MANCHESTER CITY COUNCIL

Planning

Delegated Officer Report

Summary of application details

Application reference:	144104/FO/2025
Application type:	Full planning permission
Proposal:	Change of use from the existing warehouse building to an indoor electric go-karting track (Sui Generis).
Site address:	234 Briscoe Lane Manchester M40 2XG
Ward(s):	Miles Platting & Newton Heath
Date application valid:	29 May 2026
Applicant name:	Battlekart St Albans Ltd
Agent (if any):	Mr Sam Peacock
Case officer:	Sam Elliott
Recommendation:	Refuse
Date of recommendation:	16/07/2026

Description of site, building and/or area

The site address as applied for in the application form is 234 Briscoe Lane. It is noted that the Design & Access Statement refers to the site as 230A, 230B, and 234 Briscoe Lane, Newton Heath, Manchester, M40 2XG. It is unclear whether these address points are accurate, or have all been subsumed under 234 Briscoe Lane.

Notwithstanding this discrepancy, the application relates to an existing industrial warehouse building. The building is 2 storeys tall, constructed of brick and finished in a grey cladding to the upper half.

Access to the site is from two points along Briscoe Lane, with the main entrance accessed via a slope from the footway, and the servicing/loading yard to the rear of the site accessed via an internal access road off Briscoe Lane.

As observed on site, the rear servicing/loading yard features hardstanding. Application 123295/FO/2019 as varied by 132780/JO/2022 has a number of outstanding conditions relating to this area including nos. 6 (Car Parking), 19 (EV Charging), 20 (Resurfacing), with further details required for hard landscaping, surfacing, demarcation and EV provision. During site visits, it has been confirmed that these elements have not been implemented.

The applicant states in Section 4.15 of the Design & Access Statement and in correspondence dated 22/04/2026 the hardstanding has been laid since c2023. This was also confirmed on site.

It is also noted that further surfacing works to the front of the site were underway during a site visit 14/07/2026. Workers on site indicated that further surfacing was to later take place to the access road.

The site's current use was established in application 123295/FO/2019 for a 3251 sqm light industrial and storage/distribution building (Sui Generis). It is noted that the submitted application form states the building's existing use is a B8 Warehouse, while the *Planning, Design & Access Statement 27 March 2026* states that the existing use is Sui Generis. Notwithstanding this discrepancy, and as observed on site on two occasions, the current use appears to operate in accordance with this permission.

The immediate area, with the exception of the Grade II Philips Park Cemetery on the opposite side of Briscoe Lane, is largely industrial in character and comprises a host of large-scale industrial premises and warehouses. The adjacent Riverpark Trading Estate has however been cleared for residential use.

The site is in an area of medium risk for RoSW flooding.

As per documentation submitted for application CDN/22/0745, PFAS, PFPA, PFHxA, PFHpA and PFBA contamination has been historically confirmed at the site, with contaminants in the shallow groundwater.

A remedial strategy for the site was historically agreed through the discharge of Condition 13 (Ground Conditions) attached to Planning Permission 132780/JO/2022 via application CDN/24/0377. However, a verification report was not submitted to validate that the development was carried out in accordance with that strategy. It is therefore unclear whether the identified contamination was ever remediated.

The site is also within an area of Low Risk for Mining Development and Coal Bearing Strata at Surface.

Description of development

Planning permission is sought for a use of the building as an indoor electric go-karting track (Sui Generis).

The leisure use would utilise the large floorplate with projectors projecting a go karting track onto the floor. The following hours are proposed:

11:00-22:00 on Monday - Thursday
09:00-23:00 on Friday - Saturday.
09:00 – 22:00 on Sunday

The applicant has stated in Section 4.15 of the Design & Access Statement (received 31/03/2026), as well as correspondence received 31/03/2026, 24/04/2026 and19/05/2026 that there are no external alterations sought as part of the scheme.

However, the proposed drawings 01 REVISION C, 03 REVISION C and 06 REVISION C (received 29/05/2026) show an external bin store to the northeastern elevation.

There would also be a car park to serve the use. The applicant has stated that there would be no physical surfacing works involved. Drawing 02 REV C indicates that parking spaces and directional arrows are to be painted. 33no. parking spaces within, including 3no. disabled parking spaces and 3no Sheffield stands are proposed.

Section 4.56 of the Design & Access Statement states there would be electric vehicle charging, however no details of this are provided.

Relevant planning history

123295/FO/2019: Erection of a light industrial and storage/distribution building (Sui Generis) (3251 sqm) with associated car parking and boundary treatment.

