

REPORT OF HEAD OF DEVELOPMENT MANAGEMENT

2 - 6 Chettles Trade Park, Midland Way

1 SUMMARY

Application No: 13/00962/PFUL3 for planning permission

Application by: Think Architecture And Design on behalf of Xercise4Less

Proposal: Conversion to health and fitness club and alterations to existing service yard to create additional car parking.

The application is brought to Committee because it is a major scheme and similar proposals relating to this property have previously been considered by Committee.

To meet the Council's Performance Targets this application should be determined by 6th August 2013

2 RECOMMENDATIONS

GRANT PLANNING PERMISSION for the reasons set out in this report, subject to the conditions substantially in the form of those listed in the draft decision notice at the end of this report.

Power to determine the final details of the conditions to be delegated to the Head of Development Management.

3 BACKGROUND

3.1 The Chettles Trade Park is part of a mixed use development on 6.28 Ha of former industrial land alongside the River Leen in Radford, generally referred to as Chettles Yard. The development comprises a large proportion of student accommodation, some retail units at its southern end fronting Wollaton Road, a Magnet trade warehouse and two blocks of industrial units.

3.2 The two elongated blocks of industrial units are aligned along the western boundary, backing onto the adjacent railway line. They are accessed by Midland Way, the Chettles Yard spine road which links New Road to the north with St Peters Street to the south and serves the entire development. The northernmost block comprises 9 units and is known as Genesis Park. It was constructed as part of the first phase of development and has been in use for a number of years. It is currently fully occupied. The Chettles Trade Park is the southernmost block which was completed approximately 4 years ago. It comprises 7 units (2 x 464 sqm and 5 x 315 sqm), all of which are currently vacant.

4 DETAILS OF THE PROPOSAL

- 4.1 The proposal is to convert the 5 southernmost units (Use class B1/B8) within the Chettles Trade Park (2 x 464sqm and 3 x 315 sqm units) to a health and fitness club (Use Class D2). The club would have a combined ground floor area of 1,873 sqm with an additional 995 sqm mezzanine. Externally the principal change will be to the east elevation with the introduction of a new glazed entrance screen and doors within the opening of the existing roller shutter door, together with business branding / signage which is subject to a separate advertisement application.
- 4.2 The units' car parking and servicing areas would be reconfigured to provide 68 car parking spaces including 5 disabled spaces (currently there are 30 spaces to serve these units), 22 cycle parking spaces and 8 motorcycle spaces. Internally all the dividing walls would be removed.
- 4.3 The health and fitness club would provide changing facilities including WC's, showers and lockers, with separate disabled WC / shower on the ground floor. The intended occupants, Xercise4less, are looking to expand their business into Nottingham; they already run clubs in Leeds, Bolton, Wakefield, Castleford, Wigan, Stockton, Doncaster and Hull, with one opening shortly in Newcastle under Lyne, and won the "Budget gym of the year award in 2012".
- 4.4 The developer is offering local employment and training opportunities during the operational phase of the development. The mechanisms for providing these benefits will be by way of a S106 obligation.

Relevant Planning History

- 4.5 Planning reference 10/02228/PFUL3 proposing a change of use to a children's indoor playcentre (use class D2) was refused in August 2010 due to concerns about the loss of good quality industrial premises and the out of centre location of this leisure use.
- 4.6 The same proposal was resubmitted in 2011 under reference 11/02400/PFUL3 and subsequently granted. This decision recognised the shift in national planning policy which encouraged planning authorities to say 'yes' to sustainable development which generates jobs and will assist economic growth. Furthermore, the units had remained vacant, having been marketed without success.

The approved use as a play centre has not been implemented.

5 CONSULTATIONS AND OBSERVATIONS OF OTHER OFFICERS

Adjoining occupiers consulted:

1-8 Chettles Trade Park.

Application also advertised by a site notice. The expiry date was 12 July 2013 and no comments have been received.

Additional consultation letters sent to:

Pollution Control: No comments.

