the City's recreation facilities. There is deemed to be a shortage of such specialist leisure uses in the city and we would hope that this facility would attract visitors from the wider region and improve the city's leisure/recreation facilities.

Transport / Highway Considerations

The site has an established factory use. No changes are proposed to the layout, accesses or parking arrangements. The proposed use should be considered in the context of the previous use. The traffic generation of the previous use is unknown but a factory unit of this size might generate between 40-50 trips during the peak hours. The Applicant has provided some information as to the likely traffic generation of the proposed use might generate which is considered to be up to 45 vehicles every two hours assuming an average of 2 persons per vehicle. This is considered to be a reasonable assumption and it is therefore considered that the traffic generation of the site would be equivalent to the use already permitted although the main demand for the proposed use would occur mainly outside the peak hours during evenings and weekends. Existing traffic flows immediately in front of the site are low as the road only leads to 1 further unit at the end of the cul-de-sac.

The site lies at the end of a long cul de sac and is difficult to serve by public transport. Service 46 and 47 runs along Ernesettle Lane although does pass directly in front of the site - the nearest stop is over 500m from the site. The location is therefore not particularly accessible by public transport.

Pedestrian and vehicular accesses remain unchanged. 55 car parking spaces would be provided although the available parking area far exceeds this number of spaces. The car parking provision is considered to be adequate. Some staff and disabled parking is provided immediately adjacent to the main entrance. Cycle parking is also indicated adjacent to the main entrance.

Noise / Disturbance

Your Officers have been working very closely with colleagues in Public Protection to address this issue and it is agreed that insufficient information has been submitted upfront to address potential noise impacts on local businesses and residents. However the applicant has confirmed that he is willing to accept a series of restrictive conditions to ensure that a full Noise Impact Assessment is submitted and any necessary remediation work is carried out. This must be completed to the satisfaction of the Local Planning Authority, before the use is opened to the public. The planning conditions that we therefore recommend to deal with this matter are at the end of this report.

Nature Conservation

With regard to nature conservation, the site comprises an established industrial building with associated car park. Given that no external changes are proposed, your officers are satisfied that the development will not directly harm wildlife. While the noise and activity associated with the proposed go-karting could potentially disturb wildlife, the site is within an urban/industrial setting and is already close to existing commercial uses, main roads etc and the noise and lighting associated with them. Therefore it is considered that there will not be demonstrable harm in this regard.

Ventilation

The applicant has confirmed that the existing ventilation system in the building will be used in association with the proposed use. However, no specification details have been provided in this regard. The applicants will need to demonstrate that the existing system can adequately address the level of exhaust fumes generated within the building. The Council's Public Protection Department have raised no objections in this regard, however it is recommended that full specifications are sought by way of a restrictive planning condition.

Opening Hours

The proposed opening hours are 9am–10pm Monday–Sunday. Your officers have sought to negotiate in this regard. However the applicant is not willing to compromise; claiming that most of the business occurs in the evenings and at weekends (i.e. the hours that your officers sought to restrict). Whilst this is not ideal, officers are satisfied that the recommended restrictive conditions will bring forward entirely adequate noise mitigation measures to protect neighbouring residential amenity from disturbance. Given this, and the fact the site falls within an urban/industrial setting, your officers consider that the proposed opening hours can be accepted.

Land Contamination

Having reviewed the submitted Desk Contamination Report (dated August 2010) and the Site Contamination Assessment (dated November 2010; ref. S10-018/SCA) the Public Protection Service have confirmed that they are happy with the conclusions of the report and therefore require no further information.

Human Rights Act - The development has been assessed against the provisions of the Human Rights Act, and in particular Article 1 of the First Protocol and Article 8 of the Act itself. This Act gives further effect to the rights included in the European Convention on Human Rights. In arriving at this recommendation, due regard has been given to the applicant's reasonable development rights and expectations which have been balanced and weighed against the wider community interests, as expressed through third party interests / the Development Plan and Central Government Guidance.

Section 106 Obligations

In accordance with the Local Development Framework Planning Obligations and Affordable Housing Supplementary Planning Document adopted August 2010, no tariff is sought in this case. Net change in floor area is the normal

proxy for calculating the tariff. Given that there is no increase in floor area is proposed, no obligation is required. Furthermore your Officer's are satisfied that there are no specific impacts requiring a negotiated element.

Equalities & Diversities issues

The facility must provide access for people with disabilities. It is acknowledge that some consideration has already been given to this by reference in the design and access statement.

Conclusions

For the reasons discussed above, this application is recommended for conditional approval.

Recommendation

In respect of the application dated **20/09/2010** and the submitted drawings, **Site Location Plan (as amended and received on 01/10/10), Floor Plan - Existing and Proposed, accompanying Design and Access Report and supporting information (Background Noise Monitoring & Noise Breakout report, dated 18/11/10; Contamination Desk Study, dated August 2010; Site Contamination Assessment, dated November 2010; Transport Statement, dated September 2010)** , it is recommended to: **Grant Conditionally**

Conditions

DEVELOPMENT TO COMMENCE WITHIN 3 YEARS

(1) The development hereby permitted shall be begun before the expiration of three years beginning from the date of this permission.

