

Planning and Rights of Way Panel 13th July 2020
Planning Application Report of the Head of Planning and Economic Development

Application address: Unit 1D, Quayside Business Park, Southampton			
Proposed development: Change of use to gym (class D2) (retrospective)			
Application number:	19/01773/FUL	Application type:	FULL
Case officer:	Rob Sims	Public speaking time:	5 minutes
Last date for determination:	21/04/2020	Ward:	Bitterne Park
Reason for Panel Referral:	Five or more letters of objection have been received	Ward Councillors:	Cllr Ivan White Cllr David Fuller Cllr Robert Harwood
Applicant: Mr Tom Mayhew		Agent: Mr Paul Tosswell	

Recommendation Summary:	Conditionally approve
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Community Infrastructure Levy Liable	Not applicable
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Reason for granting Permission

The development is acceptable taking into account the policies and proposals of the Development Plan as set out below. Other material considerations have been considered and are not judged to have sufficient weight to justify a refusal of the application, and where applicable conditions have been applied in order to satisfy these matters. The scheme is therefore judged to be in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 and thus planning permission should therefore be granted. In reaching this decision the Local Planning Authority offered a pre-application planning service and has sought to work with the applicant in a positive and proactive manner as required by paragraphs 186-187 of the National Planning Policy Framework (2019). Policies –CS7 of the of the Local Development Framework Core Strategy Development Plan Document (Amended 2015). Policies – SDP1, SDP7, SDP9, SDP16, SDP20, and RE111(i) of the City of Southampton Local Plan Review (Amended 2015).

Appendix attached			
1	Development Plan Policies	2	Relevant Planning History

Recommendation in Full

Conditionally approve

1. The site and its context

1.1 The application site comprises a first-floor commercial unit within Quayside Business Park, which is safeguarded for light industrial uses (Class B1(b) and B1(c) under saved policy RE111(i) of the City of Southampton Local Plan Review (as amended 2015).

1.2 The industrial estate is located opposite a residential area, comprising semi-detached dwellings to the north of the application site and terraced properties and flats to the west.

1.3 Policy RE111(i) of the City of Southampton Local Plan Review (as amended 2015) indicates that the site is located within area identified on the Environment Agency's indicative flood risk map as at risk from tidal flooding.

2. Proposal

2.1 The application seeks permission for a retrospective change of use of a first-floor unit from the permitted Class B1(b) and B1(c) (light industrial) use to a gym (Class E(d)) (new use class order from September 2020). No external alterations to the building have been proposed.

2.2 The gym, 'The Barbell Division' employs seven (7no.) part-time staff (equivalent to 4no. full-time staff) and has applied to operate during the following opening hours: 06:00 – 21:00 hours Monday to Friday, 06:00 – 13:00 hours on Saturday, and 06:00 – 13:00 hours on Sundays and recognised public holidays.

3. Relevant Planning Policy

3.1 The Development Plan for Southampton currently comprises the "saved" policies of the City of Southampton Local Plan Review (as amended 2015) and the City of Southampton Core Strategy (as amended 2015). The most relevant policies to these proposals are set out at **Appendix 1**.

3.2 The National Planning Policy Framework (NPPF) was revised in June 2019. Paragraph 213 confirms that, where existing local policies are consistent with the NPPF, they can be afforded due weight in the decision-making process. The Council has reviewed the Development Plan to ensure that it is in compliance with the NPPF and are satisfied that the vast majority of policies accord with the aims of the NPPF and therefore retain their full material weight for decision making purposes, unless otherwise indicated.

4. Relevant Planning History

4.1 A schedule of the relevant planning history for the site is set out in **Appendix 2** of this report.

4.2 In addition the following history is relevant: Unit 7A Kemrock House, Kemps Quay Industrial Park. 16/00817/FUL - Change of use from Offices (Class B1) to a Bar (Class A4) (Departure from Local Plan)– Conditionally Approved (CAP) – 15.08.2016

4.3 19/01772/FUL - Unit 6A, Quayside Business Park - Change of use to music teaching studio (class D1) (retrospective)- Conditionally approved 16.07.2020 (by the Planning and Public Rights of Way Panel).

