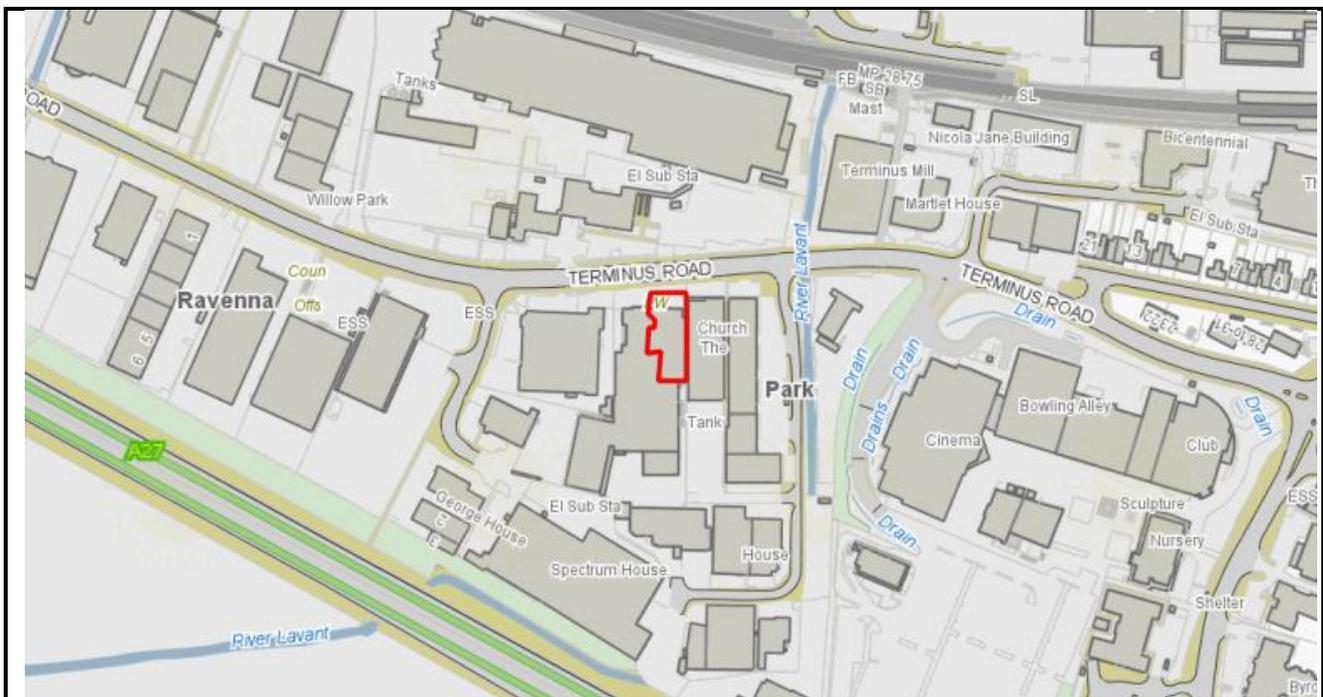


Parish: Chichester	Ward: Chichester Central
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CC/21/00115/FUL

Proposal	Change of use from flexible class B1 B2 and B8 to class E indoor sport, recreation of fitness.		
Site	Unit 1 28 Terminus Road Chichester West Sussex PO19 8ZZ		
Map Ref	(E) 485474 (N) 104179		
Applicant	Mr R Elliott	Agent	Douglas Briggs Partnership

RECOMMENDATION TO PERMIT



	NOT TO SCALE	Note: Do not scale from map. For information only. Reproduced from the Ordnance Survey Mapping with the permission of the controller of Her Majesty's Stationery Office, Crown Copyright. License No. 100018803
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1.0 Reason for Committee Referral

