

TOWN & COUNTRY PLANNING ACT 1990

**CHANGE OF USE OF LAND AND BUILDINGS TO PROVIDE A NEW KARTING
TRACK AND RELATED FACILITIES – LAND AT THE OLD CREAMERY,
CIRENCESTER ROAD, LATTON, WILTSHIRE, GL7 5QF.**

PLANNING STATEMENT

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Our Reference: SWLC.LPC6350

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1.0 INTRODUCTION

This planning application presents the proposed change of use of the former creamery site, to the north of Latton, which has been vacant and unable to attract new occupants for approximately 20 years. A planning application was last made by reference PL/2021/03353, and described as;

‘Demolition of existing buildings, change of use of land and erection of new building to house a workshop, showroom, office and store for agricultural and ground care machinery business. Associated works including landscaping, laying of hardstanding, erection of lighting and fencing’.

That application was however withdrawn without being determined.



The site currently comprises a large and long industrial style workshop building and a smaller former office building; together with a large area of hardstanding.





A creamery was built on the site in around 1930. Some houses for the employees there were also built. The creamery was built by the Co-operative Wholesale Society, who used it primarily to produce evaporated milk. The creamery was built at the site as it was near a source of water and by 1956 it employed 139 people. By 1936 it had become so productive that it had to be extended. It was extended yet again in 1946, and by this time the creamery had expanded to producing condensed milk and tinned cream as well as evaporated milk. It was closed though in 1996 and much of the site was cleared in 2000.

The only planning application determined for the site and available to view online is:

- N/09/01138/FUL Creamery, Cirencester Road, Latton, Wiltshire. Change of Use from Class B2 (General Industry) to Class B8 (Storage & Distribution) to be Used for the Storage of Porta Cabins. Permitted.

The withdrawn application referenced above appears to have applied the case of *Panton and Farmer (Panton and Farmer v. Secretary of State for the Environment, Transport and the Regions and Vale of White Horse District Council [1999])*, and thus maintained that the site represented a previously developed one. This is perhaps more important as the enclosed application seeks to combine the intended karting track use with the adjacent land, previously, also part of the same planning unit, along with additional land.

By application 16/02893/FUL planning permission was granted for; Change of Use from Class B2 (General Industrial) to Sui Generis for a Rally and Off Road Driving School.

GwynneSpeed, operating as Cotswold Driving Experience, offers rally and off-road driving experiences to members of the public in a controlled environment. The intention is to broaden that experience to include karting. The approved associated operations have been active since 2017, and the proposal will be similarly well suited in this similar location.

The rest of the above site was a former gravel processing plant located at the 'Old Creamery' within the Cotswold Water Park. Access to the site is gained from the Cirencester Road which runs along the north eastern boundary towards Latton which is approximately 1.4km to the south east of the site. The associated site comprises a 7 acre area of hardstanding/gravel which is used for the rally activities and a 13 acre section of silt lagoons etc in which an area is used for the 4x4 off road activities and features a number of earth mounds. There are 2 lakes located within the off road driving area but the majority of the land on this part of the site is unused.

Along the entire south western site boundary runs the A419 which is a very busy and noisy dual carriageway. The land to the north east is predominantly flat meaning that views across it from the west are restricted by the presence of the dual carriageway. The enclosed application site is entirely contiguous with the rally and driving experience operation, sharing the same access.

