

# GLOUCESTER CITY COUNCIL - DEVELOPMENT CONTROL

Committee:	Planning
Date:	21.08.2019
Address/Location:	Next Quedgeley District Centre Olympus Park Quedgeley
Application No:	19/00537/FUL
Ward:	Quedgeley Fieldcourt
Expiry Date:	24.07.2019
Applicant:	The Royal London Mutual Insurance Society Ltd
Proposal:	Change of Use of Retail Unit (Class A1) to Gym/Health and Fitness Centre (Class D2)
Report by:	Rhiannon Murphy
Appendices:	Site Location Plan

## 1.0 Introduction

- 1.1 The site is located within Quedgeley Retail Park to the east of Olympus Park which is accessed from Bristol Road. Adjacent to the site is the A38. The immediate surrounding area is commercial with residential properties to the east and west.
- 1.2 The existing building comprises two floors with a total floorspace of 1,550 square metres. The use of the existing building is under A1 (retail) and was most recently occupied by Next. There is an existing car parking area to the west (front) of the building which served the former next as well as other nearby commercial units.
- 1.3 the proposal seeks the change of use of the building from retail (A1) to a gym/ health and fitness centre (D2). The gym would be in operation 24 hours a day and would involve the employment of 3 full time staff, 3-5 part time staff and 2-5 freelance staff. The proposed leisure facilities would comprise WC's, shower room, spin studio, sun beds, office, consultation room and gym on the ground floor and staffroom, W/C's, lockers, ancillary offices, studio and further gym area on the first floor. The proposal does not seek any changes in parking or vehicular access to the site.
- 1.4 **Councillor Dave Norman has requested Committee determination on the basis that he considers that there will be a loss of employment as the developer will create no jobs at all. This site has not been empty for very long and very limited advertising of the site has been undertaken.**

## 2.0 RELEVANT PLANNING HISTORY

Application Number	Proposal	Decision	Decision Date
00/00522/FUL	Extension to previously approved retail unit, additional car parking area , erection of sprinkler tank and associated pump house.	GSC	25.09.2000
99/00344/FUL	Erection of 8 small shop units, 2 large non-food shop units, Health & Fitness Centre & associated car parking	GSC	12.10.1999

07/01121/FUL	Extension to existing car park to rear and new vehicular access to existing service yard.	G3Y	11.10.2007
07/01132/FUL	External alterations to building including modifications to shopfront, re-positioning of fire exit canopy over delivery entrance and provision of condensing unit compound.	G3Y	11.10.2007
07/01143/ADV	Installation of 3 no. internally illuminated fascia signs.	GFY	11.10.2007
07/01525/ADV	Installation of 2 no. fascia signs with internally illuminated lettering.	GFY	24.01.2008
08/00247/FUL	Proposed replacement windows to retail unit.	G3Y	17.04.2008
08/01386/FUL	Partial demolition of unit including removal of roof, portal frames and cladding and installation of new roof , cladding and framework.	G3Y	06.11.2008
08/01592/FUL	Demolition and reinstatement of fire damaged non food retail unit.	G3Y	06.02.2009

### 3.0 RELEVANT PLANNING HISTORY

3.1 The following planning guidance and policies are relevant to the consideration of this application:

#### 3.2 National guidance

National Planning Policy Framework (NPPF) and Planning Practice Guidance

3.3 The NPPF includes relevant policy on;

- Building a strong, competitive economy
- Ensuring the vitality of town centres
- Promoting sustainable transport, including the statement that development should only be prevented on transport grounds whether the residual cumulative impacts of development are severe.
- Requiring good design and promoting healthy communities
- Meeting the challenge of climate change, flooding and coastal change.

#### 3.4 Development Plan

**Gloucester, Cheltenham and Tewkesbury Joint Core Strategy (Adopted 11 December 2017)**

Relevant policies from the JCS (Main Modifications) include:

SP1 - The need for new development  
 SP2 – Distribution of new development  
 SD2 – Retail and City/Town Centres  
 SD3 – Sustainable design and construction  
 SD4 – Design requirements  
 SD14 – Health and Environmental Quality  
 INF1 –Transport network  
 INF2 – Flood risk management  
 INF6 – Infrastructure delivery

#### 3.5 City of Gloucester Local Plan (Adopted 14 September 1983)

The statutory Development Plan for Gloucester includes the partially saved 1983 City of Gloucester Local Plan. Paragraph 213 of the NPPF states that '*...due weight should be given to*

*relevant policies in existing plans according to their degree of consistency with this framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given.'* Therefore it is considered that the 1983 Local Plan is out-of-date and superseded by later planning policy including the NPPF and the Joint Core Strategy.