1.1 Red Card: Cllr Bell - Exceptional level of public interest

1.2 In addition, the proposal would amount to a departure from the development plan.

2.0 The Site and Surroundings

- 2.1 The application site is within the established Terminus Road industrial estate, located approximately 150m from Chichester Gate and approximately 800 metres from the A27/A259 Fishbourne Roundabout. The site is on the south side of Terminus Road.
- 2.2 The application site comprises a single storey building subdivided into seven separate commercial units under application reference 19/02343/FUL. The business units have a lawful flexible use falling within the B1, B2 and B8 Use Classes. The application concerns the northernmost unit with a frontage facing onto Terminus Road. The unit is also the largest of the seven units, amounting to 733.5 square metres of internal floor area.
- 2.3 The unit is currently vacant. Information submitted with the application demonstrates that of the seven units approved under 19/02343/FUL, only one unit has been successfully let.

3.0 The Proposal

- 3.1 The application seeks planning permission for the change of use of the unit from a flexible class B1 B2 and B8 to class E indoor sport, recreation of fitness.
- 3.2 The proposal would see Optimus Gym occupy the premises.

4.0 History

20/03149/ADV	PER	Proposed 1 no. fascia sign and 2 no. window graphics.
19/02343/FUL	PER	Sub-divide existing large warehouse into 7 no. smaller individual warehouse units for flexible B1, B2 and B8 use.

5.0 Constraints

Listed Building	NO
Conservation Area	NO
Rural Area	NO
AONB	NO
Tree Preservation Order	NO
EA Flood Zone	
- Flood Zone 2	NO
- Flood Zone 3	NO
Historic Parks and Gardens	NO

6.0 Representations and Consultations

6.1 City Council

No objection

6.2 CDC Economic Development

Further comments (16 April 2021)

Subsequent to Economic Development's initial comment on this application, this update provides additional information in support of the proposed change of use

In a period of doom and gloom in the market, it is fantastic when we can refer to a sector, which is performing really well. A seismic shift in consumer behaviour is still taking place, which revolves around healthy living and the importance of looking after your body and your mind. The gym market is one that we expect will see continued growth and significant further participation as people invest in the personal fitness and wellbeing

Many business parks now include a gym and other leisure facilities, as a way to encourage businesses to locate there. Businesses are finding that staff retention improves, if they are located in an area that offers leisure facilities. This is beneficial to both businesses and staff. Examples of these include Chartwell Business Park, Lancing, Watford Business Park, Watford and Blackminster Business Park, Evesham. They all have gyms within the park, which enhances the attraction for businesses. Having a gym in close proximity to a key employment area within the District will enhance the attraction of the area to new businesses. This, in turn will influence inward investment and growth of businesses within the District.

As stated previously this proposed gym will generate employment opportunities for a range of health and fitness professionals. The applicant is projected to employ 5 full time and 3 part time staff plus approximately 10 trainers that run classes and further opportunities for around 5 private trainers to work in the gym and use the facilities on a space rental basis, giving employment opportunities for a total of 23 people. This figure provides further evidence of the positive economic contribution to this site, which stood vacant for 2 years prior to it being partly occupied

Original comments (19 March 2021)

The Economic Development Service supports the continued commercial use of this site and has no objections to this proposed change of use.

The application seeks to convert the site to a gym, which has become an increasingly common sight in a number of industrial locations.

The opening of a gym and recreation facility would create employment opportunities for up to 23 people and in doing so would make a positive contribution to the local economy.

The proposed development is well placed to appeal to local workers and passing trade on this busy part of the City.

6.3 CDC Environmental Protection

A gymnasium is a potential source of noise and vibration, while the neighbouring units may be considered noise sensitive development, depending on the nature of their occupation. Likely noise arising from the gym includes airborne sound from amplified music and voices, and structure-borne sound and vibration from impact activities and the use of weights and other equipment.

The floor plan shows the main gym area having a shared party wall with adjacent units. The risk is therefore the transmission of sound and vibration through the building from one use to the other. The applicant will need to ensure that this is addressed by undertaking a suitable noise assessment that, in turn, informs a Noise and Vibration Management Plan. This may in the event demonstrate a requirement for additional sound insulation to the party walls, isolation for specific areas or equipment, appropriate positioning of loudspeakers and ongoing management control once a gym is operational.

