

LOCAL MEMBER, MP & AM OBJECTIONS & PETITION

COMMITTEE DATE: 13/01/2016

APPLICATION No. **15/02479/MNR** APPLICATION DATE: 06/10/2015

ED: **PENYLAN**

APP: TYPE: Full Planning Permission

APPLICANT: Go Karting for Fun Ltd (t /a TeamSport)
LOCATION: UNIT 11, DOMINION WAY INDUSTRIAL ESTATE, DOMINION WAY, PENYLAN, CARDIFF, CF24 1RF
PROPOSAL: CHANGE OF USE TO PROVIDE FOR AN INDOOR GO-KARTING FACILITY (SUI GENERIS), ALTERATIONS TO THE ELEVATIONS AND CAR PARKING. DISPLAY OF COMPANY SIGNAGE

RECOMMENDATION 1 : That planning permission be **GRANTED** subject to the following conditions :

1. C01 Statutory Time Limit
2. The premises shall not be open to the public and no go-karts shall be operated between the hours of 23:00 and 09:00 on any day.
Reason: To protect the amenities of occupiers of nearby premises.
3. Prior to the beneficial use of the development hereby approved 10 no. cycle parking spaces shall be provided in accordance with details which shall first be approved by the Local Planning Authority. Thereafter the cycle parking spaces shall be maintained and retained at all times.
Reason: To ensure suitable provision is made for the parking of cycles in order to encourage the use of sustainable modes of transport.
4. The proposed car parking and manoeuvring areas shall be laid out in accordance with dwg. no. 12825/PL/002/REVC before the development hereby approved is brought into beneficial use and thereafter shall be maintained and retained at all times.
Reason: To make provision for the parking of vehicles clear of the roads so as not to prejudice the safety, convenience and free flow of traffic.
5. Prior to beneficial use of the development hereby permitted a means of restricting vehicular access to the rear of the site, beyond the designated parking area shown on dwg. no. 12825/PL/002/REVC, shall be implemented in accordance with details which shall first be approved by the Local Planning Authority. Thereafter the means of restriction shall be retained and no vehicles shall be allowed to park beyond the restriction.
Reason: To protect the amenities of occupiers of nearby premises.

6. Prior to beneficial use of the development hereby approved the sound attenuation measures, detailed within the Revised Noise Assessment by Hann Tucker Associates dated 14th December 2015 and shown on the Noise Attenuation Measures Plan numbered 001/A dated 15th December 2015, shall be implemented. Where specific noise criteria has been specified for individual building elements these shall be met prior to beneficial use and written confirmation of their performance shall be submitted to the Local Planning Authority.
Reason: To protect the amenities of occupiers of nearby premises.

RECOMMENDATION 2: A commercial contract is required for the collection and disposal of all commercial waste. By law (Environmental Protection Act, 1990, section 34) all commercial premises have a duty of care to ensure that their waste is transferred to and disposed of by a registered waste carrier. Owners or developers of commercial developments/properties who require Cardiff County Council to collect and dispose of their waste can contact to commercial services department on **029 20717500**.

RECOMMENDATION 3: To protect the amenities of occupiers of other premises in the vicinity attention is drawn to the provisions of Section 60 of the Control of Pollution Act 1974 in relation to the control of noise from demolition and construction activities. Further to this the applicant is advised that no noise audible outside the site boundary adjacent to the curtilage of residential property shall be created by construction activities in respect of the implementation of this consent outside the hours of 0800-1800 hours Mondays to Fridays and 0800 - 1300 hours on Saturdays or at any time on Sunday or public holidays. The applicant is also advised to seek approval for any proposed piling operations.

1. **DESCRIPTION OF THE SITE**

- 1.1 The application site is located to the northern boundary of the Dominion Way Industrial Estate off Newport Road, a busy thoroughfare, which serves a number of retail parks and industrial units in the vicinity. The closest neighbours to the site are uses of an industrial and retail nature including a Sainsbury's Superstore, however, residential properties lie to the north, west and south of the site. The nearest residential property lies within the Ffordd Nowell estate, which was constructed, circa. 2010, at an approximate distance of 40m, at its nearest point, to the building subject to the application.
- 1.2 The application site has in the recent past been used for warehousing and distribution purposes falling within Class B8 of The Town & Country Planning (Use Classes) Order 1987. Previous uses of the application site include General Industrial uses falling within Class B2 of the aforementioned order, however, the current lawful use appears to be within B8. The premises has been vacant for a number of years, however, a small part of the premises is currently operating as a Car Repair Garage and MOT Service Centre, planning permission having been granted for this B2 use in 2014.

- 1.3 The application site benefits from a large curtilage which extends closer to residential properties than the building itself, however, the area to the rear is predominantly an area of scrub woodland and a bund. A hardstanding does exist to the rear of the building which provides access to roller shutters to the rear of the building, which appear to have been installed in recent years without the benefit of planning permission. To the eastern side of the building is an access way and to the western vegetation. In front of the principal elevation of the building lies an existing car parking area part of which serves the existing car repair garage.
- 1.4 The building, which is predominantly of steel portal frame construction, extends to approximately 2700sq.m of floor space with a maximum height of approximately 10m and an eaves height of approximately 6m. The front of the building is served by two roller shutter doors and two standard access doors, there are openings to the east facing elevation consisting of several windows and a single standard door, the west facing elevation is served by a single standard access door and the rear elevation by three standard access doors in addition to the roller shutter doors referenced at para. 1.3.

2. **DESCRIPTION OF PROPOSED DEVELOPMENT**

- 2.1 Planning permission is sought to change the use of the premises to provide an indoor go-karting facility (sui-generis) including minor alterations to the building elevations and car parking provision.
- 2.2 The proposals include a number of internal alterations which, do not constitute development requiring planning permission in their own right, but, represent sound insulation measures that ensure that the proposed use can operate within the building without causing any detriment to the amenity of neighbouring occupiers. The sound insulation measures include the provision of sound bloc plasterboard to the internal rear elevation to include the openings to the roller shutter doors which shall also be fixed shut, the provision of sound bloc plasterboard to the rear most part of the internal eastern side elevation, the provision of sound bloc plasterboard to the three most northerly rows of roof lights and the replacement of existing fire doors with an acoustic doorset.
- 2.3 No significant alterations are proposed to the exterior of the building. A roller shutter door is proposed to be replaced by glazed-bi parting doors to the front elevation and 4 no. input/extract fans are proposed to each of the side elevations. An internally illuminated fascia sign, which is subject to a separate application for advertisement consent, is proposed to the frontage.
- 2.4 A proposed parking area with a total of 34 car parking spaces is proposed to the front and partly to the side of the building. Provision is also proposed for 4 no. of visitor cycle parking spaces and external refuse storage.

