Allerdale Borough Council

Planning Application

Reference No: 2/2012/0614
Received: 07 August 2012
Proposed Development: Change of use from car showroom to D2 assembly and leisure for use as a fitness studio
Location: Former Peugeot Showroom
Dobies Business Park
Lillyhall
Workington
Applicant: Mr Lee Butterworth

Drawing Numbers: LB/KT/12/02 - Site Location Plan, Proposed Plans and Elevations

Constraints: Vacant land & Buildings
British Coal Area
Adv Control Exclusion - Winscales

Policies: National Planning Policy Framework

Allerdale Local Plan, Adopted 1999 (Saved)
Policy L3 - New leisure/community facilities
Policy WKEM6 - Local Employment allocations, Lillyhall Estate

Cumbria and Lake District Joint Structure Plan 2001-2016 (Saved)
Policy EM13 - Employment land provision
Policy EM14 - Development of employment land for other purposes

Relevant Planning History:
On site:
2/2011/0758 – Change of use of car showroom to office accommodation.

Other:
The applicant has previously gained planning permission for a gym on the Lillyhall Industrial Estate at Unit 6B Blackwood Road – planning ref. 2/2011/0692.

This planning approval is subject to a subsequent legal agreement signed by the applicant and owner of the site at 6B Blackwood
Road which states that this permission will not be invoked.

A further application for a gym at Unit 2 Joseph Noble Road was subsequently withdrawn (2/2012/0251).

Representations:  

Winscales Parish Council – No objections.

Environmental Health – No comments received. Verbally commented on possible concerns with the internal layout, relating to access to and control of the ancillary sunbeds. Consultation is ongoing and Members will be updated.

Sports England – Do not wish to comment on the application.

Fire Officer – No comments received.

Highways Authority – No objections.

The application has been advertised on site and adjoining owners have been notified. One letter of representation has been received questioning why work has commenced on changing the use of this unit before an application has been submitted.

Report

Site

The application site consists of vacant premises, last used as a car showroom. The building is located on an existing industrial estate with access, parking provision and landscaping already completed. The immediately surrounding uses are primarily car sales showrooms and ancillary repair garages and sales offices. The existing building is of modern design and is sited adjacent to similar buildings.

The application site is located on the Dobies Business Park, Lillyhall Industrial Estate, to the west of the A595, accessed off A596.

Proposal

Planning permission is sought to change the use of the unit into a fitness studio/gym, falling into Class D2 of the Use Classes Order. The proposal indicates use of both the ground and first floor of the building for the gym and ancillary uses, including a workshop, training room store and two sunbed facilities (1000sqm). The first floor is not proposed to be used immediately, but will allow for future expansion.

The premises has the benefit of level access and 40 parking spaces.
Planning Policy

The National Planning Policy Framework sets out the government’s national planning policy for economic development. The policy promotes the viability and vitality of town centres through the application of the sequential test for defined town centre uses, including leisure. Where applications are submitted for town centre uses (such as health and fitness centres and other D2 uses) not in an existing centre, the applicant must demonstrate that it could not be located within the town centre, or edge of centre locations. This should include a list of sites which have been assessed for their suitability, availability and viability.

At the heart of the NPPF is a presumption in favour of sustainable development.

The newly published NPPF specifies that for the purposes of decision-taking, the policies in the Local Plan should not be considered out-of-date simply because they were adopted prior to the publication of this Framework. However, the policies contained in the NPPF are material considerations which local planning authorities should take into account.

For 12 months from the day of publication, decision-takers may continue to give full weight to relevant policies adopted since 2004 even if there is a limited degree of conflict with the Framework, for Allerdale, this gives full weight to policies contained within the Joint Structure Plan. For Allerdale Local Plan policies, due weight should be given to relevant policies according to their degree of consistency with the NPPF.

Policy L3 of the Allerdale Local Plan considers the expansion or development of new leisure or community facilities are of benefit to the community and should be encouraged, providing such proposals accord with other policies in the Local Plan.

Policy RG8 of the Local Plan supports applications for cultural, leisure and entertainment facilities within the town centre, encouraging activities other than shopping, subject to criteria outlined in Policy RG7 which seeks to avoid ‘dead’ frontages in the primary shopping area.

Policy WKEM6 allocates land for local employment purposes including business, general industrial, and storage and distribution. The accompanying text outlines how the development of such employment sites for other purposes will be discouraged, to ensure that Lillyhall remains the prime area for employment development in Allerdale, but that each proposal will be treated on its merits.

It is considered that these local plan policies are largely consistent
with the advice contained within the NPPF and can continue to carry some weight in the determination of applications.

Policy EM13 of the Cumbria and Lake District Joint Structure Plan sets out the need to ensure an adequate supply of land and premises for a variety of business uses in the most appropriate locations.