You may wish to give consideration to limiting the operational hours of the premises with a specific condition. To my knowledge there is no residential development in the immediate vicinity so it seems likely any adverse impact outside conventional daytime business hours can be taken into account in the applicant's noise assessment, and addressed in the Noise and Vibration Management Plan.

Conditions recommended as per the above.

6.4 WSCC Highways (Summarised)

To summarise, the proposal could be expected to attract additional trips above the 6 parking spaces provided however as the site is located with 500m from Chichester train station it is likely to have a commuter customer base, with the peak number of trips occurring in the early morning or early evening. WSCC has reviewed the current parking restrictions and believe this is likely to complement the business as restrictions are often in place during the daytime when the gym will be at its quietest.

Therefore, WSCC raise no highway safety or capacity objections to this proposal but will ask the applicant to submit a workplace travel plan as a condition, to ensure all efforts are made to recruit and maintain the commuter customer base.

6.5 Third party support comments

1 no. third party representation of support has been received concerning the following matters:

- a) proposal is well located just outside the main city centre
- b) proposal will benefit the local community

7.0 Planning Policy

The Development Plan

- 7.1 The Development Plan for the area comprises the Chichester Local Plan: Key Policies 2014-2029, the CDC Site Allocation Development Plan Document and all made neighbourhood plans. There is no made neighbourhood plan for Chichester at this time.
- 7.2 The principal planning policies relevant to the consideration of this application are as follows:

Chichester Local Plan: Key Policies 2014-2029

Policy 1: Presumption in Favour of Sustainable Development
Policy 2: Development Strategy and Settlement Hierarchy
Policy 3: The Economy and Employment Provision
Policy 8: Transport and Accessibility
Policy 10: Chichester City Development Principles
Policy 11: Chichester City Employment Sites
Policy 26: Existing Employment Sites
Policy 39: Transport, Accessibility and Parking
Policy 54: Open Space, Sport and Recreation

Chichester Local Plan Review Preferred Approach 2016 - 2035

- 7.3 Work on the review of the adopted Local Plan to consider the development needs of the Chichester Plan Area through to 2036 is now well underway. Consultation on a Preferred Approach Local Plan has taken place and following detailed consideration of all responses to the consultation, it is intended that the Council will publish a Submission Local Plan under Regulation 19 in March 2022. Following consultation, the Submission Local Plan will be submitted to the Secretary of State for independent examination. In accordance with the Local Development Scheme, it is anticipated that the new Plan will be adopted by the Council in 2023. However, at this stage, it is considered that very limited weight can be attached to the policies contained within the Local Plan Review.

National Policy and Guidance

- 7.4 Government planning policy now comprises the revised National Planning Policy Framework (NPPF 2019), which took effect from 19 February 2019. Paragraph 11 of the revised Framework states that plans and decisions should apply a presumption in favour of sustainable development, and for decision-taking this means:

c) approving development proposals that accord with an up-to-date development plan without delay; or

d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

i. the application of policies in this Framework that protect areas of assets of particular importance provides a clear reason for refusing the development proposed; or

ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

7.5 Consideration should also be given to the following paragraph and sections: Sections 2 (Achieving Sustainable Development), 4 (Decision-making) and 6 (Building a strong, competitive economy) . The relevant paragraphs of the National Planning Practice Guidance have also been taken into account.