3. **SITE HISTORY OF RELEVANCE**

- 3.1 Planning permission (ref: 91/01327/W) granted, on the 8th October 1991, for an extension to existing office and production area.

- 3.2 Planning application (ref: 95/01081/W) withdrawn, on the 27th September 1995, for the change of use of building to non-food retail warehouse, relocation of Homebase garden centre and new car parking and servicing.
- 3.3 Planning permission (ref: 98/00448/R) granted, on the 1st May 1998, for elevational changes and erection of foldaway canopy extension.
- 3.4 Planning permission (ref: 02/02713/R) granted, on the 23rd January 2003, for change of use of part of existing premise to create a showroom/display area for heating/plumbing appliances, fittings and sanitary ware.
- 3.5 Planning permission (ref: 14/00725/DCO) granted, on the 14th May 2014, for change of use of part of premises from B1 (Light Industrial) to B2 (Car Repairs & MOT Station).

4. **POLICY FRAMEWORK**

- 4.1 National Planning Policy
- Planning Policy Wales (8th Ed, 2015)
 - Technical Advice Note 11: Noise (October 1997)
 - Technical Advice Note 12: Design (July 2014)
 - Technical Advice Note 15: Development & Flood Risk (July 2004)
 - Technical Advice Note 16: Sport Recreation & Open Space (January 2009)
 - Technical Advice Note 18: Transport (March 2007)
 - Technical Advice Note 23: Economic Development (February 2014)
- 4.2 City of Cardiff Local Plan (January 1996)
- Policy 9 (Development in Areas of Flood Risk)
 - Policy 11 (Design and Aesthetic Quality)
 - Policy 13 (Energy Use)
 - Policy 17 (Parking & Servicing Facilities)
 - Policy 18 (Provision for Cyclists)
 - Policy 19 (Provision for Pedestrians)
 - Policy 20 (Provision for Special Needs Groups)
 - Policy 36 (Alternative Use of Business, Industrial & Warehousing Land)
 - Policy 45 (Sports, Recreation & Leisure Facilities)
- 4.3 South Glamorgan (Cardiff Area) Replacement Structure Plan 1991-2011 (April 1997)
- Policy EV4 (Pollution)
 - Policy E3 (Protection of Business & Industrial land)
 - Policy MV1 (Location of New Developments)
 - Policy MV11 (Parking)
 - Policy B3 (Educational/Recreational/Tourist Potential)
 - Policy T1 (Tourism & Recreational Developments)
- 4.4 Deposit Cardiff Unitary Development Plan (October 2003)

- Policy 2.20 (Good Design)
- Policy 2.24 (Residential Amenity)
- Policy 2.30 (Commercial Leisure Development)
- Policy 2.37 (Change of Use of Industrial& Warehousing Land)
- Policy 2.57 (Access, Circulation & Parking Requirements)
- Policy 2.62 (Flood Risk)
- Policy 2.64 (Air, Noise & Light Pollution)
- Policy 2.74 (Provision for Waste Management Facilities in Development)

4.5 Supplementary Planning Guidance

- Access, Circulation & Parking Standards (January 2010)
- Waste Collection & Storage Facilities (March 2007)
- Safeguarding Land for Business & Industry (June 2006)

5. **INTERNAL CONSULTEE RESPONSES**

5.1 The Operational Manager (Traffic and Transportation) raises no objection to the application, subject to conditions relating to cycle parking and retention of car parking.

5.2 The Operational Manager (Pollution Control) raises no objection to the application, subject to conditions relating to sound attenuation measures being implemented and hours of operation.

5.3 The Operational Manager (Waste Management) advises that the proposed means of storage of refuse and recycling is acceptable and, therefore, raises no objection to the application. The applicant should, however, be advised a commercial contract will be required for the transfer of waste.

6. **EXTERNAL CONSULTEE RESPONSES**

6.1 Natural Resources Wales have been consulted a written response is awaited. Discussions, however, suggest that the proposal is likely to be considered like for like in terms of flood consequence also no works are proposed which could potentially interfere with planned flood defence work. It is, therefore, anticipated that no objection to the proposal will be raised.

7. **REPRESENTATIONS**

7.1 The application was originally advertised by way of site notice and neighbour consultation letters. Subsequent advertisement was undertaken upon the receipt of amended plans/information and additional information by way of direct consultation with parties that had originally made representation in respect of the application.

7.2 A letter of representation, neutral to the proposal, has been received from the occupier of 43 Waterloo Gardens who has no objection to the principle of the development, subject to noise levels being acceptable, he considers noise tests

should be undertaken relating to standard exhaust systems, and requests stricter control over operating hours than those proposed within the application.

- 7.3 A letter of representation, supporting the application, has been received from the occupier of 297 Ffordd Nowell who considers that the facility is sufficiently far away from housing and such a facility would be valuable to provide entertainment for young people and would, therefore, discourage anti-social behaviour.
- 7.4 Local Ward Members, Councillors Kelloway and Boyle, object to the application.
- 7.5 Local Member of Parliament Jo Stevens and Local Assembly Member Eluned Parrott object to the application.
- 7.6 Two petitions (with some duplication of parties) of over 50 signatories have been received objecting to the application.
- 7.7 Letters of representations, objecting to the proposal, have been received from over 20 neighbouring occupiers residing at Ffordd Nowell and Harlequin Court.
- 7.8 The predominant reason for objection, referenced at para. 7.4-7.7, relate to the potential for noise nuisance emanating from the premises (as a result of kart noise, music, commentary, cheering etc) and from the comings and goings of patrons accessing the facility including from use of the car park. Concerns are raised in relation to the effect such noise nuisance may have on the residential amenity of the neighbouring housing estates, which will be exasperated by the proposed late opening hours which extend beyond that of neighbouring business premises. Concerns are also raised in respect of the adequacy of the noise assessment submitted with the application which relies upon assumptions and estimates. It should be noted that an amended noise assessment and rebuttal have been submitted to support the application as a result of comments made by neighbours. A summary of further concerns are detailed below:
- The facility will create pollution in the form of fumes from karts
 - The site is not allocated, within the Local Plan, for use as a recreational facility.
 - The proposal will result in an increase in parking problems and traffic congestion.
 - That comments within the submission, with regards planning permission having been granted within the vicinity of the application site for a similar use, pre date the housing development and, therefore, are not relevant.
 - Potential for noise from construction works.
 - Property values will be affected.
 - House sale viewings have been cancelled as a result of the proposal.
 - The proposal would be better suited to an alternative location.
 - The facility would attract *'the wrong sorts of people'* and *'will create crime and violence'*.