Policy EM14 of the Cumbria and Lake District Joint Structure Plan states that the development of existing employment sites, premises and land allocations for non-employment uses will be considered where it can be demonstrated that the site or premises is likely to remain unsuitable for employment purposes, or the retention of the site is not needed to meet the requirements of Policy EM13.

**Assessment**

The proposal to locate the fitness studio on the Lillyhall estate raises two main issues. Firstly, Lillyhall is considered the main large scale strategic employment site in Allerdale, with its central location and good transport links. Such sites should be retained for employment and business uses in order to provide a range of opportunities for developers, and not normally used for other purposes.

Secondly, national planning guidance directs proposals for what are defined as town centre uses, which includes gyms and other such leisure facilities, towards town centre locations where they contribute to the vitality and viability of the town. If no suitable site can be found within the town centre, edge of centre locations should be considered through a sequential test assessing suitability, availability and viability. Lillyhall is an out of centre location, and should therefore be considered only after all town centre and edge of centre locations have been discounted.

In relation to the first point, as indicated above, the principle of locating a gym out of the town centre at the Lillyhall Industrial Estate has previously been accepted under application 2/2011 0692. As part of this proposal, no concerns were raised with the loss of the allocated employment site. Although a leisure facility, the proposal will provide some employment. The applicant’s agent indicates that the existing premises have been vacant for two years, indicating a lack of demand.

With regards to the second point, the same evidence has been submitted with the current application that was submitted with the previously approved application in relation to the consideration of sequentially preferable sites. It has previously been accepted that this information demonstrates that alternative sites have been considered but discounted because of size and/or prohibitive cost.
Enquiries have been submitted to the West Cumbria Development Agency and discussions undertaken with the Town Centre Manager.

Also for consideration is that this proposal has to be balanced on the merits of the locational requirements of the proposed business and market needs/requirements. The application sets out the locational requirements of the business model of this particular enterprise. It is the intention that the gym will attract customers from the employers in the immediate locality, with local employees using the facilities before and after work and at lunch times. With more than 1000 employees on the surrounding Lillyhall Industrial Estate, it is anticipated that the facility will attract local custom, reducing the need for additional traffic journeys to gyms located within the town centre. As part of the previously approved application, the applicant has made the effort to contact local businesses, and ten letters of interest/support from these businesses were submitted with that application. The applicant has outlined his intention to operate a health and fitness programme in the workplace. In considering the merits of the proposal therefore, whilst the NPPF directs leisure facilities to the town centre in the first instance, it also has as a central theme, the presumption in favour of sustainable development. Given the evidence provided in relation to the potential for local custom, there are considered to be merits to the proposal, in terms of encouraging more sustainable patterns of travel in this instance.

In addition, the applicant has justified the size of premises and the need for level ground floor access in order to encourage use of the facilities by disabled people and those requiring rehabilitation. The applicant is aiming for the facility to be compliant with the Inclusive Fitness Initiative, an accreditation scheme which exists within the industry, and the applicant has made contact with physiotherapists and occupational therapists.
In this instance the applicant has clearly outlined the locational requirements for this particular enterprise, whilst demonstrating that alternative sites have been considered.

The proposal represents an economic use of vacant premises, which will not exert a significant impact on the Lillyhall Industrial Estate, nor the vitality of the town centre overall. Whilst planning policies aim to locate such facilities within the town centre, the applicant has provided satisfactory reasons why the business is to be sited in this particular location. There is sufficient parking for a number of vehicles within the curtilage of the site, and with which the Highways Authority is satisfied. There are no noise or amenity issues associated with the application.

The scheme could be considered to accord with Council priorities to support health and wellbeing in the district.

**Local Financial Implications**

There are no financial implications arising from the proposal.

**Conclusion**

On balance the application can be recommended for approval, although, given the reasons for it’s siting in this location, it is appropriate to restrict the permission to use as a gym/fitness facility and for no other uses which fall within the D2 Use Class which could potentially be located elsewhere. On this basis the proposal will not set a precedent for other non-employment/business uses on the Lillyhall estate.
Recommendation: Approved

Conditions/Reasons:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
   Reason: In order to comply with Section 51 of the Planning & Compulsory Purchase Act 2004.

2. The development hereby permitted shall be carried out in accordance with the following plans:
   LB/KT/12/02 - Site Location Plan, floor plans and elevations
   Reason: In order to ensure a satisfactory standard of development.

3. The application site shall be used as a gym/fitness facility only, and for no other purpose (including any other purpose in Class D2 of the Schedule to the Town & Country Planning (Use Classes) Order 2005, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order).
   Reason: The Local Planning Authority wishes to re-assess any change of use and to maintain control over any future alternative land uses at this industrial estate’s out of town location.

Notes to Applicant: Mining Advisory Note