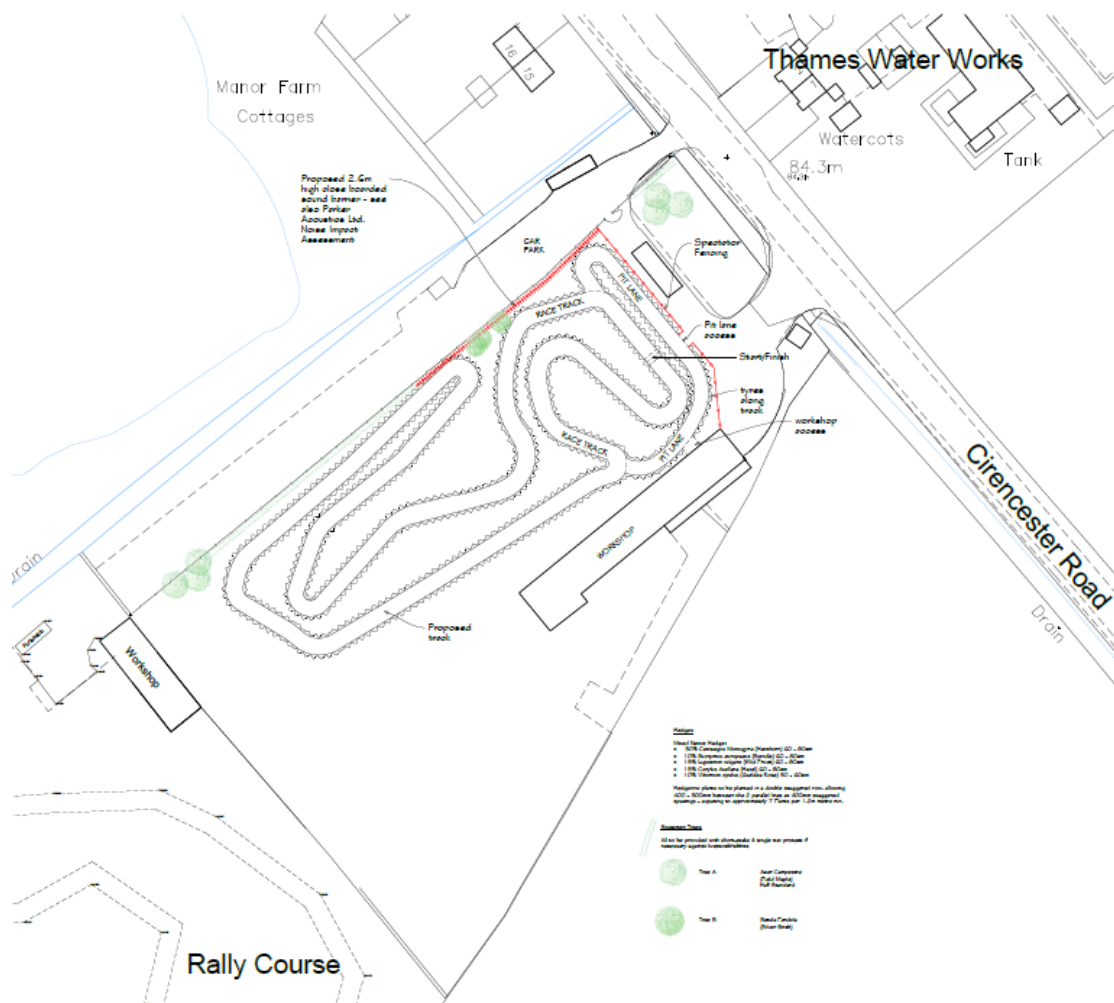
The site as a whole is shown contextually on the aerial view inserted on the next page.



2.0 THE PROPOSAL

The karting operation will utilise the existing commercial buildings, installing office and reception facilities in the former office building to the north east of the site, nearest the site entrance. It is indeed hoped that this building, when refurbished, will facilitate the removal of the more temporary style facilities used in connection with the existing driving experiences, as a central and more commodious/attractive point of contact for the public. The larger workshop premises will be utilised for the storage of the karts and for all maintenance tasks, as required.

Visitor parking is currently provided along the access road that runs parallel with the wider site's overall north western boundary. There is overflow, if needed (and evident in the aerial image above, used when the access track parallel spaces were apparently not in use) around the premises to the south west of the new karting track. These existing spaces are already ample and will be utilised to serve the site's intended new use in conjunction with the established uses. It is estimated that as

