

APPLICATION NO.	P18/S3531/FUL
APPLICATION TYPE	FULL APPLICATION
REGISTERED	22.10.2018
PARISH	THAME
WARD MEMBERS	David Dodds & Nigel Champken-Woods & Jeannette Matelot
APPLICANT	Invictus Fitness
SITE	Unit 3, Wenman Road, Thame
PROPOSAL	Change of Use from B8 (Storage and Distribution) to D2 (Indoor Sports and Leisure) incorporating internal and external alterations (car parking redesigned, cycle stands amended, disabled access ramp and delivery door added and internal layout altered as shown on amended plans and additional information received 23rd November 2018 and gym timetable submitted 17th January 2019 and provision of ramped fire exits as shown on amended plans received 8th February 2019).
OFFICER	Paul Lucas

1.0 INTRODUCTION

1.1 Officers recommend that planning permission is refused. This report explains how officers have reached this conclusion. The application is referred to planning committee at the discretion of the Planning Manager.

1.2 The application site is identified at **Appendix A**. It comprises a building last used as carpet warehouse, falling within the B8 Use Class (Storage and Distribution) within an established industrial area on the northern side of Wenman Road. The building occupies most of the site with the open space around the building mostly consisting of concrete hardstanding used for parking and to enable delivery vehicles to access the eastern side of the building. There are buildings in employment use on either side of the site. The site has been disused for over 12 months. The site is identified as being within an employment designation in the Thame Neighbourhood Plan (TNP). There are no other designations on the site. Since the building was last occupied, the residential development allocated under Site C of the TNP has been constructed on the south side of Wenman Road.

2.0 PROPOSAL

2.1 The application seeks full planning permission for the change of use of the premises from storage and distribution (B8 use) to indoor sports and leisure (D2 use) incorporating internal and external alterations. During the application process, amended plans have been submitted to remove references to commercial and hairdresser elements from the proposal, redesign the car parking, introduce cycle parking and disabled access ramps and addition of a delivery door added and to adjust the internal layout.

2.2 The current application plans are shown at **Appendix B**. Other supporting documents can be found on the Council's [website](#).

3.0 **SUMMARY OF CONSULTATIONS & REPRESENTATIONS**

3.1 **Thame Town Council** – The application should be refused:

- The proposal is contrary to Thame Neighbourhood Plan Policy WS12 in proposing a change of use in employment floorspace and land. The loss of a unit with “B” class employment is not outweighed by the provision of sports facilities, for which there is no identified need in the short to mid-term;
- Core Strategy T2 – Parking in line with the District’s maximum parking standards.

Economic Development – Support - complies with both SOLP 2011 Policy E6 and TNP Policy WS12 in relation to loss of employment

Highways Liaison Officer (Oxfordshire County Council) – Refusal Recommended due to on-site parking shortfall resulting in conditions prejudicial to highway safety

Contaminated Land - No objection

Equalities Officer - No objection to amended plans

Leisure Service - No objection to amended plans

Food Safety - No strong views

Environmental Protection Team - No objection

Neighbours – 135 representations of support for the additional indoor leisure space that this enterprise would bring to Thame and the health and community benefits that would arise.

4.0 **RELEVANT PLANNING HISTORY**

4.1 Numerous applications, but none that are of direct relevance to the current application.

5.0 **POLICY & GUIDANCE**

5.1 South Oxfordshire Core Strategy (SOCS) Policies

CS1 - Presumption in favour of sustainable development

CSEM1 - Supporting a successful economy

CSM1 - Transport

CSQ2 - Sustainable design and construction

CSQ3 - Design

CSS1 - The Overall Strategy

CSTHA1 - The Strategy for Thame

5.2 South Oxfordshire Local Plan 2011 (SOLP 2011) policies;

CF2 - Provision of additional community facilities

D1 Principles of good design

D2 - Safe and secure parking for vehicles and cycles

D7 - Access for all

E6 - Loss of employment uses

EP2 - Adverse affect by noise or vibration

EP8 - Contaminated land

G2 - Protect district from adverse development

G5 - Best use of land/buildings in built up areas

R3 - Indoor sport facilities in built up areas

T1 - Safe, convenient and adequate highway network for all users

T2 - Unloading, turning and parking for all highway users

5.3 Thame Neighbourhood Plan policies;
WS12 - Retain existing employment land in employment use

5.4 Other relevant documents:
The Thame Sports Facility Strategy, 2015 (TSFS)
The SODC Sports and Leisure Strategy, 2017 (SLS) – December 2018 Addendum

