

The Application is for full planning permission for the retention of change of use of the building from storage and distribution (Use Class B8) to fitness training centre (Use Class D2)

The building is located within the major urban area of Chesterton which has no specific land use designations as indicated on the Local Development Framework Proposals Map.

The 13 week period for the determination of this application expires on 16th November 2015.

RECOMMENDATION

Permit with the following conditions:

- 1. Submission and approval of a noise management plan within one month from decision. Implementation of the plan within one month of its approval or other time period as agreed with the Local Planning Authority.**

Reason for Recommendation

The change of use of the building from a B8 use to a D2 use is not considered to raise any significant concerns and the benefits would outweigh any minimal harm caused by the loss of an employment use. Subject to a condition which secures the submission, approval and implementation of a noise management plan the change of use to a fitness training centre is not contrary to the main principles of the National Planning Policy Framework 2012 and would also not harm the amenity of the area or cause a significant highway safety concern.

Statement as to how the Local Planning Authority has worked with the applicant in a positive and proactive manner in dealing with this application

Discussions with the applicant have been ongoing throughout the process and issues have been addressed accordingly. The development is now considered to be a sustainable form of development and so complies with the provisions of the National Planning Policy Framework.

KEY ISSUES

The application is for the retention of change of use from storage and distribution (Use Class B8) to fitness training centre (Use Class D2). The D2 use has been operating for a number of months and this application seek to regularise the use of the building.

The site is located within the urban area of Chesterton which has no specific land-use designations, as indicated on the Local Development Framework Proposals Map.

Key issues in the determination of the development are:

- The principle of the change of use of the building,
- Parking and the impact on highways safety, and
- Noise and impact the amenity of the area.

The principle of the change of use

Policy E11 of the local plan states that the loss of good quality business and general industrial land and buildings will be resisted where this would limit the range and quality of sites and premises available.

Paragraph 14 of the NPPF details that at the heart of the Framework is a presumption in favour of sustainable development and that for decision-taking this means where the development plan is absent, silent or relevant policies are out of date permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole, or specific policies in the framework indicate development should be restricted. The examples given of specific policies in the footnote to paragraph 14 indicate that this is a reference to area specific designations and the site in this instance does not lie within one of these areas.

The building is old and not considered to be good quality. In this instance it is considered that the loss of this B8 unit would not raise any significant concerns that would be contrary to the main principles of the NPPF. The NPPF seeks to promote healthy communities and the D2 use would encourage sport and recreation through a fitness use. It would not be contrary to any development plan policies and so would be in accordance with the principles of the NPPF.

Parking and the impact on highways safety

Maximum car parking standards for different types of development are outlined in policy T16 of the local plan.

The applicant has stated that the site has off road car parking for 43 cars. The building has an approximate floor area of 160 square metres and policy T16 details that for a D2 use there should be 1 space per 10 square metres. 43 spaces would represent over provision for this sustainable location but the car parking provision is existing and it would not be appropriate to require the applicant to reduce car parking to a level where it would be compliant with policy.

The Highways Authority has raised no objections and it is considered that there would be a minimal harm to highway safety in accordance with the requirements and guidance of the NPPF.

Noise and impact the amenity of the area

The applicant has submitted a noise assessment to support the application but the Environmental Health Division raised concerns. This has resulted in a site meeting with officers and acoustic consultants. The site operator has made improvements in the operation and management of the activity and the potential for noise to adversely affect the amenity of the surrounding area has been significantly reduced. It was agreed that the site operator would produce a written noise management plan and that acoustic measurements would be taken to demonstrate the effectiveness of these measures.

EHD are now satisfied, subject to a condition which requires formal submission of a noise management plan for approval by the Council; the noise management plan being adhered to thereafter.

Subject to this condition the D2 can carry on without resulting in a harmful impact to the amenity of the area and residential amenity levels of neighbouring occupiers. This would therefore be in accordance with the requirements and guidance of the NPPF.

Policies and Proposals in the approved Development Plan relevant to this decision:-

Newcastle under Lyme and Stoke on Trent Core Spatial Strategy

Policy ASP5: Newcastle and Kidsgrove Urban Neighbourhoods Area Spatial Policy

Newcastle-under-Lyme Local Plan 2011

Policy E11: Development of Employment Land for Other Uses

Policy T16: Development – general parking requirements

Other Material Considerations

National Planning Policy

National Planning Policy Framework (2012)
Planning Practice Guidance (March 2014)

Relevant Planning History

None relevant

Views of Consultees

The **Environmental Health Division** initially objected to the application but more recently have requested a condition requiring the formal submission of a noise management plan for approval

The **Highways Authority** raises no objections but advises that the access from the car park onto Meadow Street remains open during the period the fitness centre is open and appropriate signs and markings are used to indicate the parking and one-way access arrangements in the car park. Visitors to the centre should be encouraged to use the appropriate car parks and not to park on the adjacent roads.

Representations

No letters of representation have been received.

Applicant/agent's submission

A planning statement, noise assessment and the requisite plans have been submitted to support the application. These documents are available for inspection at the Guildhall and searching under the application reference number 15/00729/COU on the website page that can be accessed by following this link <http://publicaccess.newcastle-staffs.gov.uk/online-applications/>

Background Papers

Planning files referred to
Planning Documents referred to

Date report prepared

21st October 2015