5. Consultation Responses and Notification Representations

5.1 Following the receipt of the planning application a publicity exercise in line with department procedures was undertaken which included notifying adjoining and

nearby landowners. At the time of writing the report **6 representations** have been received from surrounding residents. The following is a summary of the points raised:

5.2 ***The proposal would result in a loss of parking for the area.***

Officer Response

The industrial park provides off-road parking spaces that can be utilised by staff and clients. These parking spaces are not allocated to individual units, so customers and staff can use any available parking spaces on the site. Additionally, along the southern side of Quayside Road, on-road parking spaces are sited immediately adjacent to the industrial park. These parking spaces are only allocated for permit holders (residents and visitors) during hours associated with events held at St. Mary's football stadium. Whilst the gym use will require staff and client parking, a parking survey has been submitted by the applicant which has demonstrated parking availability at various times during the day. Therefore it is not considered that the use of the site would result in significant loss of parking for the area.

5.3 ***The proposal would result in an unacceptable increase in noise and disturbance.***

Officer Response

As the industrial park is located opposite residential dwellings, the introduction of the gym use from a previously vacant unit may result in an increase in noise. In order to mitigate the impact upon local residents, a condition would be applied that would require, within three (3no.) months of the decision date, the applicant to undertake an acoustic assessment and that any sound mitigation measures against internally generated noise and vibration are provided. Additionally, a further condition will be added restricting the use sound amplification systems unless a noise assessment has been submitted, and any noise mitigation measures required have been installed in accordance with the approved details.

5.4 ***The existing gym operates outside of the proposed hours.***

Officer Response

Opening hours will be controlled via a condition, which provides clear restrictions on when the use is permitted to operate. These hours will be representative of existing businesses within the area and consider the amenities of local residents. If the use continued to operate outside of the conditioned hours, it would be in breach of condition and Planning Enforcement can be contacted to take further action.

5.5 **Consultation Responses**

5.7 **SCC Environmental Health – No objection**

We have no objections to this retrospective change of use planning application.

SCC Planning Policy – No objection

The application proposes the “Change of use to gym (class D2) (retrospective)”. Local Plan Review (2015) policy REI 11(i) (Light Industry) states that the site at Quayside Road is safeguarded as an area of light industry and research and development and that acceptable uses for the site are those that fall within classes B1(b) and B1(c) only.

In light of the above, and for the proposal to be considered further, it was requested that the applicant provided marketing information to demonstrate that the building was marketed for B1(a) and B1(c) uses, at a reasonable rate and for a period of at least 12 months with little or no commercial interest. A supporting statement was submitted by the marketing agent which provides sufficient evidence to demonstrate that the unit was actively marketed from April 2017 to January 2020 at a competitive rate and with no interest for B1(b) or B1(c) uses. Therefore, with regards to the extended period of marketing and the limited interest received over this time, it is considered that in this instance the change of use to a D2 gym will provide a positive impact to the vitality of the area. The proposal is therefore supported, in principle, by the Strategic Planning Team.

5.8 **SCC Highways – No objection**

i) **Initial Comments – Since Updated**

- 5.8.1 The proposed use will likely generate additional trips when compared to the existing B2 use across the day - based on TRICS data and comparing to various B2 uses. Details on operating/opening hours of both the previous and proposed use would be useful for as gyms generally do open until quite late – some are even 24 hours a day.
- 5.8.2 In terms of trip rates, a gym use will roughly generate approximately 50 trips per day compared to light industrial uses. Although when spread throughout the day, impact from an hourly period would be fairly low (roughly 2 extra vehicles per hour if spread evenly). Therefore it is not considered to generate a significant traffic impact.
- 5.8.3 Regarding parking, the additional trips could lead to extra demand for on street parking. The parking in the local streets are restricted but do allow for 1 hour public parking. The peak trip rates for a gym use are between 17:00pm-20:00pm and therefore would coincide with likely times when residents finish work and come home in the evening. These added demand could likely impact on the parking availability of this street/area due to the 1 hour public parking.
- 5.8.4 I would recommend that a parking survey to be conducted in order to allow for an assessment of parking availability in the area. Although due to the current situations, the surveys would not cover parking related to the development. It will however provide a good representation of existing parking demand for the local residents (good representation due to people are more likely to be at home

during such times). We can then assume the level of parking likely required by the gym from using either/both the TRICS data and the Council's Parking maximum standards. However, it is recommended to go by TRICS as the parking standards for Gym is not definitive. TRICS would indicate that a gym of this size would generate 20 vehicular trips in the peak hour (18:00-19:00). The highest B2 trip generator in these times is a car workshop which generates 10 vehicles between 17:00-18:00, but practically nothing (2 vehicles) after 18:00. Therefore the biggest impact from this development would likely be between 18:00-19:00 with approximately 18 vehicles.

