

Officers Report

Planning Application No: 137095

PROPOSAL: Planning application for change of use from industrial use-B2 to gym- D2.

LOCATION: Workshop Adjacent Ranyard Signs, Brigg Road, Caistor, Market Rasen LN7 6RX

WARD: Caistor and Yarborough

WARD MEMBER: Cllr Owen Bierley

TARGET DECISION DATE: 09/02/2018

DEVELOPMENT TYPE: Change of Use

CASE OFFICER: Ann Scott

RECOMMENDED DECISION: Approve with conditions

Description:

The application proposes the change of use of an existing industrial building currently under use class B2 to use as a Gymnasium under D2 Assembly and Leisure of the Use classes Order 2012.

The applicant is Bfit Gym and is proposing relocation from an existing building on the Hill Crest Garage Site on the A46 Grimsby Road, Caistor which is currently operating without planning approval. The applicant is having to relocate to more suitable premises due to the Hill Crest Site being the subject of redevelopment for Business Units under B1, B8 and A3 use.

The site is situated on Brigg Road Caistor and lies between an existing residential property and a car repairs and sales garage known as MPVS. Opposite the site is open countryside designated as an area of great landscape value (AGLV). Adjacent to the site is a caravan park and residential property to the eastern boundary near the vehicular access.

Relevant history:

CR/114/68 – Erect agricultural workshop.

CR/96/91 Use agricultural workshop in connection with agricultural and motor engineers business.

123958 Planning application to extend a workshop to provide MOT testing facilities, including alterations to the roof and a new vehicular access onto the highway. Granted 28/5/2009.

127261 Non-Material amendment to application to planning permission 125460 granted 12th April 2010 - changes to internal layout and high-level window, granted 9/5/2011.

136092 – Pre application enquiry.

Relevant History related to application:

135007 Planning permission for change of use from A1-Retail to D2-Gymnasium. At Hillcrest Garage Grimsby Road Caistor Refused 16/12/2016.

136558 Change of use of garage to a gym at Hillcrest Garage, Grimsby Road Caistor – withdrawn 27/11/17.

Representations:

Chairman/Ward member(s): none received.

Sir Edward Leigh MP I give my full support my constituent's application on the basis of the substantial benefits across the social spectrum, not only health benefits but clearly the gym is a health social outlet for all, notwithstanding a place of work for employees.

Town Council: Support the application.

Local residents: Comments and letters of **support** from the occupiers of 2 & 14 Beckside, 17 Clixby Lane, 82 Lammas Leas Road, Dovecot Hous, & Wold House Grasby, The Old Barn Cadbourne Vale, Wallis House Houlton le Moor, 1 Risedale Caistor, 3 Nettleton road Caistor,. Comments received can be summarised as:

The full noise impact assessment is considered to provide satisfactory soundproofing to the proposed gym and also the installation of air conditioning ensures that the gym is adequately ventilated during warmer weather to ensure noise pollution is not an issue. Support for the gym in relation to the provision of a much needed, essential and valuable facility in the community, increase in jobs, asset to the community, popular with locals, appropriate use of an existing building rather than leaving it empty.

Comments from Woodbine Cottage Brigg Road Caistor have also been received in respect of noise and disturbance in particular from music and the need for a condition requiring mitigation measures to address this.

LCC Highways/Lead Local Flood Authority: Having given due regard to the appropriate local and national planning policy guidance (in particular the National Planning Policy Framework), Lincolnshire County Council (as Highway Authority and Lead Local Flood Authority) has concluded that the proposed development is acceptable. Accordingly, Lincolnshire County Council (as Highway Authority and Lead Local Flood Authority) does not wish to object to this planning application.

Environmental Health: no replies received to date.

Archaeology: No archaeological input required.

