

Planning Committee Report	
Planning Ref:	FUL/2017/0121
Site:	Unit 10, Bishopgate Business Park, Widdrington Road
Ward:	Radford
Applicant:	Miss Sophie Gregory
Proposal:	Change of use to Use Class D2 (Gymnastics facility)
Case Officer:	Nigel Smith

SUMMARY

The application proposes to change the use of an industrial unit to a gymnastics centre (Use Class D2). The business currently rents accommodation near Hearsall Common and is seeking a permanent base. The hours of operation would be 0900-1815 Monday-Friday; and 0845-1700 hours on Saturdays.

KEY FACTS

Reason for report to committee:	Representations from more than 5 properties
Current use of site:	Currently vacant. Last used for B8 purposes until August 2016.
Current number of students at existing club:	300+
Maximum number of students per class:	15
Number of useable car parking spaces:	9

RECOMMENDATION

Planning committee are recommended to refuse planning permission

REASON FOR DECISION

- On balance, the harm identified arising from the provision of the facility in an unsuitable out of centre location and the loss of the employment unit outweighs the health and social benefits which would arise
- The proposal fails to accord with Policies E8 and SCL2 of the Coventry Development Plan 2001, together with the aims of the NPPF.

BACKGROUND

APPLICATION PROPOSAL

The proposal is to change the use of the unit to a gymnastics centre (Use Class D2). The application form states that the operating hours would be: 1000-2000 hours Monday to Friday; 0900-1700 Saturdays; and 1000-1500 hours on Sundays. However, a timetable for classes submitted by the applicant indicates hours from 0900-1815 Monday-Friday; and 0845-1700 hours on Saturdays and the applicant has stated that these hours are the correct ones. The submitted plans include a layout for 10 car parking spaces on the forecourt.

A supporting statement explains that the company has over 300 children on roll at the moment ranging from 15 months to 11 years old. The vast majority of patrons that attend live in CV5 and CV6 areas however, there are more than 20 from CV1, CV2 and CV3 areas. As well as teaching gymnastic skills the statement explains that the centre helps to develop children in many ways including teaching children the benefits of healthy practices and exercise and learning about different cultures. There would be a key focus on meditation and mindfulness and a local nutritionist would help to tackle bad eating habits. There are currently 4 employees with the view that two would become full time immediately and at least 5 apprentices taken on in the first year following the move. The statement also explains that there would be no more than 15 children in any one class.

A statement from a local estate agent explains that the unit has been vacant since August 2016 when the previous wholesale drinks operator left the premises. The lease runs until September 2018 and is £18,000 per annum. The site has been advertised on 200+ websites for over 6 months and in time there have been 8 viewings, none of which have expressed an interest in taking on the unit. Interest in the unit has been minimal other than for D2 uses.

SITE DESCRIPTION

The site is a small industrial unit located on Bishopgate Business Park in the Radford area of the City. The unit is one of 18 similar units accessed from a service road via Widdrington Road. The unit has a floor area of 305 sq. m and has the use of a forecourt area. To the east of the business park is Coventry canal and to the west are terraced houses on Widdrington Road.

PLANNING HISTORY

There have been a number of historic planning applications on this site; the following is the most recent/relevant:

Application Number	Description of Development	Decision and Date
L/1991/1712	18 industrial/warehousing units with service road and parking areas	Granted 8 th January 1992 with condition 5 restricting the units to uses within Use Classes B1 and B8. Condition 6 restricted hours of operation to between

		8am and 6.30pm Monday-Saturday
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POLICY

National Policy Guidance

National Planning Policy Framework (NPPF). The NPPF published in March 2012 sets out the Government's planning policies for England and how these are expected to be applied. It sets out the Government's requirements for the planning system only to the extent that is relevant, proportionate and necessary to do so. The NPPF promotes sustainable development and good design is recognised as a key aspect of this.

The National Planning Practice Guidance (NPPG) 2014, this adds further context to the NPPF and it is intended that the two documents are read together.

Local Policy Guidance

The current local policy is provided within the Coventry Development Plan 2001 (CDP) relevant policy relating to this application is:

- OS4 – Creating a more sustainable city
- OS6 – Change of land use
- EM5 – Pollution protection strategy
- E8 – Redevelopment of existing employment sites
- AM9 – Pedestrians in new developments
- AM22 – Road safety in new developments
- SCL2 – Large social, community, leisure and indoor sports facilities
- SCL3 – Small social, community, leisure and indoor sports facilities

Emerging Policy Guidance

The Draft Local Plan 2016 to 2031 has been submitted to the Inspectorate, examination hearings are currently underway. Whilst the policies do not hold significant weight at this time, they will gain weight as the local plan continues through the process. Policies within the draft local plan that are relevant include:

- DS1 – Overall development needs
- DS3 – Sustainable development policy
- JE1 – Overall economy and employment strategy
- JE3 – Non-employment uses on employment land
- CO1 – New or improved social, community and leisure premises
- AC1 – Accessible transport network
- AC3 – Demand management
- AC4 – Walking and cycling

Supplementary Planning Guidance/ Documents (SPG/ SPD):

SPD Delivering a more sustainable city

CONSULTATION

No objections subject to conditions have been received from:
Environmental Protection Officers (CCC)
Highways (CCC)

Immediate neighbours and local councillors have been notified; a site notice was posted on 1st February 2017.

