

11. 18/1376/FUL- Change of use of existing building from Office (Use Class B1) to 24 hour gym (Use Class D2) at UNIT 4 WOLSEY BUSINESS PARK, TOLPITS LANE, WATFORD, WD18 9BL (DCES)

Parish: Batchworth Community Council Ward: Moor Park and Eastbury
Expiry of Statutory Period: 17.09.2018 (Agreed extension) Case Officer: Claire Wilson

Recommendation: That Planning Permission is Refused.

Reason for consideration by the Committee: This application has been called in by three Members of the Planning Committee.

1 Relevant Planning History

1.1 There is extensive planning history relating to Unit 4 Wolsey Business Park, the most recent planning applications are as follows:

1.2 15/1184/PDR - Prior Notification: Change of use from Office (Class B1) to 36 Residential units (Class C3). Application permitted.

1.3 16/2241/PDR - Prior Notification: Change of use from Office (Class B1) to 60 Residential units (Class C3). Application withdrawn.

1.4 17/0015/OUT: Outline Application: Demolition of 2 x 3 storey office buildings (Units 3 and 4 Wolsey Business Park). Construction of replacement buildings to include office (Class B1) and residential use (332 apartments) with associated facilities and underground parking for 851 cars (all matters reserved). Application refused. Appeal dismissed.

1.5 17/0112/PDR - Prior Notification: Change of use from Office (Class B1) to 60 Residential units (Class C3). Refused. Appeal dismissed.

1.6 17/1015/OUT: Outline Application: Part demolition of existing building and erection of replacement building to include 60 residential units and parking (all matters reserved). Application refused. Appeal dismissed

1.7 17/1104/PDR - Prior Notification: Change of use from Office (Class B1) to 36 Residential units (Class C3). Application refused.

1.8 17/1493/PDR - Prior Notification: Change of use from Office (Class B1) to 36 Residential units (Class C3). Application refused

1.9 17/1622/PDR - Prior Notification: Change of use from Office (Class B1) to 60 Residential units (Class C3). Application refused.

1.10 17/1179/OUT: Outline Application: Demolition of 2 x 3 storey office buildings (Units 3 and 4 Wolsey Business Park). Construction of replacement building to include 643 flats with underground parking for 1176 cars (all matters reserved). Application refused. Appeal dismissed.

2 Description of Application Site

2.1 The application site forms part of Wolsey Business Park which is located between Rickmansworth and Watford with access from a roundabout on Tolpits Lane (A4145). The site is boarded to the east by Unit 3 (currently in temporary use as a school), with Dwight Road beyond, to the west by neighbouring Orbital 25 Business Park, to the south by Tolpots Lane (A4145) and to the north by Dwight Road the Business Park's private access road. Dwight Road is an unclassified local access road with a 30mph speed limit which

joins Tolpits Lane, a principal A (main distributor) road with a 40mph speed limit, at the northern spur of the roundabout.

- 2.2 The existing building is three storeys in height and of red brick construction in a contemporary design with shallow pitched roof. The existing building is of a similar style to the adjacent unit, Unit 3 Wolsey Business Park. The front elevation of the existing building faces onto the car park, with the rear elevation running parallel to Tolpits Lane, but separated from the road by a landscaped verge.
- 2.3 Other buildings in the vicinity of the site within the business park are two and three storeys in height and are predominantly flat roofed in their design. The immediate context of the site is commercial; however, there are three residential properties opposite the roundabout on Tolpits Lane to the south east of the site. In addition, there are residential flats immediately to the west known as the Nib and Fitzroy House.
- 2.4 The lawful use of the existing building is Class B1 office. The application site is located within a designated employment area as identified in Policy SA2: 'Employment Site Allocations' (Site ref: E(b) Tolpits Lane) in the Site Allocations Local Development Document (adopted November 2014). In October 2016 the Council confirmed an Article 4 Direction to remove permitted development rights in relation to the conversion of office space (Use Class B1a) to residential (Use Class C3) on certain employment areas in the District, including Tolpits Lane. This came into effect on the 5 August 2017.

