

**Planning Committee:** 16 August 2016

**Item Number: 10**

**Application No:** [W 16 / 0986](#)

**Town/Parish Council:** Leamington Spa

**Registration Date:** 17/06/16

**Case Officer:**

Rob Young

**Expiry Date:** 12/08/16

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**Ground Floor, 14B Althorpe Street, Leamington Spa, CV31 2AU**

Change of use from body shop/car garage to fitness studio (Use Class D2). FOR  
Mr Paneser

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This application is being presented to Committee due to the number of objections received.

**RECOMMENDATION**

Planning Committee are recommended to GRANT planning permission, subject to conditions.

**DETAILS OF THE DEVELOPMENT**

The application proposes a change of use from a body shop / car garage to a fitness studio (Use Class D2).

**THE SITE AND ITS LOCATION**

The application relates to a small industrial unit situated on the western side of Althorpe Street. The property is situated within a terrace of similar properties. The site is within the Althorpe Industrial Estate and within Leamington Town Centre. All of the properties in the immediate vicinity of the site are in commercial use.

**PLANNING HISTORY**

In 2002 planning permission was granted for "Alterations to existing building for conversion to 3 industrial units and 1 unit to taxi business/office, radio control room and erection of an aerial" (Ref. W02/1076).

In 2003 planning permission was refused for the change of use of the adjoining unit to a martial arts studio (Ref. W03/0470). The reason for refusal related to concerns about the loss of employment land which was deemed to be contrary to Policy (DW) EMP5 of the then Local Plan (1995 version).

**RELEVANT POLICIES**

- National Planning Policy Framework

### The Current Local Plan

- DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011)
- DP2 - Amenity (Warwick District Local Plan 1996 - 2011)
- DP6 - Access (Warwick District Local Plan 1996 - 2011)
- DP8 - Parking (Warwick District Local Plan 1996 - 2011)
- DP13 - Renewable Energy Developments (Warwick District Local Plan 1996 - 2011)
- TCP7 - Opportunity Sites in Old Town, Leamington Spa (Warwick District Local Plan 1996 - 2011)
- TCP9 - Protecting Employment Land and Buildings (Warwick District Local Plan 1996 - 2011)

### The Emerging Local Plan

- DS5 - Presumption in Favour of Sustainable Development (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- PC0 - Prosperous Communities (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- TC12 - Protecting Town Centre Employment Land and Buildings (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- CT1 - Directing New Tourism, Leisure and Cultural Development (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- SC0 - Sustainable Communities (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- BE1 - Layout and Design (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- BE3 - Amenity (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- TR1 - Access and Choice (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- TR4 - Parking (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- HS1 - Healthy, Safe and Inclusive Communities (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- HS6 - Creating Healthy Communities (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- CC1 - Planning for Climate Change Adaptation (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- CC3 - Buildings Standards Requirements (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)

### Guidance Documents

- Vehicle Parking Standards (Supplementary Planning Document)
- Sustainable Buildings (Supplementary Planning Document - December 2008)

## **SUMMARY OF REPRESENTATIONS**

**Town Council:** No objection.

**Public response:** 5 objections from nearby businesses have been received, raising the following concerns:

- concerns about traffic generation and access to the area;
- harm to pedestrian safety;
- parking is limited in Althorpe Street;
- other recently approved developments will adversely affect the traffic / parking situation, e.g. the nearby hall of residence;
- there is a disabled facility next door and often staff are unable to park to drop off / collect their clients;
- the supporting letter from the tyre company is irrelevant because they don't have their own parking spaces, they use the public highway;
- no need for another gym as there is already a gym located in Bedford Street and at Warwick Gates; and
- the applicant should have lowered the rent to attract industrial occupiers.

The applicant has submitted letters of support from 2 other nearby businesses. These state that customers of the gym can use their parking spaces outside of their business hours.

**WCC Highways:** No objection, subject to a condition to remove permitted development rights for changes of use to a state funded school or nursery.

## **ASSESSMENT**

The main issues relevant to the consideration of this application are as follows:

- the principle of permitting a fitness studio in this location;
- loss of employment land; and
- car parking and highway safety.

### Principle of permitting a fitness studio in this location

The site is situated within the town centre and consequently this is an appropriate location for a fitness studio, in accordance with the NPPF and Draft Local Plan Policy CT1 (the Adopted Local Plan does not contain any policies pertaining to the location of such uses). Therefore a fitness studio is considered to be acceptable in principle in this location, subject to consideration of the loss of employment land issue below.

