

RACELINE KARTING LTD

CHANGE OF USE TO AN INDOOR KARTING FACILITY AT UNIT 13A, TAUNTON TRADING ESTATE, NORTON FITZWARREN

Grid Reference: 320184.125925

Full Planning Permission

RECOMMENDATION AND REASON(S)

Recommended Decision: Conditional Approval for the following reason

The proposed temporary use of the building as a karting venue is considered acceptable, subject to the proposed noise mitigation measures and the imposition of a noise restrictive condition. It is considered that as the existing unit is vacant and is earmarked for future development, as part of the wider redevelopment of the Trading Estate, the proposal would not undermine the Council's aim of protecting employment land (Policy EC9). It is therefore considered that a temporary use of the building would be acceptable and would not result in any loss of long term employment for a B1/B2/B8 use given the re-development plans for the site.

RECOMMENDED CONDITION(S) (if applicable)

1. This permission shall expire on 2 March 2016. On or before that date the use hereby permitted shall be discontinued.

Reason – The use of the unit for a karting venue is considered acceptable for a temporary time period. The building is proposed to be demolished, as part of the wider re-development of the site, and would not therefore undermine the Council's Policy EC9, or prejudice the comprehensive development of the site.

2. Noise emissions from any part of the premises or land to which this permission refers shall not be more than 3dB (expressed in terms of an A-Weighted, 2 Min Leq) below the background level when measured at - footpath on the south side of Blackdown View at the junction with the B3227 (grid reference ST 2009, 2600).

For the purposes of this permission background noise levels shall be those levels of noise which occur in the absence of noise from the development to which this permission relates, expressed in terms of an A-Weighted, 90th percentile level, measured at an appropriate time of day and for a suitable period of not less than 10 minutes.

Reason - To protect the residential amenities of nearby residents from noise disturbance in accordance with Policy S1 of the Taunton Deane Local

Plan.

3. The business shall only operate within the hours of use specified within the application:

Monday to Saturday 10:00 to 21:00
Sunday & Bank Holidays: 10:00 to 20:00

Reason - In the interests of minimising the impact of the use on the residential amenities of nearby occupiers from noise and disturbance at unsociable hours. The condition is necessary in accordance with Taunton Deane Local Plan Policy S1.

4. The use shall not be implemented until a schedule of noise mitigation measures have been submitted to and agreed in writing by the Local Planning Authority. The approved mitigation shall be fully implemented in accordance with the approved details and retained thereafter.

Reason - To ensure the mitigation has been carried out in the interests of reducing any potential noise nuisance on nearby residents. The condition is required in accordance with Taunton Deane Local Plan Policy S1.

Notes for compliance

1. Oil or chemical storage facilities should be sited in bunded areas. The capacity of the bund should be at least 10% greater than the capacity of the storage tank or, if more than one tank is involved, the capacity of the largest tank within the bunded area. Hydraulically inter-linked tanks should be regarded as a single tank. There should be no working connections outside the bunded area.
2. Any waste oils must be collected and contained prior to disposal in an approved manner. On no account should waste oils be discharged to any drainage system.

PROPOSAL

Planning permission is sought for the change of use of a vacant industrial building to an indoor karting facility. The application is for a temporary five year consent (as the site is earmarked for demolition as part of the wider redevelopment of the area). The landowner/developer, St Modwen, have confirmed their acceptance and the proposed schedule of development would fit in with the temporary consent.

The application is accompanied by a supporting planning statement. The statement sets out that the applicants identified a gap in the market for such a facility in the Taunton Deane area. The facility will cater for people of 12 years and upwards to learn the skills of karting in a supervised environment; the business will also cater for corporate facilities and private group bookings, as well as individuals. The business will have a maximum of 8 karts (from 10) running on the circuit. Parking is provided on site for upto 40 vehicles (as per existing). Opening hours are proposed Monday to Friday 10:00 – 21:00, Saturday 10:00 - 21:00, Sundays (public holidays) 10:00 – 20:00. The use would generate 6 equivalent full time jobs.

A noise assessment has been submitted.

SITE DESCRIPTION AND HISTORY

The unit is located on the Taunton Trading Estate at Norton Fitzwarren. The building is a substantial disused industrial unit which is now in a poor state of repair. The site is part of the wider redevelopment of the Trading Estate which is being re-developed as a mixed use development.

CONSULTATION AND REPRESENTATION RESPONSES

Consultees

PARISH COUNCIL – The Parish Council objects to this application on the grounds that the evidence does not show that the noise controls will be sufficient for the residents who live opposite the site. The main road becomes considerably quieter in the evening and may not therefore overshadow the noise coming from the building as it states in the report.

HIGHWAY AUTHORITY – The proposal is seeking the change of use of an existing industrial unit on the Taunton Trading Estate at Norton Fitzwarren.

I have no objection to either the principle or the detail of the proposal as neither would have a detrimental effect on the existing highway network.

If the Local Planning Authority is minded to grant consent I would recommend that the parking area denoted on the submitted plan is conditioned to ensure that it is maintained in perpetuity. The planning officer may also consider it appropriate to request a detailed parking/turning layout, in connection with the condition, which should be delineated to ensure orderly parking, occurs in relation to the development and prior to any use commencing.

ENVIRONMENT AGENCY – The Environment Agency has no objections to the proposed development but recommends that if planning permission is granted informatives and recommendations are included on the decision notice.

ENVIRONMENTAL HEALTH - I refer to a noise report provided by the applicant:

- Noise Assessment Unit 13a, Taunton Trading Estate. Hawkins Environmental 20th December 2010.

The Noise Assessment includes details of the monitoring of kart noise levels inside and outside the Unit. Background noise levels were measured adjacent to premises in Blackdown View and Yarlinton Close between 6.00p.m. and 9.00p.m., which was chosen as being the quietest period when the karts would be operational.