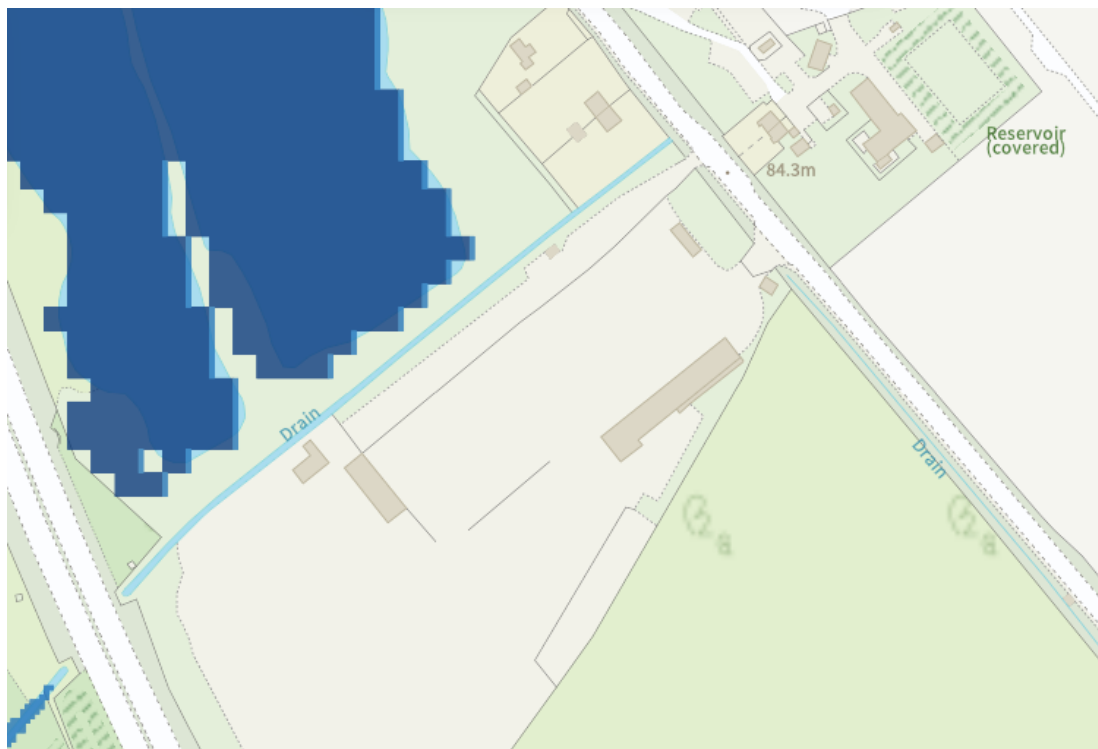


The type of kart to be used, and the intended track layout are shown on the previous page. So as to delineate the track, as the site as a whole is already laid with a thick concrete hardsurface means the intention is to use tyres and HDPE (High-Density Polyethylene) sheeting. The circuit perimeter will utilize a Low-Friction HDPE Safety Fascia System. HDPE has slick low-friction surface which allows karts to slide off the barrier during a collision. This deflects kinetic energy longitudinally down the track rather than stopping the kart instantly. The continuous, flexible flat sheet covers the individual "pockets" or gaps between the stacked tyres. This eliminates the risk of a kart's nose cone, wheels, or axle catching on a tyre rim, which prevents sudden flipping, spinning. Some examples of similar track arrangements are shown below, showing the low level characteristics of the set up.



The application site lies in Flood Zone 1, as shown by the mapping extract on the following page. Circling back to the supporting particulars submitted with application PL/2021/03353, referred to earlier, it is a matter of public record that the site's complete redevelopment then proposed included a Flood Risk Assessment

prepared by GTA Civils and transport Ltd. That assessment confirmed the fluvial flood risk to be low. Surface Water flooding was said to be possible when excess rainwater does not infiltrate into the ground or is not intercepted by urban drainage systems and instead flows across the surface. In respect of the previously proposed redevelopment, it was indicated that as this volume is limited and originates within this site, i.e. not an overland flow route, it would be dealt with by the development's SuDS. The enclosed application is of course not disturbing the ground as it simply reuses the site and buildings and is not a vulnerable use as it is by definition weather dependant and would therefore not proceed in inclement weather when there might be a risk of surface water occurring.