### Loss of employment land

The site is situated within an area designated as a Town Centre Employment Area in the Local Plan. Local Plan Policy TCP9 states that redevelopment or change of use of existing employment land and buildings for other uses will be permitted except within the Town Centre Employment Areas. However, the site is also situated within an area designated as an Opportunity Site by Local Plan Policy TCP7. This policy indicates that this area may be suitable for a range of uses including retail, housing, community facilities, car parking, open space,

business uses and environmental improvements. This is reflected in Paragraph 7.40 of the supporting text to Policy TCP9 which states that, in the Court Street / Althorpe Street protected employment area, the Council may consider the introduction of a wider range of uses if they can positively contribute to the wider regeneration aspirations of this area of Old Town.

The application property has been vacant for some time and the applicant has submitted evidence to demonstrate that it has been marketed for employment purposes since 2014 without success. In this respect it is important to have regard to the provisions of Paragraph 22 of the NPPF, which states that planning policies should avoid the long term protection of sites allocated for employment use where there is no reasonable prospect of a site being used for that purpose. Paragraph 22 goes on to state that, where there is no reasonable prospect of a site being used for the allocated employment use, applications for alternative uses of land or buildings should be treated on their merits having regard to market signals and the relative need for different land uses to support sustainable local communities.

The above policy context indicates that restrictions on the loss of employment land should be treated more flexibly in this location, particularly where the premises have been vacant for some time and the new use would support sustainable local communities, as is the case with the current proposals. Therefore, having considered the evidence of a lack of demand for the premises to be re-used for employment purposes, together with the provisions of Policy TCP7 along with Paragraph 7.40 of Policy TCP9 and Paragraph 22 of the NPPF, it has been concluded that the loss of this small amount of employment land in this location would not undermine the supply of employment land in the District. All things considered it has been concluded that the proposals are in accordance with Local Plan Policies TCP7 and TCP9.

It is noted that planning permission was refused for a martial arts centre in the adjoining unit in 2003 due to concerns about the loss of employment land. However, that decision was made some time ago under a different policy and economic context (the 1995 Local Plan and PPG4). Furthermore, in that previous case there was no evidence that the premises had been vacant for a prolonged period of time or that it had been marketed for employment purposes. Therefore that previous decision is of little relevance to the consideration of the current application.

#### Car parking and highway safety

The Council's Parking Standards SPD require 1 space per 20 sq m for the proposed fitness studio use. This amounts to a requirement for 7 spaces. There are 3 off-street parking spaces to the front of the premises, which leaves a shortfall of 4 spaces in relation to the Standards.

The applicant indicates that they have agreement with two nearby businesses to use their parking and has submitted letters of support from them. However, there is no formal agreement in place and consequently little weight can be attached to this.

Objectors have raised concerns about parking congestion in the locality and the impact that this has on local businesses. It is evident that the surrounding area is very congested with parked cars during the working day. However, this is an existing situation and therefore the key consideration is whether the proposed change of use would make the parking issue materially worse.

In this regard it is important to note that the premises could be re-occupied as a car repair garage without the need for planning permission and it is likely that this would have a significant impact on parking (bearing in mind the Parking Standard for that use is the same as for the proposed use - 1 space per 20 sq m). Furthermore, given the nature of the use it would be expected that a proportion of visitors would use the nearby public car parks as is the case with other similar uses within the town centre. Finally, there has been no objection from the Highway Authority and consequently parking associated with the proposed fitness studio is not considered to raise any highway safety issues.

All things considered, it has been concluded that the proposed change of use would be acceptable in terms of its impact on car parking and highway safety.

#### Other matters

There are no residential properties in the vicinity of the site that would be materially affected by the proposed change of use.

The proposed fitness studio use is unlikely to result in a significant increase in the energy requirements of the application property compared with the lawful use for car repairs. Consequently there is no justification for requiring on-site renewable energy production as a condition of the proposed change of use.

#### **SUMMARY/CONCLUSION**

This would be an appropriate location for a fitness studio, in accordance with the NPPF and Draft Local Plan Policy CT1. Furthermore the proposals would not undermine the supply of employment land and buildings in the District and would be acceptable in terms of car parking and highway safety. Therefore it is recommended that planning permission is granted.

#### **CONDITIONS**

- 1 The development hereby permitted shall begin not later than three years from the date of this permission. **REASON:** To comply with Section 91 of the Town and Country Planning Act 1990 (as amended).
- 2 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), the premises shall be used for purposes falling within Class D2 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification) only

and for no other purpose. **REASON:** In the interests of highway safety, in accordance with Policy DP6 of the Warwick District Local Plan 1996-2011.