8. **ANALYSIS**

8.1 **Land Use**

- 8.1.1 The application site falls within an area defined for business, industry and warehousing as defined by the Local Plan and the proposal represents an alternative use of the land. Policy E3 of the Replacement Structure Plan, Policy 36 of the Local Plan and Supplementary Planning Guidance 'Safeguarding Land for Business and Industry' seek to protect land for the aforementioned purposes.
- 8.1.2 It is recognised, however, that where there is no demand for land for the allocated purpose alternative uses may be acceptable. In respect of the application site it has been vacant for over three years despite active marketing with flexible formats, therefore, there appears to be little demand for this type of premises in this location for the allocated use.
- 8.1.3 Policy 45 of the Local Plan favours proposals for recreational facilities in locations other than those allocated if there is no need to preserve the site for its existing or allocated use.
- 8.1.4 The proposed use would provide up to 37 jobs (30 part-time) on land designated for employment.
- 8.1.5 For the afore mentioned reasons it is considered that the proposed use raises no significant land use policy concerns and in principle is considered to be acceptable.

8.2 **Amenity of Neighbouring Occupiers**

- 8.2.1 The application site lies within an existing industrial area, however, is in relatively close proximity to residential properties. Planning Policy Wales states that 'proposals should be considered in terms of their effect on the amenity and existing use of land and buildings' and Policy 2.24 of the Unitary Development plan seeks to ensure that new development has no adverse effect upon residential amenity. In regards to the proposal there are no significant alterations to the built form that would have an overbearing or un-neighbourly impact and it is matters of potential noise and air pollution, as detailed within TAN 11 in respect of the former and Policy 2.64 in respect of both, that are of principal consideration.
- 8.2.2 The proposals, including the revised noise assessment, have been considered by the Councils Pollution Control department and it is considered, that subject to the imposition of suitable conditions, that the proposed use of the premises would have no adverse effect upon the amenity of neighbouring occupiers in respect of noise or air pollution.
- 8.2.3 Concerns have been raised that vehicular and pedestrian movements within the curtilage of the site could impact upon residential amenity and cause disturbance. However, given that access to the site is at the front of the building,

a significant distance from residential properties, and given the lawful use of the site the proposal is unlikely to have an increased impact in this regard. A condition is recommended to control the access of vehicles to the rear of the site to ensure parking only occurs within the designated parking area shown on the submitted site plan, to benefit neighbouring occupiers.

8.2.4 For the afore mentioned reasons it is considered that the proposal is acceptable in regard to its impact upon the amenity of neighbouring occupiers and should not result in any nuisance. It should, however, be noted that the Councils Pollution Control section have powers in respect of statutory nuisance and it has been identified that further improvements could be made to the building fabric if required, however, the current sound insulation measures are considered to represent best practical means and, therefore, an objection to planning permission being granted could not be sustained.

8.3 Traffic Generation & Parking

8.3.1 Local and National Policy and Guidance, including Policy 17 of the Local Plan, TAN 18 and the Supplementary Planning Guidance 'Access, Circulation & Parking', seek to ensure that any new development does not adversely affect the transport network, is located in sustainable locations and provides suitable parking provision, including provision for sustainable modes of transport.

8.3.2 The application is supported by a Transport Statement (TS) that considers the traffic impact of the existing and proposed uses on the site and surrounding network. The TS is considered to be a robust assessment of the traffic impact and concludes that the proposed use will result in an overall reduction in the impact upon the highway network compared to the current lawful use of the premises. It is also noted that the proposed use will attract predominantly private cars whereas the current lawful use has potential to attract frequent and numerous lorries, vans and other commercial vehicles, along with cars.

8.3.3 The site is within walking distance of well established, high frequency public transport services and, therefore, is considered to be in a sustainable location in transport terms, reducing the reliance to travel by private cars. It is, however, considered that the proposed cycle parking provision is inadequate and a minimum of five stands, of the type proposed, should be provided to further promote sustainable modes of transport.

8.3.4 There are no specific standards for the type of use proposed in relation to car parking provision, therefore, a bespoke approach based upon an assessment of individual requirements must be taken. It is considered, based upon such an assessment, that the proposed number of car parking spaces, the car park layout, and identified manoeuvring requirements are appropriate to serve the proposed use.

8.3.5 For the afore mentioned reasons it is considered that the proposal is acceptable in respect of its impact upon traffic generation and parking and an objection on such grounds would be unsustainable.

8.4 Flood Risk

- 8.4.1 The application site is wholly located within Flood Zone C2, as defined by the Development Advice Map (DAM), which denotes areas of flood plain without significant flood defence structure. TAN 15 indicates that only less vulnerable development should be considered in such locations, subject to application of a justification test. TAN 15, however, acknowledges that much of the urban development within Wales has been undertaken alongside rivers and the coastal plain and that flexibility is, therefore, required when considering the reuse of previously developed land.
- 8.4.2 A detailed Flood Consequences Assessment has been submitted with the application which justifies the provision of the facility within the flood zone. The specific use is not defined as 'less vulnerable', however, it is considered that the extent of the use of the site would potentially decrease, as a result of the proposal, in terms of both number of users and storage of property. Furthermore, flood alleviation measures are recommended within the report.
- 8.4.3 No external alterations that would exacerbate the consequences of a flood event are proposed.
- 8.4.4 For the aforementioned reasons it is considered that the potential consequences of flooding are acceptable in relation to the proposal.

