

DELEGATED

**AGENDA NO
PLANNING COMMITTEE**

8 JUNE 2011

**REPORT OF CORPORATE DIRECTOR,
DEVELOPMENT AND NEIGHBOURHOOD
SERVICES**

11/0719/COU

**61F Lord Avenue, Teesside Industrial Estate, Thornaby
Change of use of Unit 61F from B1 to D2**

Expiry Date 24 May 2011

SUMMARY

The application site is situated within Teesside Industrial Estate, which incorporates a mix of industrial related uses. The site is situated to the north of the industrial estate and lies within an area consisting mainly small B1 starter units.

Planning permission is sought for the change of use of this vacant B1 premise to a Gymnasium (D2), with no external alterations proposed.

9 letters of support from residents within Ingleby Barwick, Thornaby and Middlesbrough have been received along with one letter of support from a ward councillor and one letter of concern from a neighbouring business. In accordance with the approved scheme of delegation, the application is being reported to the Planning Committee for determination, as more than 5 letters have been received contrary to the officer's recommendation.

The applicant has submitted relevant documentation justifying the development in this industrial location and has emphasised that his proposal is not a typical gym. Whilst it is recognised that the proposed development is a unique type of gym, it is not considered that this reasons or other put forward are sufficient enough to outweigh the harm that could be caused to the vitality and viability of the defined Centres of Stockton Borough.

It is considered that the proposed development is in an out-of-centre location for which there is no adequate justification and the proposal would create an unsustainable form of development. The nature of the use and nature of the surrounding highway network would place a heavy reliance on the private motor car for the majority of trips to the site and due to there being a lack of parking provision for the proposed development, it would have a detrimental impact upon highway safety and free flow of traffic in this industrial locality.

RECOMMENDATION

Planning application 11/0719/COU be Refused for the following reason(s)

- 01. In the opinion of the Local Planning Authority, the proposed development relates to a town centre use within an out-of-centre location and it has not been adequately**

demonstrated that the proposed use cannot be provided within either the defined centres within Stockton Borough or within an edge of centre location. The proposal is therefore considered to be contrary to Saved Policy S2 of the adopted Stockton on Tees Local Plan and national planning guidance in the form of PPS1: Delivering sustainable development, PPS4: Planning for sustainable economic growth; and PPG13: Transport.

02. In the opinion of the Local Planning Authority the proposed use would be in an unsustainable location and it would place a high reliance on the private motor car taking into account the limited provision of bus services and suitability and attractiveness of the surrounding highway network for walking and cycling, thereby being contrary to Core Strategy policy CS2(1) and the guidance within PPS1: Delivering sustainable development and PPG13: Transport.

PROPOSAL

1. Planning consent is sought for the change of use of an Light Industrial unit (B1c) to a Gymnasium (D2) at Unit 61F Teesside Industrial Estate, Thornaby. The application proposes no alterations to the building and the suggested operational hours of the business will be between 0700hrs - 0900hrs and 1700hrs - 2000hrs Mon to Friday, 0900hrs - 1200hrs Saturday and closed for business on Sundays.
2. In accompanying the submitted planning application, the applicant has supplied a sequential statement, sustainability assessment and justification for the proposed development.
3. The applicant has also suggested that he would be willing to except a personal and temporary permission (to allow sufficient time to find alternative suitable premises) for two years, should this make the proposal acceptable.

CONSULTATIONS

4. The following Consultations were notified and any comments received are set out below:-

Head of Technical Services

Urban Design has no objection to this application as detailed below.

Highways Comments

In accordance with SPD3: Parking Provision for New Developments the existing 140m² B1 use should provide 5 spaces while the proposed 140m² D2 use should have 7 spaces. As the unit has only 4 allocated spaces this represents an under provision of 3 spaces.

The applicant states that overflow car parking is located nearby and has confirmed that they have permission to use this area by the landowner.

The applicant states that classes would be run outside peak hours however as this is an industrial estate it would not be unusual for businesses to open at 08:00 therefore car parking spaces can be expected to be in use before the morning classes finish. It is expected that visitors to the adjacent businesses are unlikely to visit the area in the early morning; therefore the overflow parking is expected to have capacity to accommodate these classes. The applicant should take steps to advise clients of the overflow parking to ensure that they do not park in areas that are allocated for the adjacent businesses. This should be conditioned should the development be approved.

