



To: Planning Committee
Date: 11 July 2018
Author: Paul Edwards (Principal Planning Officer)
Lead Officer: Ruth Hardingham (Planning Development Manager)

APPLICATION NUMBER:	2018/0383/COU	PARISH:	Tadcaster Parish Council
APPLICANT:	My Fitness Martial Arts	VALID DATE: EXPIRY DATE:	10 April 2018 5 June 2018
PROPOSAL:	Change of use from Class B2 General Industry to Class D2 Assembly and Leisure		
LOCATION:	Unit 5, Copley Enterprise Park, Station Road, Tadcaster		
RECOMMENDATION:	APPROVE		

This application has been brought before Planning Committee as Officers consider that although the proposal is contrary to the provisions of the Development Plan there are material considerations which would justify approving the application.

1. INTRODUCTION AND BACKGROUND

The Site and Context

- 1.1 The application site is one of a terrace of existing industrial units in the north east of Copley Park, next to the Station Road Sports centre.
- 1.2 The existing unit is served from an unnamed cul de sac around from the estate entrance off Station Road and the site is adjacent to the sports centre to the NE. The industrial estate extends to the south and south west along Station Road and to the rear towards Leeds Road. The nearest house is No. 33 Station Road, at the end of terrace, 25m to the north east.

The Proposal

- 1.3 The proposal is for a Fitness and Martial Arts, Class D2 (Assembly and Leisure) use in this existing 1897 sq m B2 unit. The hours given on the application form are daily, 6am to 10pm, but it also states that the main use will be after 6pm and it is

understood from the submission that it will comprise of 1:1 training or for small groups.

- 1.4 There is an email from the adjacent Unit 4 (GWS Motor Services) saying that they have no problem allowing the use of their parking spaces at Unit 4 for Unit 5 after normal working hours.

Relevant Planning History

- 1.5 The industrial estate has had 'erection of industrial units' consents since at least the early 1980's and the adjacent Sports and Leisure Centre since 1983. There is no history of applications specific to this Unit (Unit 5); Unit 3 had a c/u from B1 to B2 approved in 2011.

2. CONSULTATION AND PUBLICITY

2.1 Tadcaster Parish Council

Replied with no objection.

2.2 The Highway Authority

Replied with no objection.

- 2.3 No neighbour representations have been received

3. SITE CONSTRAINTS AND POLICY CONTEXT

- 3.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 states "if regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise".
- 3.2 The development plan for the Selby District comprises the Selby District Core Strategy Local Plan (adopted 22nd October 2013) and those policies in the Selby District Local Plan (adopted on 8 February 2005) which were saved by the direction of the Secretary of State and which have not been superseded by the Core Strategy.
- 3.3 The site is within an existing Class B1 (and B2) Industrial estate within Tadcaster's development limits and which is allocated as an 'Established Employment Area' (EEA) to which SDLP Policy EMP4 applies.
- 3.4 Policy EMP4 would presume against the loss of existing business floorspace within established areas unless significant environmental, highway or community benefits can be achieved; or the development would alleviate problems; or the supply of industrial floorspace is sufficient to meet plan period requirements or that no suitable business occupier can be found.

Core Strategy

- 3.5 The principal Core Strategy Policies are:

SP1 - Presumption in Favour of Sustainable Development

SP2 - Spatial Development Strategy

SP13 – Scale and distribution of Economic Growth

- 3.6 Policy SP1 is the presumption in favour of sustainable development from the NPPF and Policy SP2 (a) would support future employment....commercial and leisure growth.
- 3.7 SP13 and its commentary would support sustainable development which brings economic growth through developing and revitalising the local economy. The commentary states that, in Tadcaster, there is a recognition that existing business stock is older and may not be fit for purpose and that there is a need for additional employment floorspace to meet the needs of a modern economy (para 6.22). Subs B 2 of Policy SP13 would safeguard EEAs unless there is no reasonable prospect of it being used as such. Subs D continues ‘...In all cases development is to be appropriate in scale and type for its location, not harm character and seek a good standard of amenity’.