8.5 Response to Comments Made by Objectors

- 8.5.1 In regards to comments made by neighbours which are not covered above, the following should be noted:
- 8.5.2 Reference to a previous planning permission (ref: 99/02190/R) granted in the year 2000 is made within the application documents. It should be noted that local policy, which is material in the consideration of the application, has not materially altered since this decision was made. It is, however, recognised that site constraints, in respect of the proximity of residential properties, particularly Ffordd Nowell, are materially different and consideration has been given to this matter. The current application has been judged on its own merits.
- 8.5.3 No major construction operations are proposed as a result of the works and it is not, therefore, considered that there would be a significant impact upon local amenity as a result of such works. However, Sec. 60 of the Control of Pollution Act 1990 gives the Local Authority powers to control noise and disturbance from construction sites should the need arise.
- 8.5.4 The value of property and cancellation of house sale viewings are not material planning considerations.
- 8.5.5 Comments with regards to the potential suitability of alternative sites are noted, however, the application must be judged upon its own merits.
- 8.5.6 It is not considered that the proposed facility would result in an increase in crime

and disorder and no evidence has been produced by the objector to support such comments.

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Any errors or omissions are to be reported to the Architect immediately.

All proposed road and junction alterations subject to highways engineers detailed design.

Removal of any existing tree and landscaped areas subject negotiations with Local Planning Authority and other statutory controls

All drawings are to be read in conjunction with the Structural Engineer's drawings and all related Architects and Consultant's information



- B 05/10/2015 Red line boundary amended.
- A 29.07.15 Amendments to Planning Consultant comments.

REVISION NOTES

PLANNING

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ARCHITECTURE SURVEYING PROJECT MANAGEMENT

PROJECT

**PROPOSED TEAM SPORT CARDIFF
UNIT 11, DOMINION WAY
OFF NEWPORT ROAD,
CARDIFF, CF24 1RF**

DRAWING TITLE

LOCATION PLAN

DRAWN BY / CHECKED BY	DATE	DRAWING No.	REV.
MJMBH	JUNE 2015	12825/PL/010	B
SCALE	PAPER SIZE		
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LOCATION PLAN

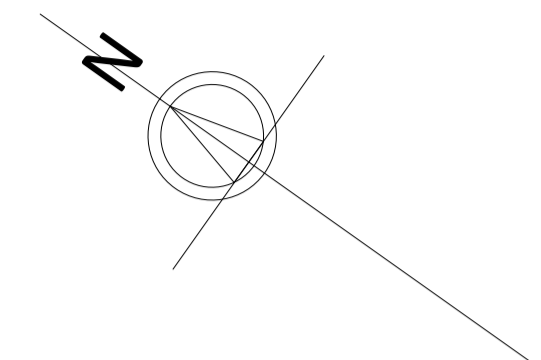
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SCALE BAR

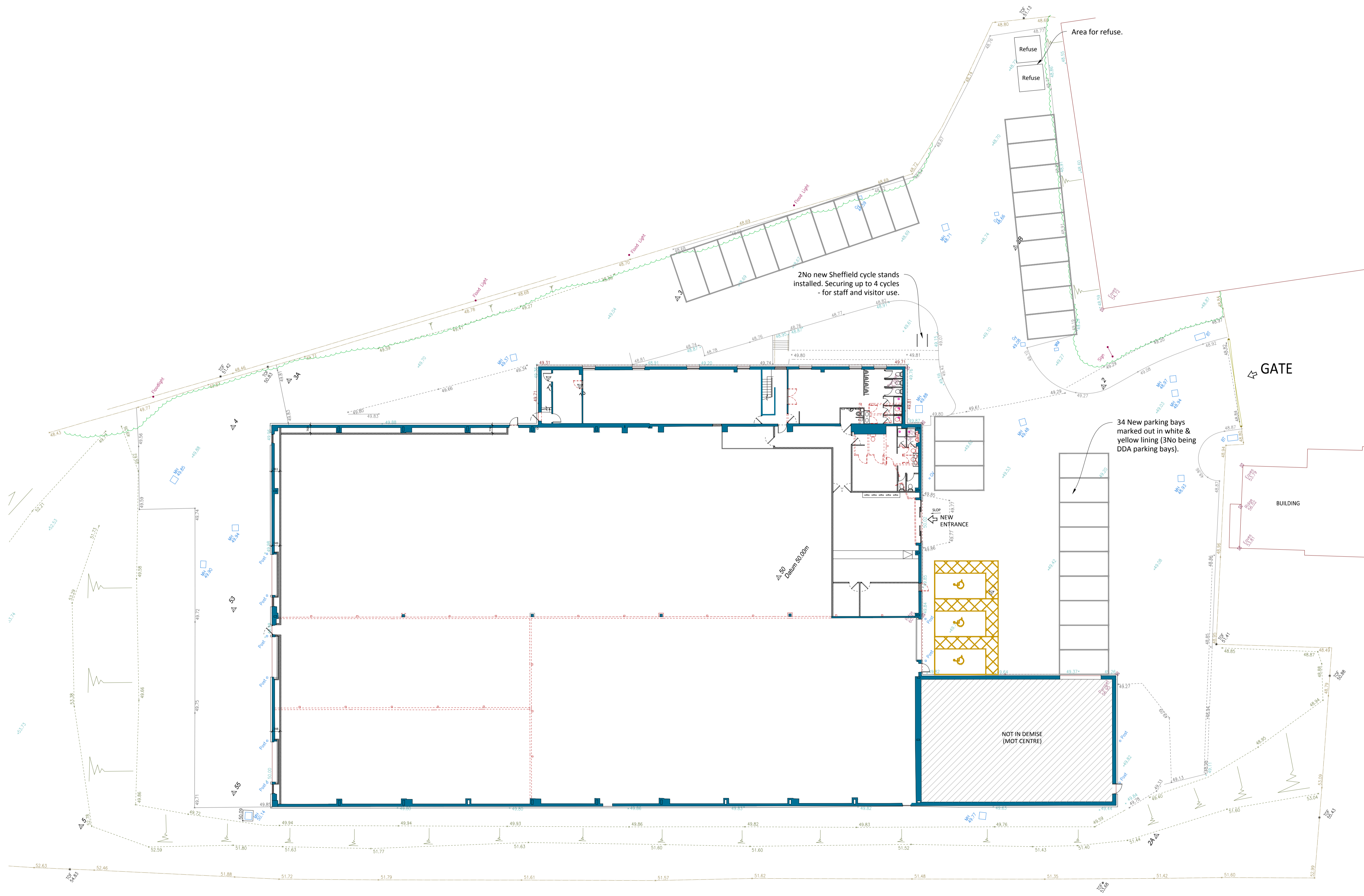


KEY:

