

## OFFICER REPORT FOR REGULATORY SERVICES COMMITTEE - 7th January 2016

**APPLICATION NO.** P1470.15  
**WARD:** Harold Wood **Date Received:** 6th October 2015  
**Expiry Date:** 1st December 2015  
**ADDRESS:** Unit 40 The Old Brickworks Industrial Estate  
Harold Wood  
Romford  
**PROPOSAL:** Change of Use to add gymnasium and keep fit centre (use class D2) with new external cladding.  
**DRAWING NO(S):** 15/02/05  
15/02/06  
15/02/04

**RECOMMENDATION** It is recommended that **planning permission be GRANTED** subject to the condition(s) given at the end of the report

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### **CALL-IN**

The application has been called-in by Councillor Alex Donald, in the event of a refusal, on the grounds that it will give young people in the area a place to go to. It's a secure place which will be strictly supervised, including with CCTV. It is well lit up, will have no effects on local residents, and there will be no parking issues. The unit currently there has no other use.

Although the application is recommended for approval, the application is being brought to committee as it involves matters of judgement.

### **SITE DESCRIPTION**

The application relates to Unit 40 at The Old Brickworks Industrial Estate, Harold Wood. Access into the industrial estate is taken from Church Road. The proposal site is located towards the western section of the site and comprises a single storey building of industrial appearance with 528 square metres of floor space, including vehicular ramps leading up to a rooftop car park. The unit is presently vacant having mostly recently been used for light industrial purposes.

The Old Brickworks Industrial Estate lies within the wider Harold Wood Industrial Estate and is designated as a Secondary Employment Area (SEA) in the Local Development Framework and referred to as Harold Wood (Cluster 11). The area comprises a variety of buildings containing business, industrial and storage uses. The industrial estate is bounded by the railway embankment to the south and by the rear gardens of residential properties fronting onto Church Road to the north.

### **DESCRIPTION OF PROPOSAL**

The application is seeking planning permission for the change of use of the building from an industrial use to a gym and fitness centre (Class D2). The proposal would also involve the installation of new external cladding.

The existing floor space of 528 square metres would remain the same, however, internal works are proposed which would consist of the provision of a fitness studio, treatment rooms, locker rooms,

club lounge, reception and an office.

Externally the proposal would involve the removal of several windows along the front elevation of the building and the installation of new grey profiled sheet cladding to the front and side elevations. The remaining windows and doors would be replaced with new double glazed units.

Car parking spaces would be available on the roof of the building, providing up to 32 parking spaces. Cycle spaces would be provided adjacent to the main entrance.

It is proposed that the gym would employ up to 5 full time and 3 part time members of staff. It is also proposed that the gym would operate between the hours of 06:30 to 21:30 on Monday to Friday and 08:00 to 16:00 on Saturday, Sundays and Bank Holidays.

It should be noted that planning application P0702.15 for a similar change of use proposal (at unit 41) was refused in July 2015, on the grounds that insufficient supporting information was provided to demonstrate the exceptional circumstances necessary to justify the release of the site for alternative uses. Accordingly the proposal was considered to jeopardise the provision of accessible employment land within the Borough.

## **RELEVANT HISTORY**

P0702.15 - Change of Use to add gynasium and keep fit centre (use class D2) with new external cladding.  
Refuse 08-07-2015

## **CONSULTATIONS / REPRESENTATIONS**

Notification letters were sent to 50 properties and no representations have been received.

Environmental Health - no objection.

Local Highway Authority - no objection.

## **RELEVANT POLICIES**

Planning Advice Note: Havering is 'Open for Business' - Proposals for Business and Employment Uses within Industrial Areas

### LDF

- CP3 - Employment
- CP7 - Recreation and Leisure
- DC10 - Secondary Employment Areas
- DC13 - Access to Employment Opportunities
- DC33 - Car Parking
- DC61 - Urban Design

### OTHER

LONDON PLAN - 4.4 - Managing industrial land and premises

### **MAYORAL CIL IMPLICATIONS**

The application concerns a change of use of an existing unit and does not involve the creation of any new gross internal floorspace. As such there are no Mayoral CIL implications relating to the proposal.

### **STAFF COMMENTS**

The main issues in this case are considered to be the principle of the change of use in respect of the loss of an employment site and whether a sufficient justification has been provided by the applicant. Other matters for consideration include the impact on neighbouring occupiers, highways implications and car parking provision.

### **PRINCIPLE OF DEVELOPMENT**

The application site is located within a Secondary Employment Area as defined in the Local Development Framework. Secondary employment areas are well established locations which make an important contribution to the range and number of job opportunities in Havering. Council policy for Secondary Employment Areas seeks to retain the commercial nature of these areas in so far as this is compatible with maintaining a good environment in the surrounding areas.

