

**4/02121/15/FUL - CHANGE OF USE FROM B1 BUSINESS USE TO D2 LOW COST GYMNASIUM (RESUBMISSION OF APPLICATIONS 4/01450/14/FUL AND 4/03189/14/FUL). MARK HOUSE, 36 MARK ROAD, HEMEL HEMPSTEAD, HP2 7UE.
APPLICANT: Dacorum Sportspace.**

[Case Officer - Tineke Rennie]

Summary

The application is recommended for approval.

Site Description

The application site comprises a large 2 storey office unit with car parking and access off Mark Road, within the Maylands General Employment Area. The building is set back from Mark Road behind a thin strip of landscaping.

The surrounding area comprises a mix of industrial, commercial and office units.

Proposal

Permission is sought for the change of use of half the building (Units 3 and 4) comprising ground and first floors from B1 business use to a gymnasium (D2) use. No external changes are proposed. 46 of the 94 parking spaces on site would be allocated to the use with provision of 13 Sheffield cycle stands (26 cycle spaces). Hours of use would be 0600-2200 Mon to Fri and 0800-2000 Sat and Sun.

Referral to Committee

The application is referred to the Development Control Committee due to a call in from the local ward councillor, Councillor Adshead.

Planning History

4/03189/14/FUL	CHANGE OF USE FROM BUSINESS USE (B1) TO LOW COST GYMNASIUM (D2) (amended scheme) Refused 31/12/2014
4/01450/14/FUL	CHANGE OF USE FROM BUSINESS USE (B1) TO LOW COST GYMNASIUM (D2) Refused 20/08/2014
4/00943/14/PRE	CHANGE OF USE TO LOW COST GYM Unknown
4/01042/94/4	VARIATION OF CONDITION 4 OF P/P 4/1696/86 (HIGH TECHNOLOGY UNIT & ASSOCIATED CAR PARKING) TO ALLOW THE PREMISES TO BE USED FOR ANY PURPOSE WITHIN CLASS B1 Granted 03/10/1994

4/01088/89/4 INTERNAL & EXTERNAL ALTERATIONS TO FORM 2 BUSINESS UNITS
Granted
12/07/1989

Policies

National Policy Guidance

National Planning Policy Framework (NPPF)
Circular 11/95

Adopted Core Strategy

NP1 - Supporting Development
CS4 - The Towns and Large Villages
CS8 - Sustainable Transport
CS11 - Quality of Neighbourhood Design
CS12 - Quality of Site Design
CS13 - Quality of Public Realm
CS14 - Economic Development
CS15 - Office, Research, Industry, Storage and Distribution
CS23 - Social Infrastructure
CS28 - Renewable Energy
CS29 - Sustainable Design and Construction
CS31 - Water Management
CS32 - Air, Soil and Water Quality
CS34 - Maylands Business Park
CS35 - Infrastructure and Developer Contributions

Saved Policies of the Dacorum Borough Local Plan

Policies 13, 31, 37, 51, 54, 58 and 99, 100, 111, 113, 122 and 124

Appendices 4, 5 and 8

Supplementary Planning Guidance

Environmental Guidelines (May 2004)

Summary of Representations

Strategic Planning

Our comments of 22 July 2014 on application, 4/01450/14/FUL for change of use to a low cost gym summarised the planning policy context for the site as follows:

“The site is within the Maylands General Employment Area (Local Plan Policy 31) where a mix of B-uses is encouraged. Core Strategy Policy CS15 (Offices, Research, Industry, Storage and Distribution) states that GEAs will be protected for B-class use. Town and local centre locations are preferred for D2 uses. The Core

Strategy supports new social infrastructure (Policy CS23), but not at the expense of other policies in the plan.”

After considering the relevant issues regarding this proposal, we concluded that the application was contrary to policy and that there was no basis to justify making an exception to policy. We note that 4/01450/14/FUL was refused as the proposals were contrary to Core Strategy Policy CS15 and on car parking/cycle parking/transport grounds.