As the applicant states the classes are timed for those on their way to and from work, therefore those attending will be making linked trips to the site and are most likely to be using private cars. There are concerns that this site is not sustainable, the closest bus

stops are slightly over the maximum recommended walking distance to bus stops and few residential properties in Thornaby are within walking distance of this site. This is an existing unit however, and although a concern, Technical Services does not object to the application.

Landscape & Visual Comments

No comments.

Environmental Health Unit

Environmental Health have no objections

Spatial Plans Manager

No comments received

Councillor Sylvia Walmsley

I wish to confirm my support for this proposal which will promote good health within the community.

PUBLICITY

5. Neighbours were notified and 9 letters of support have been received from No.38 Pembroke Drive, Ingleby Barwick, 1 Ostler Close, Ingleby Barwick, 16 Lawrenny Grove, Ingleby Barwick, 32 Churchfield Way, Ingleby Barwick, 14 Bramfield Way, Ingleby Barwick, 10 Bute Close, Thornaby, 18 Phillida Terrace, Linthorpe, Middlesbrough, 12 Kintrye Drive, Thornaby and 11 Liverton Crescent, Thornaby

A further 27 letters of support have been submitted by the applicant, these addresses are as follows;

Carl Dickson, CrossFit Leeds, 10 Wynford Ave, Leeds; Crossfit West Yorkshire, Unit 11 Carlton Mills, Pickering Street, Armley, Leeds; Christopher Parkes, 16 Lawrenny Grove, Ingleby Barwick; Damien Brown, 61 Pacific Drive, Thornaby; Kam Musa, 62 Talbot Street, Stockton-on-Tees; David Peacock, 1 Ostler Close, Ingleby Barwick; 37 Rakehead lane,, Stacksteads, Bacup, Lancashire; Louis Blattler, 31 Whitmore road, Beckenham, Kent; Alan cassidy. 17 coulter avenue. wishaw. North Lanarkshire . ; Gary Butterfield BSc (Hons), 6 Clarence Drive, Horsforth, Leeds; Guy Brown, Queens 21, Cambridge Square, Middlesbrough; Mr Jawad Nakkas, 3 Newham Grange Avenue, Stockton on Tees; kevin wright, 8 cunningham drive, thornaby; Tony Moss, Wansford Close, Billingham; Dale Robinson, Selwood close, thornaby, Rachael Hine, 2 Cabot Court, Thornaby,; Tristan Dickson, 18 North Grange Road, Headingley; Sam Henderson, 25 Brookhill Crescent, Leeds LS178QB; Rosie Plowman, 19 Sandlewood Crescent, Leeds; Steve Hudson, 16 Dishforth Close, Thornaby; Ian Danby M.C , 53 Knaith close, Yarm; Jonathan Gibbons, 86 Bassleton Lane, Thornaby; Nicola Atkinson, 20 Firbeck Walk, Thornaby; mNicola Simpson, 744 York Road, Leeds; Paul Munnely, 91 Springfield Mount, Horsforth, Leeds; Stefan Northfield.62 Redwood Drive, Epsom; Stephen Campbell, 37 Millhill Avenue, Kilmaurs, Kilmarnock.

These letters of support can be summarised as follows;

- The proposal will be an asset and benefit to the community
- Support should be given to small business ventures
- The gym experience is different from traditional gym and provides a healthier lifestyle
- The site is an ideal location, it is convenient, it is a cycling distance away from properties in Ingleby Barwick
- There are Crossfit gyms located in an industrial estate throughout the country
- Support of applicant character, passion and commitment
- General support of 'crossfit' training methods

- Support for 'crossfit' gym in Teesside

Ian Pattison - Pennine Drawing Office Supplies 63G Lord Avenue

Summarised:

No objections to proposal, subject control of opening hours as proposed.