### 3.6 **Emerging Development Plan Gloucester City Plan**

The Gloucester City Plan ("City Plan") will deliver the JCS at the local level and provide policies addressing local issues and opportunities in the City. The Draft Gloucester City Plan 2017 takes forward the results of previous consultations and was subject to consultation January and February 2017. As the Plan is at an early stage, it is considered that it carries limited weight in accordance with paragraph 48 of the NPPF.

### 3.7 **Other Planning Policy Documents Gloucester Local Plan, Second Stage Deposit 2002**

Regard is also had to the 2002 Revised Deposit Draft Local Plan. This has been subjected to two comprehensive periods of public and stakeholder consultation and adopted by the Council for development control purposes. There are no day to day development management policies relevant to this application although the proposals map identifies the Quedgeley District Centre as such.

## 4.0 **CONSULTATIONS**

### 4.1 **Highway Authority**

No highways objection subject to the inclusion of a planning condition requiring details of cycle parking.

### 4.2 **Policy**

No comments received

### 4.5 **Environmental Health Adviser (Noise comments)**

The agent has confirmed that the proposal does not intend to add any more air conditioning to the unit. The only element will be the introduction of two external weather grills.

Further to this confirmation WRS raised the following comments;

Gym/ leisure centres often require additional cooling/ ventilation due to the nature of activities being carried out with them. The plans for the new fitness centre do not appear to include the installation of any additional external plant or ventilation/ extraction. If additional external plant is to be installed we would advise that a BS4142:2014 noise assessment should be carried out to demonstrate there would be no adverse impact upon existing receptors.

Gyms and leisure centres can generate noise complaints due to the following which can be controlled by good management practices. The following comments are for advice only and should not be seen to constrain development.

- Weights being dropped can be a significant source of noise. Good management practices and internal mitigation such as rubber flooring can reduce the likelihood of this being an issue.
- Noise from speaker systems can also be an issue if volumes are excessively loud. This can easily be controlled and managed by setting clear limits to the maximum allowable volume. This goes for both background music and exercise classes.

#### 4.6 **Quedgeley Town Council**

Quedgeley Town Council object on the following grounds;

- The business model is mostly unmanned and does not provide local employment opportunities
- Would result in the loss of employment land. Other employment land has been lost due to residential development in surrounding area.
- Parking would be a problem and would reduce parking availability for other units.
- Quedgeley and the local area already has a significant number of fitness centres in the area

#### 5.0 **PUBLICITY AND REPRESENTATIONS**

5.1 33 neighbouring properties were notified of the proposal and a site notice was placed on site.

5.2 11 objections have been received and 1 letter of support has been received.

The 11 letters of objection raised the following in respect to the proposal;

- Retail unit has only been empty for 1 month and has not been marketed for retail
- The proposal would generate little to no employment as the proposal is for an unmanned gym
- There are already a high number of gyms within the nearby area

The letter of support raises that there is a lack of well-equipped gyms on the south side of Gloucester and the proposal would prevent the need to travel to the other side of Gloucester to go to the gym.

5.3 The full content of all correspondence on this application can be viewed on:  
<http://www.gloucester.gov.uk/resident/planning-and-building-control/Pages/public-access.aspx>

#### 6.0 **OFFICER OPINION**

##### ***Legislative background***

6.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires the Local Planning Authority to determine planning applications in accordance with the Development Plan, unless material considerations indicate otherwise.

6.2 Section 70(2) of the Town and Country Planning Act 1990 (as amended) states that in dealing with a planning application, the Local Planning Authority should have regard to the following:

- a) the provisions of the development plan, so far as material to the application;
- b) any local finance considerations, so far as material to the application; and
- c) any other material considerations.

6.3 The development plan consists of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy (JCS) and the partially saved 1983 City of Gloucester Local Plan. However, as outlined earlier, the 1983 Local Plan is considered to be out-of-date.

6.4 The application does not propose any external changes to the building, therefore it is considered that the main issues with regards to this application are as follows

- Principle of proposed change of use

- Highways considerations
- Residential Amenity
- Drainage and flood risk
- Concerns raised from consultees/ neighbouring residents

## **Principle of proposed change of use**

### National Planning Policy Framework

- 6.5 The National Planning Policy Framework states that the vitality and viability of town centers should be promoted in a way that can respond to rapid changes in the retail and leisure industries. The NPPF recognises town centre uses in a broader context than just A1 retail use – recognizing that a mix of facilities are required to create a thriving centre. Town centre uses as identified through the NPPF include retail, leisure and entertainment.