The previous application also carried out substantial assessment for contamination risk (EMS Geotech), including both desk top and from site samples in association with the site's proposed disturbance. No unacceptable contamination risks to controlled waters, building materials and services were identified from these investigation works. Again though, the application development will not disturb the sealed site.

This over-arching Planning Statement seeks to describe the scope of the application development and the site's physical arrangement, and context, and by applying national and local planning policy demonstrate it will be satisfactorily assimilated. To complete the assessment the application also includes the following additional

documentation and plans. As the existing buildings are not being materially changed there are no plan particulars to support the simple new chapter of use described, refurbishing the shell and decorating the exteriors without material change.

Plan and application documents

- LPC 6350 EX 01 Location Plan
- LPC 6350 EX 02 Existing Site Plan
- LPC 6350 PR Proposed Site Plan
- Noise Impact Assessment prepared by Parker Acoustics Ltd
- Bat Activity Survey & Assessment by Ellendale Environmental

3.0 THE DEVELOPMENT PLAN

The NPPF has recently been revised and sets out the Government's proposed economic, environmental and social planning policies for England. The NPPF carries forward the Government's commitment to supporting sustainable economic growth and indicates that significant weight should be placed on the need to 'enable businesses to invest, expand and adapt in a way that reflects the opportunities, challenges and characteristics of different areas, and supports long-term economic growth both locally and nationally.'

The NPPF confirms in Paragraph 3 that applications for planning permission will be determined in accordance with the Development Plan unless material considerations indicate otherwise. It also confirms that the NPPF, (along with the National Planning Practice Guidance (PPG) online) must be considered as a material consideration in planning decisions.

The following sections are also considered relevant to this development proposal:

Section 3: Decision making;

Section 4: Achieving sustainable development;

Section 5: Meeting the challenge of climate change;

Section 7: Building a strong, effective economy;

Section 12: Making effective use of land;

Section 14: Achieving well-designed places;

Section 15: Promoting sustainable transport;

Section 17: Pollution, public protection and security;

Section 18: Managing flooding and coastal change;

Section 19: Conserving and enhancing the natural environment.

E2 seeks to support business growth, giving substantial weight to ‘The economic benefits of proposals for commercial development which allow businesses to invest, expand and/or adapt’. Item 2 thereat considers whether the need requires specific locational requirements, including the expansion and clustering of existing businesses.

E4 in applying E2 seeks to also support the sustainable growth of businesses in rural areas, diversifying land based businesses, and facilities for rural leisure. Item 2 notes that, ‘Development proposals to meet business needs in rural areas may need to be located outside settlements, and in locations that are not well served by public transport.’ In these circumstances the re-use of previously developed land, and sites that are physically well-related to existing development are encouraged, where appropriate to the character of the surroundings.

In this regard L2 gives substantial weight to making the effective use of previously developed land. Only certain forms of development should be approved outside settlement, and S5 confirms this includes outdoor sports and recreation.

Development proposals should be appropriate for their location, and P3 requires account to be taken of the likely effects on health, living conditions and the natural environment. Where necessary suitable mitigation measures should be incorporated to secure acceptable living conditions.

Development Plan Policies

The Development Plan comprises the following:

- The Wiltshire Core Strategy Development Plan Document (Adopted January 2015)

The Core Strategy guides decision making on planning in the county area up to 2026.

The most relevant policies of the Core Strategy are expanded as follows:

Core Policy 34: Additional employment land sets out that proposals for employment will be supported within the Principal Settlements, Market Towns and Local Service Centres, in addition to the employment land allocated in the Core Strategy. Proposals will only be supported where they:

- i) meet sustainable development objectives as set out in the policies of this Core Strategy and

- ii) are consistent in scale with their location, do not adversely affect nearby buildings and the surrounding area or detract from residential amenity and
- iii) are supported by evidence that they are required to benefit the local economic and social needs and
- iv) would not undermine the delivery of strategic employment allocations and
- v) are supported by adequate infrastructure.

A number of target sectors have been identified for Wiltshire in order to promote the move towards a higher-value economy. Proposals which support these target sectors will be supported providing they meet the requirements of Core Policy 34.