— AREA OF PROPOSED WORKS



- Key:**
- Indicates items to be demolished
 - Indicates existing walls to be retained
 - Indicates new walls to be formed
 - Indicates new doors to be installed
 - Indicates new mezzanine floor



C	18.12.15	AMENDED TO PLANNING CONSULTANTS COMMENTS
B	27.08.15	AMENDED TO PLANNING CONSULTANTS COMMENTS
A	29.07.15	AMENDED TO PLANNING CONSULTANTS COMMENTS

REVISION NOTES

PLANNING

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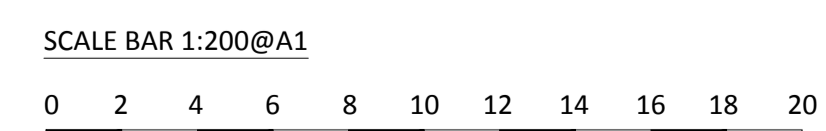
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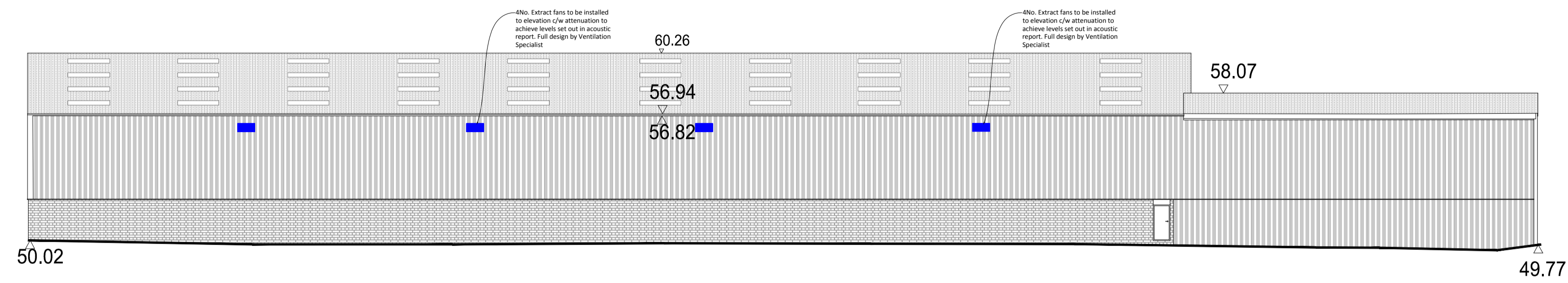
PROJECT
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DRAWING TITLE
 PROPOSED SITE PLAN

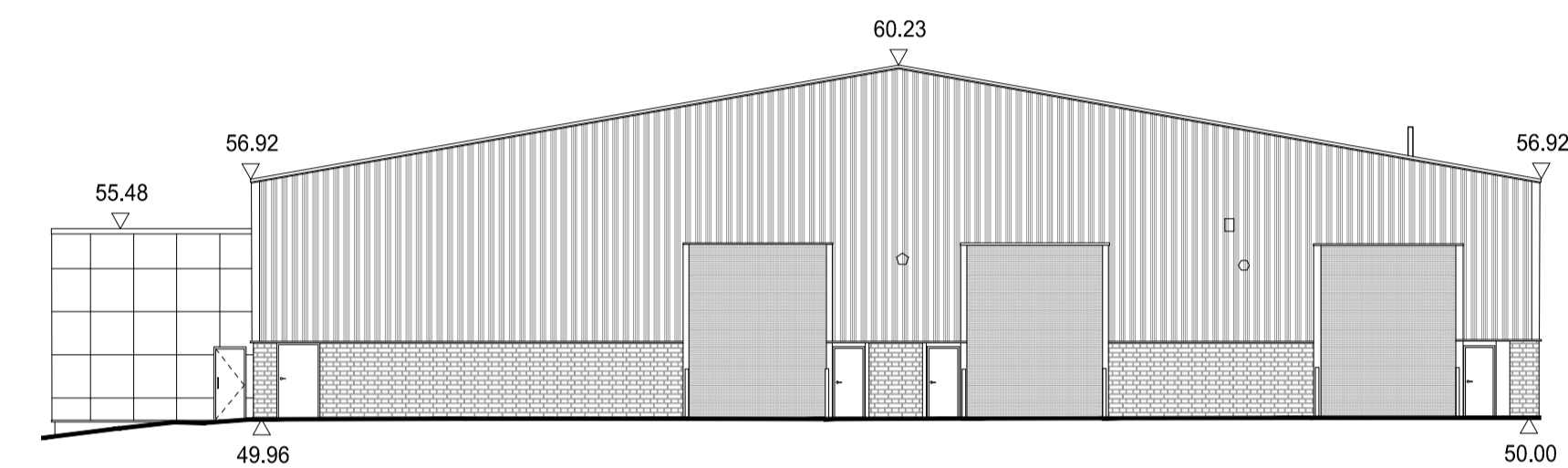
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SCALE	PAPER SIZE		
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Proposed Site Plan
 SCALE 1:200 @ A1