CDN/21/0015: Discharge of conditions 2 (materials), 4 (drainage), 13 (ground conditions), 15 (CMP), 17 (Air Quality) and 21 (Environmental Standards) attached to planning permission referenced 123295/FO/2019. *Split Decision – Approval of Conditions 2, 4, 15, 17 and 21; Refusal of Condition 13 (Ground Conditions)*

CDN/21/0821: Discharge of condition 13 (Ground Conditions) associated with planning permission 123295/FO/2019. *Refusal*

132780/JO/2022: Variation of condition 3 (specified plans) attached to planning permission referenced 123295/FO/2019 to allow alterations to the site boundary. *Refused 06/06/2022*

CDN/22/0745: Discharge of condition 13 (Risk Assessment Report) attached to application ref no 132780/JO/2022. *Refused 01/01/2023.*

CDN/24/0091: Discharge of condition 13 (Ground Conditions) attached to application ref no 132780/JO/2022. *Refused 07/05/2024*.

CDN/24/0377: Discharge of Condition 13 (Ground Conditions) attached to Planning Permission 132780/JO/2022. *Approved 13/06/2024*.

142464/FO/2025: Erection of a residential development comprising 498 dwellings (Use Class C3a) together with landscaping, sustainable drainage features, pedestrian footways, vehicular accesses and highways, parking provision and other associated works.

Consultation, notification and publicity responses

Consultations

MCC Highways Services:
No objection, subject to further information and condition:

- Trip generation and junction capacity would be acceptable, further information for events is required.
- Site is in an accessible City Centre location, full travel plan condition requested.
- Car parking provision acceptable, EV charging and cycle parking condition requested.

- Details required for opposing vehicle movements through gates, access road markings, gate operations, parking location adjacent to Kids Tracks, confirmation of parking space sizes and aisle widths, swept path assessments, pedestrian access routes from the footway, access from car park to building, waste collection point location, delivery arrangements.
- CMP condition requested.

MCC Environmental Health:
No objection subject to condition:

- Hours of operation/servicing/deliveries condition recommended
- Accepts NIA with respect to breakout noise, recommends compliance conditions further submission of verification report.
- Recommends NIA condition for plant noise in case there is plant not shown on the drawings.
- Waste Management condition recommended.
- Electric vehicle charging condition recommended.

MCC Flood Risk:
Condition required:

- The applicant has submitted drawing PRE/C/007 from approved application 123295/FO/2019.
- This drawing PRE/C/007 does not provide the information that was agreed under CDN/21/0015.
- The applicant should submit an as-built drainage drawing showing the drainage system as constructed and demonstrating how surface water is managed and discharged at a controlled rate into the combined sewer.
- If there is any underground attenuation/storage system located beneath the heavy vehicle access route, the applicant should provide confirmation that the system has been designed to withstand the anticipated traffic loading and provide appropriate design details and supporting calculations
- Surface Water Drainage condition recommended.

Greater Manchester Police (GMP) Design for Security:

No objection:

- The building has already had a CIS in 2019 and subsequently achieved an SBD award.
- The proposed plans show no alterations to the building, no additional security measures required

Notifications and publicity

Occupiers of neighbouring buildings were notified of the proposal via notification letters, and the application was advertised as being in the public interest via site notice. No representations have been received as a result of this publicity

Relevant policies

The following policies are considered relevant to this application:

Places for Everyone

- JP-Strat1 – Core Growth Area

- JP-S1 – Sustainable Development
- JP-S4 – Flood Risk and the Water Environment
- JP-J1 – Supporting Long-Term Economic Growth
- JP-J2 – Employment Sites and Premises
- JP-C3 – Public Transport
- JP-C5 – Streets for All
- JP-C6 – Walking and Cycling
- JP-C8 – Transport Requirements for New Development
- JP-P1 – Sustainable Places
- JP-P2 – Heritage

The Adopted Core Strategy for the City of Manchester

- SP1 – Spatial Principles
- EC1 – Employment and Economic Growth in Manchester
- EC2 – Existing Employment Space
- EC3 – The Regional Centre
- CC1 – Primary Economic Development Focus: City Centre and Fringe
- CC5 – Transport
- EC5 – East Manchester
- EC6 – Central Park Strategic Employment Location
- EC7 – Eastlands Strategic Employment Location
- C9 – Out of Centre Development
- T2 – Accessible Areas of Opportunity and Need
- EN1 – Design Principles and Strategic Character Areas
- EN3 – Heritage
- EN14 – Flood
- EN17 – Water Quality
- EN18 – Contaminated Land and Ground Stability
- EN19 – Waste
- DM1 – Development Management

The Unitary Development Plan for the City of Manchester

- DC19 – Listed Buildings
- DC26 – Development and Noise
- EM5 – Central Park

NPPF

- Section 6 (Building a Strong, Competitive Economy)
- Section 7 (Ensuring the Vitality of Town Centres)
- Section 8 (Promoting Healthy and Safe Places)
- Section 12 (Achieving Well Designed Places)
- Section 14 (Meeting the Challenge of Climate Change, Flooding and Coastal Change)
- Section 15 (Conserving and Enhancing the Natural Environment)
- Section 16 (Conserving and Enhancing the Historic Environment)

Draft National Planning Policy Framework (NPPF) (2025)

- The government has published a consultation National Planning Policy Framework which is intended to improve housebuilding rates through a clearer, more predictable and faster policy basis for decision and plan making.