Policy DC10 advises that planning permission for Class B1(b)+(c), B2 and B8 uses will be granted within Secondary Employment Areas provided that they do not adversely affect the amenity of adjoining residential areas. Planning permission for other uses will only be granted in exceptional circumstances. In these cases the applicant will need to demonstrate that;

- the site is not needed to meet future business needs with regard to the difference between the current supply of employment land and the demand for employment land over the plan period
- the site is not considered fit for purpose
- the site has proved very difficult to dispose of for Class B1 (b) (c), B2 and B8 uses.

Havering Council has also approved a Planning Advice note which establishes a more flexible approach to the type of development permitted within designated industrial areas than is currently set out in Havering's Local Development Framework in recognition of the Council's commitment to supporting business growth. The Note sets out a number of considerations that should be taken into account as well as detailing the type of evidence that will be expected in support of an application.

Applicants should provide evidence in support of their planning application to demonstrate that the site has been vacant and actively marketed within the local property market for B1 (b+c), B2 and B8 uses for a period of 12 months.

Applicants should provide documentation which demonstrates:

- The appointment of a property consultant/ estate agent to handle the marketing of the site

- Where and how the site has been marketed
- That the price and terms of the sale/lease are reasonable in comparison to others that have been marketed locally during the 12 months.
- An indication of the type of interest that has been expressed in the site / premises whilst marketing was taking place.

In comparison to the previously refused scheme some additional information has been provided in relation to the justification for the release of the premises for the D2 use - namely the submission of a supporting statement from Susan Dewar of RDA Associates. RDA have confirmed that they have been marketing the industrial and commercial portfolio of vacant properties at the site since the 1990's.

They advise that, in their professional opinion, it is unlikely there will be any interest in the property. The unit is around 50 years old and has served its useful economic life. The roof top parking makes it difficult to undertake major refurbishments. The statement from RDA sets out the following reasons why the unit is unlikely to be let for industrial purposes:

- the access for loading and unloading is extremely poor
- the unit is unsuitable for warehousing or storage owing to the low eaves height and flat roof
- there is very little natural light because of the asphalted car park over
- the energy efficiency rating is very low.

The statement from RDA outlines difficulty in letting Units 8 and 16, even though unit 8 has been refurbished. It is contended that this provides evidence that another industrial unit (i.e. Unit 40) will also be difficult to let and as such it makes little sense to wait 12 months to demonstrate the point, particularly when a prospective gym tenant is lined up.

Members may consider this sufficient evidence that there is no realistic prospect of the unit being successfully let for an industrial purpose and that this presents a compelling case to allow an alternative use of the premises. On the other hand the evidence primarily relates to Unit 8 The Old Brickworks and Unit 16 Bates Road, which are located near to the application site. There is no conclusive evidence of how and where Unit 40 has been marketed, or that the price and terms of the sale/lease are reasonable in comparison to others that have been marketed locally during the 12 months.

Section 8.3 of the Employment Land Review (ELR) sets out recommendations on the retention of Employment Land and potential areas for release. Recommendation 2 states that to help ensure there is sufficient capacity to meet projected demand for industrial land in LB Havering to 2031 the existing designated employment land, such as Secondary Employment Areas (SEAs) including Harold Wood (Cluster 11), should continue to be protected.

The designated SEAs are regarded by the Employment Land Review as well functioning industrial employment areas where there is on on-going demand for space to service industrial and logistical occupiers. These areas generally benefit from good servicing, high occupancy levels and good accessibility. A brief justification for cluster 11 is set out below:

Harold Wood Industrial Estate (Cluster 11): The cluster is actually split into three areas providing

small scale floor space units for small and medium enterprises (SMEs). The estate has a mix of uses including manufacturing, some small scale warehousing office and general office, as well as a significant presence of sui generis (car repairs/servicing businesses). Although similar in character, two of the estates contain some poorer quality buildings and, although vacancy is generally low, there may be opportunities to improve the estate environment through better management, especially improving internal roads quality and layout and landscaping. Parking and loading was considered to be adequate. There is a small vacant plot of land for development, otherwise the cluster is considered to be actively used and it would be difficult to accommodate further or larger premises. Overall, the cluster is considered to be an important local general industrial estate. It is therefore suggested that the ELR 2015 does not give any support for a non-industrial use within Cluster 11 - Harold Wood.

Notwithstanding that the ELR 2015 does not lend particular support to the proposals, Staff consider it is reasonable to assess the proposal against the Planning Advice Note for industrial areas, which does recognise circumstances in which a non-industrial use might be supported.

The issues in this case are finely balanced. On the one hand there is little clear evidence of the marketing of this unit and a clear lack of interest from any prospective tenant. On the other, there is supporting information from RDA, who have long term experience of letting units on the estate, setting out the reasons why they consider the unit will be difficult to let for industrial purposes. It is noted also that it is estimated that the proposal will create employment for around 8 full time and 3 part-time employees. The number of existing employees is stated as 5, although no evidence to support this has been given, so this equates to a potential modest increase in employment opportunities.

Taking a pragmatic approach to the proposal it could be argued that marketing Unit 40 for a 12 month period could very well be a fruitless undertaking - given the supporting information that has been provided by the applicant in respect of the marketing history of the other units at the industrial estate.