PLANNING POLICY

6. Where an adopted or approved development plan contains relevant policies, Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that an application for planning permissions shall be determined in accordance with the Development Plan(s) for the area, unless material considerations indicate otherwise. In this case the relevant Development Plan is the Core Strategy Development Plan Document and Stockton on Tees Local Plan (STLP)
7. The following planning policies are considered to be relevant to the consideration of this application:-

Saved Policy S2

Proposals for new, or extensions to existing, major retail development outside the Primary Shopping Area within Stockton Town Centre and beyond the boundaries of the District and Local Centres, as illustrated on Proposals Map, will not be permitted unless : -

- i) there is clearly defined need for the proposed development in the catchment area it seeks to serve; and
- ii) it can be clearly demonstrated that there are no other sequentially preferable sites or premises which are available, suitable and viable to accommodate the identified need the proposed development seeks to serve, starting from sites : -
 - 1) within the Primary Shopping Area within Stockton Town Centre or within the boundaries of the various District or Local Centres defined under Policy S1; followed by
 - 2) on the edge of the Primary Shopping Area within Stockton Town Centre or on the edge of the boundaries of the District and Local Centres within the Borough, then
 - 3) in out-of-centre locations which are well served by a choice of means of transport, close to an existing centre, and which have a high likelihood of forming links with the centre; and only then
 - 4) in other out of centre locations;
- iii) the proposal would not have an adverse impact, either individually or cumulatively with other committed developments, upon any proposed strategy for a centre, or the vitality and viability of any centre within the local retail hierarchy set out in Policy S1 or nearby centres adjoining the Borough; and
- iv) the proposal would be appropriate in scale and function to the centre to which it relates
- v) the proposed development would be accessible by a choice of means of transport, including public transport, cycling and walking, and
- vi) the proposed development would assist in reducing the need to travel by car, as well as overall travel demand.

Proposals for other key town centre uses in locations which lie beyond the Town, District and Local Centre boundaries defined on the Proposals Map will also be required to satisfy the above criteria. In relation to Criterion (ii), other Town Centre use proposals should be accompanied by evidence which demonstrates that there are no sequentially preferable development opportunities either within and/or on the edge of defined boundaries of the Town, District and Local Centres in the Borough.

Saved Policy IN1

Land is allocated for business and general industrial uses (classes B1 and B2) at the following locations:

- (a.) Holme House Farm 41ha
- (b.) Teesside Industrial Estate, Thornaby 39ha

(c.) Preston Farm Industrial Estate, Stockton 49ha

Core Strategy Policy 2 (CS2) - Sustainable Transport and Travel

1. Accessibility will be improved and transport choice widened, by ensuring that all new development is well serviced by an attractive choice of transport modes, including public transport, footpaths and cycle routes, fully integrated into existing networks, to provide alternatives to the use of all private vehicles and promote healthier lifestyles.

2. All major development proposals that are likely to generate significant additional journeys will be accompanied by a Transport Assessment in accordance with the 'Guidance on Transport Assessment' (Department for Transport 2007) and the provisions of DfT Circular 02/2007, 'Planning and the Strategic Road Network', and a Travel Plan, in accordance with the Council's 'Travel Plan Frameworks: Guidance for Developers'. The Transport Assessment will need to demonstrate that the strategic road network will be no worse off as a result of development. Where the measures proposed in the Travel Plan will be insufficient to fully mitigate the impact of increased trip generation on the secondary highway network, infrastructure improvements will be required.

3. The number of parking spaces provided in new developments will be in accordance with standards set out in the Tees Valley Highway Design Guide. Further guidance will be set out in a new Supplementary Planning Document.

4. Initiatives related to the improvement of public transport both within the Borough and within the Tees Valley sub-region will be promoted, including proposals for:

i) The Tees Valley Metro;

ii) The Core Route Corridors proposed within the Tees Valley Bus Network Improvement Scheme;

iii) Improved interchange facilities at the existing stations of Thornaby and Eaglescliffe, including the introduction or expansion of park and ride facilities on adjacent sites; and

iv) Pedestrian and cycle routes linking the communities in the south of the Borough, together with other necessary sustainable transport infrastructure.

5. Improvements to the road network will be required, as follows:

i) In the vicinity of Stockton, Billingham and Thornaby town centres, to support the regeneration of these areas;

ii) To the east of Billingham (the East Billingham Transport Corridor) to remove heavy goods vehicles from residential areas;

iii) Across the Borough, to support regeneration proposals, including the Stockton Middlesbrough Initiative and to improve access within and beyond the City Region; and

iv) To support sustainable development in Ingleby Barwick.

6. The Tees Valley Demand Management Framework will be supported through the restriction of long stay parking provision in town centres.

7. The retention of essential infrastructure that will facilitate sustainable passenger and freight movements by rail and water will be supported.

