
9. FULL APPLICATION – TEMPOARY CHANGE OF USE FROM OF INDUSTRIAL UNIT TO A PERSONAL TRAINING STUDIO AT UNIT 2B, STATION YARD, BAKEWELL. (NP/DDD/1114/1161 P.1911 422222/368996 SPW)

APPLICANT: MR ED ELEY

Site and Surroundings

The application relates to an existing building, known as Unit 2B, located on the industrial estate at Station Yard, Bakewell. The building is utilitarian in appearance, finished in cladding with a corrugated sheet roof. The premises has a roller shutter door, a pedestrian door, and two windows. The application shows five car parking spaces associated with the unit, although it appears on site that one is actually associated with the neighbouring unit, which has temporary consent as a mixed use comprising a foodbank store, church and community centre.

The details submitted in the application state that the previous tenants of Unit 2B vacated the premises in early 2014. A further unit is known to be vacant at present but the other units on the industrial estate appear to be occupied.

The industrial estate otherwise lies adjacent to the former railway station, which is a Grade two listed building, and part of the disused railway line running through Bakewell has become the Monsal Trail. The Trail is a popular recreational route, and visitors using the Trail can pay to park at Station Yard.

There are also houses situated to the west of the site. These houses lie relatively close to the unit, with their gardens being within approximately 32m and the houses themselves within approximately 60m of the unit. There is, however, an embankment between these houses and the unit, which slopes down to the houses and is covered with trees.

Proposal

The application seeks temporary planning permission for use of unit 2B for a personal training studio (a gymnasium) within a D2 use class for a period of five years. Thereafter, the unit would return to its consented business use for light industry.

There would be no alterations to the external appearance of the unit, and only some minor changes to the interior of the building would be required to make it suitable for the proposed use. The main change shown on the plans would be alterations to the existing staff room and cloak room, which would become changing rooms. The fit-out costs for the gym are said to be between £15,000 and £20,000.

The submitted application states that there will be up to four members of staff offering 1-2-1 training so there would be no more than four customers visiting the premises at any one time. The hours of opening are 8am to 8pm Monday to Friday and 8am to 12pm on Saturday and closed on Sunday.

RECOMMENDATION:

That the application be approved subject to the following conditions/modifications:

- 1. Standard time limit**
- 2. The use hereby permitted shall be temporary for 5 years.**

3. Use shall be limited to a ‘gymnasium’ and for no other purposes within a D2 use class.
4. The use hereby permitted shall be limited to within the building.
5. Visiting members of the public (including customers/members/clients) shall be limited to no more than 4 at any one time

Key Issues

- Whether the temporary loss of employment space is acceptable, and/or whether there is a proven need for the proposed community use; and
- Whether the current proposals would harm the amenities of the local area and/or prejudice the ability to use the units for employment uses.

History

8 August 2014 – Planning enquiry (Enquiry 21315) relating to proposed use of unit 2b as a personal training studio. Advised that planning permission was required, but unlikely to be granted unless it can be demonstrated the unit is not longer required for light industrial uses and adequate parking provision can be made.

August 2014 - at the meeting in August 2014, the Planning Committee granted temporary planning permission (NP/DDD/0514/0484) for the use of unit 2A for mixed use comprising a foodbank store, church and community centre. It was considered that the temporary use safeguarded the existing employment use as required by core strategy policy E1. As there was a significant lack of onsite parking for the proposed use, and some informal arrangement to use the other businesses parking out of hours. Planning conditions restricted the opening hours to when adequate parking is likely to be available on the wider site, this was in the interests of the amenities of the area.

1983 - NP/WED/1282/475 granted planning permission for units 2 a, b, and c and Unit 3. Planning condition 2 restricted the use to light industrial uses. This use class is now known as B1c. It also required that no activities or storage take place outside the buildings and removed permitted development rights for gates, walls, fences, ancillary buildings, extensions or other alterations. Planning conditions also limited the noise from the site to not more than 45db when measured from the boundaries of the application site between 10pm and 7am Monday to Saturday and all day Sundays and bank holidays.

Consultations

Bakewell Town Council – Object to the proposal which would lead to the loss of another industrial unit at Station Yard. The Town Council considers the current application proposes an unsuitable change of use at this location that is contrary to both planning policy DS1 F which seeks to safeguard employment sites and policy LB11 which states proposals for the development of community, sports and arts facilities to meet agreed local needs will be permitted, preferably in or close to Bakewell’s town centre.

County Council (Highway Authority) – No objection subject to a maximum of 4 clients at any one time.

District Council – No response to date

No other representations have been received

Main Policies

Relevant Core Strategy policies: GSP1, GSP2, GSP3, DS1, HC4, E1.

Relevant Local Plan policies: LB1, LC4, LB11.

Core Strategy policy GSP1 reiterates that the Authority has a statutory duty to foster the social and economic welfare of local communities in the National Park whilst GSP2 states opportunities to enhance the National Park should be acted upon.

Core Strategy policies DS1 and E1 seek to safeguard employment land and buildings, particularly those which are of high quality and in a sustainable location, and promote the take-up and enhancement of under-used employment sites in order to secure sustainable economic growth and a prosperous rural economy.

Policy HC4 of the Core Strategy and LB11 of the Local Plan provide a policy basis to enable and/or retain a wide range of community focussed services and facilities in named settlements including Bakewell.

Core Strategy policy GSP3 and policy LC4 of the Local Plan seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.

It is considered that these policies are consistent with the core planning principles set out in paragraph 17 of the National Planning Policy Framework and the policies in the Framework when taken as a whole.