Growth Team: The Growth Team would make the following observations in respect of this proposal:

- The Growth Team are fully supportive of this application, which will safeguard an important business, and facility for the local community, in Caistor.
- The Bfit Gym is the only fitness facility in Caistor, currently employing 5 staff (including 4 apprenticeship posts). With a growing membership, the proposed conversion will enable the business to expand, leading to further employment and training opportunities in the form of apprenticeships as well as through complementary services such as sports massage. This is an important enterprise for the local economy. The new facility will enable an expanded range of services which will help to increase turnover and GVA.
- Representatives from the Growth Team (and the Lincolnshire Business growth Hub) have been working with the applicant and business owner to secure alternative premises and to advise on business planning and funding opportunities. A number of alternative, more centrally located premises were considered for the gym. This includes the former Co-operative building in Caistor Market Place and the Council's premises, Southdale. None of the alternatives were considered to meet the floorspace and specification requirements for the gym – all requiring extensive modernisation, modification and/or sub-division, at a cost which cannot currently be supported by either landlord or prospective tenant.
- After extensive analysis of alternative sites, the owner of the gym has secured premises on Brigg Road. The site offers a viable alternative for the gym business and is in an accessible location for existing and future service users (by car and on foot).

Idox checked 15/2/18

Relevant Planning Policies:

National Planning Policy Framework (2012)

National Planning Policy Guidance (2014)

Central Lincolnshire Local Plan (adopted April 2017)

Policy LP1 A presumption in favour of sustainable development

Policy LP2 The Spatial Strategy and settlement hierarchy

Policy LP5 Delivering prosperity and jobs

Policy LP6 Retail and town centres in Central Lincolnshire

Policy LP7 A sustainable visitor economy

Policy LP9 Health and Wellbeing

Policy LP13 Accessibility and Transport

Policy LP14 Managing Water resources and flood risk

Policy LP15 Community facilities

Policy LP17 Landscape Townscape and views

Policy LP26 Design and Amenity

Caistor Neighbourhood Plan (Made 3rd March 2016)

The Caistor Neighbourhood Plan has been made and its policies should be given full weight in planning application determinations.

Policy 2 Type, scale and location of new development – new development will be permitted in order to support growth whilst contributing to the sustainability or vitality of the town and relates mainly to major development proposals. Development should reflect the character and appearance of the town, where possible re use existing buildings, provide walking and cycling opportunities, safeguard amenities, preserve the identity of Caistor, be within 800 metres of the market place. Major development should not be outside 800 m along Brigg Road or North Kelsey Road or otherwise should provide a strategy to resolve existing HGV movements through the town centre. New development in Caistor should be reflective of the desire to see a mixed and diverse local economy catering for the variety of needs within the Community. The growth of the town is welcome but this needs to be at a scale that reflects the historic character of the town. The importance attached to the 800 metres from the town centre reflects the distance that can reasonably be walked within 10 minutes as advocated by the National Health Service (Healthy Choices) to access shops, schools and other facilities. As the main bus stops for the town are sited in the market place this is an appropriate place from where to measure for new sites

Policy 7 Community facilities – development that delivers improvements to existing community facilities or delivers new community facilities will be supported. Sustainable growth of the town is dependent on offering a range of service and community facilities to enhance the quality of place and life for residents.

Policy 8 Leisure facilities the development of leisure facilities within Caistor will be supported as they provide for the wider environs around the Caistor area. Leisure facilities are a high priority in the community the provision of these within the town removes the need to travel out of the town and enhances the role of the town as a local service centre. Local Access to such facilities will bring health welfare and community benefits. The town is well served by existing parks and recreational areas and traditional play areas within them. The town is well supported by a range of well-established sports clubs including cricket, football, tennis, running and bowls. Other more specialist facilities are lacking.

Main issues

- Planning Policy
- Community facilities
- Residential amenity
- Economic development
- Visual impact
- Highway safety
- Drainage/flood risk

Assessment:

Planning Policy

Planning Law requires that applications are determined in accordance with development plan policies unless material considerations indicate otherwise. The National Planning Policy Framework 2012 defines walking distance as being within 900 metres of a town centre.

The application is for the change of use of a vacant existing industrial premises under class B2 previously used as a motor engineers to a Gym D2 (assembly and Leisure) at A1084 Brigg Road Caistor. The application site lies between an existing residential property and a car repairs and sales garage known as MPVS. The site was also used for vehicle sales previously by the adjacent car sales and garage premises known as MPVS.

The site is situated in the vicinity of Caistor in open countryside, Brigg Road is characterised by built development with significant gaps between the built up settlement and the site is along a stretch of highway with ribbon development interspersed with residential, holiday and commercial uses.