Whilst this is a draft NPPF for consultation it is considered that the development proposals are in accordance with the general thrust of policy contained within it. As set out in the printed report no adverse impacts have been identified through consideration of the application proposals that would outweigh a positive decision in this instance.

Listed Buildings and Conservation Areas Act 1990

- Section 66 (General duty as respects listed buildings in exercise of planning functions)

Eastlands Regeneration Framework (2019 Draft)

- The Manchester Abattoir/ Riverpark Road Trading Estate

Employment Land Review Report April 2025

- Central Park Strategic Employment Location

Assessment

Principle of Development

The application would see a change of use from the site's current industrial and storage/distribution (Sui Generis) use to an indoor electric go-karting track (Sui Generis) use. As this would represent a loss of industrial employment and employment space within the Central Park Strategic Employment Location for a leisure use, and the requirements for an appropriate alternative use in this location have not been met, the scheme is not supported in principle.

Additionally, the use would be a city centre use proposed in an out of out-of-centre location. The applicant has not provided consideration of any sequentially preferable sites and the use is not considered appropriate in function within this location, the principle of the use in this out-of-centre location is not supported.

There are a number of discrepancies with the scheme including on matters of the erection of a bin store and use of the rear yard as a car park. Had the use otherwise been considered acceptable, confirmation on any below ground works would be required given the site's risk of RoSW flooding and land contamination.

Further detail or conditions would have been sought for matters regarding noise and impact on the highway.

Loss of Employment and Employment Land

Policy and Site Context

Section 6 of the NPPF and Places for Everyone Policies JP-Strat1 and JP-P1 set out the objective for a thriving, inclusive and productive economy, with the economic role of the Core Growth Area protected and enhanced, supporting major growth in the number of jobs. Places for Everyone Policy JP-J2 and Core Strategy Policy EC2 moreover require that the Council seeks to retain and enhance existing employment space and sites.

The application site is within the Central Park Strategic Employment Location, identified by Policy EC6 of the Core Strategy; Saved UDP Policy EM5; the Employment Land Review Report April 2025; and the draft Eastlands Regeneration Framework.

Amongst other things and in general terms, these policies set out that Central Park is to be a high-quality business park, suitable for 60 ha of employment uses. A range of employment uses are encouraged across the whole of the site, including B1(b and c) (now E(g)ii and iii), B2, B8, sui generis and ancillary commercial services. Principally, the key sectors are to be within creative, media and manufacturing, with a range of low to high floorplates on offer for smaller to larger businesses and accommodating training and incubator facilities, spin-off businesses associated with the higher education sector, and offers opportunities in digital and creative media businesses.

While some land in the Riverpark Trading Estate has been given over to residential use in application 142464/FO/2025, the Employment Land Review Report April 2025 specifies that Briscoe Lane units are expected to have an on-going industrial/trade services function.

The site's current use was established in application 123295/FO/2019 for a 3251 sqm light industrial and storage/distribution building (Sui Generis). As observed on site, the current use operates in accordance with that permission in line with the objectives of the Strategic Employment Location.

Proposal

In the context described above, a Sui-Generis leisure and entertainment use as an indoor electric go-karting track is proposed.

The scheme therefore would represent a loss of strategic employment land within the Strategic Employment Location.

Policy EC2 sets out tests for alternative uses on allocated sites, where a scheme must demonstrate that:

- The existing use is un-viable in terms of business operations, building age and format;
- The existing use is incompatible with adjacent uses;
- The existing use is unsuitable for employment having had regard to the Manchester- Salford - Trafford SFRA; or
- On balance, proposals are able to offer greater benefits in terms of the Core Strategy's vision and spatial objectives than the existing use.

In consideration of the applicant's submission, it is not considered that the policy requirements of policy EC2 have been met.

The applicant has not outlined within their planning submission why they consider they comply with this policy other than to say that there is no loss of employment land on the basis that the consented use of the building was Sui Generis and the proposed use is Sui Generis.

The Design & Access Statement goes on to states that the building has not been commercially viable as a storage and warehousing unit since it was constructed due to high rents, and there was no interest in its sale for a period of 8 months prior.