6 letters of objection have been received, raising the following material planning considerations:

- a) Widdrington Road is already dangerous and has a very high traffic flow. People speed on it and drive over the centre line around the bend where the access to the business park is located. Additional traffic will add to congestion and result in additional accidents.
- b) Insufficient parking will be provided for the use therefore patrons will be forced to park on Widdrington Road where there is hardly any space. This will cause nuisance to residents as well as highway safety problems.
- c) There is no safe defined pedestrian route to the site from Widdrington Road. Cars Park all over the service strip on the opposite side of the units and the forecourts are used as car parks.
- d) Children may be injured if they stray into the adjacent car mechanics
- e) Noise pollution until 8pm on weekdays and also at weekends when residents will be using their gardens
- f) A better alternative site exists on Henley Park industrial estate

37 letters of support have been received, raising the following material planning considerations:

- g) The new site will allow for new equipment and space which is needed. The current site is very tight and parking is limited
- h) The staff are very professional and caring
- i) The facility will be a great benefit in helping children become fit and healthy
- j) The centre helps children develop socially
- k) The children benefit from improved discipline, confidence, self-awareness and physical ability including strength and co-ordination
- l) There will be spin off benefits for local businesses from extra footfall
- m) Job opportunities at the centre

An online petition in support of the proposal has 716 signatures at the time of writing. A counter petition against the proposal has 1 signature

An e-mail from Cllrs Skipper, Mutton and Mulhall has been received, which supports the proposal as the facility would benefit an area of acknowledged deprivation. However, Cllr Mulhall was not aware of the e-mail and has confirmed that his name was added by mistake.

Cllr Bally Singh has objected to the proposal due to concerns regarding: road safety arising from increased activity; disturbance to residents at unsociable hours; and parking overspill onto residential streets

Within the letters received the following non material planning considerations were raised, these cannot be given due consideration in the planning process:

- m) children may be exposed to rats from the canal

Any further comments received will be reported within late representations.

APPRAISAL

The main issues in determining this application are: loss of employment site, whether the site is a sustainable location for the use, impact upon neighbouring amenity and highway considerations.

Loss of employment site

The NPPF 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. Where there is no reasonable prospect of site being used for the allocated employment use, applications for alternative uses of land or buildings should be treated on their own merits having regard to market signals and the relative need for different land uses to support sustainable communities. In light of paragraph 215, Policy E8 is consistent with the NPPF's aims. Given this level of consistency, it is considered that Policy E8 should be given significant weight.

Policy E8 states that proposals for redevelopment of employment sites for non-employment uses will not be permitted unless substantial evidence demonstrates that re-use for employment purposes is not realistic or would produce unacceptable environmental, amenity or traffic problems. The commentary for this policy states that any justification for the introduction of non-employment uses on the grounds of commercial viability, should usually be supported by evidence of unsuccessful marketing of a nature and duration to show that redevelopment for employment uses is not realistic.

In this case, the site is located on a relatively modern purpose built light industrial estate. Occupancy of units is high and its use as an employment site does not result in unacceptable environmental, amenity or traffic problems.

With regard to viability, the unit has been vacant for 7/8 months now and has been marketed by a commercial estate agent for at least 6 months. The only offer for the unit was from the applicant. However, this is not a particularly long period of time for a commercial unit to lie vacant between tenants and the estate itself is evidently popular as the vast majority of units are occupied for B1 or B8 purposes. Normally evidence of at least 12 months of marketing would be required in order to come to the conclusion that a unit is not commercially viable. Indeed, marketing information which supports the new Local Plan advocates at least 9 months marketing for sites up to 10 hectares in area.

Furthermore, a permission for a use that falls outside the 'B' use classes could place pressure on other units on the estate and in turn make them more likely to be converted to non 'B' uses, which could incrementally result in the degradation of the attractiveness of the business park for its intended employment purpose.

Therefore it is considered that the site remains a viable and vibrant employment site and it has not been demonstrated that re-use for B1 or B8 uses would be unviable or result in unacceptable environmental, amenity or traffic problems. The proposal is contrary to Policy E8.

Suitability of site

Policy SCL2 states that proposals for large social, community, leisure and indoor sports facilities will be encouraged in the City Centre, Major District Centres, District Centres and education centres. Where no suitable sites are available, an edge of centre location may be acceptable. Proposals will be considered on the basis of: compatibility with nearby uses; and accessibility by a choice of means of transport. Where it can be shown that large scale facilities cannot be located in or at the edge of a centre, additional considerations will be whether: the proposal meets an unmet need; there is a significant adverse impact upon the role of a defined centre.