Reason:

To comply with Section 51 of the Planning & Compulsory Purchase Act 2004.

NOISE

(2) Unless otherwise agreed by the Local Planning Authority, the use hereby permitted shall not be open to the public until conditions 3 - 5 have been complied with.

Reasons:

To protect the residential, commercial and general amenity of the area from any harmful polluting effects and avoid conflict with policies CS22 and CS34 of the adopted Core Strategy (2006-2021) 2007 and Planning Policy Guidance 24: Planning and Noise.

NOISE IMPACT ASSESSMENT

(3) A Noise Impact Assessment must be completed to reflect the full extent of the use hereby approved, in accordance with details previously approved in writing by the Local Planning Authority. These details shall include:

- The location of noise measurements
- The time and date when measurements are to be undertaken

The Noise Impact Assessment must be carried out by competent persons and a written report of the findings must be produced and agreed in writing by the Local Planning Authority.

Reason:

To protect the residential, commercial and general amenity of the area from any harmful polluting effects and avoid conflict with policies CS22 and CS34 of the adopted Core Strategy (2006-2021) 2007 and Planning Policy Guidance 24: Planning and Noise.

NOISE MITIGATION SCHEME

(4) A Noise Mitigation Scheme shall be submitted to and approved in writing by the Local Planning Authority. The mitigation scheme once implemented shall ensure that the use hereby approved does not exceed 5 dBLAeq,1hr above background (LA90) including tonality when measured from the locations agreed as part of condition 3. The scheme must include all works to be undertaken and a timetable of works.

Reason:

To protect the residential, commercial and general amenity of the area from any harmful polluting effects and avoid conflict with policies CS22 and CS34 of the adopted Core Strategy (2006-2021) 2007 and Planning Policy Guidance 24: Planning and Noise.

IMPLEMENTATION OF APPROVED NOISE MITIGATION SCHEME

(5) The approved Noise Mitigation Scheme must be carried out in accordance with its terms, unless otherwise agreed by the Local Planning Authority. Following completion of the measures identified in the approved mitigation scheme, a verification report that demonstrates the effectiveness of the mitigation carried out must be produced and approved in writing by the Local Planning Authority.

Reason:

To protect the residential, commercial and general amenity of the area from any harmful polluting effects and avoid conflict with policies CS22 and CS34 of the adopted Core Strategy (2006-2021) 2007 and Planning Policy Guidance 24: Planning and Noise.

VENTILATION

(6) The use hereby permitted shall not commence until details of the following aspects have been submitted to and approved in writing by the Local Planning Authority, viz:- the ventilation system to control the emission of motor vehicle fumes within the building. These details shall include manufacturers specifications, odour and noise control measures. Such approved equipment shall be installed before the commencement of the permitted use and thereafter be operated and maintained in accordance with the manufacturer's instructions.

Reason:

To ensure that these further details are acceptable to the Local Planning Authority and that they are in keeping with the standards of the vicinity in accordance with Policies CS22 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

APPROVED PLANS

(7) The development hereby permitted shall be carried out in accordance with the following approved plans: Site Location Plan (as amended and received on 01/10/10) and Floor Plan - Existing and Proposed.

Reason: For the avoidance of doubt and in the interests of good planning, in accordance with policy CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

INFORMATIVE - ASBESTOS

(1) The Applicant is advised that a full asbestos survey should be completed and appropriate controls implemented to prevent exposure to contactors, employees and members of the public.

INFORMATIVE - VENTILATION

(2) With regard to condition 6, the Applicant is advised that if any addition ventilation is proposed which materially affects the appearance of the building then a further planning application may be required. If in doubt, please contact the Local Planning Authority.

Statement of Reasons for Approval and Relevant Policies

Having regard to the main planning considerations, which in this case are considered to be: the principle of the proposed change of use and the loss of a factory unit, transport / highway considerations, the impact on neighbouring amenity, land contamination considerations and noise/disturbance, the proposal is not considered to be demonstrably harmful. In the absence of any other overriding considerations, and with the imposition of the specified conditions, the proposed development is acceptable and complies with (a) policies of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007 and supporting Development Plan Documents and Supplementary Planning Documents (the status of these documents is set out within the City of Plymouth Local Development Scheme) and the Regional Spatial Strategy (until this is statutorily removed from the legislation) and (b) relevant Government Policy Statements and Government Circulars, as follows:

PPG17 - Sport and Recreation

PPG24 - Planning and Noise

CS28 - Local Transport Consideration

CS34 - Planning Application Consideration

CS22 - Pollution

CS05 - Development of Existing Sites

CS04 - Future Employment Provision

CS30 - Sport, Recreation and Children's Play Facilities