Highways: No objections to proposal subject to the inclusion of conditions requiring no occupation until car, motorbike and covered cycle parking has been provided, and a full travel plan to be submitted within 6 months of occupation.

Environment Agency: No objections. The proposal is located in an area of flood risk and it would be advisable to incorporate flood resilience construction techniques if at all feasible. Within the vicinity of the building are small flood defences that may not be adjacent to the river and may not look important. Any new development or redevelopment will need to take these structures into consideration.

6 RELEVANT POLICIES AND GUIDANCE

National Planning Policy Framework:

The NPPF emphasises the important role that planning plays in delivering sustainable development. Paragraph 7 explains that key to this is building a strong, responsive and economy, supporting strong, vibrant and healthy communities and by protecting and enhancing the environment. Paragraph 14 states that development should be approved, without delay, where it accords with the development plan.

Nottingham Local Plan (November 2005):

ST1 - Sustainable Communities. Complies

E4 - Previously Used Employment Sites. Complies

R8 - Recreation Uses outside Centres. Complies

BE2 - Layout and Community Safety. Complies

BE3 – Building Design and Residential Amenity. Complies

T1 - Location of development. Complies

T3 - Car, Cycle and Servicing Parking. Complies

7. APPRAISAL OF PROPOSED DEVELOPMENT

Main Issues

- (i) The loss of the industrial premises
- (ii) The suitability of the proposed leisure use in this location and its impact in terms of traffic and parking

(i) The loss of the industrial premises (Policies E4 and ST1)

- 7.1 Chettles Yard is allocated for industrial development in the Local plan (E2.14). However the mixed use development that was approved for the site was based upon a development brief that aimed to bring about its regeneration by reallocating part of the site for retail and residential uses. The approved development was also responding to the considerable need at that time for purpose built student accommodation; the site was particularly well suited in this regard given its proximity to the Jubilee Campus.

- 7.2 Policy E4 of the Local Plan states that planning permission will be granted for proposals which enable the regeneration of previously-used employment sites and premises subject to a number of criteria, amongst which is the need to demonstrate that there is a sufficient quantity and range of alternative employment sites and premises. This policy is primarily aimed at bringing forward the regeneration of older, redundant employment sites and premises which no longer meet the needs of modern businesses.
- 7.3 The principal of loss of employment premises to an alternative use has already been established with the granting of planning permission reference 11/02400/PFUL3 for the playcentre which is still extant. Since the previous refusal in August 2010, the shift in national planning policy has been reinforced by the National Planning Policy Framework (2012). Furthermore, the units have not been occupied since their construction some 4 years ago in spite of being actively marketed.
- 7.4 Employment densities show that an industrial (B1, B2 or B8) unit of comparable size to the application site has the potential to accommodate between 16 to 40 jobs dependent upon the use. The proposed use would provide 40 jobs both part time and full time equating to 30 full-time equivalents and is therefore within this range. It is therefore considered that the change of use of these units would continue to provide employment opportunity and comply with Policy E4.

(ii) The suitability of the proposed leisure use in this location and its impact in terms of traffic and parking (Policies R8, BE2, BE3, T1 and T3)

- 7.5 Policies R8 and T1 of the Local Plan direct leisure uses which would generate significant travel demand towards the City, Town and Local Centres. Where no suitable sites or buildings are available they require a sequential approach be taken to site selection, similar to that adopted for retail development.
- 7.6 The applicant's have engaged with the Council's Inward Investment team in order to find suitable premises. A total of 11 premises, have been assessed against the applicant's requirements, but none of them have been deemed suitable.
- 7.7 The site is adjacent to other industrial uses, retail outlets and student accommodation blocks. Noise and Pollution Control have raised no objection to the proposal.
- 7.8 The applicant's agent considers that the site is highly accessible on the following Grounds:
- The 2 km (walking) catchment covers a large residential area and a significant amount of nearby student accommodation, with the site being connected to these areas by secure, well lit pavements and there are various pedestrian crossings along the A609.
 - The 8km cycling catchment covers the majority of the city.
 - The site is well served by public transport with the premises located approximately 250m from bus stops into and out of the city centre along Ilkeston Road, where there are regular bus services with 25 buses an hour during the week.
 - Nottingham Railway Station is 3.5 km from the site, which is within cycling distance.