Assessment

Loss of existing business unit

Core Strategy Policy DS1(F) is specific to Bakewell, and says that the Authority will seek to safeguard employment sites and promote the take-up of under-used employment sites in the town. Core Strategy Policy E1 is the detailed policy dealing with employment sites in towns and villages and says that the Authority will safeguard existing business land or buildings, particularly those which are high quality and in a suitable location.

E1 goes on to say that where the location, premises, activities or operations of an employment site are considered by the Authority to no longer be appropriate, opportunities for enhancement will be sought, which may include redevelopment to provide affordable housing or community uses.

In this case, it is considered that Unit 2B, the business unit which is the subject of the current application, is located on an industrial estate where employment uses, and related activities and operations remain an appropriate and viable use of the site, and there is no reason to consider the premises could no longer be used for its approved use for light industry.

Therefore, the change of use of this unit to a different use as proposed in this application would amount to the loss of employment space for business uses. Although the new use for the building would provide some employment opportunities, the building would no longer be in the same use as the units on the remainder of the industrial space, and the character of the new use of the building would be materially different compared to the approved use of the building for light industry.

Consequently, the proposed use of the building would not be in complete accordance with E1 and DS1 other than the current application proposes a temporary use of a vacant building on an industrial estate where there are other vacant units. In these respects, granting temporary

permission for the current application would enable the premises to be occupied by a different type of business providing local employment opportunities. This approach may then safeguard the long term viability of the whole employment site more effectively than leaving the unit empty not least in terms of obtaining rental income from a unit that might otherwise stay vacant for some time. At the end of the temporary period, unless a further permission is sought and granted, the unit would also return to its former use for light industry so the loss of employment space for an industrial use would not be permanent if permission was granted for this application.

Furthermore, it is emphasised in the submitted application that the proposed personal training studio is a community use that will serve the local community including those employed on the site, local residents and Bakewell. The use is considered to be within use class D2, and as a sports/fitness facility, it is considered to be a community use. Policy E1(D) is permissive of the re-use of business units for community uses.

Therefore, the temporary use of Unit 2B for the use proposed in this application would not be a departure from economic policies in the Development Plan and could be acceptable provided the proposals would conform with the Authority's policies on community facilities in the first instance.

Use of the site for the proposed personal training studio.

Core Strategy policy HC4 says that community uses will be encouraged within settlements and the preference is for re-using a traditional building provided that there is evidence of community need. Saved Local Plan Policy LB11 is specific to Bakewell, and states that proposals for the development of community facilities to meet agreed local needs will be permitted, preferably in or close to the town centre.

In this case, the unit is outside Bakewell's town centre but within walking distance and it is within Bakewell's Development Boundary. Therefore, the proposed use of the building cannot be ruled out by virtue of its location because it is within a settlement and reasonably close to the town centre, in accordance with E1 and LB11, even though installing a gym in the unit is not the preferred option in policy terms.

The application is supported with three letters from residents of Bakewell, some of which are from existing customers supporting the business locating in Bakewell. This demonstrates some local support for the facility. However, this information falls short of the evidence that would demonstrate community need for the current proposals. Nonetheless, the application seeks a temporary consent, and the proposals involve only a limited investment into the existing unit, and no new building is being proposed.

Therefore, there is an opportunity to allow a 'trial run' to properly assess the need for the facilities that would be offered from the unit if permission were to be granted for the current application and the applicant was to seek a permanent consent at a later date. As noted above, a trial run would make use of a vacant industrial unit. This would also serve to offset concerns that a community need has not been fully demonstrated. Notwithstanding these considerations, a trial run would only be appropriate if the proposed uses would not harm the amenities of the local area.

Amenity

Previously, strong concerns have been raised that parking provision at the site is already inadequate and if more people were encouraged to visit the site than are drawn in by the existing uses, there is a real risk of parking spilling out of the industrial estate onto surrounding roads. In turn, excessive demand for on-street parking on the nearby streets could have a harmful impact on the visual and residential amenities of the local area, and cause highway safety issues.

Although not made explicit in the Highway Authority's consultation response, this position is reflected in their response which seeks to limit the number of customers on the site at any one time to no more than four visiting members of the public. The submitted application confirms that it is intended to offer personal training at the premises and there would be no more than four customers using the premises at any one time. It is therefore considered it would be reasonable and necessary to limit the numbers of people visiting the gym.

Equally, it would be reasonable and necessary to limit the use of the unit to the proposed use for personal training studio as there are other uses within a D2 use class other than gym that may generate more visits to and from the premises by members of the public. Similarly, it would be reasonable and necessary to restrict the proposed uses of the premises taking place outside of the unit. This would prevent any further concerns that the studio would give rise to noise and disturbance and prevent any conflict between people seeking to use the gym and other activities taking place on the site outside the unit.

In the absence of any further concerns that the proposals would have any other direct impacts on the residential amenities of nearby properties, such as loss of privacy, it is therefore concluded that the current application does not conflict with the objectives of policy LC4 and GSP3 because the proposed use of the unit would not result in unacceptable harm to the amenities of the local area subject to appropriate planning conditions.

Conclusion

It is therefore concluded that the current application is compatible with relevant policies in the Development Plan and a number of relevant considerations also support an approval of the current application. In particular, the temporary nature of the permission offsets concerns that the unit concerned will be taken out of an employment use, and the limited evidence of community need. The proposed use of the building would also bring the vacant unit back into use and this use would not be unneighbourly, subject to conditions.

Accordingly, the current application is recommended for conditional approval.

Human Rights

Any human rights issues have been considered and addressed in the preparation of this report.

List of Background Papers (not previously published)

Nil