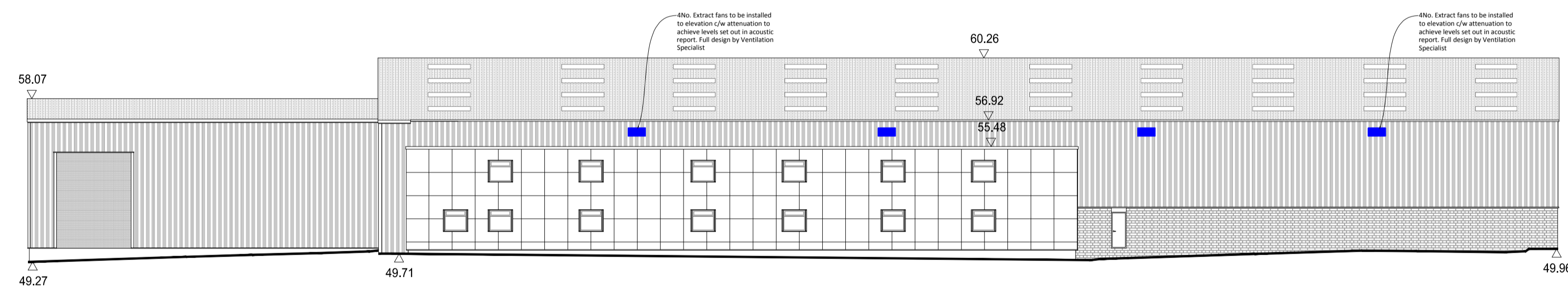




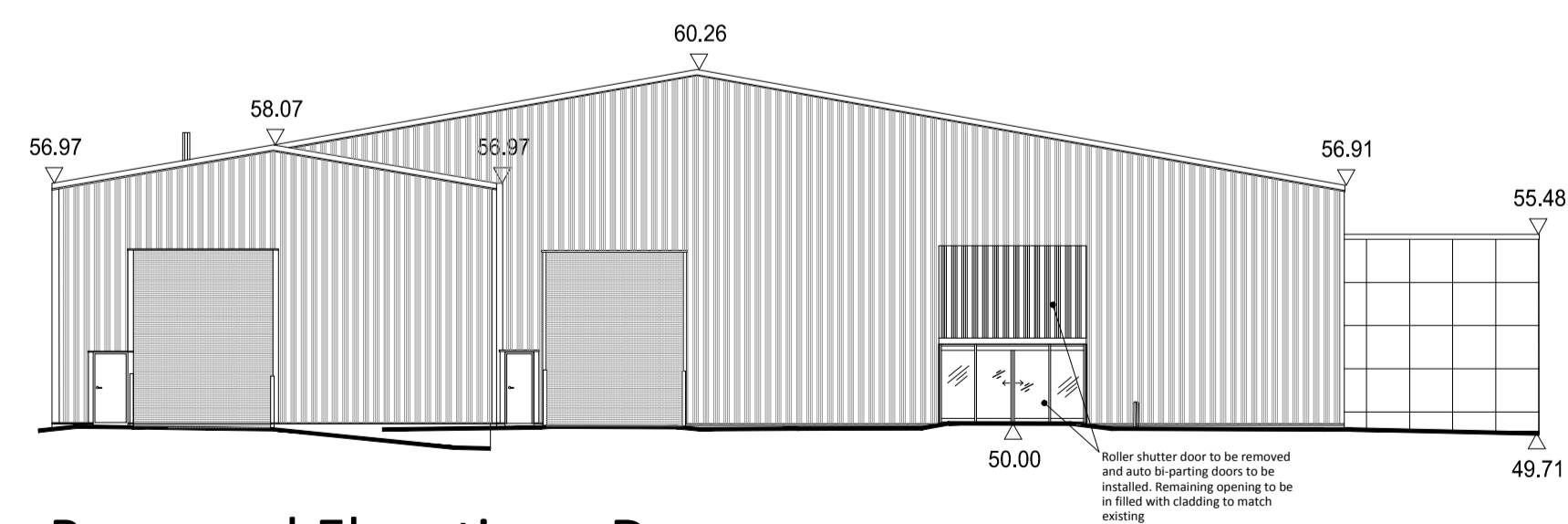
Proposed Elevation - A
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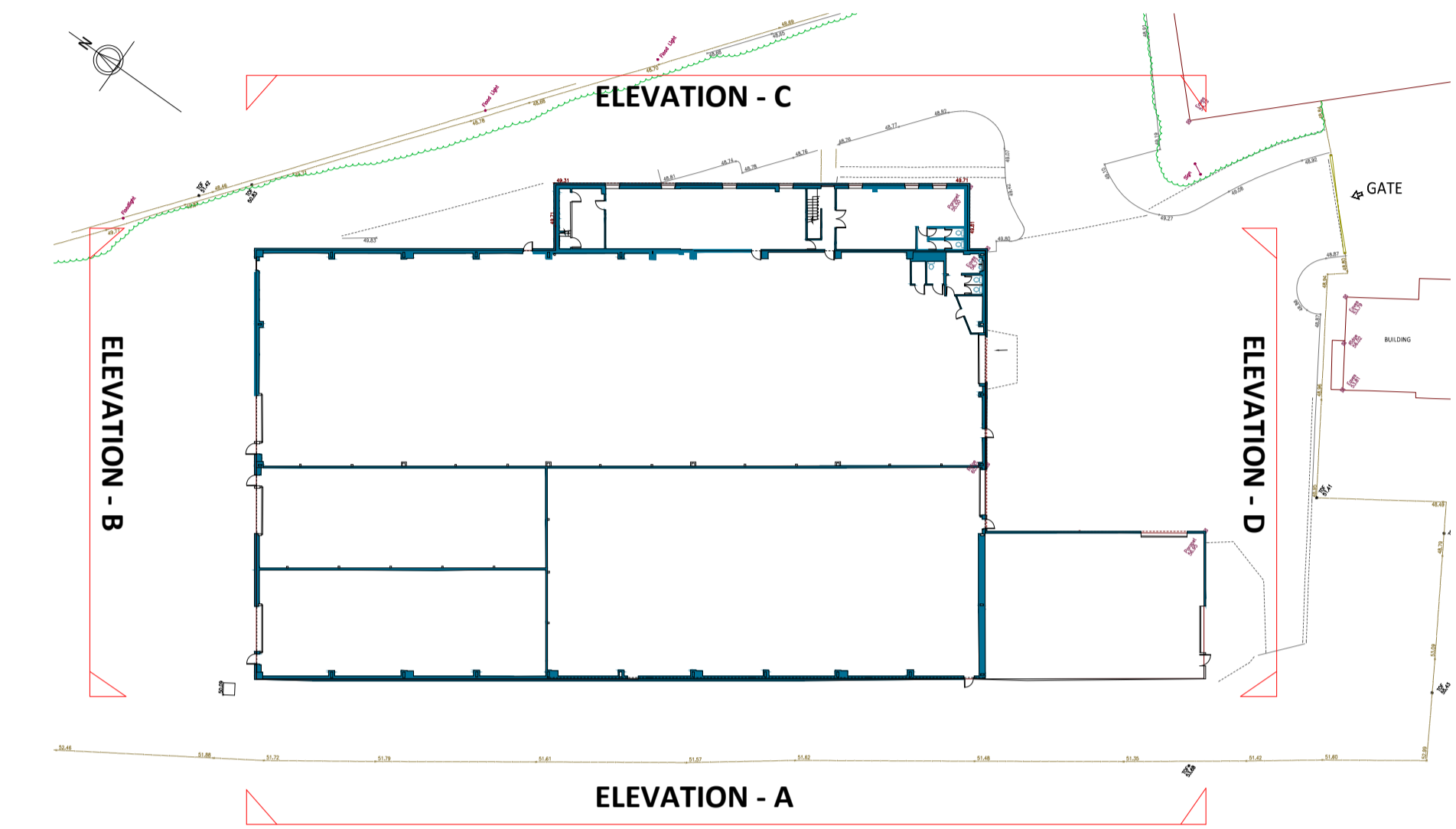
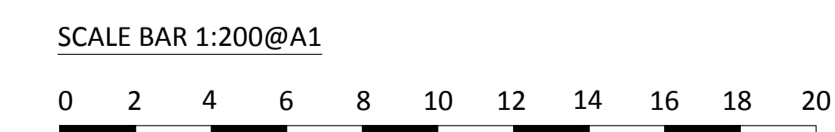
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 SCALE 1:200 @ A1