8. This transport strategy will be underpinned by partnership working with the Highways Agency, Network Rail, other public transport providers, the Port Authority, and neighbouring Local Authorities to improve accessibility within and beyond the Borough, to develop a sustainable

Core Strategy Policy 3 (CS3) - Sustainable Living and Climate Change

1. All new residential developments will achieve a minimum of Level 3 of the Code for Sustainable Homes up to 2013, and thereafter a minimum of Code Level 4.

2. All new non-residential developments will be completed to a Building Research Establishment Environmental Assessment Method (BREEAM) of 'very good' up to 2013 and thereafter a minimum rating of 'excellent'.

3. The minimum carbon reduction targets will remain in line with Part L of the Building Regulations, achieving carbon neutral domestic properties by 2016, and non domestic properties by 2019, although it is expected that developers will aspire to meet targets prior to these dates.

4. To meet carbon reduction targets, energy efficiency measures should be embedded in all new buildings. If this is not possible, or the targets are not met, then on-site district renewable and low carbon energy schemes will be used. Where it can be demonstrated that neither of these options is suitable, micro renewable, micro carbon energy technologies or a contribution towards an off-site renewable energy scheme will be considered.

5. For all major developments, including residential developments comprising 10 or more units, and non-residential developments exceeding 1000 square metres gross floor space, at least 10% of total predicted energy requirements will be provided, on site, from renewable energy sources.

6. All major development proposals will be encouraged to make use of renewable and low carbon decentralised energy systems to support the sustainable development of major growth locations within the Borough.

7. Where suitable proposals come forward for medium to small scale renewable energy generation, which meet the criteria set out in Policy 40 of the Regional Spatial Strategy, these will be supported. Broad locations for renewable energy generation may be identified in the Regeneration Development Plan Document.

8. Additionally, in designing new development, proposals will:

- _ Make a positive contribution to the local area, by protecting and enhancing important environmental assets, biodiversity and geodiversity, responding positively to existing features of natural, historic, archaeological or local character, including hedges and trees, and including the provision of high quality public open space;
- _ Be designed with safety in mind, incorporating Secure by Design and Park Mark standards, as appropriate;
- _ Incorporate 'long life and loose fit' buildings, allowing buildings to be adaptable to changing needs. By 2013, all new homes will be built to Lifetime Homes Standards;
- _ Seek to safeguard the diverse cultural heritage of the Borough, including buildings, features, sites and areas of national importance and local significance. Opportunities will be taken to constructively and imaginatively incorporate heritage assets in redevelopment schemes, employing where appropriate contemporary design solutions.

9. The reduction, reuse, sorting, recovery and recycling of waste will be encouraged, and details will be set out in the Joint Tees Valley Minerals and Waste Development Plan Documents.

Core Strategy Policy 5 (CS5) - Town Centres

1. No further allocations for retail development will be made other than in or on the edge of Stockton Town Centre during the life of the Core Strategy.

2. Stockton will continue in its role as the Borough's main shopping centre. Up to 2011, the need for additional capacity can mostly be met through committed developments and the occupation and reoccupation of vacant floorspace. Beyond 2011, there may be a

requirement to bring forward new retail developments within the town centre in the first instance, to improve quality and widen the range of the shopping offer in the Borough. The creation of specialist roles for Stockton, for example as a sub-regional historic market town, or through the concentration of a mix of ethnic retailers or small independent chrysalis stores, will be supported. Other initiatives will include:

- i) Improving the main approaches to the town via the Southern, Eastern and Northern Gateways, through creating new development opportunities and promoting environmental improvements;
- ii) Promoting a balanced and socially inclusive cultural sector and 24-hour economy across the town centre, particularly in the vicinity of Green Dragon Yard;
- iii) Providing additional leisure opportunities, and other town centre uses, in accordance with Planning Policy Statement 4: Planning for Sustainable Economic Growth;
- iv) Improving pedestrian links to the riverside.

3. Billingham, Thornaby and Yarm will continue to function as district centres. Priority to regeneration initiatives will be given to:

- i) Thornaby centre
- ii) Billingham centre

Proposals which support Yarm's specialist niche role in offering higher quality comparison shopping, together with leisure and recreation opportunities will be supported, provided that the residential mix within the district centre is not compromised.