- 5.8.5 It is not known if the unit benefits from on-site parking which can help accommodate some of the parking needs of the use. Depending on ownership and management, there may be scope to consider parking in front the adjacent units to be made available after those units are closed (assuming it is generally around 17:00/18:00).
- 5.8.6 Notwithstanding the above points raised, overspill parking in this area is not considered to be a highway safety issue and more of an amenity issue. Therefore it will hold limited weight in this recommendation.
- 5.8.7 Due to the change of use, cycle parking should be provided in accordance with the guidance set out in the Council's Parking SPD.
- 5.8.8 In summary, the proposal will not likely generate much impact on the highway due to the difference in trips not being that great whilst the level of HGV movements will decrease. It is suggested that more information should be provided to assess any impact from overspill parking but there will be no highway objections to the proposal subject to a condition for cycle parking being added.

ii) Comments following receipt of Parking Survey

- 5.8.9 Looking at the trip rates (previous use of industrial unit and proposed gym), the gym is predicted to generate a slightly higher level of vehicular trips (see attached for more info) but generally, the industrial unit generates around 1 vehicle an hour whilst the gym generates approximately 10 per hour with around 20 in the peak evening times.
- 5.8.10 The survey was carried during end of October/beginning of November 2020 which appeared to be during a lockdown phase. Therefore it is anticipated that some commercial units may not be operating during that time but could well be balanced out by the fact that most residents would be at home during the entire day. The parking survey suggests there are some which may be able to accommodate some overspill mainly during the day time hours but margins will be fine. The survey shows that the level of available parking varies quite a bit depending on the time and day which suggests that the turnover of on street parking is quite high.

5.8.11 Overall, the level of vehicular trip movements is not considered to generate highway impact in terms of safety and capacity issue. The impact from overspill is more of an amenity issue and therefore it will hold limited weight on the highway recommendation. However, looking at the survey, it would suggest that at times, there could be capacity but this may vary throughout the day due to the high turnover of vehicles parking in the area.

6.0 **Planning Consideration Key Issues**

6.1 The key issues for consideration in the determination of this planning application are:

- The principle of development;
- Effect on character;
- Residential amenity; and,
- Impact on Parking

6.2 **Principle of Development**

6.3 The application site lies within an area safeguarded for light industrial uses (Class B1(b) and B1(c) only, under saved policy RE111(i) of the City of Southampton Local Plan Review (as amended 2015). As the gym falls within Use Class E(d) (Indoor Sports), the proposal is contrary to this policy. However, marketing evidence was provided demonstrating that the unit was actively marketed from April 2017 to January 2020 at a competitive rate and found that there was no interest continued use of the property for B1(b) or B1(c) uses. In addition, the gym use has brought the unit back into an active use and provides associated employment for 7 members of staff. On this basis upon review of all the evidence and information provided in support of the application, officers consider that it has been demonstrated that the site is unlikely to be re-used or redeveloped for a B1 use and the benefits of providing an active use of the site and additional employment are considered to outweigh the conflict with Policy RE111 of the Local Plan. The principle of development can be supported.

6.4 **Effect on character**

6.5 The introduction of a gym use within an industrial area safeguarded for light industrial uses changes the overall character of the area. However, as the site has been continually vacant for a period in excess of three years, the gym is considered to add to the employment mix of the area.

6.6 The gym use will result in an extension to the previous operational hours in order to cater for its users. However, as the commercial unit is sited within an established industrial area, this is not considered inappropriate or out-of-character for the area. The impact of later operating hours would be more on residential amenity, which will be considered below.