The Council disputes that there is no loss of employment land. It is clear when granting the planning permission for 123295/FO/2019 it was for a light industrial and storage/distribution building (Sui Generis). The reason for the Sui Generis categorisation is the blended employment offer. The use as a go karting venue is not considered to fall within the traditional employment uses promoted by policy EC1 and EC6.

No evidence has been submitted outlining the how the premises has been marketed for alterative employment uses including details of any rental strategy to seek new occupants as evidence for consideration of alternatives.

It was also observed on site 12/06/2026 and 14/07/2026 that the building was operating as an industrial storage use. It is therefore not considered that the application has not demonstrated that the existing use is un-viable.

Whilst policy EC2 is an ‘or’ policy the Council is not satisfied that the alterative use offers a greater benefit to the city as a whole.

The applicant cites the aims to support leisure uses in Eastlands within the sub-text of Policy EC3 and Policies EC5 ‘East Manchester’ and EC7 ‘Eastlands Strategic Employment Location’.

However, the proposal is not a large-scale leisure use supported by these policies. The site is moreover within the Central Park Strategic Employment Location governed by EC6, rather than the Eastlands Strategic Employment Location specified in EC7 that would support creating a major leisure visitor destination. The proposed location is also not within the “collar site” outlined in EC7 as the applicant claims, which supports leisure, recreation and entertainment uses around the City of Manchester Stadium.

In view of these factors, it is not considered that a leisure use in the Central Park Strategic Employment Location offers greater benefits in terms of the Core Strategy’s vision and spatial objectives than the existing use.

The application is therefore not considered to pass the tests set out in policy EC2 and is considered to be an inappropriate form of development. It therefore fails to comply with Places for Everyone Policy JP-Strat1, JP-J2 and JP-P1; Core Strategy Policy EC2 and EC6; Saved UDP Policy EM5; and Section 6 of the NPPF with respect to employment in the Central Park Strategic Employment Location.

<u>Out-of-Centre Development</u>

Paragraph 91 of the NPPF states that sequential tests should be applied to planning applications for main town centre uses which are neither in an existing centre nor in accordance with an up-to-date plan.

As above, the proposed go-karting leisure use is not a large-scale leisure use or ancillary to the main employment use of the location. Therefore, in accordance with Policy EC3 of the Core Strategy the proposed use is to be assessed with regard to the tests laid out in Policies C1 and C9 for out-of-centre development.

In Policy C1 terms, the proposed use is a main town centre use. However, the application site is outside of a defined Centre, and is not located within the city centre, District Centres or Local Centres identified within Policy C1.

Policy C9 states that town centre uses which are outside a centre identified in policy C1 or a strategic location identified for such uses will be inappropriate unless it can meet the following criteria:

- There are no sequentially preferable sites, or allocated sites, within the area the development is intended to serve that are available, suitable and viable
- The proposal would not have unacceptable impacts, either individually or cumulatively with recently completed and approved schemes and having regard to any allocations for town centre uses, on the vitality and viability of the City Centre and designated district and local centres. An assessment of impacts will be required for retail developments of more than local significance; and,
- The proposal is appropriate in terms of its scale and function to its location.

In Section 5.21 of the Design & Access Statement, the applicant has stated that they do not view a sequential approach as required due to the specific building restraints and requirements the operator has to facilitate to the go-karting use. Specifically, the Design & Access Statement states tall ceilings and a sufficient floorplate are required for the business' operations.

The applicant does not consider individual sites and clarify why each has been ruled each out. In Sections 5.22 – 5.30, as well as Appendix 3, they include listings of sites within and outside the City Centre, which they have seemingly been discounted due to location or lacking the ceiling height to support the use.

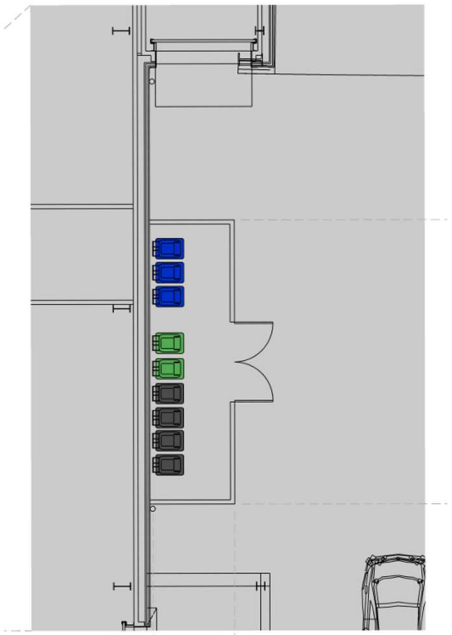
It is unclear if the applicant views the application site as the only available site within the boundary of Manchester City Council. Indeed, the application site does not feature within this assessment, and it is unclear how they have determined the site to be most preferable. Section 5.30 only concludes that no suitable sites would be available in the city centre.