- 7.9 The submitted Transport Assessment compares the key differences in vehicular trip generation between the permitted D2 Indoor Play Area use and the proposed D2 Gym use. The proposal is predicted to result in a small increase in traffic generation to the site.
- 7.10 A trip distribution exercise was undertaken to assess the predicted routing of traffic accessing the site from the local area. This showed that the impact of the new development in terms of additional traffic at key junctions is not significant. In conclusion, the overall predicted changes in traffic flows as a result of the change of use will not be significant, and can be satisfactorily accommodated on the local highway network.
- 7.11 The proposed off-street parking provision, is considered to be acceptable and highways have raised no objection to the proposal subject to conditions requiring the provision of parking facilities prior to occupation and a full travel plan to be submitted within 6 months of occupation.

Other Matters

- 7.12 Along with bringing employment opportunities and increased investment to the local economy the proposal will offer affordable health and fitness to the local community and wider city residents.

8. SUSTAINABILITY / BIODIVERSITY

None.

9 FINANCIAL IMPLICATIONS

None.

10 LEGAL IMPLICATIONS

The issues raised in this report are primarily ones of planning judgement. Should legal considerations arise these will be addressed at the meeting.

11 EQUALITY AND DIVERSITY IMPLICATIONS

None.

12 RISK MANAGEMENT ISSUES

None.

13 STRATEGIC PRIORITIES

Working Nottingham: The proposal will bring about the use of long term vacant employment premises and provide employment opportunities for local citizens.

Healthy Nottingham: The development will encourage participation in leisure and sport and will promote activities associated with a healthy lifestyle.

14 CRIME AND DISORDER ACT IMPLICATIONS

None.

15 **VALUE FOR MONEY**

None.

16 **List of background papers other than published works or those disclosing confidential or exempt information**

1. Application No: 13/00962/PFUL3 - link to online case file:

<http://plan4.nottinghamcity.gov.uk/WAM/pas/findCaseFile.do?appNumber=13/00962/PFUL3>

