

APPLICATION NO.	P15/V2281/FUL and P15/V2282/A
APPLICATION TYPE	FULL APPLICATION and ADVERTISEMENT CONSENT
REGISTERED PARISH	29.9.2015 ABINGDON
WARD MEMBER(S)	Monica Lovatt Chris Palmer
APPLICANT SITE PROPOSAL	Mr Duncan Leggat Stratton Court 1 Kimber Road Abingdon, OX14 1RZ Change of use from B1 use class (Office) to D2 use class (Gymnasium)
AMENDMENTS	(As amended by revised red line and parking plan and signage plans without totem received 30 October 2015.)
GRID REFERENCE	Yes 448134/197077
OFFICER	Sarah Green

SUMMARY

- The application is referred to committee due to an objection from Abingdon Town Council.
- The proposal is for the change of use of the ground floor office to a gym and the signage for the gym.
- The change of use is considered acceptable and would not harm the wider employment use of the area
- The advertisements, without the illuminated totem pole, is considered acceptable and would not harm the character of the area or highway safety.
- Both applications are recommended for approval.

1.0 INTRODUCTION

1.1 The application is referred to committee due to an objection from Abingdon Town Council.

1.2 Stratton Court is an existing two storey office building comprising two self contained offices at ground and first floor. It is located on Nuffield Way business park in Abingdon, adjacent to the Fairacres Retail Park. The application relates to the ground floor of the office building.

2.0 PROPOSAL

2.1 The proposal seeks full planning permission for the change of use of the ground floor from B1 use class (office) to a D2 use class (Gym) and separate advertisement consent for the signage for the gym. The application plans are **attached** at Appendix 1.

2.2 The applications have been amended to include a plan showing the allocated car parking spaces for the premises and to remove the totem pole advertisement from the signage.

3.0 **SUMMARY OF CONSULTATIONS & REPRESENTATIONS**

3.1 Below is a summary of the responses received. A full copy of all the comments made can be viewed online at www.whitehorsedc.gov.uk.

Abingdon Town Council	<p><i>Original plans:</i> Objection. "Recommend refusal. Members expressed concern regarding extra signage in a busy road junction"</p> <p><i>Amended plans:</i> No comments received at the time of writing</p>
Health & Housing - Env. Protection Team	"Subject to the mitigation measures recommended in the accompanying acoustic report being implemented in full, I have no objection to the proposed development."
Highways Liaison Officer (Vale)	<p>No objection suggest conditions. Though amount of suggested parking spaces narrowly falls short of standards would be acceptable. Unclear how will guarantee that customers do not park in surrounding spaces – management plan requested. No cycle parking provided – required to provide an adequate cycle parking plan Removal of proposed totem deems advertising acceptable on highway safety grounds.</p>
Neighbour – McTimoney College	Request that parking spaces for the gym be clearly and visibly designated with appropriate notices displayed so college parking spaces are not used by gym members/staff.

4.0 **RELEVANT PLANNING HISTORY**

4.1 Kimber House adjacent–

P11/V0725/COU – Approved (26/05/2011)

Proposed change of use of first floor level from Office (Class B1) to flexible use of Class B1 and/or Class D1 (Educational college use)

P01/V1082/COU – Approved 30/08/2001

Change of use of part of ground floor from B1 to Medical Training Centre. Removal of loading bay to western end of ground floor. (Ground floor West Block).

5.0 **POLICY & GUIDANCE**

5.1 **Vale of White Horse District Council Local Plan 2011**

The development plan for this area comprises the adopted Vale of White Horse local plan 2011. The following local plan policies relevant to this application were 'saved' by direction on 1 July 2009.

DC1 - Design

DC5 - Access

DC9 - The Impact of Development on Neighbouring Uses

DC16 – Illuminated Advertisements

DC20 – External Lighting

E10 - Key Business Sites

E13 - Ancillary Uses on Key Employment Sites

5.2 Emerging Local Plan 2031 – Part 1

The draft local plan part 1 is not currently adopted policy. Paragraph 216 of the NPPF allows for weight to be given to relevant policies in emerging plans, unless other material considerations indicate otherwise, and only subject to the stage of preparation of the plan, the extent of unresolved objections and the degree of consistency of the relevant emerging policies with the NPPF. At present it is officers' opinion that the emerging Local Plan housing policies carry limited weight for decision making. The relevant policies are as follows:-

Core Policy 1 Presumption in favour of sustainable development
Core Policy 6 Meeting business & employment needs
Core Policy 8 Spatial strategy for the Abingdon & Oxford fringe sub-area
Core Policy 29 Change of use of existing employment land and premises
Core Policy 37 Design and local distinctiveness

5.3 Supplementary Planning Guidance

- Design Guide – March 2015

**5.4 National Planning Policy Framework (NPPF) – March 2012
Planning Policy Guidance 2014 (PPG)
National Planning Practise Guidance 2014 (NPPG)**

5.5 Other Relevant Legislation

- Planning (Listed Buildings and Conservation Areas Act) 1990
- Community & Infrastructure Levy Legislation Human Rights Act 1998
- Equality Act 2010
- Section 17 of the Crime and Disorder Act 1998
- Natural Environment and Rural Communities (NERC) Act 2006
- The Conservation of Habitats and Species Regulations 2010
- Localism Act

5.6 Human Rights Act

The provisions of the Human Rights Act 1998 have been taken into account in the processing of the application and the preparation of this report.