Proposed Elevation - C
 SCALE 1:200 @ A1



Proposed Elevation - D
 SCALE 1:200 @ A1



Key Plan
 SCALE : NTS

B	04.12.15	ACOUSTIC WALL AND VENTILATION SYSTEM ADDED
A	29.07.15	AMENDED TO PLANNING CONSULTANTS COMMENTS

REVISION NOTES

PLANNING

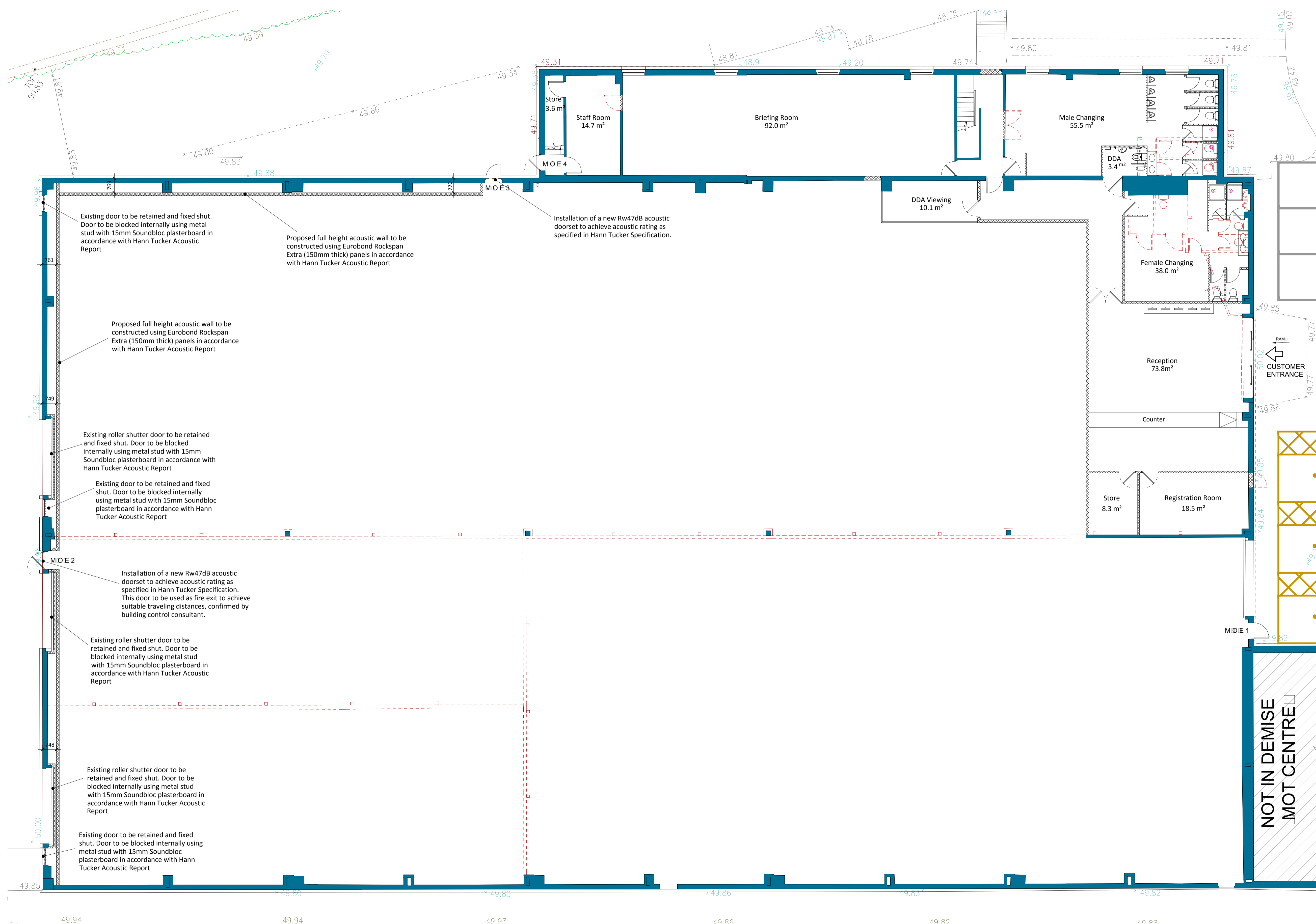
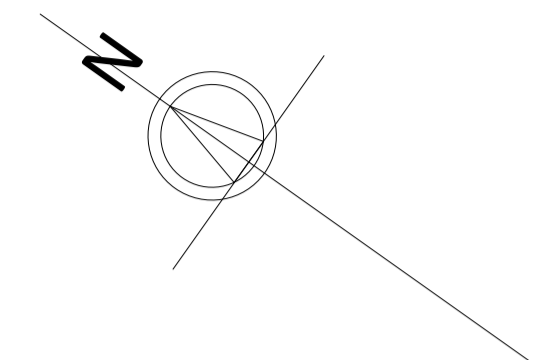
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DRAWING TITLE
PROPOSED ELEVATIONS