6.7 On this basis, the change of use is not considered inappropriate and does not have a harmful effect on the character of the application site and the wider surrounding area.

6.8 Residential amenity

6.9 The application site is located on Quayside Business Park and comprises of a unit which faces north onto Quayside Road. There are group of semi-detached residential properties located to the north of Quayside Road. The associated noise and activities of a gym studio may result in an increase in noise and disturbance to these neighbouring properties.

6.10 The Council's Environmental Health have raised no objection to the application, including consideration of the noise and disturbance impacts from the gym use. The opening hours of nearby uses have been reviewed, including the recently approved music studio (20/01772/FUL), which has operating hours of: Monday to Fridays 13:30 to 20:00 hours; Saturdays 08:45 to 17:00 hours; Sunday and recognised public holidays 10:00 to 14:00 hours.

6.11 In order to bring the application use in line with these other uses and to be appropriate and sensitive to its surroundings, the opening hours of the gym will be restricted to 06:00 – 21:00 hours Monday to Friday, 08:00 – 15:00 hours on Saturday, and 09:00 – 15:00 hours on Sundays and recognised public holidays.

6.12 Furthermore, given that third party concerns relate to noise and disturbance from what is a noise generating use, it is considered necessary to request an acoustic assessment and subsequent mitigation measures through a suitably worded planning condition. Notwithstanding the Council's Environment Health team have not requested such details and no specific noise complaint has been made to the Environmental Health Team since the opening of the gym, in view of the objections to the application it would be prudent to secure such an assessment and implement any required sound mitigation measures in order to lessen any significant noise impacts from the use. These details will be secured within three months from the date of the decision and any mitigation measures implemented within 6 months of the decision.

6.13 Overall, while the proposed use has the potential to create noise and disturbance, it is considered that the impacts can be mitigated through an acoustic assessment and subsequent noise mitigation measures and further restriction of the hours of use as detailed. On this basis, the proposals are considered to be acceptable in terms of its impacts on noise and disturbance to neighbouring properties and uses.

6.14

Parking and Refuse

6.15

The business park provides off-road parking spaces that can be utilised by staff and clients. These parking spaces are not allocated to individual units, so customers and staff can use any available parking space on the site. Additionally, along the southern side of Quayside Road, on-road parking spaces are sited immediately adjacent to the business park. These parking spaces are only allocated for permit holders (residents and visitors) during hours associated with events held at St. Mary's football stadium. A parking survey was submitted by the applicant in November 2020, which has been reviewed by the Highways Team. Whilst the survey was conducted during lockdown, it showed that there was notable on street parking availability. This availability is balanced against the fact that lockdown would have mean more residential parking than commercial parking and therefore evens out in terms of on street parking demand. As such,

while the Class E use will require staff and client parking, the use of the on-site and provision of parking spaces and the on-road parking adjacent to the site for relatively short period of time during gym use is considered acceptable and would not result in adverse impacts on from indiscriminate parking behaviour.

- 6.16 In addition the site has potential to accommodate cycle parking, with land edged 'blue' on the proposed plans, which can provide Sheffield cycle stands for users of the gym. This cycle provision will be secured through a condition of the planning permission. Furthermore, the site is located a short distance from Bitterne Road West on which the 'City Red 7' bus route runs. Therefore the site is considered to be accessible by public transport.
- 6.17 In terms of refuse, the application forms do not provide any information of the disposal of waste. It is unclear what the previous arrangements were regarding commercial waste storage and collection. As such a condition will be imposed requesting additional information on the storage, management and collection of refuse and recycling.

7. Summary

- 7.1 The proposed use is contrary to saved policy RE111(i), which seeks to safeguard the site for light industrial uses. However marketing evidence has been provided that demonstrates the unit has been vacant for a period exceeded three years and has been continually marketed for Class B1(b) and B1(c) uses throughout that period, without any interest in the site. It is unlikely that the site is to be re-used or redeveloped for a B1 use and the benefits of providing an active use of the site and additional employment are considered to outweigh the conflict with Policy RE111.