Notwithstanding the above, a sequential approach has not been adopted for other out-of-centre locations. A list of sites which would meet the applicant's requirements has not been provided, and it is unclear how far the search was extended. Notably, no consideration has been given to sites in the District Centres specified by Policy C1 which allow for some leisure use.

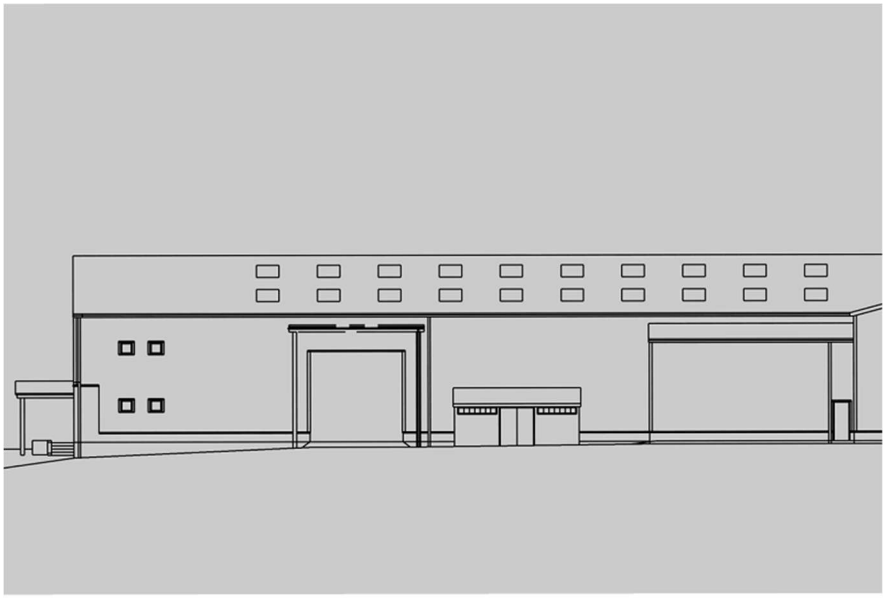
It is therefore considered that the applicant has failed to demonstrate that the town centre use would be sequentially preferable. Additionally, and as outlined in the section above, it is not considered that the proposed use is appropriate in terms of its function to the industrial employment location. As such, the scheme is not considered to meet the criteria outlined in Policy C9 of the Core Strategy and Section 7 of the NPPF to demonstrate that the town centre use is appropriate in this location.

<u>Visual Impact and Heritage</u>

The applicant has stated in Section 4.15 of the Design & Access Statement (received 31/03/2026), as well as correspondence received 31/03/2026, 24/04/2026 and19/05/2026 that there are no external alterations sought as part of the scheme. However, the proposed drawings 01 REVISION C, 03 REVISION C and 06 REVISION C (received 29/05/2026) show an external bin store to the northeastern elevation.



PART GROUND FLOOR PLAN SHOWING BIN STORE



SIDE ELEVATION (EAST)

The drawings state that it would feature a galvanised housing. It was observed on site that this location was set in from Briscoe Lane and somewhat obscured by the palisade fencing on site. Few other details have been provided of the bin store, and it is unclear whether this structure would be freestanding, or otherwise require fixing into the main building or foundation work.

Additionally, the applicant states in Section 4.15 of the Design & Access Statement and in correspondence dated 22/04/2026 that there is an existing car park in which some hardstanding has been laid since c2023 and there is no proposal for any further physical works to the parking court as part of this application. The applicant instead proposes to paint parking spaces and directional arrows. EV charging is also proposed.

It is unclear how the applicant would implement the proposed car park without physical works, with site conditions making painting difficult. It is also unclear how they would implement EV charging without further below ground works.

Had the application been acceptable, the Local Planning Authority would have sought to clarify these discrepancies, secure an internal waste storage solution to minimise visual impact of the proposal, and ensure the design of the parking court was acceptable. This would have been pursuant to Places for Everyone Plan Policies JP-P1 and JP-P2; Core Strategy Policies SP1, EN1, EN3 and DM; saved UDP Policy DC19 and EM5 as well as Sections 12 and 16 of the NPPF.

Had these involved below ground works, these works would have required consultation on matters of ground conditions.

Trip Generation, Sustainable Transport and Highways Impact

The applicant has submitted the Transport Statement prepared by Astute referenced A25166 Issue 3.

Operational trip generation assessment has been undertaken based on a first principles approach, with the vast majority of trips taking place after 5pm or on a weekend. Under a worst-case scenario, the proposed development is expected to attract up to 54 person trips.