3 Description of Proposed Development

- 3.1 The applicant is seeking full planning permission for a change of use of the existing building from Office (Use Class B1) to a 24 hour gym (Use Class D2).
- 3.2 The proposed use would be located across all floors of the existing building and would include gym equipment, studio areas, spin areas and changing facilities. No external changes are proposed to the existing building. The supporting statement specifies the following:

The application is submitted on behalf of PumpGyms Limited who operate a membership based 24 hour gym facility that offers equipment training, on site fitness staff and personal training as well as a range of fitness classes including pilates, yoga, spin and boxercise. The gym currently operates from premises in Watford Business Park.

In order to expand the popular gym facility PumpGyms Limited have been searching for a suitable and larger premises in which to relocate the business in the Watford area for some time. They have considered existing retail and leisure properties and also existing office buildings that may be suitable for conversion into gym use.

- 3.3 The proposed use would create 20 full and part time jobs.
- 3.4 There would be no alterations to the existing vehicular access to the site. 71 car parking spaces would be retained to the front of the building.

4 Consultation

4.1 Statutory Consultation

- 4.1.1 Batchworth Community Council: No comments received. Any comments will be verbally updated to Committee.
- 4.1.2 Hertfordshire Highways: [No objection]

Notice is given under article 18 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 that the Hertfordshire County Council as

Highway Authority does not wish to restrict the grant of permission subject to the following conditions:

Condition (construction management):- The development shall not commence until full details of all proposed construction vehicle access, movements, parking arrangements and dust control facilities have been submitted to and approved in writing by the Local Planning Authority. The relevant details should be submitted in the form of a Construction Management Plan and the approved details shall be implemented throughout the construction programme.

Reason;-To minimise danger, obstruction and inconvenience to users of the highway in accordance with Policies CP1 and CP10 of the Core Strategy (adopted October 2011) and Policy DM13 and Appendix 5 of the Development Management Policies LDD (adopted July 2013).

Highway Comments:-This application relates to alterations to the existing building to accommodate a change use from office (B1) to a 24 hour gym facility. The details submitted for consideration include a Planning Statement document providing information on the following:

Site access arrangements. The existing access to the site from the highway network is from a priority junction on Dwight Road. This is located close to the junction with the main highway network of Tolpits Lane (A4145) where visibility to and from approaching traffic is of an acceptable standard. The development site is provided with footway access but these do not extend out to Tolpits Lane and the wider highway network. Pedestrian access to the surrounding area is restricted to the rural link (Ebury Way) to the north of Dwight Road which is not surfaced or provided with lighting.

Parking and Servicing. The details submitted propose the retention of the existing car parking provision on site for 71cars. The Local Planning Authority is asked to give consideration to this provision in relation to its current standards. The details submitted identify a small area within the car park for the proposed storage of refuse bins. The positioning of these bins will therefore not create any obstruction to the passage of traffic on the adjacent highway.

Trip Generation. The number of car based trips generated by the proposed development will be reduced compared to the previous use of the site during both daily peak travel periods. The nature of the development and its use by employees of adjacent businesses may deliver some spreading of arriving and departing times of vehicular trips as a consequence of the use of the gym at either end of the working day.

Existing Sustainable Travel Modes. The restricted pedestrian and cycling links identified above do not encourage travel by sustainable modes. The nearest access to bus services is via the stops on Greenhill Crescent. The available pedestrian route to and from these facilities is along a rural, unsurfaced and unlit section of Ebury Way. The Highway Authority therefore does not consider that the existing pedestrian routes encourage patronage of the existing bus services by future users of the development.

Highway Summary. When considered against the previous use of the site, the vehicular traffic generated by the proposed development is not expected to have a negative impact on users of the adjacent highway network. The Highway Authority requests that formal consideration is given to all construction vehicle movements and parking arrangements to ensure that any inconvenience to users of the adjacent sites and the highway network is kept to a minimum. The Highway Authority therefore does not raise any objection to the application subject to confirmation of the suggested planning condition identified above.

