

REPORT FROM:	PLANNING, BUILDING CONTROL AND LICENSING SERVICES MANAGER
TO:	POLICY AND RESOURCES COMMITTEE
DATE:	26th June 2018

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PLANNING APPLICATIONS

PURPOSE OF REPORT

To determine the attached planning applications.

REPORT TO POLICY AND RESOURCES COMMITTEE ON 26TH JUNE 2018

Application Ref: 18/0122/FUL

Proposal: Full: Change of use of offices (Use Class B1(a)) to Pilates Studio (Use Class D1).

At: Suite 5, Vantage Court, Riverside Way.

On behalf of: Lancashire Pilates Studio

Date Registered: 16.03.2018

Expiry Date: 11.06.2018

Case Officer: Charlotte Pinch

This report has been referred from Barrowford and Western Parishes Committee as members were minded to approve this application, based on Policy 22 of the Replacement Pendle Local Plan as there would be a significant benefit to the local economy. However, no evidence had been submitted or assessed to support this. Therefore the proposal is contrary to WRK2 of the Pendle Local Plan Part 1: Core Strategy and Policy 22 of the Replacement Pendle Local Plan.

Site Description and Proposal

The application site is a B1 use business centre, located amongst other B1 use buildings, located directly on the A6068 on the south western edge of Barrowford. The site is a protected employment area for B1, B2 and B8 uses only.

The application is for a retrospective change of use of Suite 5 from B1(a) office use to a Pilates Studio D1. The Pilates Studio has been established on site since January 2014, however an unlawful change of use is not immune from enforcement action for up to 10 years from first use.

Relevant Planning History

13/06/0442P

Major: Full: Erect 9 two storey buildings (3,710m²) for B1 use (Phase 1) and OUTLINE for erection of B1 office buildings (8 hectares) (Phase 2).
Approved with Conditions. 2006.

Consultee Response

LCC Highways

The Highway Development Support section does not have an objection in principle to the above development, subject to an appropriately worded condition being applied to any formal planning permission granted restricting the use of the premises to be by appointment only. This is to control the number of clients/staff on site at any

one time due to the limited off-road parking associated with this site and the high demand for on road parking on Riverside Way.

We would also query whether the proposed change of use falls with Use Class D2 rather than D1.

Barrowford Parish Council

No objection in principle, provided that this change of use of one unit within the B1 use property does not lead to a precedent for future applications.

Public Response

One letter of support was received, their comments can be summarised as follows:

- Using the Pilates Studio since it originally opened.
- Fully support the change of use.
- Convenient and good service they provide.

Officer Comments

Policy

Pendle Local Plan Part 1: Core Strategy

Policy ENV2 (Achieving Quality in Design and Conservation) of the Pendle Local Plan Part 1 identifies the need to protect and enhance the heritage and character of the Borough and quality of life for its residents by encouraging high standards of quality and design in new development. It states that siting and design should be in scale and harmony with its surroundings.

Policy WRK2 (Employment Land Supply) addresses employment land supply, the suitable siting of new employment opportunities and uses within protected employment areas.

Replacement Pendle Local Plan

Policy 22 (Protected Employment Areas) sets out the use classes of development that would be acceptable in protected employment areas, especially the re-use and extension of traditional employment premises.

Policy 31 (Parking) sets out the maximum amount of parking required for a site.

National Planning Policy Framework

The Framework states that the purpose of the planning system is to contribute to the achievement of sustainable development. It states that there are three dimensions to sustainable development: economic, social and environmental. The policies in paragraphs 18 to 219 of the Framework, taken as a whole, constitute the

Government's view of what sustainable development in England means in practice for the planning system.

Paragraph 22 of The Framework refers to the protection of sites allocated for employment use.

Principle of Development

Policy WRK2 states within protected employment areas only employment generating development proposals falling within Use Classes B1, B2 and B8 will be permitted.

This proposal is for a Pilates studio, which focuses on injury and physical ailment rehabilitation, which has a D1 use class. It has been detailed that the studio works on an appointment only basis, which would be strictly controlled through a condition if the application were to be approved. As a result this proposal does not fall into use classes B1, B2 or B8 and therefore is contrary to adopted policy.

Furthermore, Policy 22 states that proposals for development other than for business or general industry (B1, B2 or B8) will be resisted. However, all developments will be considered suitable if they meet the requirements of all other Policies and where:

1. The premises can be shown to be obsolete for industrial, business and storage use; and
2. Evidence demonstrates that the premises have remained vacant for over four years (continuous); or
3. There would be a significant benefit to the local economy; or
4. The proposal is for the sale of good manufactured or related to the manufacture of goods on the site and would be ancillary to any B1/B2/B8 activity.

Information submitted by the applicant as part of the application comprised of an email from a previous owner confirming the unit was vacant from October 2010 until January 2014, in addition to some data from 2012 to 2014 showing the units on the wider site which were vacant. However, no evidence of marketing of the specific suite from the construction of the units until its occupation in January 2014 was provided, or further details confirming the specific suite was vacant for in excess of 4 years prior to occupation.

In addition, information was requested during the lifetime of the application to provide a scoping report to show other available town centre sites within Barrowford had been considered for the relocation of the Pilates Studio, with reasoning to support why the current site is the only appropriate location for the use. A brief explanation was provided confirming there are no other units available which are suitable for this use, due to lack of parking, congestion and access. No scoping report was provided or specific examples of units which were considered and their individual shortcomings. The issue of whether the premises is suitable for the business is not however one of the 4 exceptions to allow non business uses as detailed above.