Selby District Local Plan

- 3.8 The relevant Selby District Local Plan (SDLP) policies are:
- ENV1 - Control of Development which would permit good quality development subject to normal DC criteria.
EMP3 – Renewal of Industrial and Business Commitments
EMP 4 – Retention of EEAs.
T2 Access to Roads
- 3.9 EMP3 and EMP4 are both saved policies and there is a tension with this application and the assumption that non industrial uses will be precluded from this allocated employment use and, in the latter, that the loss would be resisted unless amongst other things there are community benefits or evidence that no industrial occupier can be found.
- 3.10 The commentary to the Core Strategy above however recognises that some existing business stock is older and may not be fit for purpose’ (para 3.7 above), this is to do with the age of the SDLP compared to the more recently adopted Core Strategy.

National Guidance and Policy – National Planning Policy Framework (NPPF), National Planning Practice Guide (NPPG)

- 3.11 The Framework would support sustainable economic growth and significant weight should be given to the need to support growth (para 19).

4. APPRAISAL

- 4.1 This application site is a small amount of floorspace compared to the existing Enterprise Park. The estate includes a number of other existing non B1 or B2 industrial uses and amongst them are car repair and vehicle maintenance uses, retail outlets, property consultancy and book keeping services, together with the Recycling and Household Waste collection depot. There have also been previous consents for a veterinary surgery and for office uses.

- 4.2 On this basis, and since leisure uses/ childcare or dog grooming uses, for example, are not uncommon occupants of the small industrial units on estates in many locations, it is concluded that this is a diversification, mixture of uses that would not harm the area or the Plan and would add to the mix and diversity of uses here. It would also give improved facilities for an existing operation in the area.
- 4.3 The first parts of the estate when first entering from Station Road are often congested with parked cars but the small scale use and the inference that the main use will be after 6pm would mean that this is unlikely to lead to any adverse parking or traffic issues – although it would not be reasonable to seek to control this with an hours condition. There are no highway authority comments to report. In addition, there will be no residential amenity issues given the existing uses on the industrial estate and that the nearest residential property is over 20m away, facing onto Station Road; thus Policy ENV1 is satisfied.
- 4.4 Thus, on balance, this is a use for a vacant unit which would bring the benefit of improved facilities to an existing operation in the area and given the commentary to the Core Strategy, there is an acceptance that that this existing stock is older and new uses can be found for it. Overall, this would not harm the policies or proposals of the development plan as a whole and it is recommended that this application is approved.

5. Conclusion

- 5.1 Although on the face of it, this proposal is contrary to certain provisions of the development plan, overall the policy and commentary to policy analyses above suggest a determination other than in accordance with the development plan. This type of use is a common occupant on the smaller older industrial estates and it enables a mix of uses whilst providing enhanced facilities for this existing, local operation.
- 5.2 There are no statutory or neighbour representations, and an approval would lead to a vacant unit being brought back into use.

6. Recommendation

- 6.1 Therefore, this application is recommended to be APPROVED subject to the following conditions:
01. The development for which permission is hereby granted shall be begun within a period of three years from the date of this permission.

Reason:

In order to comply with the provisions of Section 51 of the Planning and Compulsory Purchase Act 2004.

02. The development hereby permitted shall be carried out in accordance with the plans/drawings listed below:

- Scale 1:1250 Buy a Plan red line site location plan
- Unit 5 Floor Plans Dwg Nos CEL- Ex- 05 and 05 1

Reason:

For the avoidance of doubt.

7. Legal Issues

7.1 Planning Acts

This application has been determined in accordance with the relevant planning acts.

7.2 Human Rights Act 1998

It is considered that a decision made in accordance with this recommendation would not result in any breach of convention rights.

7.3 Equality Act 2010

This application has been determined with regard to the Council's duties and obligations under the Equality Act 2010. However it is considered that the recommendation made in this report is proportionate taking into account the conflicting matters of the public and private interest so that there is no violation of those rights.

Financial Issues

- 7.4 There are no financial issues that are material to the determination of this application.

Background Documents

Planning Application file reference 2018/0383/COU.

Contact Officer:

Paul Edwards
Principal Planning Officer

Appendices: None