4.1.3 Development Plans: [Object]

This application seeks approval for the change of use of an existing building (B1 use) to a gym (D2 use). The application site is located in the Tolpits Lane employment site, an allocated employment area in the Site Allocations LDD (adopted 2014) (site E(b)).

Policy SA2 of the Site Allocations LDD states that allocated employment sites will be safeguarded for business, industrial and storage or distribution uses. The introduction of a D2 use class to the site would not safeguard the business, industrial, storage and distribution uses on the site and subsequently, the application does not comply with Policy SA2. Policy CP6(j) of the Core Strategy (adopted 2011) similarly states that the sustainable growth of the Three Rivers economy will be supported by continuing to focus employment use within key employment areas, including Tolpits Lane. The Application Form states that a total of 20 full-time employees would be employed through the change of use; although this signifies an increase in employment, such an increase is likely to be minor in comparison to the uplift that would result from future occupation of the vacant site within its existing B1 use class. The proposal would not continue to focus employment use at the site and within the allocated employment area and therefore conflicts with Policy CP6(j).

The proposal would result in a loss of 1,954sq metres of office floorspace. Policy CP6(n) of the Core Strategy states that the sustainable growth of the Three Rivers economy will be supported by releasing office space from employment use where this is expected to be surplus to employment needs across the plan period, as indicated by an up to date Employment Land Study. The South West Herts Economic Study (2016) has forecasted the need for an increase in 40,000-60,000sq meters of employment floorspace in Three Rivers up until 2036. The South West Herts Economic Study also predicts a significant increase in demand for office space across the South West Herts area (a demand for 460,000sq meters up until 2036). These figures indicate that the level of existing office floorspace in the District is not surplus to future employment needs and highlights a need to safeguard existing employment floorspace in the District. The South West Herts Economic Study indicates that as of April 2015, Three Rivers has 33,000sqm of vacant office space; it is identified that this available office space would comprise 3.5 years of supply in the District (paragraph 5.29, South West Herts Economic Study). The Three Rivers Local Plan period looks further than a timeframe of 3.5 years and Policy CP6 seeks to ensure that employment needs are met beyond this. This further strengthens the need to protect existing office floorspace in order to meet future needs. It is worth noting that the figures in the South West Herts Economic Study may change in the future, as an update to the study will be published in due course.

Paragraph 3.32 of the South West Herts Economic Study refers to findings from the London Arc study (2009), which predicts an oversupply of office floorspace over the period of 2006-2026. The London Arc study precedes the findings of the South West Herts Economic Study, which predicts an undersupply up until 2036 (as previously stated). The South West Herts Economic Study also recognises that since the publication of the London Arc study, some sites have been converted to housing land meaning that the forecast surplus of office space in the London Arc study has not been realised.

In October 2016, the introduction of an Article 4 Direction to remove Permitted Development Rights from the employment area demonstrates the Council's commitment to retaining the Tolpits Lane site as an important location for employment within the District. The Article 4 Direction accounts specifically for C3 use, rather than other use classes (such as D2); this is because C3 use posed the main threat to safeguarding the employment use (Part B uses) of the Tolpits Lane employment allocation. Preceding the introduction of the Article 4 Direction, a total of four Prior Approvals on the Tolpits Lane site resulted in the loss of office space due to Permitted Development Rights. Additionally, the change of use from a B1 use class to a D2 use class cannot be approved through the Prior Approval process; subsequently, an Article 4 Direction specifically relating to a D2 use class is not considered necessary to prevent the loss of office floorspace on the

employment site. Although the application does not propose a change of use to a C3 use class, the proposed D2 use class would not be likely to generate a significant uplift in employment. As previously stated, an increase in 14 full-time employees is not considered to represent a significant uplift in employment. The existing Article 4 Direction, although not relating to D2 use, still signifies the Council's commitment to and the importance of safeguarding the site's allocated employment use and retaining the B1 use within it.