Policy LP2 of the Central Lincolnshire Local Plan relates to the spatial strategy and settlement hierarchy. Caistor is a market town (LP2(3)). Market towns will provide the focus for proportionate but significant growth in housing, employment, retail and wider service provision. Most of this growth will be by sites allocated in this plan or appropriate infill, intensification or renewal within the existing developed footprint of Caistor. However, additional growth on non-allocated sites** in appropriate locations** outside of but immediately adjacent to the developed footprint *** of these market towns may also be considered favourably although these are unlikely to be supported if over 50 dwellings.

This application is not for residential development but for a community use and it is clearly not within or immediately adjacent to the developed footprint. As such the proposal would therefore be contrary to policy LP2 (3). It is therefore located within the open countryside which is level 8 of policy LP2. This policy indicates that development within the open countryside will be resisted unless it can be supported by policy LP7. LP7 indicates that development of high quality visitor facilities such as culture and leisure will be supported. The policy directs that developments should be located within existing settlements, or as part of planned urban extensions, unless it can be demonstrated that:

- Such locations are unsuitable for the nature of the proposal and there is overriding benefit to the local economy and/or community and/or environment for locating away from such built up areas.

Policy LP6 of the Central Lincolnshire Local Plan relates to Retail and Town Centres in Central Lincolnshire. Caistor is identified as a Town Centre in Policy LP6 which provides a range of services and facilities for a wider catchment area within the main towns and market towns. This supports the function of Caistor and as the sequential approach has been robustly applied and has not identified any appropriate available

sites within the Town Centre this edge of town site has been put forward as an appropriate location which utilises an existing building which is presently unoccupied. Similarly, Caistor does not have a gym and as a result this proposal would have no detrimental impact on the vitality of the town centre. The site meets with the criteria in other local and neighbourhood plan policies in terms of location, accessibility, amenity, highway safety and visual impact and also accords with the advice in paragraph 26 of the National Planning Policy Framework in relation to development outside of town centres.

Policy LP9 of the Central Lincolnshire Local Plan relates to health and well-being and supports development proposals that have the potential for achieving positive mental and physical health outcomes. The proposal is considered to comply with Policy LP9 from the resulting use which will contribute to support and enhance physical and mental health and well-being.

Whilst Policy 2, 7 and 8 of the Caistor Neighbourhood Plan support new community and leisure facilities within Caistor this site is not specifically in Caistor. In particular Policy 8 supports specialist facilities of which there is a shortage. Without Bfit Gym there would be no gym in Caistor serving the community. The operation is currently trading without the benefit of planning permission at the Hill Top Garage Site on the A46. Permission was refused in 2016 for a change of use of the current premises from A1 retail to D2 Assembly and Leisure use. Mainly this was because of policy reasons in relation to accessibility and highway safety as the site is on the busy A46 junction with A1084 Ribby/Grimsby Road and High Street. This application proposes the change of use to a Gym to allow the existing business to relocate to more appropriate premises.

Extensive research has been undertaken by the applicant to enable the relocation of the business. A large number of sites have been considered, none which have been considered as suitable. Two were identified for further consideration within the centre of Caistor one being the former coop/bank premises in Market Place/Bank Lane and the other being a former Council Depot on Vicarage Close in Caistor. Both buildings were unsuitable due to size, layout and access. No parking other than on street parking was available at the Market Place/Bank Lane premises and the Vicarage Close site was unsuitable due to size and construction/layout of the building, as parking was available at that site. The owner of the Vicarage Close building was also unable to guarantee funding/facilities to alter the building to suit the requirements of the applicant. The current site is independently owned and the applicant has a long term lease on the premises. Other sites were examined including sites at North Kelsey Road, Grimsby Road, Hershey Road and High Street and were discounted for reasons in relation to size, location, suitability and availability for lease.

The current site has therefore been put forward as having the available size and off street parking facilities. Whilst normally sites in a more central location would be considered a more sustainable location in terms of sustainability and Local Plan and Neighbourhood Plan spatial approach the applicant has demonstrated that this is the only site available suitable for the requirements of the business operation to relocate to in the vicinity of Caistor. The development is also supported by Caistor Town Council who seek to normally develop sites within the settlement and in particular the

town centre. This is particularly important. Support has also come from many outlying villages as well as the Town Council, local MP and residents in Caistor.