A further application (4/03189/14/FUL) for the same development was accompanied by more evidence to support the proposals. Our comments of 22 December 2014 stated that the evidence on car parking appeared to be sufficient to overcome the parking/transport reason for refusal, but the views of the County Council as highway authority should be sought. However, we still had some concerns on the principle of the proposed change of use:

- Although it has proved difficult to let the premises for B-class uses, this may be due to the after effects of the recession. We were not convinced that the vacant floorspace at Mark House will remain empty in the long term, particularly given the possibility that it could be converted to an industrial or warehousing use.
- A new low cost gym was about to open at Jarman Park, within Leisure World. No evidence had been submitted to explain the need for another low cost gym as well as the forthcoming Jarman Park facility. We would have expected details of usage levels at the existing Sportspace Hemel Hempstead gym to have been provided.
- No evidence had been provided on the site search for a new gym. This information was needed to help the Council decide whether other more acceptable locations were available. The most suitable location for a new gym on the Maylands Business Park was within the proposed Heart of Maylands local centre. There was a case for also accepting the conversion of a B-class building adjoining the Heart.
- The Council was taking enforcement action against another gym in Mark Road, which had been established without planning permission.

We concluded as follows:

“The application is contrary to the Council’s loss of employment land policy. The evidence submitted with this amended application goes some way to addressing the previous reasons for refusal. Nevertheless, in the light of the points made above we still consider that the applicants have not presented a strong enough case to justify an exception being made to Core Strategy Policy CS15. It is therefore recommended that the application be refused.”

Current application

The current application is supported by further additional information. In particular, the following reports have been produced:

- ‘Review of viability of continued use as offices’ by Aitchison Raffety (commercial

- agents).
- 'Research report into potential venues for low cost gym' by the applicants, Dacorum Sportspace.

The Aitchison Rafferty report includes some useful information about the particular characteristics of Mark House. We accept that these characteristics make the premises unattractive for most B-class occupiers and that the building may remain vacant even assuming the economic recovery continues.

The Dacorum Sportspace report shows that all four potential locations considered for the low cost gym are within the Maylands Business Park and would involve loss of B-class floorspace. None of these locations are within or adjoining the proposed Heart of Maylands local centre.

Whilst the above reports are helpful, no evidence has been submitted on the need for another low cost gym in addition to the new Jarman Park facility or on usage levels at the existing Sportspace Hemel Hempstead gym. We suggest that you ask the applicants to provide this information.

Conclusion: in the light of the further information from Aitchison Rafferty we now feel, on balance, that a sufficiently strong case has been put forward to justify making an exception to policy. We may be able to give a more clear-cut recommendation if the information requested above on Jarman Park and the existing Sportspace Hemel Hempstead gym is provided.

Hertfordshire Highways

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.

Highway Comment This is a further resubmission application which relates to both planning application 4/01450/14 and 4/03189/14 of 2014. As the HA were not consulted on the first previous applications it still follows that the change of use to a gym will clearly generate significant additional vehicular trips at all hours and in particular at the weekend too when compared to the sites current permitted use. Therefore, if the LPA are minded to grant planning permission then the HA would ask that the applicant submits a Travel Plan with the aim of reducing car trips to this site and through the TP this can be monitored

Environmental Health

Notice is hereby given that the Environmental Health Department suggest the following conditions should be imposed in relation to noise insulation for non-residential premises:

Condition:

Before construction works commence a scheme providing for the insulation of the building against the transmission of noise and vibration from the building shall be submitted to and approved in writing by the Local Planning Authority. The scheme so approved shall be carried out before the use commences.

Reason:

To ensure that adequate precautions are implemented to avoid noise nuisance, in accordance with Policy In accordance with Policies and procedures of Dacorum

Response to Neighbour Notification / Site Notice / Newspaper Advertisement

No responses received.

Considerations

Policy and Principle

This proposal has been the subject of two unsuccessful recent applications (4/01450/14/FUL and 4/03189/14/FUL). The earlier application was refused on grounds of insufficient car parking and loss of employment land while the most recent proposal was refused on the latter point. While car parking is no longer a major issue, the loss of employment land continues to be a key policy consideration. This remains pertinent as the proposal involves the loss of 1,360 m² of a relatively modern and purpose-built office accommodation.