- 7.2 The intended use of the site as a Class E(d) Gym use has the capability of producing noise and disturbance. In this instance it is considered that the impacts can be mitigated through an acoustic assessment and subsequent noise attenuation measures. Subject to implementation of any recommendation noise mitigation measures and compliance with the stipulated opening hours, the application is considered to comply with Policy SDP1 and SDP16 of the City of Southampton Local Plan Review (amended 2015) and the guidance contained within the National Planning Policy Framework.

- 7.3 The proposal is not considered to have a detrimental impact upon the character of the surrounding area, in accordance with CS13 of the City Council Local Development Framework Core Strategy, and, SDP7 and SDP9 of the City of Southampton Local Plan Review (amended 2015). As such, officers recommend approval of the application.

8. Conclusion

It is recommended that planning permission be granted subject to the conditions set out below.

Local Government (Access to Information) Act 1985

Documents used in the preparation of this report Background Papers

1. (a) (b) (c) (d) 2. (b) (c) (d) (e) (f) (g) 4.(f) (g) (vv) 6. (a) (b) 7. (a)

RS for 13/07/2021 PROW Panel

PLANNING CONDITIONS

1. Restricted Use (Performance)

Notwithstanding the Town and Country Planning (Use Classes) Order 1987 (as amended) or any Order revoking, amending, or re-enacting that Order, the development hereby approved shall be used only for the purposes indicated in the submitted details (specifically as a Gym and associated ancillary functions), no other uses shall be permitted within Class E(d).

Reason: In the interest of the amenities of neighbouring occupiers.

2. Noise & Vibration (internal noise source)

Within three months of this decision, a noise assessment shall be undertaken and submitted to the Local Planning Authority which shall include a scheme of sound insulation measures to mitigate any internally generated noise and vibration. Any necessary sound insulation measures shall be installed within 3 months from the Council's written approval of the detail and thereafter retained as approved.

Reason: To protect the amenities of the occupiers of existing nearby properties.

3. Amplified Sound

No sound amplification systems that is audible from outside the building shall be operated unless a noise assessment has been submitted to and approved by the Local Planning Authority, and any noise mitigation measures required have been installed in accordance with the approved details. Any such mitigation shall be retained for the lifetime of the development

Reason: To ensure the amenities of nearby residents and businesses are not harmed.

4. Approved Plans

The development hereby permitted shall be carried out in accordance with the approved plans listed in the schedule attached below, unless otherwise agreed in writing with the Local Planning Authority.

Reason: For the avoidance of doubt and in the interests of proper planning.

5. Hours of Use & Delivery (Performance Condition)

The commercial use hereby permitted shall not operate outside the following hours:

Monday to Fridays	06:00 to 20:00 hours
Saturdays	08:00 to 15:00 hours
Sunday and recognised public holidays	09:00 to 15:00 hours

No deliveries shall be taken or despatched from the use outside of the hours of 08:00 to 20:00 daily.

Reason: To protect the amenities of the occupiers of existing nearby residential properties.

6. Cycle storage facilities

Within three months of the development hereby approved, secure and covered storage for bicycles shall be provided in accordance with details to be first submitted to and approved in writing by the Local Planning Authority. The storage shall be thereafter retained as approved.

Reason: To encourage cycling as an alternative form of transport.

7. Refuse storage facilities

Within three months of the development hereby approved, secure storage and collection for refuse and recycling shall be provided in accordance with details to be first submitted to and approved in writing by the Local Planning Authority. The approved details shall be thereafter retained as approved.

Reason: In the interests of amenity.

POLICY CONTEXT

Core Strategy - (as amended 2015)

CS7 Employment Safeguarding
CS13 Fundamentals of Design

City of Southampton Local Plan Review – (as amended 2015)

SDP1 Quality of Development
SDP7 Urban Design Context
SDP9 Scale, Massing & Appearance
SDP16 Noise
REI11 Light Industry

Supplementary Planning Guidance

Residential Design Guide (Approved - September 2006)
Parking Standards SPD (September 2011)

Other Relevant Guidance

The National Planning Policy Framework (2019)

Relevant Planning History

Unit 7A Kemrock House, Kemps Quay Industrial Park. 16/00817/FUL - Change of use from Offices (Class B1) to a Bar (Class A4) (Departure from Local Plan)– Conditionally Approved (CAP) – 15.08.2016