A core NPPF principle (paragraph 17) is to “*actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling, and focus significant development in locations which are or can be made sustainable*”.

Acceptable walking distances suggested by the Institution of Highways and Transportation^[1] are set out below:

	Town Centres (metres)	Commuting / School (metres)	Elsewhere (metres)
Desirable	200	500	400
Acceptable	400	1000	800
Preferred maximum	800	2000	1200

It is noted that whilst located outside of the main part of Caistor the site is part of a ribbon of development which is served by a continuous footpath to Caistor. At 1200m from the centre of the Market Place it is considered that walking is a realistic option for access. Indeed walking up to 2km is deemed a realistic alternative to the motor car (Manual for Streets DCLG 2007). Similarly, cycling has the potential to replace motor vehicles for trips of 5km or less.

Community facilities

Policy LP15 of the Central Lincolnshire Local Plan relates to community facilities and requires proposals for community facilities such as leisure facilities, including places of worship, libraries, public houses or other registered assets of community value are an integral part in achieving and maintaining sustainable well integrated and inclusive development.

Proposals for new stand-alone facilities will be supported in principle, and should prioritise and promote access by walking, cycling and public transport. Community facilities may have a local or wider catchment area: access should be considered proportionately relative to their purpose, scale and catchment area; be accessible to all members of society; be design so that they are adaptable and can easily be altered to respond to future demands, where applicable be operated without detriment to local residents; this especially applies to facilities which are open in the evening, such as leisure and recreation facilities.

Existing facilities in Policy LP15 does not support the loss of a community facility. Whilst the Gym is trading at existing premises at the Hill Top Garage Site on Grimsby Road on the A46. This site does not have the benefit of planning permission and is on a busy road with limited access for walking and cycling due to its remote location.

[1] Guidelines for Providing for Journeys on Foot (IHT, 2000)

The users will mainly access the existing site by car. The application proposes the relocation to the Brigg Road site subject to approvals necessary for planning and building regulations.

The proposed site offers more accessible means other than the private car. Brigg Road is accessible by walking, cycling and public transport with the number 53c Call Connect bus which connects Caistor with the outlying villages in the area and including the 121 bus to and from the larger settlement of Brigg in North Lincolnshire as well as Market Rasen, Grimsby and Lincoln. There is sufficient on-site parking for customers who need to travel by car. The proposal is considered to comply with the criteria in Policy LP15.

Residential amenity/Visual impact

Policy LP26 of the Central Lincolnshire Local Plan relates to Design and Amenity. Applications for development will be considered against the existing residential and visual amenities of the area.

The proposed changes to the building are mainly to the layout of the building internally. The proposed external elevations will be as existing other than for the blocking up one personal door on the West elevation. The proposed internal changes are to provide larger areas to accommodate, gym, a mezzanine exercise studio, spinning and other areas including a limited refreshment/kitchen area and a small area of seating, weights area, equipment store, yoga room, crèche room, sunbed, and sauna, changing rooms, toilets and a physiotherapy room. The entrance is via a door into the main Gym room accessed from the rear car park and one front entrance to access the lobby, crèche room, sunbed and physio room.

Policy LP26 requires that development proposals take account of local distinctiveness and character. Proposals will be required to demonstrate that they make effective and efficient use of land, respect existing character and identity, and relate well to the site and surroundings. In addition public places and buildings should ensure that they are accessible to all. Policy LP26 also requires that the amenities which existing and future residents enjoy are not unduly harmed from the resulting development. In particular compatibility with neighbouring land uses should be demonstrated together with no adverse overlooking, over shadowing, loss of light, increase in artificial light or glare, no adverse noise, vibration or odour and should have adequate provision for the storage and disposal of waste.

The existing building will remain as is albeit for the blocking up of one door in the North West elevation. Car parking will be to the rear of the building. This will ensure the existing character is maintained.

An appropriate condition to secure details of the method of storage and disposal of waste, noise attenuation measures, removal of permitted development rights to restrict the use to a Gymnasium only and the ancillary crèche, sauna, sunbed, refreshment and physiotherapy facilities to a use ancillary to the use as a Gymnasium can be attached to the decision notice in accord with Policy LP5 and LP26 which seek to restrict the likely impact on the character and appearance of new development on the

area and in the interests of the preservation of the existing residential amenities of the locality.

