

**PLANNING COMMITTEE MEETING AGENDA**

**Monday 19 January 2015**

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**WARD AND****APPLICATION No.****PROPOSED DEVELOPMENT AND SITE ADDRESS**

**GLUSBURN  
32/2014/15123**

*CHANGE OF USE FROM B2 (GENERAL INDUSTRIAL) TO D2 AS A  
'CROSSFIT' GYM.*

*UNIT 5, RIPARIAN COURT, THE CROSSINGS, RIPARIAN WAY, CROSS  
HILLS.*

APPLICANT NAME: MAGNANI FIT BOOT CAMPS

TARGET DECISION DATE: 09/12/2014

CASE OFFICER: Gemma Kennedy

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**This application has been referred to Planning Committee by Councillor Barrett on the following grounds; “This change of use planning application concerns part of the extension to the Crossings Business Park that was approved (outside development limits) by Planning Committee on the grounds of providing units for B2 use (32/2008/8571).”**

1. Site Description

1.1 A modern purpose built B2 ‘General Industrial’ unit located on The Crossings Business Park, Cross Hills. The application site is Unit 5, which is central to a block of 5 single storey units. The site lies within flood risk zone 3 as designated by the Environment Agency, and is located on land between the A629 dual carriageway and a railway line.

1.2 The site is outside of the development limit boundaries and is also identified as Green Wedge by the 1999 Craven Local Plan.

2. Proposal

2.1 Planning permission is sought for a change of use to a D2 ‘Assembly and Leisure’ use as a Cross Fit Gym.

3. Planning History

3.1 There is a lengthy planning history for The Crossings employment area. The applications below are those most relevant to this part of the site.

3.2 32/2008/8571 – Construction of 29 employment premises for B2 use. Approved 11/08/2008.

3.3 32/2010/10723 – Construction of employment unit for B2 use (amendment to unit types approved under 32/2008/8571). Approved 03/08/2010.

3.4 32/2011/11410 – Discharge of condition No. 14 of approved permission 32/2010/10723. Approved 24/03/2011. (Condition 14 related to external lighting).

4. Planning Policy Background

4.1 Saved Policies EMP7, ENV1, and BE3 of the Craven District (Outside the Yorkshire Dales National Park) Local Plan.

4.2 The National Planning Policy Framework and national Planning Policy Guidance.

5. Parish Council Comments

5.1 Glusburn and Cross Hills Parish Council: “The Crossings was originally to be for B1, B2, B8 industrial units only. The road that was due to be finished and made up last year is still not made up.” Received 15/12/2014.

6. Consultations

- 6.1 NYCC Highways Authority: “No local highway authority objections,” received 29/10/2014.
- 6.2 CDC Economic Development: “Studies conducted to assess the need for new land and premises for employment as part of the emerging Craven Local Plan show that there is a healthy demand for business premises within the planning “B use classes”, and that the demand is particularly strong within the South Craven area. These same studies also show that there is a current lack of capacity on existing business parks and industrial estates. A search of available industrial space in Cross Hills shows there is a limited supply. A total of 51,303 square feet on Airedale Trading Park has recently been let, with a further 5,921 square feet under offer. Excluding Unit 5 on Riparian Way, the subject of the planning application, there is only 2,731 square feet of vacant industrial space available in Cross Hills. The number of businesses and employees in the manufacturing sector within South Craven is double the rate compared to the District as a whole. A breakdown of businesses and employees by industrial sector show that 13% of the total business stock in South Craven is manufacturing, accounting for approximately 23% of jobs, compared with 7% and 10% respectively for Craven District. This demonstrates that the need for industrial space is greater within the Cross Hills/South Craven area than in the rest of Craven District. Based on the Employment Densities Guide (2010) authored by Drivers Jonas Deloitte, it is calculated that the internal area of the unit has the capacity to generate 8 full-time equivalent jobs. The calculation is based on planning “B2” use class – general industrial. The applicant states that the proposed new use (D2) for the unit will only generate 2 full-time equivalent jobs. In view of current supply, there is a need to retain the unit for “B use”. Calculations indicate that the Unit will be of greater benefit to the local economy as an industrial unit with regard to the number of jobs it is likely to accommodate. Therefore, in consideration of its contribution to supporting the Economic Development Strategy for Craven District (2010 – 2016), it would be the preference of the economic development service for the property to retain its current planning “B2” use – general industrial.” Received 28/11/2014.