### Gloucester, Cheltenham and Tewkesbury Joint Core Strategy Policy SD2

- 6.6 Policy SD2 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy refers to retail and city/town centres and states *‘new residential, retail, leisure, tourism, office development and community facilities that contribute to the vitality and viability of designated centres will be promoted and supported’*.
- 6.7 The site is located within Quedgeley District Centre which is identified as a local centre within the Second Stage Deposit Draft Local Plan Proposals Map (2002). Whilst this map dates back to 2002, it remains a material consideration and there is no doubt that the area is a District Centre in accordance with that designation.
- 6.8 The existing use of the building is A1 (retail) and was most recently occupied by Next. The proposal seeks to change the use of the building to D2 – gym/health and fitness centre.
- 6.9 Given that the site is within an identified centre and the proposal seeks to change the use of the building to a ‘town centre’ use the proposed change of use can be considered in accordance with Policy SD2 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy (2017) provided that it is judged to contribute to the vitality and viability of the Centre. This is considered below.
- 6.10 In support of the application, the agent has provided information of the marketing of the Next Unit and has stated that marketing of both the Next unit and the adjoining Brantano unit commenced in June 2017. A marketing brochure has been provided as well as a letter from Savills outlining the marketing that has taken place. The agent has raised that despite marketing the unit for two years, it has not been possible to secure a retail tenant for either unit. Whilst the Town Council’s comments that they believe that the marketing of the property has been inadequate, officers consider that the period of two years is reasonable.
- 6.11 The Parish Council have commented that the proposal would result in a loss of employment land and does not provide for local employment opportunities. The agent has advised that the proposal would result in the employment of 3 full time staff, 3-5 part time staff and 2-5 freelance staff in comparison with the current lack of employment being generated from the site. Additionally, the agent considers that allowing a currently empty unit to be occupied, with consequential benefits to the vitality and viability of Quedgeley District Centre, is an overriding benefit in favour of the proposal.
- 6.12 The justification provided by the agent has been considered and it is noted whilst employment levels at the site would be relatively low, it would come as an improvement compared with the currently empty unit. Additionally, it would bring back into use a large unit within the Quedgeley Retail Park which has been marketed unsuccessfully and this would have some benefit in terms of the viability and vitality of the area. It is therefore considered that the proposal can be considered acceptable in this respect.

- 6.13 In considering all of the above, it is judged that the proposed change of use of the unit can be considered acceptable and in accordance with the NPPF and Policy SD2 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy (2017).

### **Highways**

- 6.14 Paragraph 109 of the NPPF provides that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual impacts upon the road network would be severe. Policy INF1 of the JCS requires safe and accessible connections to the transport network.
- 6.15 The proposal would not result in any alterations to car parking or access at the site. A Trip Assessment Generation Technical Note has been provided in support of the application which considers the impact the proposal would have in terms of highways.
- 6.16 The Technical Note outlines the opportunity for sustainable forms of travel within the nearby area through existing pedestrian footpaths and the availability of 5 bus stops within walking distance of the site therefore allowing opportunities for sustainable forms of transport.
- 6.17 In terms of car parking, the Technical Note sets out that the net increase in parking demand as a result of the proposed change of use from A1 to a gym is likely to occur outside peak times for parking demand for the retail park as a whole. Consequently, that the demand generated by the proposed development would be able to be accommodated within the existing parking areas.
- 6.18 The Town Council's comments regarding parking provision are noted. Nevertheless, for the above reasons the amount of parking available is considered to be sufficient for the development proposed. Furthermore, the Highways Authority have been consulted and have raised no objection to the proposal in highway terms. In considering the above, it is judged that the proposal would not result in any significant highway impact and can therefore be considered acceptable in accordance with Policy INF1 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy (2017).

### **Residential amenity**

- 6.19 Paragraph 127 (f) of the NPPF provides that planning should ensure that developments create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users, and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience. This is reflected in Policy SD14 of the JCS which requires that new development must cause no harm to local amenity including the amenity of neighbouring occupants.
- 6.20 The main consideration in terms of residential amenity for this application is in respect to possible noise/ disturbance generated from the proposed use as the gym. The gym is proposed to be open for use 24 hours a day. The site whilst located within a commercial area is relatively close to residential properties. The site is located approximately 86 metres away from residential properties to the east and 74 metres away from residential properties to the west.
- 6.21 Further to comments raised by the councils environmental health advisers (EHA), the agent confirmed that the proposal would not include the introduction of air conditioning units but would include the introduction of 2 small external weather grills. Should the use require additional air conditioning units/plant in the future, this could be controlled by way of planning condition. Any future application would be required to demonstrate that there would be no undue impacts on nearby residential property.
- 6.22 The EHA has also advised that gyms and leisure uses can generate noise complaints, however any issues can be controlled by good management practices. Should any complaints be made in

the future, this can be dealt with under environmental health legislation.