The main issues in relation to amenity are the likely impact on noise and potential for disturbance to the nearby dwelling and occupants of the caravan park. It is considered that a condition to provide for mitigation measures in relation to noise and disturbance prior to the use being implemented is appropriate in this case. In terms of disturbance the proposed use is subject to hours of operation. The applicant is willing to accept a condition to ensure that the use is not ongoing at unsocial hours. Normal opening times are 7 am to 10.00 pm Monday to Friday, 8.00 am to 6.00 pm Saturdays and 8 am to 3.00 pm Sundays. Closed Bank and public holidays.

Comments from neighbours are generally supportive but there are some concerns raised with regard to noise and disturbance. It is considered that the proposed use is not likely to be worse than the existing use class B2 general industrial. The applicant advises that there is already soundproofing in the building, this together with mitigation measures to include additional sound proofing if necessary together with the hours of operation would likely overcome any concerns from nearby properties in accord with Policy LP5 and Policy LP26 of the Central Lincolnshire Local Plan.

Landscaping

The impact of the proposal will not adversely affect existing landscaping. No trees are affected by the development and the landscaping to the front and sides of the site are not changing in accord with Policy LP17 Landscape Townscape and views.

Economic development

The proposed gym will be of benefit to the local community of Caistor and the wider surrounding villages with the provision of a much-needed facility offering an accessible training space and gym equipment in order to increase the level of health and fitness for the local and wider community in accord with Policy LP9 Health and Wellbeing. The gym will also provide employment for three full time employees. Policy LP5 of the Central Lincolnshire Local Plan relates to delivering prosperity and jobs. Where other employment proposals in location is not covered by Sustainable urban extensions, established employment areas and Local Employment sites. Other employment proposals not covered by the above will be supported provided there is a clear demonstration that there are no suitable appropriate sites or buildings within allocated sites or within the built up area of the settlement. The scale of the proposal must be commensurate with the scale and character of the existing, there is no significant adverse effect on the appearance or amenities of the area or neighbouring occupiers. There is not significant adverse effects on the highway network. There is no significant adverse impact on the viability of delivering any allocated employment site and the proposals maximise the opportunities for a shift away from the use of the private car to access the development. In addition the expansion of existing businesses which are currently located in areas outside allocated employment sites will be supported, provided that;

- existing buildings are reused where possible;
- they do not conflict with neighbouring land uses;

- they will not impact unacceptably on the local and or strategic highway network and;
- the proposal would not have an adverse impact on the character and appearance of the area.

As the gym is already in operation on another site they have demonstrated in the submitted information that this site is the only suitable site in terms of size, access, parking and availability. A number of other sites have been demonstrated in the accompanying supporting statement including others in the centre of Caistor, and premises on North Kelsey Road, Hershey Road and High Street. All other sites have been discounted due to size, accessibility, unsuitability and some not being available for lease as a gym amongst other reasons. The proposal is considered to comply with the Criteria in LP5 in that the applicant has reasonably demonstrated that they have gone as far as they can to demonstrate there are no other suitable sites in a sequential approach. The site proposed is considered to be of a suitable scale and location. It is not considered to adversely affect the character of the area, residential amenity or highway safety and will provide an employment use in an existing building in accord with Policy LP5 of the Central Lincolnshire Local Plan.

Highway safety

There are no objections in principle to the proposal from the highway control officer who has no comments to make on the proposal. The site will provide for 18 off street car parking spaces to the rear of the site.

In accord with Policy LP13 Accessibility and transport. As set out in the policy section of this report the site is also readily accessible by bus, cycling and walking. The site is approximately 900 metres from the centre of Caistor and is within walking distance of the town. The proposal complies with LP13 of the Central Lincolnshire Local Plan.

Drainage/flood risk

The site is not situated in an area at risk of flooding and the site is on raised levels of approximately 1-2 metres above the level of Brigg Road. The proposal will utilise existing foul and surface water facilities and accords with Policy LP14 Managing Water Resources and Flood risk.