5.5 National Planning Policy Framework (NPPF)
National Planning Policy Framework Planning Practice Guidance (NPPG)
109. Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

6.0 **PLANNING CONSIDERATIONS**

6.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990 requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. The planning issues that are relevant to this application are whether the proposed change of use would:

- Provide a leisure use for which there is an identified need in a suitable location;
- result in an acceptable loss of an employment use;
- have an acceptable impact on the character and appearance of the site and its surroundings;
- safeguard the residential amenity of neighbouring occupiers;
- include adequate off-street parking and turning arrangements and prevent any conditions prejudicial to highway safety; and
- give rise to any other material planning considerations.

6.2 Principle of Development – New Leisure Use

The site lies within the built-up confines of the town of Thame. The SOCS Policy CSTHA1 Criterion (i) seeks to identify sites suitable for future retail leisure and community uses as part of the strategy for Thame. The SOLP 2011 Policy R3 explains that the change of use of existing buildings to provide new or extended indoor sports facilities will be permitted provided that the building is suitable for the use proposed and there are no overriding objections on amenity, highway or environmental grounds. The Council's Leisure Team have commented that the South Oxfordshire Leisure Study Addendums (part of the evidence base for the emerging Local Plan 2034) state that in the North sub area of South Oxfordshire there is a need for two new health and fitness studios and 85 new fitness stations, but it does suggest it's linked to pool provision. However, any new facilities would increase participation in sport and activity across South Oxfordshire and on this basis, they raise no objections to the proposal.

6.3 Principle of Development – Loss of Employment

The site lies within an area designated as employment land in the TNP. The SOCS Policy CSTHA1 Criterion (vii) supports schemes which improve the stock of existing commercial buildings and the environment of the employment areas as part of the strategy for Thame. The applicant is seeking to create a fitness centre which will seek to employ 12 full-time jobs (as stated in the application). The SOLP 2011 Policy E6 states that proposals for the redevelopment or change of use of redundant land or buildings in employment or service trade use to non-employment uses will be permitted if:

(i) the site is less than 0.25 ha and buildings under 500 sqm and in the towns of Didcot, Henley, Thame, or Wallingford; **or**

(ii) the existing use is no longer economically viable, and the site has been marketed at a reasonable price for at least a year for that and any other suitable employment or service trade uses.

TNP Policy WS12 repeats the wording of Policy E6(ii) above.

6.4 Although Thame Town Council object to the loss of an employment use, criterion (ii) has been satisfied as the applicant has provided evidence that the site has been vacant for over a year, so the application is not in contravention of either policy. Policy WS12's objective is to protect and support existing employment, and to retain existing employment land in *employment use*, albeit described as B1, B2 or B8 use classes. Anecdotally, the Council's Economic Development Team has seen a recent increase in businesses across the district utilising and converting B class space for other uses (e.g. gyms, childcare, indoor leisure), and this appears to be a trend nationally. In the light of these factors, they support the application.

6.5 Visual Impact

Unit 3 is a functional building that sits within a backdrop of industrial units. There would be limited physical changes to the building, mostly associated with the provision of disabled access and cycle parking provision. The overall appearance of the building would not be significantly altered. These changes would also not have any material impact on the wider setting of Thame, given that a major housing development has recently been constructed on the opposite side of the road.

6.6 Neighbour Impact

Given the level of separation between the site and the closest dwellings to the south is over 40 metres and there is a main road in between, officers consider that activities associated with the proposed use of the site would be unlikely to result in any significant additional disturbance to nearby residents compared with the existing industrial uses. This is reinforced by the Environmental Protection Officer raising no objection to the proposal, given that any statutory nuisance could be controlled under separate legislation under the Environmental Protection Act 1990. It should also be noted that no objections have been received from any third parties.

6.7 Access and Parking

Policy T1 of the SOLP 2011 seeks to ensure that all new development would provide a safe and convenient access for all users of the highway. Policy T2 of the SOLP 2011 aims to secure the following:

- (i) loading, unloading, circulation and turning space;
- (ii) parking for people with disabilities;
- (iii) the parking of vehicles in accordance with the Council's maximum parking standards;
- (iv) measures to reduce the need for vehicle parking where appropriate; and
- (v) cycle parking in accordance with the Council's standards.