In GEAs appropriate employment generating development is encouraged in accordance with Policies CS4, CS14 and CS15 of the Core Strategy and saved Policy 31 of the DBLP.

The site falls within the Maylands General Employment Area (Local Plan Policy 31) wherein a mix of B-uses is encouraged. Core Strategy Policy CS15 (Offices, Research, Industry, Storage and Distribution) states that GEAs will be protected for B-class use. Therefore, this is not a location to which the Council would generally be seeking to direct D2 uses (locations in town and local centres are preferred).

However, it is acknowledged within the supporting text of the Core Strategy (paragraph 12.4) that GEAs can sometimes be the most appropriate location for non B-class uses, such as bulky leisure uses. The text goes on to state that "whilst these types of uses will not be encouraged in GEAs, they may be permissible as an exception to policy where clear justification exists and they comply with other policies and objectives." Furthermore, the site is located within The Engine Room Character Zone for East Hemel Hempstead where it is envisaged that a mix of industrial, commercial and flexible business uses will continue to be offered. It is noted that areas on the periphery, such as the application site, offer more flexibility for bulky non B-Class including some leisure uses.

The Core Strategy is supportive of new social infrastructure (Policy CS23), however this should not be at the expense of other policies in the plan.

All schemes are expected to be of high quality and to be sympathetic to the appearance of the area (Policies CS10, 11, 12 and 13).

The main issues in this case relate to the impact of the change of use on the strategic employment policies of the Plan and whether any exception should be made and the impact on adjoining amenities.

Case for exception

The current application is similar in nature to 4/01450/14/FUL and 4/03189/14/FUL, and is accompanied by evidence to support the proposal. It is worth noting that the Council has given approval for a range of uses along Mark Road, including a gymnasium for the Sapphire School of Gymnastics at 24 Mark Road, very close to Mark House. In addition, the Council decided not to take enforcement action against an unauthorised change of use to a gym elsewhere in Mark Road.

Amongst other things, the evidence explains the difficulty of letting the premises for B-class uses (the ground floor has been vacant since 2008, the first floor since 2010). Clearly, the building is proving hard to let, and this may be due to the after effects of the recession. However, the evidence submitted suggests that there has not been a significant increase in overall demand for commercial office space in Hemel Hempstead, indeed in recent months there has been no significant lettings at all. It is also noted that even Maylands Avenue as a core office location is struggling to attract office occupiers. Key sites are being converted to housing such as the former HSBC Call Centre and Woodlands House where alternative uses are being explored. This move towards greater flexibility in use within key employment areas is supported by the Government through recent initiatives such as changes from office to residential accommodation without the need for planning permission.

The proposed use would continue to generate levels of employment not dissimilar to the existing use and use of the neighbouring units. It is anticipated that 16 people would be employed at the site; the previous use in 2008 provided employment for 20 people and it is understood that the neighbouring units 1 and 2 employ approximately 20 - 25 employees. Given that the site is not located within the core office area of Maylands, the likelihood of higher intensity office use which is generally found closer to the core is less. On this basis, an expectation of 16 people to be employed at the site following a significant period of vacancy is welcomed and some weight afforded to this provision.

The applicant has submitted further information outlining the need for a low cost gym in addition to the facility at Jarman Park, as requested by Strategic Planning officers. The applicant's agent considers that the site and position of this potential new facility will attract both new and experienced gym users. Typically low cost gyms attract members from a smaller catchment area and therefore Mark Road is ideally sited to serve the needs of those on the industrial estate and the local community.

The proposed plan is to create an additional 'gym' facility rather than just 'low cost' which can compliment the existing facilities at Sportspace Hemel Hempstead. In effect the market is being expanded by the proposal by making more facilities available to a wider audience. Gym membership is around 12% of the population so there is a huge latent demand in this area that is currently not being served. Evidence shows that approximately 30% of new members of low cost gyms have never been members of a gym before. An increase in demand is therefore expected as a result of the facility.