Conclusions

The application has been considered against the criteria in the National Planning Policy Framework, National Planning Policy Guidance and the relevant policies in the Central Lincolnshire Local Plan namely: Policy LP1 A presumption in favour of sustainable development, Policy LP2 The Spatial Strategy and settlement hierarchy, Policy LP5 Delivering prosperity and jobs, Policy LP6 Retail and Town Centres in Central Lincolnshire, LP7 A sustainable visitor economy, Policy LP9 Health and Wellbeing, Policy LP13 Accessibility and Transport, Policy LP14 Managing Water resources and flood risk, Policy LP15 Community facilities, Policy LP17 Landscape Townscape and views, Policy LP26 Design and Amenity and Policies, 2 Type scale and location of development, 7 community facilities & 8 leisure facilities of the Caistor Neighbourhood Plan. A sequential approach to other sites has been clearly and

robustly applied and there are no other suitable sites available within Caistor. The application is considered to benefit the community in terms of health, wellbeing, economic development and provides a more appropriate site for the gym than its existing premises. The application is recommended for approval.

RECOMMENDATION: Approve with Conditions

Conditions stating the time by which the development must be commenced:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To conform with Section 91 (1) of the Town and Country Planning Act 1990 (as amended).

Conditions which apply or require matters to be agreed before the development commenced:

2. Prior to the use hereby approved being implemented details of mitigation measures in respect of a scheme for noise attenuation including details of amplified sound equipment and extraction/air-conditioning equipment and a noise management policy to include, noise limiting equipment, a specification of the acoustic attenuation of the building, noise levels from sound equipment and vehicles visiting the site. Shall be submitted to and agreed in writing with the Local Planning Authority. The measures agreed shall be implemented before the use first commences thereafter be retained.

Reason: This condition is imposed in the interests of the residential amenities of the locality and in accord with Policy LP5, and LP26 of the Central Lincolnshire Local Plan.

3. Prior to the use hereby approved being implemented details of the storage and disposal of waste shall be submitted to and agreed in writing with the local planning authority. The agreed measures shall be implemented before the use first commences and thereafter retained unless otherwise agreed in writing.

Reason: This condition is imposed in the interests of the amenities of the locality and for the avoidance of doubt and in accord with Policy LP26 of the Central Lincolnshire Local Plan.

4. Prior to the use hereby approved being implemented details of any air conditioning/and or extraction equipment shall be submitted to and agreed in writing with the Local Planning Authority. The approved scheme shall be implemented as agreed before the use is first commenced any agreed details shall thereafter be retained unless otherwise agreed in writing.

Reason: This condition is imposed in the interests of the residential amenities of the locality for the avoidance of doubt and in accord with Policy LP5 and LP26 of the Central Lincolnshire Local Plan.

Conditions which apply or are to be observed during the course of the development:

None

Conditions which apply or relate to matters which are to be observed following completion of the development:

5. The development hereby approved shall operate only between the hours of 7.00 am to 10.00 pm Monday to Friday, 08.00 am to 6.00 pm Saturdays and 08.00 am to 3.00 pm on Sundays with no operation at all on Bank and Public Holidays.

Reason: This condition is imposed in the interests of the residential amenities of the locality and in accord with Policy LP5 and LP26 of the Central Lincolnshire Local Plan.

6. The development hereby approved shall be limited to Class D2 as a Gymnasium only and for no other use within Class D2 of the Town and Country Planning Use Classes Order or any other order re-enacting or revoking that order unless otherwise agreed in writing with the Local Planning Authority.

Reason: This condition is imposed in the interests of the amenities of the locality and in accord with Policy LP5 and LP26 of the Central Lincolnshire Local Plan.

7. The facilities within the development hereby approved in respect of the Crèche room, Sauna, Sunbed, physio therapy room and refreshment area shall be used only as an ancillary use to that of the permitted use as a Gymnasium Class D2 and for no other purpose.

Reason: This condition is imposed in the interests of the amenities of the locality for the avoidance of doubt and in accord with Policy LP5 and LP26 of the Central Lincolnshire Local Plan.

Human Rights Implications:

The above objections, considerations and resulting recommendation have had regard to Article 8 and Article 1 of the First Protocol of the European Convention for Human Rights Act 1998. The recommendation will not interfere with the applicant's and/or objector's right to respect for his private and family life, his home and his correspondence.

Legal Implications:

Although all planning decisions have the ability to be legally challenged it is considered there are no specific legal implications arising from this report