- 6.23 In planning terms, given the distance of the building from nearby houses it is not considered that noise arising from the use unduly harm the living conditions of occupiers of nearby residential properties. The proposal can therefore be considered acceptable in accordance with Policy SD.14 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy (2017).

***Drainage and flood risk***

- 6.24 The NPPF requires that development is directed to the areas at lowest risk of flooding, that new development should take the opportunities to reduce the causes or impacts of flooding, should not increase flood risk elsewhere and take account of climate change. Policy INF2 of the JCS reflects the NPPF, applying a risk based sequential approach, requiring new development to contribute to a reduction in flood risk and requiring the use of sustainable drainage systems.

- 6.25 The site is located within floodzone 1 and is therefore at low risk of flooding. Given that the proposal is for the change of use of an existing building and would not increase the floorspace of the building, it is not considered that the proposal would have any unacceptable impact in terms of drainage/ flooding for the site and can therefore be considered acceptable in accordance with Policy INF2 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy (2017).

**Other matters**

- 6.26 The Parish Council has commented that there are already a significant number of fitness centres within the area. Nevertheless, as set out above the proposal is considered acceptable in principle. In this context, competition is not a material planning consideration.

**Conclusion**

- 6.27 This application has been considered in the context of the policies and guidance referred to above. The proposal is consistent with those policies and guidance in terms of design, highway safety implications, impact upon the amenity of any neighbours and the local area; the proposal is acceptable and accordingly it is recommended that planning permission be granted.

**7.0 RECOMMENDATION OF THE CITY GROWTH AND DELIVERY MANAGER**

- 7.1 That planning permission is GRANTED subject to the following conditions;

**Condition 1**

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

**Reason**

Required to be imposed by Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

**Condition 2**

The development hereby permitted shall be carried out in accordance with the application form, trip generation technical note, and drawing numbers proposed block layout plan 0136-03 and site/block plan 0136-00 Rev B except where these may be modified by any other conditions attached to this permission.

**Reason**

To ensure that the development is carried out in accordance with the approved plans.

**Condition 3**

The development hereby permitted shall not be occupied until details of secure and covered

cycle storage facilities for a minimum of 5 bicycles has been made available in accordance with details which shall first be submitted to and approved in writing by the Local Planning Authority.

**Reason**

To give priority to cycle movements by ensuring that adequate cycle parking is provided, to promote cycle use and to ensure that the appropriate opportunities for sustainable transport modes have been taken up in accordance with paragraph 108 of the National Planning Policy Framework.

**Condition 4**

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order), the premises subject of this application shall only be used as a Gym/Health and Fitness Centre and for no other use, including any use falling within Class D2 of the Use Classes Order 1987 (as amended).

**Reason**

To ensure that the impact of any other use on the viability and vitality of the retail centre is properly assessed in the interest of good planning.

**Condition 5**

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order), no air conditioning units or other plant shall be installed on the site without the prior express permission of the Local Planning Authority.

**Reason**

To safeguard the living conditions of nearby residents.

**Note 1**

Your attention is drawn to the requirements of the Building Regulations, which must be obtained as a separate consent to this planning decision. You are advised to contact the Gloucestershire Building Control Partnership on 01453 754871 for further information.

**Note 2**

Your attention is drawn to the Party Wall Act 1996. The Act will apply where work is to be carried out on the following:

- Work on an existing wall or structure shared with another property.
- Building a free standing wall or a wall of a building up to or astride the boundary with a neighbouring property.
- Excavating near a neighbouring building.

The legal requirements of this Act lies with the building/ site owner, they must find out whether the works subject of this planning permission falls within the terms of the Party Wall Act. There are no requirements or duty on the part of the local authority in such matters. Further information can be obtained from the DETR publication The Party Wall Act 1996 – explanatory booklet.

**Note 3**

In accordance with the requirements of the NPPF the Local Planning Authority has sought to determine the application in a positive and proactive manner by offering pre-application advice, publishing guidance to assist the applicant, and publishing to the council's website relevant information received during the consideration of the application thus enabling the applicant to be kept informed as to how the case was proceeding.



**Person to Contact:** Rhiannon Murphy (396361)

Planning Application: | 19/00537/FUL

Address: | Next Quedgeley District  
Centre Olympus Park  
Quedgeley

Committee Date: |