These include:

- Advanced engineering and manufacturing
- Business services
- Bioscience
- Environmental technologies
- Food and drink
- ICT and creative industries
- Agriculture and land-based industries
- Tourism.

Core Policy 38: Retail and Leisure states that all proposals for retail or leisure uses on sites not within a town centre in excess of 200 sqm gross floorspace, including extension of existing units, must be accompanied by an impact assessment which meets the requirement of national guidance and established best practice, and demonstrates that the proposal will not harm the vitality or viability of any nearby centres.

Core Policy 39: Tourist Development outlines that, in exceptional cases, development may be supported away from the Principal Settlements, Market Towns, Local Service Centres and Large and Small Villages where it can be demonstrated that all the following criteria are met:

- (a) There is evidence that the facilities are in conjunction with a particular countryside attraction.
- (b) No suitable alternative existing buildings or sites exist which are available for reuse.
- (c) The scale, design and use of the proposal is compatible with its wider landscape setting and would not detract from the character or appearance of the landscape or settlement and would not be detrimental to the amenities of residential areas.
- (d) The building is served by adequate access and infrastructure.

(e) The site has reasonable access to local services and a local employment base.

Core Policy 51: Landscape states that development should protect, conserve and where possible enhance landscape character and must not have a harmful impact upon landscape character. It states that this is to be achieved through sensitive design features paying particular attention to:

- The locally distinctive pattern and species composition of natural features such as trees, hedgerows, woodland, field boundaries, watercourses and waterbodies.
- Landscape features of cultural, historic and heritage value.
- Important views and visual amenity.
- Tranquillity and the need to protect against intrusion from light pollution, noise, and motion.

Core Policy 56: Contaminated Land outlines that development proposals which are likely to be on or adjacent to land which may have been subject to contamination will need to demonstrate that measures can be taken to effectively mitigate the impacts of land contamination on public health, environmental quality, the built environment and amenity.

Core Policy 61: Transport and new development states that new development should be located and designed to reduce the need to travel particularly by private car, and to encourage the use of sustainable transport alternatives.

All other relevant policies are listed below:

Core Policy 1: Settlement Strategy;

Core Policy 2: Delivery Strategy;

Core Policy 19: Spatial Strategy for the Royal Wootton Bassett and Cricklade Community Area;

Core Policy 50: Biodiversity and geodiversity;

Core Policy 60: Sustainable transport;

Core Policy 62: Development impacts on the transport network;

Core Policy 64: Demand management;

Core Policy 67: Flood risk

4.0 PLANNING ASSESSMENT

The planning policy review in the previous section above has established the national and local policy consideration which are relevant to the consideration of the enclosed planning application. This section assesses the key planning issues raised by the proposed development, which are believed to be as listed below:

•Principle of Development

- The Site
- Development in the Open Countryside

•Sustainable Development; Social, Economic and Environmental Benefits

•Other Material Considerations

- Design and Layout
- Access, Parking and Highways
- Landscaping
- Ecology and Biodiversity Impacts
- Noise
- Flood Risk and Drainage
- Ground Conditions

Principle of Development

The starting point for the assessment of planning applications as set out by Section 38 (6) of the Planning and Compulsory Purchase Act 2004, is the adopted Development Plan, unless material considerations indicate otherwise. In this instance the adopted Development Plan comprises the Wiltshire Core Strategy Development Plan (2015).

National planning policy sets out a presumption in favour of sustainable development at NPPF policy S3, which confirms that development which accords with relevant policies in an up-to-date development plan should be granted planning permission without delay.

The previous section by reference to Core Policy 38 noted the potential need to consider this leisure development against the requirement for a Sequential Test. However, the nature of motorsport means that the specific requirements of the operation mean that the strict application of the Sequential Test is inappropriate.

Planning Practice Guidance (PPG) for Town Centre and Retail (September 2020) acknowledges the “Use of the sequential test should recognise that certain main town centre uses have particular market and locational requirements which mean that they may only be accommodated in specific locations. Robust justification will need to be provided where this is the case, and land ownership does not provide such a justification.”