The South West Herts Economic Study notes that Tolpits Lane Business Park is a medium sized employment site which is 'well occupied', accommodating a mix of B1, B2 and B8 activities (paragraph 8.135). These use classes denote the range of employment activities and sectors which the study identifies the business park as catering for. The replacement of an existing B1 use class with a D2 use class at the application site would not conform to the range of employment activities and sectors currently generated within the business park, as identified in the South West Herts Economic Study. The South West Herts Economic Study recognises that there is 'little evident development potential' on the Tolpits Lane site, due to the intensively developed nature of the business park. The identified lack of development capacity further signifies a need to protect the existing floorspace of the site for employment use, specifically those falling within a Part B use.

Policy DM12 of the Development Management Policies LDD (adopted 2013) seeks to provide new or enhanced facilities wherever possible. Policy DM12 states that where development proposals are submitted for new or improved leisure facilities, they should be accessible by sustainable modes of transport.

4.1.4 National Grid: [No objection]

Should you be minded to approve this application please can the following notes be included an informative note for the Applicant.

Considerations in relation to gas pipeline/s identified on site:

Cadent have identified operational gas apparatus within the application site boundary. This may include a legal interest (easements or wayleaves) in the land which restricts activity in proximity to Cadent assets in private land. The Applicant must ensure that proposed works do not infringe on Cadent's legal rights and any details of such restrictions should be obtained from the landowner in the first instance.

If buildings or structures are proposed directly above the gas apparatus then development should only take place following a diversion of this apparatus. The Applicant should contact Cadent's Plant Protection Team at the earliest opportunity to discuss proposed diversions of apparatus to avoid any unnecessary delays.

If any construction traffic is likely to cross a Cadent pipeline then the Applicant must contact Cadent's Plant Protection Team to see if any protection measures are required. All developers are required to contact Cadent's Plant Protection Team for approval before carrying out any works on site and ensuring requirements are adhered to.

Email: plantprotection@cadentgas.com Tel: 0800 688 588

4.2 **Public/Neighbour Consultation**

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|-------|-----------------------|-------------------|---------------------------|-------------------|
| 4.2.1 | Number consulted: | 97 | No of responses received: | 1 |
| 4.2.2 | Site Notice: | Expiry 09.08.2018 | Press notice: | Expiry 03.08.2018 |
| 4.2.3 | Summary of Responses: | | | |

Support as it brings additional support to small local business enhancing the services available to our employees and making it easy to attract and retain talent locally.

By having the gym on the doorstep it will mean that it is more likely more of our staff will use it as it will be easy to access, and promoting health and well being within the workforce.

From the plans I see there will be no need to remove any of the trees or disturb any of the current external environment and habitats of the wildlife we see locally, again this can only be seen as a good thing.

5 Reason for Delay

5.1 Committee cycle.

6 Relevant Planning Policy, Guidance and Legislation

6.1 National Planning Policy Framework and National Planning Practice Guidance

On 24 July 2018 the new National Planning Policy Framework was published. This is read alongside the National Planning Practice Guidance (NPPG). The determination of planning applications is made mindful of Central Government advice and the Local Plan for the area. It is recognised that Local Planning Authorities must determine applications in accordance with the statutory Development Plan, unless material considerations indicate otherwise, and that the planning system does not exist to protect the private interests of one person against another. The 2018 NPPF is clear that “existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, according to their degree of consistency with this Framework”.

The NPPF states that ‘good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities’. The NPPF retains a presumption in favour of sustainable development. This applies unless any adverse impacts of a development would ‘significantly and demonstrably’ outweigh the benefits.

6.2 The Three Rivers Local Plan

The application has been considered against the policies of the Local Plan, including the Core Strategy (adopted October 2011), the Development Management Policies Local Development Document (adopted July 2013) and the Site Allocations Local Development Document (adopted November 2014) as well as government guidance. The policies of Three Rivers District Council reflect the content of the NPPF.

The Core Strategy was adopted on 17 October 2011 having been through a full public participation process and Examination in Public. Relevant policies include Policies CP1, CP6, CP9, CP10 and CP12.