4. Elsewhere, within the local shopping centres of Billingham Green in Billingham, Myton Way at Ingleby Barwick, Norton High Street and High Newham Court in Stockton, and the neighbourhood centres, development will be promoted and supported provided that it complements and does not adversely impact upon the regeneration of the town and district centres, and where it is in accordance with Planning Policy Statement 4: Planning for Sustainable Economic Growth.

5. The use of upper floors above shops and commercial premises, particularly for residential purposes, will be encouraged, to support the viability and vitality of the centres.

6. The existing roles played by Teesside Park as an out-of-town location, and Portrack Lane as out-of-centre site, are recognised. Whilst no additional retail or leisure development proposals will be encouraged in these locations or any other out of centre locations, any proposals which emerge will be dealt with as under 7 below.

7. Should any planning application proposals for main town centre uses in edge or out-of-centre locations emerge, such proposals will be determined in accordance with prevailing national policy on town centre uses as set out in Planning Policy Statement 4: Planning for Sustainable Economic Growth or any successor to Planning Policy Statement 4.

Core Strategy Policy 11 (CS11) - Planning Obligations

1. All new development will be required to contribute towards the cost of providing additional infrastructure and meeting social and environmental requirements.

2. When seeking contributions, the priorities for the Borough are the provision of:

- _ highways and transport infrastructure;
- _ affordable housing;
- _ open space, sport and recreation facilities, with particular emphasis on the needs of young people.

Other material planning considerations include;

Planning Policy Statement 1: Delivering Sustainable Development

Planning Policy Statement 4: Planning for Sustainable Economic Growth

SITE AND SURROUNDINGS

8. The application site is located within Teesside Industrial Estate. The industrial estate is situated adjacent to the residential settlements of Ingleby Barwick (west) and Thornaby (north). The industrial estate is separated by the main carriageway of Thornaby Road and A174 from these residential settlements. There are two bus stops along Thornaby Road that lie adjacent to this industrial estate, which provide links to the main town centres and surrounding estates of Stockton Borough.
9. The application site is a small Light industrial unit (use class B1(c) with a floor space of c.140sqm) and is attached to similar units within a grouped arrangement. The proposed unit is currently vacant, whilst the majority of the neighbouring units are either occupied by B1 and Sui Generis uses, with the remainder being unoccupied.
10. There is allocated car parking to the front of the site, with an overflow car park also within this part of the estate, however, this is not within the control of the applicant.

MATERIAL PLANNING CONSIDERATIONS

11. The main planning considerations of this application are compliance with planning policy and the impacts of the proposal on; the loss of employment land; vitality and viability of the boroughs retail centres; sustainability; character of the area; amenity of neighbouring users and highway safety matters. These matters are considered below;

Principle of Development;

12. The application site lies within an out-of-centre retail destination. Current national and local planning policy promotes centres and encourages appropriate development within them. These are considered below;

National Policies

13. Planning Policy Statement 1: Creating Sustainable Communities (PPS1) outlines the need for achieving sustainable forms of development through urban and rural regeneration. Of particular relevance to this application is the focus of enhancing the vitality and viability of Town Centres by encouraging town centre developments in central locations, promoting vitality and social inclusion, while also maximising the opportunity to use modes of transport other than the car.
14. Planning Policy Statement 4: Planning for Sustainable Economic Growth (PPS4), advocates a range of policies to promote town centre uses with a principal objective to sustain and enhance the vitality and viability of town centres. It is to be noted that that the proposed gym (D2) 'CROSSFIT' fits the description and criteria of PPS4 as a town centre use. High trip generating uses such as that proposed are encouraged to be located within retail centres in the interests of encouraging people back into the Town Centres, promoting social inclusion and achieving sustainability. However, the application site is located in an out-of-centre location and would require adequate justification.
15. PPG13 sets out the objectives to integrate planning and transport at the national, regional, strategic and local level and to promote more sustainable transport choices. Transport places a strong emphasis upon supporting sustainable development by reducing the need to travel and making it easier for people to access services by public transport, walking and cycling. PPG13 states that, in considering planning applications, Local Authorities should locate day-to-day facilities, which need to be near their clients, in local centres so that they are accessible by walking and cycling. Local Authorities should also ensure that

development comprising jobs, shopping, leisure and services offers a realistic choice of access by public transport, walking, and cycling.