6.8 The proposed change of use requires 35 on-site parking spaces to meet adopted standards. The proposed layout shows 27 parking spaces, however, the Highway Liaison Officer (HLO) considers that four of these (positioned at the rear of the premises) would be impractical to access and egress, which means that they would be unlikely to be used. This would result in a shortfall of 12 usable on-site parking spaces. The application states that the facility will be at its busiest after 5.30pm and therefore seeks to address this shortfall through the following:

- on-street parking on the two side roads, Lupton Road and Dormer Road which the applicant states are empty first thing in the morning and after 5:30pm and at weekends and contain no parking restrictions;

- informal agreement to use the 38 off-street parking spaces at the adjoining Dax House and Unit 3A premises after they close at 5 – 5:30pm and at weekends;
 - a timetable has been proposed along with the provision of a 30 minute ‘change over period’, to allow for participants of the previous class to leave before the next class starts;
 - imposition of a planning condition to produce a travel plan for staff.
- 6.9 Officers note that there would be no mechanism to secure the suggested off-site parking arrangements in perpetuity. In the event of a change in circumstances for the current owners of the adjoining premises, outside of the applicant’s control, the availability of the off-site parking currently being offered to future customers of Unit 3 could be lost. The timetable does not take into account participants of later classes arriving before the previous class has finished so as to secure a parking place, especially when parking is at a premium on-site. Participants of a class may also wish to discuss matters with the instructor, use the shower facilities and eat at the establishment. These will all reduce the availability of parking on site for subsequent users and increase the risk of overflow parking onto the adjacent busy, classified road.
- 6.10 The provision of cycle parking would give customers the option of cycling to the premises, however, this is a policy requirement of Policy T2 rather than a factor to offset the car parking shortfall. Similarly, the availability of nearby bus stops would not guarantee that staff and customers would travel to and from the premises by public transport. The HLO does not agree with the applicant that a shortfall of this nature could be overcome through a planning condition to provide a travel plan to incentivise staff and customers to use other means to travel to the premises. Officers have concluded that there would be too much uncertainty concerning the operational practicalities of the parking arrangements, leaving the Local Planning Authority with insufficient control over the conduct of customers. As such, the proposed change of use would be likely to result in indiscriminate parking in the locality, which in the HLO’s expert opinion would have an unacceptable impact on highway and pedestrian safety, thereby in conflict with Policies G2, R3, T1 and T2 of the South Oxfordshire Local Plan 2011 and advice contained within Paragraph 109 of the NPPF.
- 6.11 Other Material Planning Considerations:
The application has been revised to meet various requirements in Sport England’s Active Design guidance for facilities and the Disability and Equality Act 2010. Community Infrastructure Levy does not apply to the proposed use. The applicant has stated in their view that the parking and turning arrangements for the previous carpet storage and distribution business (as the lawful use of the premises) would have been substandard and would have involved larger delivery vehicles. Whilst this may have been the case, officers have not been provided with any accident data. In addition, the marketing information submitted by the applicant demonstrates a lack of interest in the re-use of the premises for such purposes and as such this is not a fall-back position that weighs heavily in favour of the current application.
- 6.12 The applicant considers that the social benefits of re-using the premises as a leisure facility, particularly for young persons and in the light of the local support, should far outweigh the parking shortfall. However, on balance, officers have reached the conclusion that the harm identified in the form of risk to highway and pedestrian safety is of significant weight and outweighs the compliance with any other policies that have been considered to support the proposed change of use of the premises. Consequently, there are no other material planning considerations of sufficient weight to override the harm identified and to indicate that the Development Plan and NPPF policies in relation to highway safety should not be followed.

7.0 CONCLUSION

7.1 The proposed change of use would incorporate a layout with insufficient and inadequate on-site parking spaces, below adopted standards. There is no formal mechanism in place to secure additional parking provision on nearby third-party land or to require customers to adhere to a timetable, leaving the Local Planning Authority with insufficient control over the operational practicalities of the proposed parking arrangement. As such, the proposed change of use would be likely to result in indiscriminate parking in the locality, which would have an unacceptable impact on highway safety, thereby in conflict with Policies G2, R3, T1 and T2 of the South Oxfordshire Local Plan 2011 and advice contained within Paragraph 109 of the NPPF. There are no other material planning considerations of sufficient weight to override the harm identified and to indicate that the above Development Plan and NPPF policies in relation to highway safety should not be followed.

8.0 RECOMMENDATION

8.1 Refusal of Planning Permission

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