The Development Management Policies Local Development Document (DMLDD) was adopted on 26 July 2013 after the Inspector concluded that it was sound following Examination in Public which took place in March 2013. Relevant policies include DM6, DM10, DM11, DM12, DM13 and Appendix 5.

The Site Allocations Local Development Document (SALDD) was adopted on 25 November 2014 having been through a full public participation process and Examination in Public.

6.3 Other

The Community Infrastructure Levy (CIL) Charging Schedule (adopted February 2015).

The Localism Act received Royal Assent on 15 November 2011. The growth and Infrastructure Act achieved Royal Assent on 25 April 2013.

The Wildlife and Countryside Act 1981 (as amended), the Conservation of Habitats and Species Regulations 2010, the Natural Environment and Rural Communities Act 2006 and the Habitat Regulations 1994 may also be relevant.

7 Planning Analysis

7.1 Principle of Development

7.1.1 Policy CP6 of the Core Strategy relates to Employment and Economic Development. This states that the sustainable growth of the Three Rivers economy will be supported by

j) *'continuing to focus employment use within key employment areas within the district: Leavesden Aerodrome, Croxley Business Park, Tolpits Lane, Maple Cross/Maple Lodge, Kings Langley Employment Area, Carpenders Park West, Rickmansworth Town Centre*

n) *releasing office space from employment use where this is expected to be surplus to employment needs across the plan period as indicated by an up to date Employment Land Study.*

7.1.2 Policy SA2 of the Site Allocations LDD is also relevant and allocates Tolpits Lane including Wolsey Business Park as a designated Employment Area. Allocating land as key employment areas protects existing employment uses and directs new employment uses to these areas. Policy SA2 states that *'employment uses include offices, factories, warehousing and light industrial'*. The South West Herts Economic Study (2016) notes that Tolpits Lane is a medium sized employment site which is 'well occupied' accommodating a mix of B1, B2 and B8 activities.

7.1.3 In this case, the proposed development would result in the loss of 1954sqm of office space in a designated Employment Area. As set out above, Policy CP6 does state that office space can be released where there is expected to be a surplus of supply as indicated by an up to date Employment Land Study. However, the South West Herts Economic Study (2016) has not forecasted a surplus of supply, but instead has forecasted the need for an increase in 40,000-60,000sq metres of employment space in Three Rivers up until 2036, with a predicted increased demand in office space across South West Herts (a demand for 460,000sq metres up until 2036). These figures therefore indicate that the existing office space within the district is not surplus to future employment needs and that existing employment floor space must be safeguarded. It is noted that the existing building is currently vacant, however, the application is not supported by any additional information which sets out that the existing building has been marketed and the length of time for.

7.1.4 In October 2016, the introduction of an Article 4 Direction to remove permitted development rights from the employment area demonstrates the Council's commitment to retaining the Tolpits Lane site as an important employment location within the District. It is acknowledged that the Article 4 Direction accounts specifically for C3 (residential) use, rather than other use classes, however, this is because C3 use posed the main threat to safeguarding employment uses. Preceding the introduction of the Article 4 Direction, a total of four Prior Approvals on the wider Tolpits Lane site resulted in the loss of office space due to Permitted Development Rights. The need for employment land to be safeguarded was also emphasised in recent appeal decisions relating to the application site and Building 3 Wolsey Business Park (applications 16/2079/OUT, 16/2735/OUT, 17/0015/OUT, 17/0046/OUT and 17/1179/OUT), all of which resulted in a loss of office space. The Inspector made the following comments:

The Appellant points out that the ES (Economic Study) takes into account neither that, at the time of the Study, Unit 3 was in temporary use as a school, nor the conversion of Kenwood House to residential use. However, it could be argued that these factors act to diminish supply, making retention of the remaining supply all the more important. In addition, the ES observes that office supply in South West Herts has been adversely affected by a large number of conversions of office accommodation to residential use under PDR.

Overall, the ES does not appear to indicate the presence of a surplus of office space necessary to allow release under CS Policy CP6(n).