Local Policies

16. In terms of the adopted Stockton on Tees Local Plan and recently adopted Core Strategy Development Plan Document (March 2010) the relevant policies to be considered are Saved Policy IN1 (Industrial), S2 (New retail development) and Core Strategy Policies CS2, CS5 and CS11.
17. The application site lies within the limits to development and is part of Teesside Industrial Estate, which is allocated under Saved Policy IN1 of the adopted Stockton Council Local Plan for General Industrial uses (Classes B1 and B2).
18. This part of the industrial estate comprises of a mix of starter units and second tier premises, which are more suitable for maturing businesses, a number of the units appear vacant at this moment. Within the wider industrial estate there are a high number of vacant units, available for occupation. Indeed this is also true elsewhere across the borough and given that the recent Employment Land Review acknowledges that sufficient employment land is available within the plan period throughout the Borough, it is not considered that the loss of this B1(c) Light Industrial unit will have a significant detrimental impact on the quantity, quality or supply of units. Therefore, the application is not considered to have an adverse impact on the loss of employment land for the borough.
19. The supporting text within Saved Policy S2 of the adopted Alteration Number One (STLP), states that other Town Centre use proposals should be accompanied by evidence which demonstrates that there are no sequentially preferable development opportunities either within or on the edge of defined boundaries of the Town, District and Local Centres in the Borough. This is reiterated within Core Strategy Policy CS5 (Town Centres), which are all based upon the fundamental aims of PPS4, on maintaining the vitality and viability of Town centres.
20. Policy CS2 of the recently adopted Core Strategy, states that accessibility will be improved and transport choice widened, by ensuring that all new development is well serviced by an attractive choice of transport modes to provide alternative to the car, thereby promoting healthier lifestyles. This consideration relates to issues of sustainability of the proposal and will be assessed within the policy assessment part of this report.
21. In accordance with Core Strategy Policy CS11 (Planning Obligations) and Open Space, Recreation and Landscaping SPD (20 January 2010), contributions are required by developers to contribute towards the cost of providing additional infrastructure and services that arise out of new developments, such as a change of use. However, in this instance, as this proposal does not propose a net increase of residents or an increase of employment development and will provide a recreational and sport facility for the local community (albeit subject to approval), it is considered that a contribution requirement is not applicable to this application.

Policy Assessments:

22. In accordance with the criteria set out within PPS4, the applicant submitted a sequential approach in identifying suitable units for his proposal. This approach took into consideration the retail hierarchy throughout the borough as stated within Saved Policy S2 of the Alteration Number One of the adopted Stockton Local Plan (STLP). The submitted list identified 'vetted sites' and cited reasons against available units on the grounds of insufficient floor space, unable to accommodate his gym type activities, viability reasons (lease price too expensive), lack of car parking provision and transport links, not being the desired catchment area for future clienteles, planning policy restrictions for change of use

from A1 (Retail) to D2 (Leisure) and there being existing established Gymnasiums within desired locations.

23. Based upon the results of the sequential approach and the supporting information, the applicant considers that he has adequately justified the proposed location on the grounds of being within the desired catchment area for his future clientele i.e. Ingleby Barwick and Thornaby residents, which are in walking/cycling distance from these residential settlements along with access to public transport; the viability reasons (reduced rate of lease by landlord), being the desired floorspace (140sqm) and the activities carried out within a 'CROSSFIT' gym possesses physical attributes which could not be provided within a High street or Town Centre location.
24. Whilst the submitted supporting information by the applicant has been fully considered, it is noted that the applicant has not assessed potential sites located on the edge of Thornaby Town centre or whether other properties are available which already have a permitted D2 use (such as Springs on Teesside Park), within the submitted 'sequential' list of proposed sites. Furthermore, the Head of Regeneration has provided details of 5 available units within Thornaby Town Centre, which range in floor space from 101 sq m2 (Unit 10 Wrightson House), to 557 sq m2 (Unit 5, Pavilion Shopping Centre, Trenchard Avenue), which were available as of mid February 2011.
25. With regard to available sites within Ingleby Barwick, it is acknowledged that only one is currently available within the Beckfields shopping parade (No. 4), however, is discounted on the basis of containing a floor space of 70 sq m2, which is insufficient to meet the applicant's needs for the proposed use. Whilst a sequential assessment has been carried out it is not felt that this adequately demonstrates that the proposed use could not be accommodated either within an edge of centre individually or on a site much closer to Thornaby Town Centre. Officers wish to support the applicant in trying to set up his business venture and would be willing to support such a scheme in a town or edge of centre location that would meet with the relevant criteria of planning policy. However, such site have been dismissed or not included by the applicant.
26. Whilst the applicant has also suggested that he would be willing to except a personal and temporary permission, the planning policy considerations above remain and the scheme must be considered on its own merits. Given the above and despite the information provided by the applicant it is considered such a use would have the potential to contribute to the vitality and viability of a defined centre and the principle of the proposed development in this location is not considered to be acceptable in this instance.