7. Representations

- 7.1 Three letters of objection raising the following points;
- Site not accessible by public transport, therefore staff and users can only attend using private transport
  - Only four parking spaces and 2 members of staff – remaining spaces will not suffice for users of the gym.
  - Lack of adequate dedicated car parking would cause congestions and disruption to Skipton House and occupiers of other units in this block and visitors/deliveries.
  - Parking already a problem on the estate.
  - Neighbouring units have a large number of collection and delivery trucks throughout the day and parking is restricted to individual units only.
  - Lack of new locations for main stream employment uses in South Craven – should be retained for a B2 user.
  - Riparian Court is a private, gated, secure, industrial estate where each unit has a key to the security gate.

- Use out of normal houses would require the security gate to be opened, compromising the security of Riparian Court and using the private parking spaces of other units which is unacceptable.

7.2 Thirteen letters of support raising the following points;

- Classes are after work times (after 5.30) so don't interfere with other businesses.
- Plan on car sharing as necessary
- A positive addition to the local area, look forwards to using the gym
- Mr Magnani encourages us to walk/run to classes when we can
- Having a permanent base to provide a variety of classes will be a great boost to the area.
- Will be very good for the community
- It will not cause any problems to parking

## 8. Summary of Principal Planning Issues

8.1 The principle of the change of use; highway safety; neighbouring amenity; flood risk.

## 9. Analysis

### **Policy background;**

9.1 Saved Policy ENV1 seeks to protect the open countryside from sporadic development and Saved Policy BE3 explains that development on land identified as Green Wedge will be resisted where it would compromise the gaps between settlements. However, the site is now developed and this application is just for the change of use of an existing building. These policies are not now directly applicable to the development proposal that is under consideration.

9.2 Saved Local Plan Policy EMP7 states that applications for the change of use of existing industrial premises to non-industrial uses will be permitted provided that; the location of the building is such that industrial or commercial uses are considered inappropriate due to an adverse effect on neighbour amenity; the road network or access is considered unsuitable for industrial or commercial activities; or the building is no longer suitable for industrial or commercial activities, but is of sufficient architectural merit to warrant its retention. The reasoned justification to the policy explains that the purpose of the policy is to ensure a change to non-commercial uses is only permitted when especially justified.

9.3 The main thrust of the NPPF is an overarching presumption in favour of sustainable development; i.e. the general acceptability of proposals against the stated "three dimensions to sustainable development: economic, social and environmental." Paragraph 14 of the NPPF states that 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.

9.4 Paragraph 215 of the NPPF states that policies not adopted in accordance with the Planning and Compulsory Purchase Act 2004 need to be considered in terms of their degree of consistency with the Framework. In particular it is stated that "the closer the policies in the plan to the policies in the framework, the greater the weight that may be given."

9.5 Paragraph 22 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 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.

9.6 Paragraph 19 of the NPPF outlines that the planning system should do everything that it can to support sustainable economic growth and that significant weight should be placed on this objective.

**Principle of development;**

9.7 Whilst saved local plan policy EMP7 is broadly consistent with the NPPF in terms of seeking to maintain a supply of industrial premises, the NPPF offers greater flexibility in terms of when the change of use of employment premises could take place. Therefore key to this application is paragraph 22 of the NPPF, which states 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 own merits having regard to market signals and the relative need for different land uses to support sustainable local communities."*

9.8 Craven District Council's Economic Development Manager has been consulted on the application, and has advised that there is a strong demand for 'B' use classes within the South Craven area, and a lack of capacity on existing business parks and industrial estates. For example, excluding the application building, there is only 2,731 square feet (254 square metres) of vacant industrial space available in Cross Hills. Economic Development go on to state that the number of businesses and employees in the manufacturing sector within South Craven is double the rate compared to the District as a whole – and therefore the need for industrial space is greater in the Cross Hills/South Craven area than in the rest of the District.

9.9 The use of the site as a Gym is a type of commercial development that will provide some employment and the proposed D2 use would provide employment in the form of 2 positions. However Economic Development have calculated (based on 'Employment Densities Guide 2010' that the application unit has the capacity to generate 8 full time equivalent jobs, and is therefore of greater benefit to the local economy as an industrial unit.

9.10 Atkinson Associates, who are marketing the property, have stated that it has been marketed for lease since July 2012. There has been limited interest in the property over that period, despite the adjoining units having been let. Atkinson Associates state that the unit has been advertised on their website, a national property database (Estates Gazette), and advertised with for sale boards. It is considered that the property has been adequately marketed over a 2 ½ year period, and at the present time there is no reasonable prospect of the unit being put to a B2 use.