Highways Services have reviewed the above and are satisfied that the use would have an acceptable trip generation impact. They requested more information regarding potential events

that may take place. Had the scheme been considered otherwise acceptable, further detail on potential events would have been sought and an events management plan recommended for condition.

Highways Services otherwise view that the site is reasonably accessible by sustainable modes of transport, and a Travel Plan is recommended for condition. Had the scheme been otherwise acceptable, a condition to this effect would have been recommended for inclusion in the decision notice.

A Construction Management Plan (CMP) condition was also recommended. It is not considered that a CMP condition would have been proportionate to the scope of works.

Subject to the above, the scheme would have complied with Places for Everyone Policies JP-C3 and JP-P1; Core Strategy Policies SP1, CC5, T2 and DM1; and Section 9 of the NPPF.

Parking, Access and Accessibility

Application 123295/FO/2019 as varied by 132780/JO/2022 has a number of outstanding conditions relating to parking at the site including nos. 6 (Car Parking), 19 (EV Charging), 20 (Resurfacing), with further details required for hard landscaping, surfacing, demarcation and EV provision. During a site visit, it has been confirmed that these elements have not been implemented.

The applicant states in Section 4.15 of the Design & Access Statement and in correspondence dated 22/04/2026 some uneven hardstanding has been laid since c2023. This was also confirmed on site.

Within this context, the applicant proposes no further hardstanding works as part of this application, relying on the as-built yard area for parking.

The applicant proposes 33no. parking spaces within, including 3no. disabled parking spaces and 3no Sheffield stands. Drawing 02 REV C indicates that parking spaces and directional arrows are to be painted.

It is noted that the application form states there would 28 public spaces and 4 staff parking spaces. In Section 5.46 of the Design & Access Statement, the applicant also states there would be electric charging points, though no details have been provided.

Given site conditions, it is unclear how spaces are to be demarcated, particularly to the disabled spaces in the southwest corner of the car park where the landscaping is especially uneven. It is also not clear from the submitted drawings where the bike stands would be located, or where EV charging would be provided.

Moreover, patrons would seemingly not be able to access the building directly from the car park. Instead, the proposed route is via the access road and Briscoe Lane to the main entrance.

While there is an accessible ramp to the main entrance, there are topographical changes across the site that may be challenging for mobility impaired patrons to traverse this long route.

Additionally, staff facilities to the mezzanine floor over have stair-only access.

Highways Services have reviewed the application and view the car parking provision as sufficient.

Further details including opposing vehicle movements, gate access control, parking space sizes, aisle width details, swept path assessments, and routes for patrons accessing the building from the car park were requested by the consultee. They also recommended cycle parking, as well as a minimum of 20% EV charge points (minimum 7kW) with cable ducting.

Had the scheme been otherwise acceptable, the Local Planning Authority would have looked to clarify these details, secure charging points and cycle spaces to promote sustainable transport, provide a properly surfaced parking court, provide a segregated pedestrian route, relocate disabled spaces closer to the main entrance, and provide a means for mobility impaired staff to access the upper floor of the building, pursuant to Places for Everyone Policies JP-C3, JP-C5, JP-C6, JP-C8 and JP-P1; Core Strategy Policies SP1, CC5, CC10, T2, DM1; saved UDP policy EM5; as well as Section 9 of the NPPF.

Had these involved below ground works, these works would have required consultation on matters of ground conditions.

Waste and Servicing

The proposed drawings 01 REVISION C, 03 REVISION C and 06 REVISION C (received 29/05/2026) show an external bin store to the northeastern elevation.

Highways Services have reviewed the application and requested further information on the waste collection point and arrangements for deliveries.

Environmental Health have reviewed the application requested a waste management strategy with additional details of the arrangements for waste management.

Had the scheme been otherwise considered acceptable, the Local Planning Authority would have conditioned a Waste Management Strategy to address consultee concerns and assure compliance with Places for Everyone Policy JP-P1; Core Strategy Policies SP1, EN19 and DM1 as they relate to waste management.

Operation and Servicing Hours

The use is proposed to operate between the following hours:

11:00-22:00 on Monday - Thursday
09:00-23:00 on Friday - Saturday.
09:00 – 22:00 on Sunday

MCC Environmental Health have reviewed the above and are satisfied with the proposed hours.

They further recommend that deliveries, servicing and collections, including waste collections should not take place outside the following hours:

Mondays to Saturdays: 07:30am to 20:00pm,
No deliveries/waste collections on Sundays/Bank Holidays

Had the scheme been otherwise considered acceptable, compliance conditions requiring adherence to the above would have been recommended in line with Places for Everyone Policy JP-P1; Core Strategy Policies SP1 and DM1; and Saved UDP Policy DC26 as they relate to noise disamenity.