Sustainability;

27. The Government seeks through national guidance Planning Policy Statement 1: Delivering Sustainable Development (PPS1) and PPS4 to reduce the need to travel, to encourage the use of public transport, walking and cycling and reduce reliance on the private car, to facilitate multipurpose journeys and to ensure that everyone has access to a range of facilities. This is reiterated within Policy CS2 of the recently adopted Core Strategy which states that accessibility will be improved and transport choice widened, by ensuring that all new development is well serviced by an attractive choice of transport modes to provide alternative to the car, thereby promoting healthier lifestyles.
28. PPG13 also sets out the objectives to integrate planning and transport at the national, regional, strategic and local level to promote more sustainable transport choices. It places a strong emphasis upon supporting sustainable development by reducing the need to travel and making it easier for people to access services by public transport, walking and cycling. PPG13 states that, in considering planning applications, Local Authorities should locate day-to-day facilities, which need to be near their clients, in local centres so that they are

accessible by walking and cycling. Local Authorities should also ensure that development comprising jobs, shopping, leisure and services offers a realistic choice of access by public transport, walking, and cycling.

29. The applicant has submitted a sustainability appraisal, which identifies the site to be easily accessible by foot/cycle ways and benefits from proximity to bus routes. It has also been stated that many patrons will travel by private motor vehicle on their way to and from work.
30. There is a cycle route adjacent to Thornaby Road, along with scheduled bus services, No.X6 and No.17 service along Thornaby Road, which provide half hourly services from the Middlesbrough, Yarm and Thornaby areas. It is acknowledged that the earliest bus service begins operation from 6.30 (approx.), however, these bus services cease operations on or before the hours of 1900hrs, which conflicts with the operational closing hours proposed by the applicant. With respects to the location of these bus stops, these are approximately 400 metres)from the application site by using an internal pedestrian footpath through the industrial estate from Thornaby Road. In addition, the closest residential properties in Ingleby Barwick are approximately 1.1Km away from the site, which is seperated by the main busy carriage way of Thornaby Road. Whilst the closest residential estate of Ingleby Barwick is at 1.1Km, it should be noted that the remaining residential estates of Ingleby in the southern and western edges are considerably further away, which will make it more unlikely for the public to cycle or walk to the site.
31. Taking these factors into consideration, leisure uses such as this gym (D2) are identified as Town centres uses and as such should be located within close proximity to the population that it will serve in order to provide alternatives to the use of the private vehicles and promote healthier lifestyle.
32. Owing to the nature of the proposed use, the operational hours of the bus service, the logistics of the application site and operational hours proposed by the applicant being before and after working hours, it is considered that there will be reluctance of members using public transport or walking to the site, therefore, relying heavily on the dependence of private motor car, which would generate a significant amount of trips to the facility. It is therefore considered that the proposed use would be in conflict to the principles within policy CS2 and guidance within PPG13 on the grounds of providing a sustainable form of development. Accordingly the principle of the proposed development is not considered to be acceptable.

Character of the surrounding area:

33. The proposed change of use does not include any external alterations to the existing building. As such the premise will retain its industrial appearance and will not appear out of keeping with the neighbouring properties. Visually the proposal is therefore not considered to be out of keeping with the character of the surrounding area.

Amenity of neighbouring land users:

34. PPG24 (Planning and Noise) outlines that local planning authorities must ensure that development does not cause an unacceptable degree of disturbance and that they should have regard to subsequent intensifications or changes of use which may result in greater intrusion.
35. The application site is located in an established industrial area which predominately comprises B1, B2 and Sui Generis uses and not in close proximity to residential properties. Therefore, it is considered that the proposed use would not have any detrimental impact or on the amenity of the surrounding business premises in terms of noise or disturbance because of the nature of the use and its location.