There are 64 units in Vantage Court. We have not been provided with occupancy levels by the applicant but have been on site and observed the premises for

occupancy levels. There are 7 units advertised as being available. Of these one is under offer. There is therefore a high occupancy rate and there is evidence of interest in vacant units with offers on one of the vacant units.

Pendle has an established need for business space for B1, B2 and B8 purposes. Indeed we are presently in a CPO process to secure more employment space to fulfil the needs of the Borough.

The proposed use is not in accordance with those acceptable on the site and the development does not meet any of the exceptions tests set out in the adopted policy referred to above. Approving the proposal would undermine the purpose of protecting employment sites and of the need for further land to be found.

In summary, this proposal is located within a protected employment area, does not fall within B1, B2 or B8 use, insufficient evidence has been provided to demonstrate the premise has remained vacant for over four years and the scheme would undermine the employment strategy for the borough. Therefore, this would result in a development which would cause both planning harm and be contrary to adopted policies, including WRK2 and Policy 22.

Design

The application does not include any external alterations and therefore raised no design issues.

Impact on Amenity

The application site is surrounded by commercial and industrial premises and therefore would raise no adverse amenity issues. It is therefore acceptable in terms of amenity in accordance with Policy ENV2.

Highways

The parking standards as set out in the Replacement Pendle Local Plan Policy 31 for a D1 use within a unit of this size would require a maximum of 4 parking spaces per consulting room. The submitted plan shows a total of 4 allocated parking spaces. This would provide adequate on-site parking provision.

No objections were raised by LCC Highways, provided one condition was applied to ensure the premises was used on an by-appointment only basis, to control the need for parking at any one time.

Summary

To conclude, this application is recommended for refusal as it does not comply with planning policies in relation to the use of a protected employment site. As this is a retrospective application and the use has already been implemented, it would be appropriate to take enforcement action.

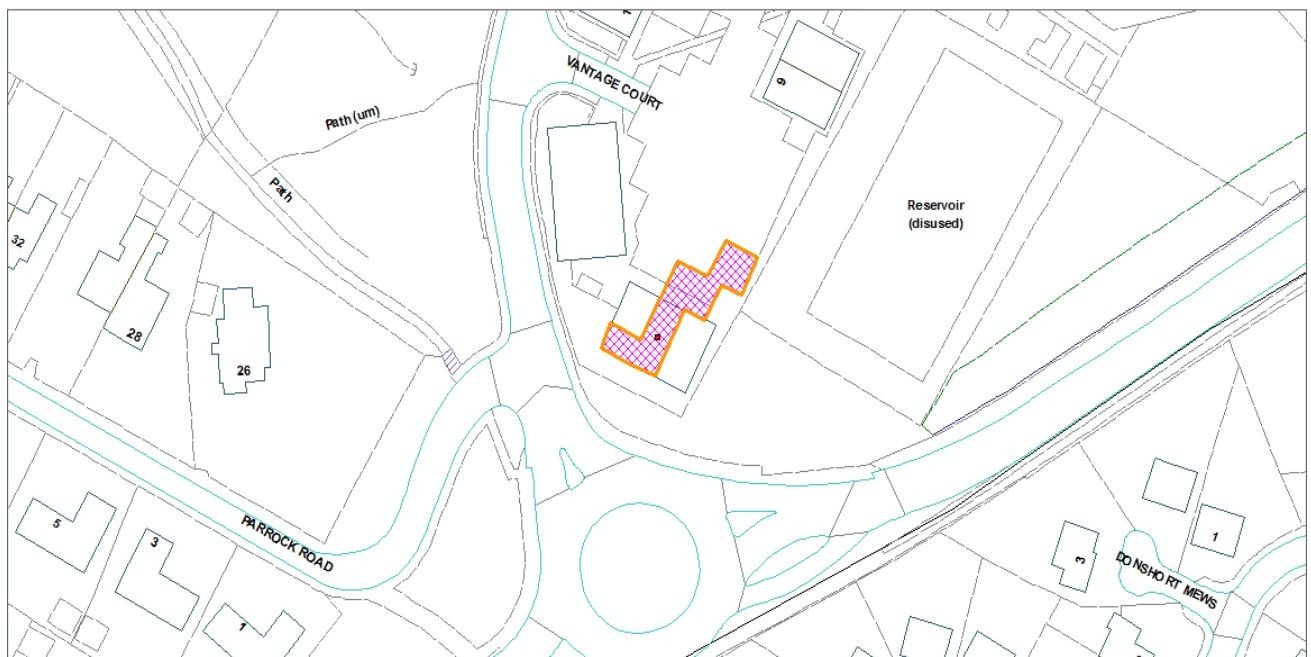
RECOMMENDATION: Refuse

For the following reason;

1. The proposed development would result in planning harm as it undermines the boroughs long term employment strategy and does not accord with the provisions for the adopted Local Plan for which the land is allocated for protected employment purposes. The application therefore fails to accord with Policy WRK2 of the Local Plan and Policy 22 of the Replacement Pendle Local Plan.

Enforcement

The development has taken place. There are clear planning grounds as detailed above to conclude that the development is harmful to the employment needs of the Borough. It would be necessary and appropriate to take enforcement action to require the use to cease, giving adequate time for alternative premises to be found. It is therefore recommended that enforcement action be authorised to require the use to cease.



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