- 7.1.5 In addition, in summarising the effects of the loss of employment space, the Inspector concluded:

All of the schemes considered here, except Appeal H scheme, include replacement office floorspace, described by the Appellant as Grade A space. In addition, the complementary retail and leisure facilities, and subsidised bus service proposed for the first five years, might help compensate for the site's relative inaccessibility and attract greater office use. However, the schemes involve a 60% to 65% loss in office floorspace, or 100% for Appeal H scheme.

This loss is significant and would certainly conflict with CS Policy CP6 and NPPF. Some temporary employment benefit would spring from the construction phase of the proposals, but this would bring little benefit in the long run. Any benefit to the sustainable technologies industry would probably be of little local relevance. The PDR fall-back position is considered below. However, on the analysis made within this issue, the effects of the proposals on employment land supply are significantly harmful.

- 7.1.6 An additional statement submitted by the applicant during the course of the current application sets out the following:

We also note the contents the conjoined appeal decision you referred us to but again the appeal schemes were for a predominantly housing led development within the allocated employment site and therefore we do not consider it is relevant in the determination of this application.

In terms of planning policy paragraph 5.47 of the Three Rivers Core Strategy states; "Economic development includes development within the B Use Classes, public and community uses, leisure and tourism uses and main town centre uses. It also includes any other development which provides employment opportunities, generates wealth or produces or generates an economic output or product. It does not include housing development". Clearly the proposal falls within the category of 'other development' which provides employment opportunities. It is therefore economic development that should be supported.

- 7.1.7 The above comments are noted, however, the quoted statement from the Core Strategy specifically refers to B class uses. A gym does not fall within this use class and therefore cannot be considered as employment space in the same way as a traditional B class use. Whilst it is acknowledged that some employment would be generated by the proposed use, the proposed D2 use class would not be likely to generate a significant uplift in employment in the same way that a retained office use would. As previously stated, an increase in 20 full-time/part time employees is not considered to represent a significant uplift in employment. It is also acknowledged that the existing building is currently vacant, however, no supporting information has been submitted which indicates that the building has been marketed and for the period of time which it has been marketed for. In addition, although the dismissed schemes were housing led, the Inspector noted that all of the schemes included replacement office floorspace, and even with this, the loss was still

considered significant. It is therefore considered that the appeal decision does not just suggest that only housing development is unacceptable, but that the loss of employment space as a whole would be.

- 7.1.8 The applicant has also stated in support of the application that the proposed use would allow for the expansion of a local business and in addition would provide a service to staff employed by nearby commercial operators. The proposed 24 hour use would therefore suit varying working patterns. Whilst this benefit is acknowledged, it would not outweigh the harm of the development caused by loss of employment space.
- 7.1.9 In summary, the development by reason of the loss of Class B1 (office) floor space in an allocated Employment Area would be an unacceptable form of development which would undermine the Spatial Strategy for the district. The proposal would therefore be contrary to Policies CP1 and CP6 of the Core Strategy (adopted October 2011) and Policy SA2 of the Site Allocations LDD (adopted November 2014).

7.2 Design

- 7.2.1 Policy CP1 of the Core Strategy (adopted October 2011) seeks to promote buildings of a high enduring design quality that respect local distinctiveness and Policy CP12 of the Core Strategy (adopted October 2011) relates to design and states that in seeking a high standard of design the Council will expect development proposals to 'have regard to the local context and conserve or enhance the character, amenities and quality of an area'. Development should make efficient use of land but should also respect the 'distinctiveness of the surrounding area in terms of density, character, layout and spacing, amenity, scale, height, massing and use of materials'; 'have regard to the local context and conserve or enhance the character, amenities and quality of an area' and 'incorporate visually attractive frontages to adjoining streets and public spaces'.
- 7.2.2 The proposed change of use would result in no external alterations to the existing building and as such no objection is raised in this regard. Any signage proposed would require separate advertisement consent.