As such members are invited to make a balanced judgement in respect of the loss of an employment site and whether a sufficient justification has been provided by the applicant.

#### **DESIGN / IMPACT ON STREET / GARDEN SCENE**

Policy DC61 states that planning permission will only be granted for development which maintains, enhances or improves the character and appearance of the local area and that development must respond to distinctive local buildings forms and patterns of development and respect the scale, massing and height of the surrounding context.

The proposal would involve the removal of several windows along the front elevation of the building and the installation of new cladding to the front and side elevations. The cladding would consist of grey profiled sheeting to provide a more modern appearance and would match other recently constructed industrial units within the estate. The remaining windows and doors would be replaced with new double glazed units.

On balance it is considered that the alterations to the windows and the proposed new cladding would be sympathetic to the surrounding industrial and commercial character and would

harmonise with other buildings within the estate. As a result this element of the proposal would serve to maintain the character and appearance of the surrounding area in accordance with policy DC61.

### **IMPACT ON AMENITY**

Policy DC61 states that planning permission will not be granted where the proposal has unreasonable adverse effects on the environment by reason of noise impact and hours of operation.

It is not considered that the proposed leisure use would result in a materially different level of noise or disturbance than would be associated with an industrial type use. The application site is located in an area where a certain level of activity and associated noise is to be expected during daytime.

The proposed operating hours of 06:30 to 21:30 on Monday to Friday and 08:00 to 16:00 on Saturdays, Sundays and Bank Holidays are not considered to be unduly excessive given that the site is located within an established industrial estate location and is located some 50 metres from the nearest residential properties on Church Road.

It is acknowledged that most of the premises in the surrounding area are open during normal working hours, Monday to Friday. However, on balance the coming and goings of vehicles visiting the site and associated noise of people entering and leaving an established industrial estate during daytime hours at weekends is considered to be reasonable in this instance and would not have an unacceptable impact on residential amenity in accordance with policy DC61.

### **HIGHWAY / PARKING**

The parking requirement for gyms are not listed within Annex 5 of the Development Control Policies DPD, and therefore a judgement needs to be taken as to whether the proposed amount of parking would be sufficient.

Car parking spaces would be provided on the roof of the building for up to 32 vehicles. It is not clear whether this would all be specifically designated for the proposed gym. However it is considered that particular demand for the gym would be during the evening and weekends where parking within the estate will be generally more available. Highways have raised no objection to the proposals and it is considered that the parking provision will be adequate in this case.

### **KEY ISSUES / CONCLUSIONS**

Having regard to the above, it is considered that the proposed change of use does not accord with the clear requirements of the relevant policies. However, given the supporting information a more pragmatic approach could be taken in this instance and it could be argued that the evidence sets out a reasonable justification for the loss of the employment site.

Members are advised that the judgement in this respect is a finely balanced one. However, on weighing up the relevant issues Staff consider that the application should be recommended for approval.

### **RECOMMENDATION**

It is recommended that **planning permission be GRANTED** subject to the following conditions:

**1. SC4 (Time limit) 3yrs**

The development to which this permission relates must be commenced not later than three years from the date of this permission.

Reason:-

To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).

**2. SC32 (Accordance with plans)**

The development hereby permitted shall not be carried out otherwise than in complete accordance with the approved plans (as set out on page one of this decision notice).

Reason:-

The Local Planning Authority consider it essential that the whole of the development is carried out and that no departure whatsoever is made from the details approved, since the development would not necessarily be acceptable if partly carried out or carried out differently in any degree from the details submitted. Also, in order that the development accords with Development Control Policies Development Plan Document Policy DC61.

**3. SC19 (Restricted use) ENTER DETAILS**

Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 (as amended) the use hereby permitted shall be as a gymnasium only and shall be used for no other purpose(s) whatsoever including any other use in Class D2 of the Order, unless otherwise agreed in writing by the Local Planning Authority.

Reason:-

To restrict the use of the premises to one compatible with the surrounding area and to enable the Local Planning Authority to exercise control over any future use not forming part of this application, and that the development accords with the Development Control Policies Development Plan Document Policy DC61

**4. Hours of Use**

The premises shall not be used for the purposes hereby permitted other than between the hours of 06:30 and 21:30 on Mondays to Fridays and 08:00 to 16:00 hours Saturdays, Sundays, Bank and Public holidays without the prior consent in writing of the Local Planning Authority.

Reason:-

To enable the Local Planning Authority to retain control in the interests of amenity, and in order that the development accords with Development Control Policies Development Plan Document Policy DC61.

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## **INFORMATIVES**

**1. Approval - No negotiation required**

Statement Required by Article 35 (2) of the Town and Country Planning (Development Management Procedure) (England) Order 2015: No significant problems were identified during the consideration of the application, and therefore it has been determined in accordance with paragraphs 186-187 of the National Planning Policy Framework 2012.