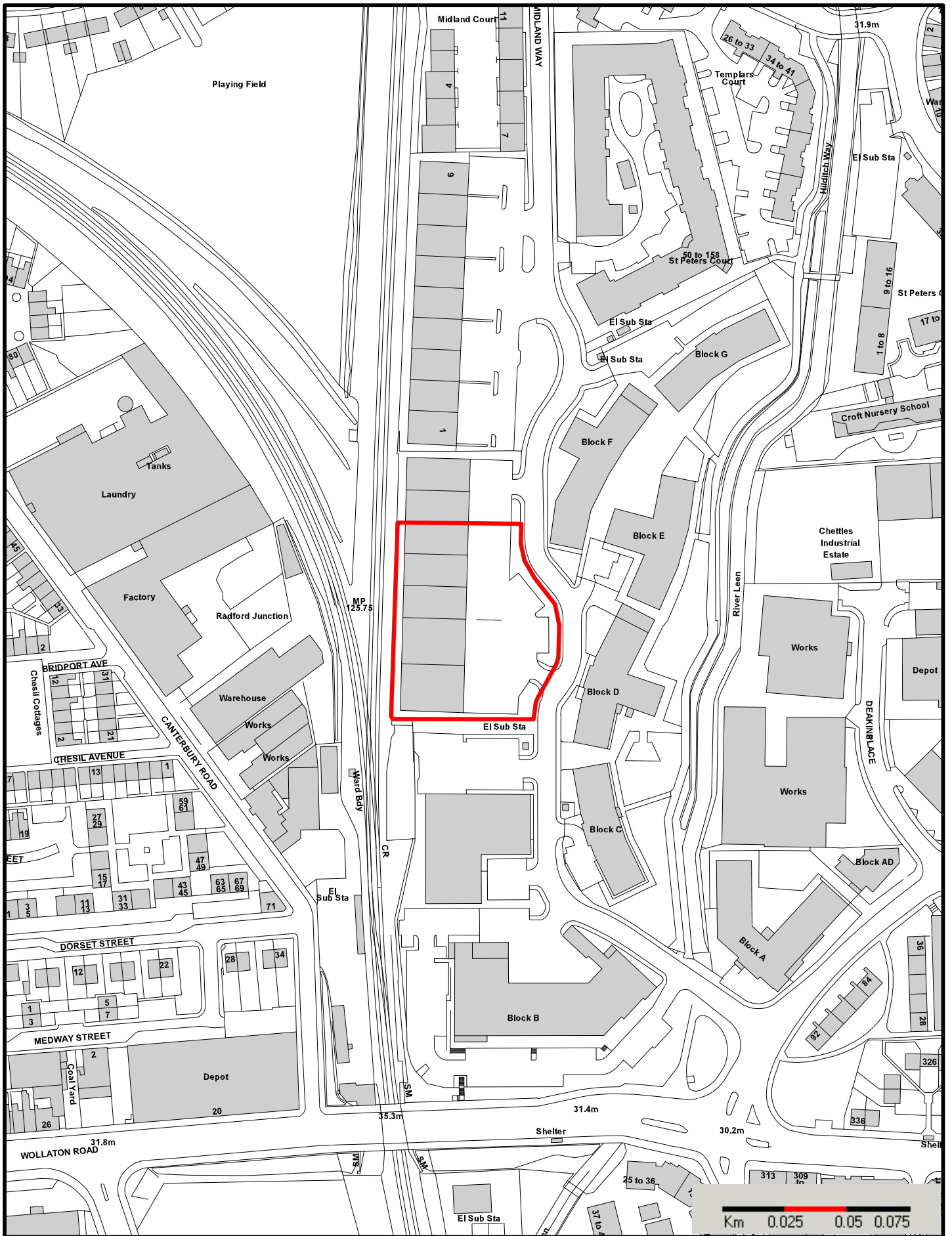
17 **Published documents referred to in compiling this report**

Nottingham Local Plan (November 2005)

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City Council

My Ref: 13/00962/PFUL3 (PP-02593093)
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Date of decision:

**TOWN AND COUNTRY PLANNING ACT 1990
APPLICATION FOR PLANNING PERMISSION**

Application No: 13/00962/PFUL3 (PP-02593093)
Application by: Xercise4Less
Location: 2 - 6 Chettles Trade Park, Midland Way, Nottingham
Proposal: Conversion to health and fitness club and alterations to existing service yard to create additional car parking.

Nottingham City Council as Local Planning Authority hereby **GRANTS PLANNING PERMISSION** for the development described in the above application subject to the following conditions:-

Time limit

1. Application for the approval of any reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this outline permission; and

The development hereby permitted shall be begun before the expiration of two years from the date of approval of the last of the reserved matters to be approved.

Reason: In accordance with Section 92 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

Pre-commencement conditions

(The conditions in this section require further matters to be submitted to the local planning authority for approval before starting work)

There are no conditions in this section.

Pre-occupation conditions

(The conditions in this section must be complied with before the development is occupied)

2. No part of the development hereby permitted shall be brought into use until such time that covered cycle parking for 22 cycles has been provided as indicated on drawing number 13_011 (20) 001 rev B and that area shall not be thereafter used for any purpose other than the parking of cycles.

Reason: To promote sustainable travel in accordance with Policy T3 of the Local Plan.

3. A full travel plan with updated staff and visitor travel survey data must be submitted for approval by the Local Planning Authority no later than 6 months after initial occupation. This travel plan shall be based on the Framework version submitted as part of this planning application and will make reference to schemes and developments that have occurred during the interim period. The travel plan will use the survey data to inform the development of a future travel planning strategy with a list of actions, implementation dates and revised targets. Once approved the revised travel plan shall be implemented at all times.