9.11 It is therefore considered that having regard to this marketing that has been undertaken that an alternative Gym use for the building would not in principle conflict with Saved Local Plan EMP7 or the NPPF. However, due to the overall demand for 'B' use units in the South Craven area, the Officers would be reluctant to allow the permanent loss of this modern B2 unit to a D2 use. For that reason Officers recommend that if the Planning Committee is minded to approve the application, it does so with a planning condition making the permission personal to the applicant and for a period of two years. After that two year period the applicant can either apply to extend the time period, or it would revert to a B2 use.

9.12 The proposed change of use would help to support sustainable local communities. It would meet the social dimension of sustainable development as set out in the NPPF, which is *“supporting strong, vibrant and healthy communities, with accessible local services that reflect the community’s needs and support its health, social and cultural well-being.”*

**Highway safety;**

9.13 The business unit has 4 allocated car parking spaces. The applicant’s agent has specified that at the most there would be 8 clients using the cross fit gym attending a session that normally lasts for one hour. Most of these training sessions would take place in an evening, with some throughout the day, when personal coaching will also take place. The applicant has also stated that most of his clients will car share, and as he lives locally he will be cycling to work.

9.14 Concerns have been expressed by neighbouring businesses that the available parking spaces are not sufficient for the proposed use. There are concerns of vehicles parking on the highway blocking delivery vehicles, or of neighbouring parking spaces being used after hours.

9.15 NYCC Highways Authority has been consulted on the application, and has raised no objections on highway safety grounds. The highways engineer has stated that the site is too far removed from the public highway (including any proposed adopted highways) for any objection on lack of parking to be made. The highways engineer also notes that the carriageway outside the premises is 6 metres wide, and so on road parking in this location, which is close to the end of the Industrial Estate should not be a problem.

9.16 Despite the objections from neighbouring businesses, in the absence of any objections to the proposal on highway safety grounds, it is considered that the Local Planning Authority would be unable to sustain a refusal of planning permission on these grounds.

**Neighbour amenity;**

9.17 The proposed cross fit gym will inevitably generate some noise; the applicant leads the training sessions and presumably will shout instructions. There will also be noise from movement, as people undertake their training. However, located between two B2 ‘general industrial units’ the proposed use would not generate a level of noise beyond that which could already be generated by the neighbouring uses under the B2 use class. The proposal is therefore considered to be acceptable in terms of neighbouring amenity.

9.18 A neighbouring business has stated that as there is a security gate at the entrance to Riparian Court, this would need to be opened outside normal hours for the proposed use, compromising the security of Riparian Court. This is considered to be a private matter between the applicant and his landlord, and not a material planning consideration.

**Flood Risk;**

9.19 The site is at risk of flooding, as it is located in flood risk zone 3. The application has been submitted with information to show that a full Flood Risk Assessment (FRA) was carried out when the original application was approved in 2008, and accordingly the development was approved with conditions to reduce flood risk on the site. The current proposal seeks no changes or additions to the existing building, and the proposed use falls within the same vulnerability classification as the existing use – ‘less vulnerable uses.’ As such, the proposal is considered to be acceptable in terms of flood risk.

**Conclusion;**

9.20 In conclusion, the benefits of granting permission, in terms of putting the vacant unit to a new use, which will provide some employment and social benefits, are not significantly and demonstrably outweighed by the any adverse impacts, and the proposal therefore complies with paragraph 14 of the NPPF.

10. Recommendation

10.1 Approval.

Conditions

1. The D2 use hereby permitted shall only be undertaken by the applicant Matteo Magnani for a temporary period of two years starting with the date of this planning permission. Should the applicant cease operating from these premises within the temporary period, the use shall revert to a B2 use at that time. Otherwise the use shall revert to a B2 use after the temporary two year period has ended.

Reason: The Local Planning Authority is able to demonstrate that there is a healthy demand for 'B use class' premises within the South Craven Area and would not wish to see the use of this unit changed from B2 use in perpetuity. However, it is accepted that recent marketing of the application premises has demonstrated that there presently is not the demand to use the application premises for a B2 use and therefore for a temporary period the proposed D2 use is acceptable.

2. The approved plans comprise Drawing No 02 received by Craven District Council on 10<sup>th</sup> October 2014. The development shall be completed in accordance with the approved plans except where conditions attached to this planning permission indicate otherwise or where alternative details have been subsequently approved following an application for a non-material amendment.

Reason: To specify the terms of the permission and for the avoidance of doubt.

Statement of Positive Engagement: -

In dealing with this application Craven District Council has sought to approach the decision making process in a positive way, in accordance with the requirements of paragraphs 186 and 187 of the NPPF. In particular the Council has requested addition information to address the planning issues which have arisen in relation to dealing with this application.