In relation to the proposed outdoor karting, the proposals provide a track suitable for casual racing (leisure activity) and training (motorsports). The use is therefore a participant sport with limited number of spectators attending. Due to the site requirements and other planning considerations associated with the wider site's established uses, it is clear that the market and locational requirements for this type of use mean it cannot be appropriately accommodated within a town centre or edge of centre location. The NPPF confirms it is also suitable for a rural location.

The Site

The proposals will complement the existing driving experiences and training facilities, expanding the attraction of the established rural business. The nature of the operation proposed requires a location which is distant from large numbers of noise sensitive receptors and thus, even if not associated with the established business, would benefit from the previously established and similarly acceptable site parameters.

The site has good transport links, in close proximity to the A419 and the nature of the group events currently at the heart of the business, and anticipated to be applied to the karting opportunities means that in reality many users will car share.

Development in the Open Countryside

The site involves the re-use of previously developed land. Although the area is still considered as open countryside, outside of the settlement boundary its use is not opposed in principle at S5 to the NPPF. Furthermore, E4 in applying E2 seeks to support the sustainable growth of businesses in rural areas, diversifying land based businesses, and facilities for rural leisure, which include the application proposal. Item 2 to E4 notes that, 'Development proposals to meet business needs in rural areas may need to be located outside settlements, and in locations that are not well served by public transport.' In these circumstances the re-use of previously developed land, and sites that are physically well-related to existing development are encouraged, where appropriate to the character of the surroundings. The application is of course part of such expansion and reuses the long time vacant land and premises.

Further to this, policy HC4 gives substantial weight to new and improved community facilities which amongst other matters promote good health and social, such as 'new recreation facilities'.

Furthermore, Sports England guidance on “Assessing needs and opportunities guide for indoor and outdoor sports facilities” (July 2014) identifies the Countryside and natural Resources as a facility category for motorsports reflecting the need for these facilities to be located away from sensitive receptors.

Sustainable Development: Social, Economic and Environmental Benefits

The proposed development is anticipated to generate the following economic, social and environmental benefits, and these benefits should be afforded significant weight in the assessment of this full planning application (see NPPF paragraph 17).

Economic

The proposal will result in further investment in the site’s commercial operations and will increase employment on the site as part of an established operation, acceptably assimilated contextually.

Albeit there is no large scale construction works proposed, contracts will be made for refurbishment works to introduce the new chapter of use for the existing buildings and to create the track, adding landscaping and the noise barrier. Additionally, as already happens, the increased use of the site will generate use of local amenities and services in the area by construction workers and then new site users, to the benefit of the wider local economy.

Social

The proposed development will expand the site’s attractions and will provide a leisure and social attraction for both corporate events as well as local residents and other visitors, enhancing the social health of its users.

Environmental

The proposed development will re-use the existing vacant premises and result in the provision of a number of new landscaping opportunities, without losing any existing features.

The proposals will also include wildlife enhancements, that can be conditionally controlled.

Other Material Considerations

Design and Layout

The proposal takes advantage of the existing employment buildings which will be simply refurbished to support the primary new land use. The buildings in question already bound the hardsurfaced area and thus provide both physical containment and screening. The changes proposed are not discernible beyond the confines of the application site and will ensure minimal visual impact in the landscape.

The principal change to the character and appearance of the site is the unstained timber acoustic fencing proposed, which in addition to mitigating possible noise impacts (addressed later), will also screen the track adding to the enclosure provided by the retained buildings.

The workshop building provides both secure storage for the karts when not in use and thus also helps to minimise any visual clutter around the track.

Landscaping

The application site and wider land in the applicant's control has well established and densely planted boundaries, combined with the area's flat topography the site has a very narrow zone of visual influence. The retention of the boundary planting can be conditionally controlled.

The acoustic timber panelled fence proposed will not only assist to mitigate potential noise impacts but will screen views into the site along the shared access and thus remove any distraction which could result from the contained movement of the karts. Screening is also provided by the L shaped configuration of the existing buildings to be retained.