5.7 Equalities

In determining this planning application the Council has regard to its equalities obligations including its obligations under section 149 of the Equality Act 2010.

6.0 PLANNING CONSIDERATIONS

6.1 The main planning considerations are the following:

Change of use

Principle

6.2 The site is located on a strategic employment site in Abingdon within an area designated under policy E10, which seeks to prevent the loss of employment land to other uses, unless it is for ancillary purposes or redevelopment for business purposes. Policy E13 allows for ancillary uses such as crèche facilities, cafes, sports facilities and shops on employment sites subject to a number of criteria, which are that the proposals should be small and clearly designed to provide for users of the employment site; is ancillary to the overall business use of the estate and is of a scale that would not undermine its business or employment function; and the use either alone or combined with other existing uses would not adversely affect the vitality and viability of the town

centre.

- 6.3 The NPPF at para 22 sets out 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. Policy E10 is not fully consistent with the NPPF, and therefore the NPPF should take precedent.
- 6.4 The ground floor office has been vacant for four years. The design and access statement sets out that the site has been marketed during this time on agents websites, within the Oxford Times, circulated to registered applicants and a marketing board has been displayed at the property throughout.
- 6.5 The site represents a small area of the wider business estate. Its change of use to a gym is not considered by officers to undermine the main business function of the wider estate. The design and access statement predicts that a high percentage of members will be from local businesses, particularly as statistics from their existing gyms show the majority of users are located within a 1km catchment area.
- 6.6 The site is approx. 1.5m from the main Abingdon Town Centre. Within the submission the agent has looked at whether there are alternative sites suitable within the town centre. Carter Jonas on behalf of the applicant found only 3 properties of the 66 commercial listed available, within the town centre. Two of these properties were less than 100sqm and a third was a listed building over 3 floors. None of these were suitable for the applicant. Given its proposed use, officers consider that it would not significantly harm the vitality of the town centre.
- 6.7 Overall the proposal would generally comply with the thrust of policy E13 and E10. Having regard to the NPPF, the proposal would bring back into use a premise which has been empty for some time. The proposed use would also create new employment, albeit on a lower scale than an office use. The site is located towards the edge of the main industrial estate, and is next to the adjacent retail park and other retail premises, as well as the chiropractic college next door. Officers consider that the use would not appear out of place given these surrounding uses.
- 6.8 Amenity and Noise
Policy DC9 requires developments to not harm neighbouring properties or the wider environment in terms of noise, visual intrusion, privacy and other emissions. The application is supported with a noise assessment which has been reviewed by the council's environmental health officer. The report sets out a number of mitigation measures that will be implemented including constructing the studio as a self contained 'box in box' within the main gym area, resilient matting in the free weights area and improved seals around the doors. Subject to these measures being implemented in full, he has no objection to the development. These can be ensured by condition.
- 6.9 Highways
Policy DC5 requires developments to provide safe access to the highway network and to not result in harm to highway safety. An amended plan has been submitted to show the allocated 26 parking spaces for the premises. The council's adopted car parking standards requires 1 space per 22sqm for D2 uses. However the threshold for complying with the standard is 1000sqm. The proposed gym would have a gross floor space of approx. 650sqm. The provision of 26 spaces is considered acceptable given

the site is within a sustainable location. Details of how it will be ensured that users will only use the allocated spaces can be required through a car parking management plan. This could include signs on the spaces or communication from the gym to its members. This will also help address the concerns raised by the college occupying the adjacent unit over parking.

- 6.10 The plans do not show cycle parking provision and it is reasonable for some provision to be provided for such a use. A condition can ensure details of this are submitted and provided.

Advertisement

- 6.11 The proposed signage would consist of the three main fascia signs, one on each elevation of the building which would be illuminated. They also propose a new entrance plaque, replacement billboard as well as window frosting. Advertisement consent has two material considerations: amenity and public safety.
- 6.12 In terms of amenity, the illuminated signage would be on the building. Given the industrial and commercial nature of the area it is considered that this would not give rise to significant harm in terms of visual amenity. The plans have been amended to remove the totem pole close to the entrance of the Fairacres Retail Park. The other unlit signage will be replacing existing plaques or billboard. Given the single billboard is existing, unlit and is near to the vehicle access road to the site, it is not considered that retaining this would result in undue harm to the visual amenity.
- 6.13 In terms of public safety, the advertisements are away from the pavement. The removal of the totem pole will avoid the busy entrance into Fairacres Retail Park becoming cluttered and potentially distracting for drivers. The highway officer is satisfied with the amended signage details from a highway safety perspective.

7.0 CONCLUSION

- 7.1 The proposal would bring back into use a vacant premises within a sustainable location. It is considered it would not harm the character of the area and it would be acceptable in terms of highway safety and the impact upon the amenity of adjacent premises.
- 7.2 The proposed advertisements are considered acceptable given the surrounding commercial area and would not give rise to highway safety issues.

8.0 RECOMMENDATION

- 8.1 **Planning permission subject to the following conditions:**

1. **Commencement three years - full planning permission**
2. **Works in accordance with the approved plans**
3. **Submission and approval of parking management plan**
4. **Submission and approval of cycle parking details**
5. **Noise mitigation measures to be implemented**

- 8.2 **Advertisement Consent subject to the following conditions:**

1. **Approved plans**

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