The measured noise data was used to estimate the noise level that would be experienced at nearby premises when 8 karts were being used on the site. This was assessed using a British Standard method (BS4142) and compared to measured background noise levels. With the building in its current condition it was estimated

that noise from the karts would be 12-13 dB above background levels at the nearest houses, which would indicate that complaints about noise would be likely.

The report makes recommendations about improving the sound insulation of the building. It notes that the northwest façade of the Unit, facing the houses, consists of a masonry wall with a single glazed window along the top 2m. It is recommended that the sound insulation of the glazed area is improved and details are given of how this could be carried out.

The report carries out another assessment of the noise level at nearby houses with the additional sound insulation to the building, and the use of quieter karts (the report stated that quieter exhausts can be used). The assessment concludes that the improvements would reduce noise levels to below the background noise level at the nearby houses.

I did visit the site when the noise consultant was measuring the noise from the kart inside the building. At the north of the site, approximately level with houses in Blackdown View, the noise from the kart was audible, however it was drowned out when any vehicles passed on the road (B3227)

Based on the information in the noise assessment if works are carried out to improve the sound insulation of the building, and quieter karts are used, the noise from the karts should be below the measured background noise level. This may not mean that the noise from karts will never be audible by the residential houses (it could be when there are very low background noise levels), however, any traffic or other noise in the area should be louder than the noise from the karts.

It is recommended that the noise insulation works outlined in the report are carried out before the premises is used for karting activities.

It is noted that the proposal is to operate until 9.00p.m. I would recommend that no karting activity takes place after this time as the background noise and noise from passing traffic would decrease after this time.

I would also recommend the imposition of a noise condition. Based on the information in the noise assessment the applicant should be able to achieve these levels.

Representations

Cllr Hayward - objects to the proposal on the grounds that the proposal is so close to residential development and the noise pollution from the site would be unbearable. The existing building in which the karting is proposed is of very poor insulation quality and has a wide expanse of single glazed window, meaning that noise from inside the building will easily transfer out. I urge that this application be refused.

Cllr Adkins – objects to the proposal on the grounds that the building and location are unsuitable due to the noise which will be generated at evenings and weekends.

Three letters of OBJECTION have been received. Summary of objections:

- Potential noise nuisance arising from the development in close proximity to residential dwellings.

- Increased traffic movements and noise disturbance at evenings and weekends.

One letter confirming no observations to make as there will be no change to the Unit.

PLANNING POLICIES

PPS1 - Delivering Sustainable Development,
PPS4 - Planning for Sustainable Economic Growth,
STR1 - Sustainable Development,
S&ENPP49 - S&ENP - Transport Requirements of New Development,
S1 - TDBCLP - General Requirements,
S2 - TDBCLP - Design,
M2 - TDBCLP - Non-residential Car Parking Outside Taun & Well,
EC9 - TDBCLP - Loss of Employment Land,
T5 - TDBCLP - Housing Allocations (Norton Fitzwarren),

DETERMINING ISSUES AND CONSIDERATIONS

The pertinent considerations in the assessment of this application relate to (i) the principle of the use and (ii) the potential for any adverse impact to residential or visual amenity.

Policy

Policy EC9 states 'proposals which lead to the loss of existing or identified business, industrial or warehousing land to other uses, including retail, will not be permitted unless the overall benefit of the proposal outweighs the disadvantages of the loss of employment or potential employment on the site'.

The Economic Development Specialist, during pre-application discussions, initially indicated that the proposal is a non-conforming use on an industrial estate, with irregular opening hours, and it has significant potential to be a nuisance to the other businesses on the estate, particularly noise. It would displace the jobs that a regular B use would create and as a leisure use has limited wider impact on the local economy (i.e. job creation, supply chains and support services etc).

However, subsequently the officer, taking into account that the unit is in a poor state of repair and earmarked for demolition, as part of the re-development of the industrial estate, and as the proposal (for which there is no equivalent within the Borough) is for a temporary use it may be that the scheme could be supported, subject to overcoming any other planning considerations.

It is therefore concluded that the proposed use would not (given the context to the application) undermine the provisions of Local Plan Policy EC9.

St Modwen, the developer, has confirmed that they are aware of the application and an agreement between the developer and applicant is in place. There is a clause in the lease, between St Modwen and the applicant, to ensure the proposed use does not jeopardise the wider development should St Modwen be in a position to build out the residential development at an earlier stage. The temporary permission also provides the applicant an opportunity to source an alternative site within the

Borough.

Amenity

The applicant was informed, as part of pre-application discussions, that the fundamental consideration would be the potential for the use to give rise to noise disturbance to local residents. The applicant met the Council's Environmental Health officer on site and a noise assessment was commissioned. The report concludes that through the combined use of quieter exhausts and through the use of a wall lining on the northwest façade, it is possible to mitigate the impact of the use.

The Environmental Health Officer does not raise any objection to the proposal subject to the implementation of the mitigation to the building and the control of hours of use. In addition, to ensure the use does not have an unreasonable impact on the residential amenity of local residents a condition is imposed restricting noise levels from a specific point (the monitoring point is at the junction of Blackdown View and the B3227). The applicant has confirmed that the condition can be complied with.

The use is to be contained within the building and there would therefore be no adverse impact upon the visual amenities of the area.

Other matters

The size of the car parking is considered sufficient for the proposed parking levels and it is not therefore considered necessary to delineate the car parking spaces as suggested by the Highway Authority, in this context. The proposal is accessed via Silk Mills Lane only.

It is recommended for the reasons outlined within the report that the application be approved.

In preparing this report the Planning Officer has considered fully the implications and requirements of the Human Rights Act 1988.

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