Highway Safety:

36. In terms of highway safety, the Head of Technical Services has no objection to the application following the submission of further information. This assessment has been carried out in accordance with the Council's highway design standards set out in SPD3: Parking Provision for New Developments.
37. Although the unit has only 4 allocated spaces this represents an under provision of 3 spaces, however, the applicant has highlighted that overflow car parking is located nearby and has confirmed that they have permission to use this area by the landowner. Further, the applicant has stated that classes would be run outside peak hours. Whilst this is noted it would not be unusual for businesses to open at 08:00, therefore car parking spaces can be expected to be in use before the morning classes finish, it is expected that visitors to the adjacent businesses are unlikely to visit the area in the early morning, therefore the overflow parking is expected to have capacity to accommodate these classes.
38. In the assessment, the Head of Technical Services has stated, that the applicant should take steps to advise clients of the overflow parking to ensure that they do not park in areas that are allocated for the adjacent businesses. Although it is advised this should be conditioned, it would be difficult to control via a condition and should member approve the application it is felt an informative would be more appropriate.
39. In view of the additional information that has been submitted and in the absence of any objections from the Head of Technical Services the proposal is not considered to result in any significant impacts on highway safety.

Residual Issues:

40. Whilst the applicant's personal background and the requirements of this 'unique' type of gym are noted, each proposal must be judged against the development plan and relevant material planning considerations. The proposal does not provide a strong justification in accordance with government guidance and would set a sporadic precedent for similar uses which fall within Use Class D2 or other town centre uses. Such a precedent would be considered to have a detrimental and negative impact on the vitality of and viability of defined centres of the borough.
41. Members may also be aware that this situation is similar to other examples of town centre uses that have been refused planning permission for development in out-of-centre locations. Examples would include crèches/soft play centres (use classes D1/D2), hotel developments (use class C1); new retail developments (use class A1) and food and drink establishments (use class A3, A4 & A5). In these instances reasons for refusal have typically focused on concerns over the out-of-centre location, impacts on vitality and viability and unsustainable locations. Whilst each application should be assessed on its own merits, it is important to recognise that approval of the application may create a dangerous precedent for allowing other similar uses or town centre uses to be located in out of centres locations, the cumulative effect of which may have significant implications for attracting a range of alternative uses into the Borough's defined centres.

CONCLUSION

42. The proposed use is one which planning policy requires being located within a sustainable location and preferably a defined centre where grouped trips and adequate public transport opportunities are available. Such a use would have the potential to contribute to the vitality and viability of a defined centre. Whilst a sequential assessment has been carried out it is not felt that this adequately demonstrates that there are no other units that are suitable, viable or available within or on the edge of the defined centres.

43. The proposed development is clearly in both an out-of-centre and unsustainable location for which there is no adequate justification. The site is not considered to be well served by public transport and the nature of the use and nature of the surrounding highway network would place a heavy reliance on the private motor car for the majority of trips to the site. Concerns also remain as to the level of available parking provision that exists for the premises and the implications for highway safety as a result.

44. In view of the above it is considered that the proposal is contrary to Saved policy S2 of Alteration Number One, Core Strategy policies CS2, CS3, CS5 and National Planning Guidance in the form of PPS1, PPS 4 and PPG13. The application is therefore recommended for refusal.

**Corporate Director of Development and Neighbourhood Services
Contact Officer Mr Fahim Farooqui Telephone No 01642 528558**

WARD AND WARD COUNCILLORS

**Ward Stainsby Hill
Ward Councillor Councillor Mrs Sylvia Walmsley**

**Ward Stainsby Hill
Ward Councillor Councillor Derrick Brown**

IMPLICATIONS

Financial Implications:

As report

Environmental Implications:

As report

Human Rights Implications:

The provisions of the European Convention of Human Rights 1950 have been taken into account in the preparation of this report

Community Safety Implications:

The provisions of Section 17 of the Crime and Disorder Act 1998 have been taken into account in the preparation of this report.

Background Papers:

Stockton On Tees Local Plan (adopted June 1997)

Core Strategy Development Plan Document (adopted 24 March 2010)

Supplementary Planning Document Number 3: Parking Provision for New Developments

Planning Policy Statement 1: Delivering Sustainable Development

Planning Policy Statement 4: Planning for Sustainable Economic Growth

Planning Policy Guidance 17: Planning for Open Space, Sport and Recreation.