The commentary to this Policy explains that large facilities are those which serve a wider catchment than local facilities, usually having a capacity of more than 30 users at a time. Local facilities usually have less than 30 users at any one time, which serve people within a reasonable walking distance (up to approximately 400m). Therefore, for local facilities, pedestrian and cycle access is more important than access to public transport.

Whilst the proposal would not provide for more than 15 users / pupils at any one time (and therefore presumably no more than 30 people overall if each has one parent / guardian present) the catchment area of the facility would clearly not be local. The majority of current pupils are from CV5 and CV6 post code areas whilst pupils are attracted from across the City. Therefore it is appropriate to assess the proposal against Policy SCL2, which requires a sequential assessment to see whether the use can be accommodated within or on the edge of the City Centre or Major District or District Centres. The purpose of this is to provide such facilities in locations which are easy to get to by public transport, as well as providing good opportunities for linked trips eg. going to a shop as well as to the gymnastics centre. When this policy is applied consistently the result is that less trips are made by the private car and the development of the City is more sustainable as a result.

The site in question is not located in a defined Centre. Nor is it located on the edge of such a Centre. The nearest District Centres to the site are Foleshill Road and Jubilee Crescent and the City Centre is as close as either of those. Whilst it is acknowledged that it would be very difficult to find suitable sites with sufficient headroom for gymnastics within traditional retail units, there may well be former industrial units or other buildings located within or just outside the City Centre ring road, which would be sequentially preferable to the proposed site. As it stands, the proposal would be heavily reliant upon access by private car with little opportunity for linked trips, which make it unacceptable. Therefore the proposal would be contrary to Policy SCL2.

Impact on neighbouring amenity

Objections have been received from some local residents who are concerned with an increase in noise and disturbance from use of the building outside of the currently permitted 0800-1830 hours Monday-Saturday, as well as more intense use of the building during those hours with music sometimes being played. However, Environmental Protection are satisfied that the change of use would not result in significant harm subject to a condition preventing amplified music at the site and restricting opening hours to those applied for. I see no reason to disagree with this view.

Highway considerations

The majority of the objections to the application are focused upon highway and pedestrian safety concerns, as Widdrington Road has a heavy traffic flow and parked cars on the carriageway. The vehicular access to the business park is sited on a slight bend in the road and residents have stated that many motorists drive in excess of the speed limit and cross the centre line of the road when driving around this bend. In addition to this, there are queues from the Sandy Lane junction at peak times.

Highways raise no objection to the proposal as they do not expect the impact of the proposal to be severe. Whilst there would be many more vehicle trips to the site than if the unit remained in use for B1 or B8 purposes, these would be spread out as no more than 15 pupils would attend each class and the classes would be staggered with at least a 30 minute gap between each one. This will allow pupils for one class to depart before the next class arrive, thus easing the traffic impact. Nine useable parking spaces could be provided on the forecourt of the unit, which would accommodate the majority of the requirement for the use. A few parents may well have to park elsewhere but it is likely they would find a space on the business park rather than on other roads.

A concern has been raised about pedestrian safety as there is no demarked pavement within the business park. The forecourts of the units and pavement are one and the same and there is nowhere separate to walk to enter the estate from Widdrington Road. There is a narrow pavement / service strip on the east side of the estate road but this is routinely used for vehicle parking so is not useable. However, in this case the vast majority of patrons of the centre would arrive in vehicles given the large catchment area so would not need to walk in from Widdrington Road. Furthermore, the business park is populated by small units therefore it is fair to assume that the vast majority of commercial vehicles are vans rather than heavy goods vehicles.

Therefore it is considered that the impact upon highway and pedestrian safety would not be significant and the proposal complies with Policies AM9 and AM22.

Other considerations

Chapter 8 of the NPPF states that the planning system can play an important role in facilitating social interaction and creating healthy, inclusive communities.

The proposal would result in health and social benefits for children who attend the facility. Many of the letters of support explain how individual children have benefited from the lessons and glowing tributes are paid to the staff. Furthermore, the centre would employ staff with the plan for at least 5 apprentices to be taken on within a year of opening. These benefits should be given some weight in any decision.

A neighbour suggests that there is a better site available on Henley Park Industrial Estate. However, the application is not for that site and it is necessary to give a decision based on the merits of the site applied for.

Conclusion

On balance, the harm identified arising from the provision of the facility in an unsuitable out of centre location and the loss of the employment unit outweighs the health and social benefits which would arise. The proposal would be contrary to Policies E8 and SCL2 of the CDP 2001.

REASON

1. The proposal would be contrary to Policy SCL2 of the Coventry Development Plan 2001, as it would result in an unsustainable form of development, with a facility with a wide catchment area being located in an out of centre location with little opportunity for linked trips.
2. The proposal would be contrary to Policy E8 of the Coventry Development Plan 2001, as it would result in the re-use of an employment site for non-employment uses without demonstrating that employment use of the site would be unviable or result in unacceptable traffic, amenity or environmental problems.

[Existing & Proposed Plans](#)