Breakout Noise

The applicant has submitted the Noise Impact Assessment by Braiden Acoustics LTD. Ref : 11468 dated March 2026.

MCC Environmental Health have reviewed the above and are satisfied that the proposed measures would be sufficient in meeting Council noise criteria at the external receptors near the premises.

Had the scheme been otherwise considered acceptable, a condition requiring adherence to the noise levels and measures set out in the Noise Impact Assessment, as well as requiring submission of a verification report to validate the findings, would have been recommended to ensure compliance with Places for Everyone Policy JP-P1; Core Strategy Policies SP1 and DM1; and Saved UDP Policy DC26 as they relate to breakout noise disamenity.

Plant Noise

The applicant has stated in Section 4.15 of the Design & Access Statement that no external alterations are sought as part of the scheme.

Notwithstanding the above, MCC Environmental Health have reviewed the scheme and recommended a condition to control plant noise.

Had the scheme been otherwise considered acceptable, the Local Planning Authority would have sought to clarify beyond doubt that no additional plant was required to facilitate the use. Had additional plant been required, a condition requiring a Noise Impact Assessment and submission of a verification report to validate its findings would have been recommended to ensure

compliance with Places for Everyone Policy JP-P1; Core Strategy Policies SP1 and DM1; and Saved UDP Policy DC26 as they relate to noise disamenity resulting from plant.

Flood Risk and Drainage

The site is in an area of medium risk for RoSW flooding. It is noted that contaminants have been historically recorded within the shallow groundwaters beneath the site.

A drawing referenced PRE/C/007 showing drainage for the existing building formed part of the planning permission 123295/FO/2019. Conditions for surface water drainage works (Condition 4) and sustainable drainage (Condition 5) were attached to that permission.

Condition 4 was discharged in application CDN/21/0015 on the basis of drawings referenced BRL-MAG-ZZ-XX-DR-C-0200/C3 and BRL-MAG-ZZ-XX-DR-C-0201/P1, together with the Drainage Condition Report (Rev 01) produced by Marston and Grundy LLP. These included RWP roof collection, an attenuation tank beneath the car park, as well as gulleys, channels and a manhole.

It is unclear whether these elements were implemented, however no manhole that would presumably service an attenuation tank was visible on site.

No details for the implementation, maintenance and management of a sustainable drainage scheme were submitted to and approved by the Local Planning Authority pursuant to Condition 5 of permission 123295/FO/2019 or as varied by 132780/JO/2022.

In this context, the applicant has proposed to rely upon the site's as-built drainage (see Section 5.56-5.57 of the Design & Access Statement). The applicant has also resubmitted the drawing referenced PRE/C/007 originally submitted as part of the historic planning application 123295/FO/2019.

MCC Flood Risk have reviewed the above and are not satisfied that the resubmitted drawing contains the full measures approved previously in application CDN/21/0015. They recommend a condition for a drainage scheme which shows the as-built drainage system and the applicant's proposal for management and drainage.

Had the scheme been otherwise acceptable, the Local Planning Authority would have included a condition for surface water drainage in order to comply with Places for Everyone Policy JP-S1, JP-S4, and JP-P1; Core Strategy Policies SP1, EN8, EN14, EN17 and EN18; as well as Sections 8 and 14 of the NPPF.

Had the drainage scheme involved below ground works, these works would have required consultation on matters of ground conditions.

Ground Conditions and Previous Coal Mining Activity

As per documentation submitted for application CDN/22/0745, PFAS, PFPA, PFHxA, PFHpA and PFBA contamination has been historically confirmed at the site, with contaminants in the shallow groundwater.

A remedial strategy for the site was historically agreed through the discharge of Condition 13 (Ground Conditions) attached to Planning Permission 132780/JO/2022 via application CDN/24/0377. However, a verification report was not submitted to validate that the development was carried out in accordance with the remedial strategy. It is therefore unclear whether the identified contamination was ever remediated.

The site is also within an area of Low Risk for Mining Development and Coal Bearing Strata at Surface.

As noted elsewhere within this report, there are a number of discrepancies within the scheme which may have required below ground works.

Had the scheme been otherwise acceptable, the Local Planning Authority would have looked to clarify these elements. Had below ground works been required, further consultation would be needed to address the uncertain ground conditions outlined above. This would be to ensure any works taking place would not result in a safety hazard and ensure the scheme would be compliant with Places for Everyone JP-S1, JP-S4 and JP-P1; policies EN17 and EN18 of the Core Strategy; as well as Sections 8 and 15 of the NPPF as they relate to matters of contamination and the water environment.

Security

GMP Design for Security reviewed the application and are satisfied that there are no security concerns with the scheme. The consultee notes that the building formerly submitted a CIS in 2019 and subsequently achieved an SBD award. As the proposed plans show no alterations to the building, the consultee does not recommend any further security measures.