Reason: To promote the use of sustainable travel and in accordance with Policies BE2 and T2 of the Nottingham Local Plan.

4. No part of the development hereby permitted shall be brought into use until such time the car and motorcycle parking provision has been provided as indicated on drawing number 13_011 (20) 001 rev B.

Reason: To ensure that adequate off street parking provision is provided to prevent the overspill of parked cars onto the adjoining highway in accordance with Policy T3 .

Regulatory/ongoing conditions

(Conditions relating to the subsequent use of the development and other regulatory matters)

There are no conditions in this section.

Standard condition- scope of permission

- S1. Unless otherwise agreed in writing by the Local Planning Authority or modified by the conditions listed above, the development shall be carried out in complete accordance with the details described in the forms, drawings and other documents comprising the application as validated by the council on 7 May 2013.

Reason: To determine the scope of this permission.

Informatives

1. The reason for this decision, and a summary of the policies the local planning authority has had regard to are set out in the committee report, enclosed herewith and forming part of this decision.

2. This permission is valid only for the purposes of Part III of the Town & Country Planning Act 1990. It does not remove the need to obtain any other consents that may be necessary, nor does it imply that such other consents will necessarily be forthcoming. It does not override any restrictions contained in the deeds to the property or the rights of neighbours. You are advised to check what other restrictions there are and what other consents may be needed, for example from the landowner, statutory bodies and neighbours. This permission is not an approval under the Building Regulations.

3. The applicant is reminded that the proposal is located in an area of flood risk and it would be advisable to incorporate flood resilience construction techniques if at all feasible. In addition, within the vicinity of the building are small flood defences that may not be adjacent to the river and may



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not look important. Any new development or redevelopment will need to take these structures into consideration.

Where a condition specified in this decision notice requires any further details to be submitted for approval, please note that an application fee will be payable at the time such details are submitted to the City Council. A form is available from the City Council for this purpose.

Your attention is drawn to the rights of appeal set out on the attached sheet.

RIGHTS OF APPEAL

Application No: 13/00962/PFUL3 (PP-02593093)

If the applicant is aggrieved by the decision of the City Council to impose conditions on the grant of permission for the proposed development, then he or she can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990.

Any appeal must be submitted within six months of the date of this notice. You can obtain an appeal form from the Customer Support Unit, The Planning Inspectorate, Room 3/15 Eagle Wing, Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN. Phone: 0117 372 6372. Appeal forms can also be downloaded from the Planning Inspectorate website at <http://www.planning-inspectorate.gov.uk/pins/index.htm>. Alternatively, the Planning Inspectorate have introduced an online appeals service which you can use to make your appeal online. You can find the service through the Appeals area of the Planning Portal - see www.planningportal.gov.uk/pes.

The Inspectorate will publish details of your appeal on the internet (on the Appeals area of the Planning Portal). This may include a copy of the original planning application form and relevant supporting documents supplied to the local authority by you or your agent, together with the completed appeal form and information you submit to the Planning Inspectorate. Please ensure that you only provide information, including personal information belonging to you that you are happy will be made available to others in this way. If you supply personal information belonging to a third party please ensure you have their permission to do so. More detailed information about data protection and privacy matters is available on the Planning Portal.

The Secretary of State can allow a longer period for giving notice of an appeal, but will not normally be prepared to use this power unless there are special circumstances which excuse the delay.

The Secretary of State need not consider an appeal if the City Council could not for legal reasons have granted permission or approved the proposals without the conditions it imposed.

In practice, the Secretary of State does not refuse to consider appeals solely because the City Council based its decision on a direction given by him.

PURCHASE NOTICES

If either the City Council or the Secretary of State refuses permission to develop land or grants it subject to conditions, the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor can he render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted. This procedure is set out in Part VI of the Town and Country Planning Act 1990.

COMPENSATION

In certain limited circumstances, a claim may be made against the City Council for compensation where permission is refused or granted subject to conditions by the Secretary of State. The circumstances in which compensation is payable are set out in Section 114 of the Town & Country Planning Act 1990.



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