7.6 The aims and objectives of the Chichester in Partnership Community Strategy 2016-2029 which are relevant and material to the determination of this planning application are:

- Maintain low levels of unemployment in the district
- Support local businesses to grow and become engaged with local communities
- Encourage and support people who live and work in the district and to adopt healthy and active lifestyles
- Coordinate and promote services that help those living with low level mental health conditions
- Influence local policies in order to conserve and enhance the qualities and distinctiveness of our area

8.0 Planning Comments

8.1 The main issues arising from this proposal are:

- i. Principle of development and impact upon the local economy
- ii. Impact upon character of the surrounding area
- iii. Noise and vibration
- iv. Impact upon highway safety and parking
- v. Other matters

Assessment

i. **Principle of development and impact upon the local economy**

8.2 The application site comprises the largest of seven business units located within a single commercial building to the southern side of Terminus Road, Chichester. The business units have a lawful flexible use falling within the B1, B2 and B8 Use Classes and this was secured via condition 5 of permission 19/02343/FUL which restricted the use of the units to activities falling within this Use Classes only, with permitted development rights removed for future changes of use. The site is therefore considered to be an employment site for the purposes of Policy 26 of the Local Plan.

8.3 Policy 26 of the Local Plan seeks to ensure that existing employment sites are retained unless marketing evidence has been provided in accordance with Appendix E of the Local Plan demonstrating site is no longer required and is unlikely to be re-used or redeveloped for employment uses. A key criterion of Appendix E of the Local Plan includes a requirement to market the premises for business or similar uses at a realistic rent/price for a period of two years or a reasonable period based on the current economic climate.

- 8.4 During the course of the application, details of the marketing undertaken for the unit have been submitted. All seven business units on the site have been available to let since January 2020, with only one unit being let to a business falling within the B1, B2 and B8 Use Classes within this time. The premises were advertised on three commercial property websites with rent of the units starting from £10 per sq ft per calendar month. The information provided by the developer and marketing agent demonstrates that no interest or enquiries were received in the units during the course of the marketing period.
- 8.5 It is notable that permission was only granted (under reference 19/02343/FUL) on 10th July 2020 for the sub-division of the premises into seven separate units. It is considered that until such a time the units were lawful, confidence from local businesses in entering into a rental agreement to occupy the units would have been low. The current planning application was submitted to the Council on 3rd December 2020, with a view to Optimus Gym occupying the premises. Officers are therefore mindful that the proposal would achieve significantly less than the 18-24 months marketing required by Policy 26 and Appendix E of the Local Plan. The length of marketing undertaken is considered to be a particularly pertinent issue given that Covid-19 is likely to have significantly reduced demand for business units relative to the period before the pandemic. Additionally, there has been no review of the asking price given the lack of interest received, nor have the premises been offered for sale as opposed to rent. The proposal is therefore considered to be contrary to Policy 26 and appendix E of the Local Plan, and the recommendation to permit is contrary to the development plan.
- 8.6 Relevant to the consideration of the application are the comments of support received from the CDC Economic Development officer. These comments identify changing consumer behaviours towards health and wellbeing resulting in an increased demand for health and wellbeing services including gyms. Additionally, it is advised that many business parks include a gym and other leisure facilities as a way to attract business and improve staff experience. The CDC Economic Development officer considers that having a gym in such close proximity to the existing commercial units of Terminus Road, which are predominantly located to the west of the site, will enhance the attraction of the area to new businesses and will in turn result in inward investment and economic growth. The location of the site is towards the eastern periphery of the business units along Terminus Road and in close proximity to Chichester Gate Leisure Park, which is located approximately 150 metres east of the site. As a result, the unit is considered to be situated in an appropriate location for a gym in relation to the established core of business units along Terminus Road.
- 8.7 Other material considerations relevant to the economic impact of the proposal include the direction of travel of National Planning Policy. The Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020 made 20th July 2020 introduced Class E as a new Use Class which amalgamated previous Use Classes not limited to but including the A1, A2, A3 and B1 Use Classes. The result is that many commercial uses now fall within the same use class as indoor sports uses, and no planning permission would be required to change between them. However, in this instance the business use has not commenced within the application unit, and only the uses permitted at the time the application was determined would be authorised. Therefore it remains that planning permission is required for the provision of an indoor sports facility in the application unit, despite other business units having the potential to change without planning permission, however it is considered that the flexibility within commercial uses provided for within the amended Use Class Order and as encouraged by National Planning Policy is a material

consideration. Additionally, the proposal would also provide employment opportunities for up to 23 people as well as bringing a vacant unit into a productive economic use. The proposal would also see an existing business choose Chichester as a site for expansion; with Optimus Gym currently occupying existing premises within Rustington, West Sussex, and the inward investment that new businesses bring to the area are important to the local economy.