DRAWN BY	DATE	DRAWING No.	REV.
MJ	25/06/2015		
SCALE	PAPER SIZE	12825/PL/008	B
1:200	A1		



- Key:**
- Indicates items to be demolished
 - Indicates existing walls to be retained
 - Indicates new walls to be formed
 - Indicates new doors to be installed
 - Indicates new mezzanine floor

REVISION NOTES

D	09.12.15	AMENDED TO PLANNING CONSULTANTS COMMENTS
C	26.11.15	AMENDED TO PLANNING CONSULTANTS COMMENTS
B	19.11.15	AMENDED TO PLANNING CONSULTANTS COMMENTS
A	29.07.15	AMENDED TO PLANNING CONSULTANTS COMMENTS

PLANNING

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ARCHITECTURE SURVEYING PROJECT MANAGEMENT

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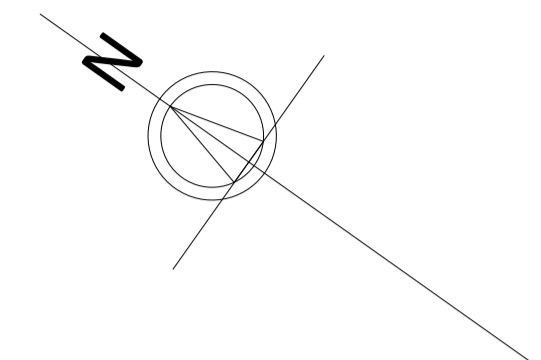
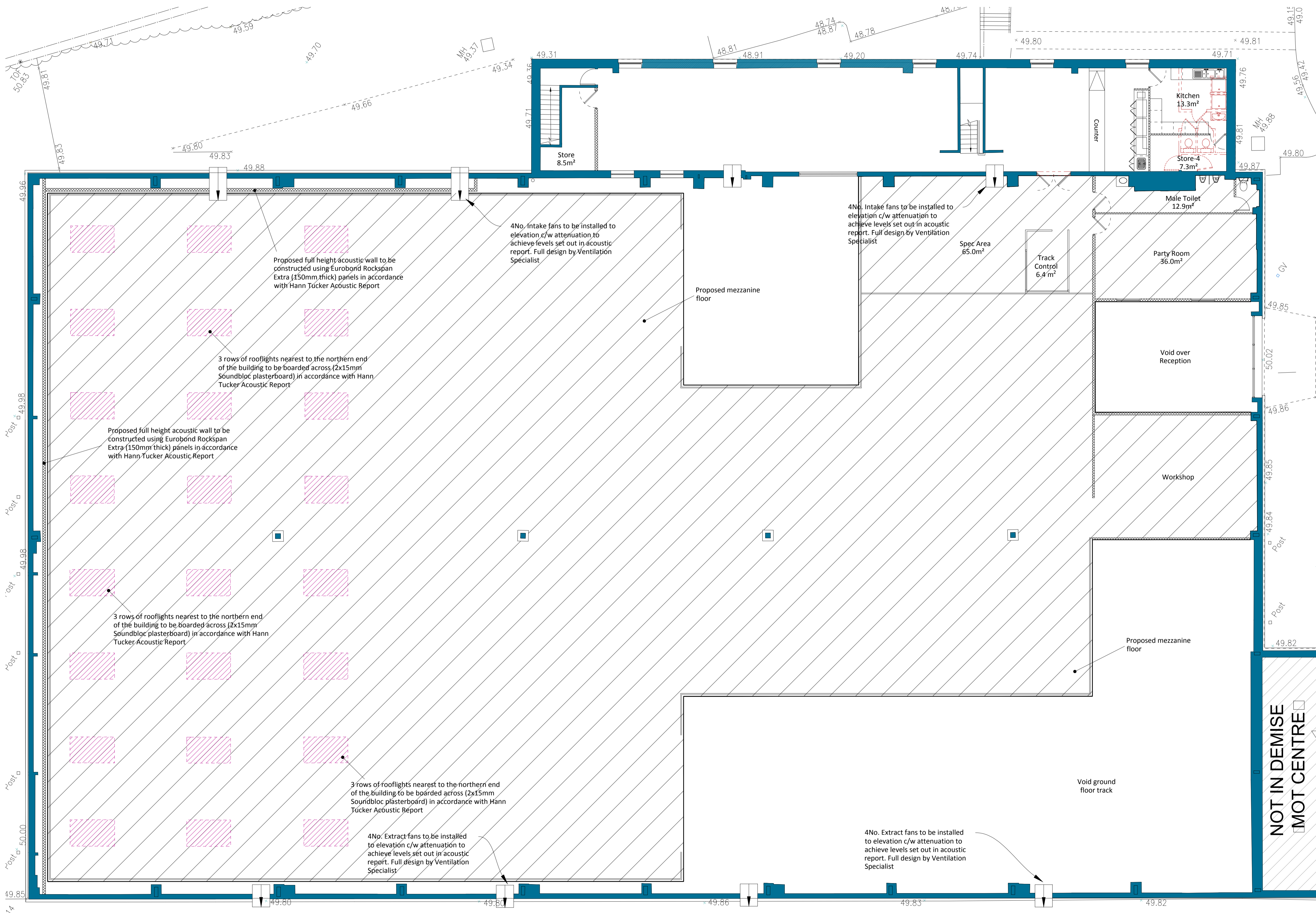
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DRAWING TITLE
 PROPOSED GROUND FLOOR PLAN

DRAWN BY MJ	DATE 25/06/2015	DRAWING No. 12825/PL/005	REV. D
SCALE 1:100	PAPER SIZE A1		

Proposed Ground Floor Plan
 SCALE 1:100 @ A1

METERS



Area of New Mezzanine to be installed

- Key:**
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PLANNING



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PROJECT
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DRAWING TITLE
 PROPOSED FIRST FLOOR PLAN

DRAWN BY	DATE	DRAWING No.	REV.
MJ	25/06/2015	12825/PL/006	D
SCALE	PAPER SIZE		
1:100	A1		

Proposed First Floor Plan

SCALE 1:100 @ A1