As such, the proposal is in line with Places for Everyone Policy JP-P1 and Core Strategy Policies SP1 and DM1 with respect to security.

Other Legislative Requirements

Equality Act 2010
Section 149 (Public Sector Equality Duty) of the Equality Act 2010 requires due regard to the need to: Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act and; Advance equality of opportunity between persons who share a protected characteristic and persons who do not share it. The Equality Duty does not impose a legal requirement to conduct an Equality Impact Assessment. Compliance with the Equality Duty involves consciously thinking about the aims of the Equality Duty as part of the process of decision-making.

Human Rights Act 1998 considerations
This application needs to be considered against the provisions of the Human Rights Act 1998. Under Article 6, the applicants (and those third parties, including local residents, who have made representations) have a right to a fair hearing and to this end the local planning authority must give full consideration to their comments.

Protocol 1 Article 1, and Article 8 where appropriate, confer(s) a right of respect for a person's home, other land and business assets. In taking account of all material considerations, including Council policy as set out in the Core Strategy and saved polices of the Unitary Development Plan, the Director of Planning, Building Control & Licensing has concluded that some rights conferred by these articles on the applicant(s)/objector(s)/resident(s) and other occupiers and owners of nearby land that might be affected may be interfered with but that that interference is in accordance with the law and justified by being in the public interest and on the basis of the planning merits of the development proposal. She believes that any restriction on these rights posed by the recommendation given is proportionate to the wider benefits of and that such a decision falls within the margin of discretion afforded to the Council under the Town and Country Planning Acts.

Conclusion

The proposed Sui Generis use as an indoor electric go-karting track would represent a loss of industrial employment and employment space within the Central Park Strategic Employment Location for a leisure use. The proposed scheme has failed to demonstrate the tests within Core Startegy Policy EC2 have been met that the existing use is un-viable or that the proposal is able to offer greater benefits in terms of the Core Strategy's vision and spatial objectives than the existing use. The proposal would therefore represent an unacceptable loss of industrial employment and employment space within the Central Park Strategic Employment Location, failing to comply with Places for Everyone Policies JP-Strat1, JP-J2 and JP-P1; Core Strategy Policy EC2 and EC6; Saved UDP Policy EM5; and Section 6 of the NPPF with respect to employment in the Central Park Strategic Employment Location.

Additionally, as the applicant has not demonstrated that the site is sequentially preferable and the use is not considered appropriate in function within this location, the scheme has failed to comply with Core Strategy Policies EC3, C1, and C9 and the proposed city centre use in this out-of-centre location is not supported.

Given the above, the numerous discrepancies with the scheme have not been addressed. Had the use otherwise been considered acceptable, confirmation on any below ground works would be required given the site's risk of RoSW flooding and land contamination. Further detail or conditions would have been sought for matters regarding noise and impact on the highway.

Article 35 Declaration

Officers have worked with the applicant in a positive and proactive manner based on seeking solutions to matters arising in relation to dealing with the planning application. No pre application advice was sought in respect of this matter. The application has been assessed against policy and the comments received. There would be conflicts with policy which could not be resolved through amendments to the scheme. The application is determined in a timely manner.

Recommendation:

Refuse

Reasons for refusal

1) The proposed Sui Generis use as an indoor electric go-karting track would represent a loss of industrial employment and employment space within the Central Park Strategic Employment Location for a leisure use. The proposed scheme has failed to demonstrate the tests within Core Strategy Policy EC2 for alternative uses on allocated sites have been met, specifically that the existing use is un-viable or that the proposal is able to offer greater benefits in terms of the Core Strategy's vision and spatial objectives than the existing industrial and storage/distribution building (Sui Generis) use within the Central Park Strategic Employment Location. The proposal would therefore represent an unacceptable loss of industrial employment and employment space within the Central Park Strategic Employment Location and not support the ongoing vitality of the site and wider area for employment purposes, failing to comply with Places for Everyone Policies JP-Strat1, JP-J2 and JP-P1; Core Strategy Policy EC2 and EC6; Saved UDP Policy EM5; and Section 6 of the NPPF with respect to employment in the Central Park Strategic Employment Location.

2) The proposed Sui Generis use as an indoor electric go-karting track would be a main town use in an out-of-centre location. The proposed scheme has failed to demonstrate that the site is sequentially preferable in line with the requirements of Policy C9 of the Core

Strategy. It is moreover not considered appropriate in function as a leisure use within the Central Park Strategic Employment Location. As such the scheme would be an inappropriate use within the location and fails to comply with Core Strategy Policies EC3, C1, and C9; as well as Section 7 of the NPPF.