8.8 The conflict with Policy 26 and Appendix E of the Local Plan must be balanced against the economic benefits of the proposal. Whilst officers are mindful that support of the proposal would result in a departure from the development plan, it is considered that the benefits identified would such an approach in this instance would outweigh the harm caused by the loss of the business use specified in the planning permission for the site and the conflict with the local planning policy which seeks to retain such business uses. This is on the basis of the; suggested increase in attractiveness of Terminus Road as a location for new businesses, the expected resultant inward investment and economic growth, and the level of employment proposed. Additionally, the location of the site towards the eastern end of Terminus Road, and its close proximity to Chichester Gate to the east, is considered suitable to provide a complimentary use to the business uses along Terminus Road.

ii. Impact upon character of the surrounding area

8.9 The proposed plans show the addition of signage to the northern elevation of the building. The signage has been granted advertisement consent on the 2nd March 2021 and it does not require planning permission and therefore is not a matter for consideration as part of this application. There are no external alterations that require planning permission, and it is considered that the proposed use would not have any significant impacts upon the character of the area given it is a built up area and commercial in character and appearance.

iii. Noise and vibration

8.9 Paragraph 127 of the NPPF states that planning decisions should 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.

8.10 Noise and vibration sensitive receptors potentially affected by the proposal are considered most likely to be adjoining commercial units within the building. There are no residential uses within close proximity to the site.

8.11 The Council's Principal Environmental Protection Officer has commented that a noise and vibration plan should be secured via condition in order to mitigate against impacts to other business units. This approach is considered to be reasonable and proportionate and forms part of the recommendation to permit in the interests of ensuring the proposed use of the site for indoor fitness does not compromise the viability of adjacent units. Subject to the recommended conditions it is considered that the potential impacts can be adequately managed by condition such that the proposal would not be harmful in this respect.

iv. Impact upon highway safety and parking

8.12 Paragraph 109 of the NPPF states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the

residual cumulative impacts on the road network would be severe. Additionally, Policy 39 of the Chichester Local Plan states, amongst other considerations, that development should be designed to minimise additional traffic generation and the level of parking provision should accord with WSCC guidance.

- 8.13 The unit is located within a highly sustainable location, within easy walking distance of both Chichester Train and Bus Stations. WCC Highways indicate that this can be considered to reduce the parking demand for the site to 16 no. spaces. The site would provide 6 no. allocated spaces immediately in front of the building, with overspill of 10 no. spaces onto the public highway. WSCC Highways have indicated that this would be acceptable, particularly as peak hours of use maybe outside normal working hours due to the likely commuter base of the gym.
- 8.14 WSCC raise no highway safety or capacity objections to this proposal but request a condition is included to require the applicant to submit a workplace travel plan, to ensure all efforts are made to recruit and maintain the commuter customer base.
- 8.15 The overall parking provision for all seven units on the site comprises 31 no. spaces to both the front and rear of the main building. It is not considered that the 6 no. parking spaces allocated to the unit would result in a shortfall in parking for the other units on site to the extent that the units would become unviable.
- 8.16 Overall, the scheme is not considered likely to result in highways safety issues and the proposal is acceptable in accordance with the NPPF and Policy 39 of the Chichester Local Plan.

v. Other matters

- 8.17 The proposal has been identified as a potential departure from the development plan and the publicity has been undertaken in accordance with this approach.

Conclusion

- 8.18 Based on the above, it is considered that at a time when the local economy is struggling, the proposal to change the use of a small premises in close proximity to Chichester Gate Leisure Park to a complimentary use that would support Terminus Road remaining as an important employment hub within the district, would outweigh the loss of one commercial unit with a permitted business use. Therefore, in this instance the identified benefits would outweigh the conflict with Policy 26 and Appendix E of Chichester Local Plan. The application would also comply with Policy 1, 2, 3, 8,10,11,39 and 54 of the Chichester Local Plan and the sections 2, 4, 6 and paragraph 127 of the NPPF. The application is therefore recommended for approval.