Access, Parking and Highways

The existing vehicular access to the site will be retained, which currently serves the adjacent and comparable operations. Cirencester Road which serves the site is straight and the 'Cotswold Driving Experience' junction is well signposted



As mentioned earlier parking is currently provided along the access drive to the side where the white van is evident in the photograph above. There is approximately 140m in length, and space to either side, amounting approximately 22 vehicles each side. The overflow parking is to the foreground of the Nissan hut and could comfortably accommodate another 30 spaces plus. If considered necessary, given that space is clearly not limited around the overall combined site, and there is no evidence of parking pressures having been experienced in the past, a more formal parking layout plan could be conditionally approved.

Activities are not extended beyond daylight hours and generally begin after peak am movements, and finish before the peak pm traffic. The modest nature of the change which is also limited by the number of karts possible on the track at one time (anticipated to be no more than 10) means the proposals will not have an adverse impact on the local highway network in terms of safety and convenience. As such, the proposed development, which is not a significant movement generator (mostly serving small groups as a full day experience) and is in accordance with section 15 of the NPPF. The nature of the operations and expansion of the existing would make it impractical to be located elsewhere as acknowledged at policy TR3 a. It is also in accordance with adopted Core Policies 62 and 64.

Ecology and Biodiversity Impacts

A Bat Activity Survey and Assessment has been prepared by Ellendale Environmental. The survey has revealed no evidence of bats, and combined with the extent of the wide spread concrete surfacing means there is no identified harm.

The report sets out the enhancement measures which will be undertaken to enhance the impact of the proposal on the existing habitat.

The application involves no physical development for which planning permission is required and does not therefore diminish the site's biodiversity, indeed the track's size, notwithstanding the lack of any physical land changes, means the proposal does not trigger the need for BNG on site, being less than 0.2ha and overall, the proposed development is in accordance with section 19 of the NPPF and WCS Core Policy 50.

Noise

The proposal is supported by a Noise Assessment undertaken by Parker acoustics Ltd. The noise survey for the site and wider area confirms the ambient noise levels and adapts the noise impact magnitude table as a means of assessing potential changes in ambient noise level due to the additional contributions associated with vehicles using the karting track.

Unsurprisingly baseline noise levels were seen to be predominantly due to heavy traffic on the A419. Karting noise was sampled directly using the same type of kart intended to be used on site. This single sample was corrected for kart numbers and potential noise propagation calculated.

Applying the noise impact magnitude descriptors, an increase of 5 dB LAeq,T as calculated would be considered 'medium' resulting in a 'moderate' noise impact. The observable effects mean that action is recommended to 'mitigate and reduce to a minimum'.

In order to minimise noise propagation to the nearest Noise Sensitive Receptor, it is recommended that a 2.6 metre high acoustic barrier is erected at the north-western boundary of the proposed karting area, as shown below. This can of course be conditionally controlled.



As a consequence of the proposed barrier the noise impact magnitude descriptors, lowered to an increase of 3 dB LAeq,T would be considered to be ‘small’ resulting in a ‘low’ noise impact. Although noticeable the karting would not be intrusive resulting in no observed adverse effects and the application proposal will therefore be satisfactorily assimilated.

NPPF policy P3 requires account to be taken of the likely effects on health, living conditions and the natural environment. Where necessary suitable mitigation measures should be incorporated to secure acceptable living conditions. The application sits full square with this advice and demonstrates the development is suitably located.

Flood Risk and Drainage

The application does not include a Flood Risk Assessment, which reflects the simple nature of the change of use proposed and the low vulnerability of the use itself. The site falls within Flood Zone 1 and is, therefore, at low risk of flooding from rivers and the sea. Additionally, the previous assessment referred to earlier underpins the contention that as no physical site changes are proposed the site is therefore considered appropriate for intended development.

It is therefore considered that the proposed development will create no drainage related externalities and is in line with section 18 to the NPPF and WCS Core Policy 67.

Ground Conditions

As above, the public record confirms that the desk top and trail hole physical examination previously carried out also underpins the contention that there are no unacceptable contamination risks to controlled waters, building materials and services, and as the new chapter of use will not disturb the sealed site, there are no contamination risks.