7.3 Impact to Neighbours

- 7.3.1 Policy CP12 of the Core Strategy states that development should 'protect residential amenities by taking into account the need for adequate levels and disposition of privacy, prospect, amenity and garden space'.
- 7.3.2 The nearest residential dwellings are located to the west of the site at The Nib and Fitzroy House. The proposed development would not result in any external changes to the building and therefore there would be no impact to neighbours in this regard. With regard to the use, the applicant has specified that this would be a 24 hour facility and therefore there would be additional activity generated during the night (relative to that what you would anticipate from the lawful use as an office). However, it is not anticipated that this would generate a significantly increased level of activity such that it would result in unacceptable noise and disturbance to neighbouring residential properties. As such, no objection is raised in this regard.

7.4 Highways and Car Parking

- 7.4.1 Policy CP10 of the Core Strategy relates to transport and travel and advises that development should provide a safe and adequate means of access and that sufficient off street car parking provision should be provided.
- 7.4.2 The Highways Officer has raised no objection with regard to the proposed use advising that the vehicular traffic generated by the proposed development would not be expected to have a negative impact on the adjacent highway network. In addition, the Highways Officer has noted that the nature of the development and its use by employees of adjacent

businesses may deliver some spreading of arrival and departure times of vehicular trips as a consequence of the use of the gym at either end of the working day. A condition has been requested concerning the submission of a construction management plan to ensure that construction activities do not have any significant impact on the safety of the highway network.

- 7.4.3 Policy DM13 and Appendix 5 of the Development Management Policies LDD sets out car parking standards for developments. This states that for fitness centres and sports clubs, 1 space should be provided per 22sqm of floorspace (1000sqm threshold). This would generate a requirement for 88.8 car parking spaces. The existing car park has a total of 71 car parking spaces, therefore there would be a shortfall of 17.8 car parking. However, in this case no objection is raised in this regard. The nature of the use is such that it is unlikely that all car parking spaces would be occupied at once. Furthermore, if users of adjacent buildings are utilising the facility, they may choose to walk from their place of work to the new facility. Furthermore, it is noted that for non-residential development, a zonal reduction can be applied. Appendix 5 of the Development Management Policies LDD sets out that for developments located in Zone 4, 75%-100% of the indicative demand based standard can be provided. This would equate to a requirement of 66.6 car parking spaces (at 75%).

7.5 Wildlife and Biodiversity

- 7.5.1 Section 40 of the Natural Environment and Rural Communities Act 2006 requires Local Planning Authorities to have regard to the purpose of conserving biodiversity. This is further emphasised by regulation 3(4) of the Habitat Regulations 1994 which state that Councils must have regard to the strict protection for certain species required by the EC Habitats Directive.

- 7.5.2 The protection of biodiversity and protected species is a material planning consideration in the assessment of applications in accordance with Policy CP9 of the Core Strategy (adopted October 2011) and Policy DM6 of the DMLDD. National Planning Policy requires Local Authorities to ensure that a protected species survey is undertaken for applications that may be affected prior to determination of a planning application. The nature of the development is such that there would be no impact on any protected species.

7.6 Trees and Landscaping

- 7.6.1 No trees or significant areas of landscaping would be affected by the development.

8 **Recommendation**

- 8.1 That PLANNING PERMISSION BE REFUSED for the following reason:

R1 The proposed development would result in the loss of Class B1 (office) floor space in an allocated Employment Area, undermining the Spatial Strategy for the district. The proposal would therefore be contrary to Policies CP1 and CP6 of the Core Strategy (adopted October 2011) and Policy SA2 of the Site Allocations LDD (adopted November 2014).

- 8.2 Informatives:

I1 The Local Planning Authority has been positive and proactive in considering this planning application in line with the requirements of the National Planning Policy Framework and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015. The Local Planning Authority encourages applicants to have pre-application discussions as advocated in the NPPF. The applicant did not have formal pre-application discussions with the Local Planning Authority and the proposed development fails to comply with the

requirements of the Development Plan and does not maintain/improve the economic, social and environmental conditions of the District.