Human Rights

- 8.19 In reaching this conclusion the Human Rights of the applicants and nearby occupiers have been taken into account and it is concluded that the recommendation to permit is justified and proportionate.

RECOMMENDATION

PERMIT subject to the following conditions and informatives:-

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

Reason: To comply with Section 91 of the Town and Country Planning Act 1990.

- 2) The development hereby permitted shall be carried out in accordance with the plans listed below under the heading "Decided Plans"

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

- 3) No part of the development shall be first occupied until a Travel Plan has been submitted to and approved in writing by the Local Planning Authority. The Travel Plan once approved shall thereafter be implemented as specified within the approved document in perpetuity. The Travel Plan shall be completed in accordance with the latest guidance and good practice documentation as published by the Department for Transport or as advised by the Highway Authority.

Reason: To encourage and promote sustainable transport.

- 4) The use hereby permitted shall not commence nor shall the premises be fitted out with sound amplification equipment unless and until a Noise and Vibration Management Plan has been submitted to and approved in writing by the Local Planning Authority. The Noise and Vibration Management Plan shall be informed by a professional noise assessment so as to ensure that noise associated with the business is controlled without adverse impact on residents and businesses; and shall include steps to effectively manage the following sources of noise and vibration:

- a) Customers (including their vehicles) using the premises, particularly between the hours of 2300 and 0700;
- b) Music, plant or other equipment used for heating, ventilation, air conditioning or other operational needs, and,
- c) The use of gym equipment giving particular regard to structure-borne noise and vibration.

The Noise and Vibration Management Plan shall demonstrate that all likely noise sources have been identified and evaluated; and controlled by good acoustic design where possible, supported by suitable management controls including operational hours. The Noise and Vibration Management Plan shall be implemented and thereafter maintained in full accordance with the approved details, and shall not be altered without the prior written approval of the Local Planning Authority.

Reason: To protect the amenity of neighbouring properties.

- 5) No part of the development shall be first occupied until the car parking has been provided in accordance with the approved site plan. These spaces shall thereafter be retained at all times for their designated purpose.

Reason: To provide adequate parking provision for the use.

- 6) The use hereby permitted shall not commence unless and until covered and secure cycle parking spaces have been provided in accordance with plans and details that shall first have been submitted to and approved by the Local Planning Authority. Thereafter the cycle parking shall be retained for that purpose in perpetuity.

Reason: To provide alternative travel options to the use of the car in accordance with current sustainable transport policies.

- 7) No sound reproduction or amplification equipment (including public address systems and loudspeakers) which is audible at the site boundary shall be installed or operated at any time on the site without the prior written consent of the Local Planning Authority.

Reason: In the interests of amenity and to ensure the use of the site does not have a harmful environmental effect

- 8) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting or amending that Order) the premises hereby approved shall be used only for purposes within Use Classes E, B2 and B8 as defined in the Town and Country Planning (Use Classes) Order, 1987 (or any Order revoking and re-enacting or amending that Order) and for no other use whatsoever.

Reason: In the interest of the amenity of the area.

Decided Plans

The application has been assessed and the decision is made on the basis of the following plans and documents submitted:

Details	Reference	Version	Date Received	Status
PLAN - Existing floor plan	3920-00		01.02.2021	Approved
PLAN - Existing block and location plan	3920-001		01.02.2021	Approved
PLAN - Proposed floor plan	3920-002		01.02.2021	Approved
PLAN - Proposed floor plan	3920-002A		01.02.2021	Approved
PLAN - Proposed elevations	3920-003		01.02.2021	Approved

INFORMATIVES

1) The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

For further information on this application please contact William Price on 01243 534734

To view the application use the following link - <https://publicaccess.chichester.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=QMZCSMER10R00>