Usage levels at Sportspace Hemel Hempstead remain high since the opening of the low cost Jarman Park facility. In some areas demand has increased as more people have committed to a healthier lifestyle and are looking for more than 'just a gym' benefitting from the additional facilities on offer. The gym at Mark Road will include an extensive group exercise timetable, a facility that is currently oversubscribed at Sportspace Hemel Hempstead. A different mix of equipment is to be provided that is

between what is available in the Jarman Park facility and the top level equipment provided at Sportspace Hemel Hempstead.

As part of their submission, the applicant has shown that there is very limited availability of premises that meet their requirements. Following a search since April 2013 only four available properties were identified that broadly met the requisite criteria, with 36 Marks Road identified as the most suitable at the outset. Negotiations commenced and more recently only two of the four properties were available. The landlord of the second property did not deem the low cost gym use suitable for the unit and discussions ceased. It is noted that all four premises were located within Maylands Business Park.

The southern end of Mark Road is mixed in character comprising food outlets, retail/trade counters, car repairs. As such it is considered that the proposed use would not be out of character with the surrounding uses; a gymnasium use is considered to be compatible and indeed complementary to the surrounding uses. Not only would it provide a facility for the residents in proximity to the locality, it would also provide a valuable facility for the employees of the Maylands GEA. Opening hours are proposed around working hours so that the facilities can be utilised in the early hours and late evenings (0600 - 2200 Monday - Friday inclusive).

An absence of sensitive uses in proximity to the site ensures that the proposed development would not have any impact on amenities arising from people visiting the site in the early hours and late evening. For this reason it is acknowledged that the location within the GEA is potentially suitable for the proposed use, as indicated in the Core Strategy which suggests in supporting text that bulky non B-class uses such as leisure may be appropriate subject to other development plan policies. Furthermore there are not many sites within the Borough that are able to successfully accommodate a leisure facility that has specific space and parking requirements without having an adverse impact on local amenities.

It is concluded that whilst the proposed change of use is contrary to the Council's loss of employment land policy, evidence submitted with this amended application goes some way to addressing the previous reasons for refusal. It is also noted that a number of other factors weigh in favour of the proposal, such as: provision of social infrastructure in accordance with Policy CS23 and associated health benefits to the local community; the complementary nature of the facility within an employment area providing a service to workers; generation of employment levels comparable to the previous and surrounding uses; the lack of suitable sites elsewhere in the Borough; the mixed character of the immediate area allowing a more flexible approach. In the light of the above points it is considered that a sufficiently strong and robust case has been presented that justifies an exception being made to Core Strategy Policy CS15.

Effects on appearance of building and street scene

There would be no adverse effects to the building or street scene. No changes are proposed to the appearance of the building or the site other than the installation of any necessary bicycle storage facilities. The area between the entrances to units 1/2 and units 3/4 will accommodate cycle parking stands should it be demonstrated that it is required through demand in the longer term. The existing landscaped areas will be retained.

The proposal would comply with Policies CS11 and 12.

Impact on Highway Safety

No changes have been proposed to the access arrangements and car parking which were considered to be acceptable in the previous application and as reported below.

The proposed floorspace is 1360 sq m Gross Internal Floorspace.

In accordance with saved Appendix 5, the proposal should provide some 90 car parking spaces based on 1 space / 15 sq m gross (external) floor area. It should be noted that this is double the intensity of an office / high tech / light industry use where provision is on the basis of 1 space / 30 to 35 sq m gross floor area.

The use should therefore provide almost double the number of spaces currently proposed (46) to serve units 3 and 4, plus some 55 short term cycle spaces and 2 long term cycle spaces based on 1 space / 25 sq m GFA.

The proposal would retain the existing 46 parking spaces and modify and supplement the existing 4 cycle parking spaces to provide a total of 25 cycle spaces. In addition there are said to be some 42 unrestricted street parking spaces on the eastern side of Mark Road.

The proposal would ostensibly be significantly short on car spaces. However, the applicants have undertaken a detailed car park survey and report which, based on comparison with a competitor site at Slough (slightly larger in size than here), indicates that the level of parking throughout a typical weekday at that site never exceeded 36 cars or 78% of capacity (at 1900 hours). The application site provides 46 spaces and thus there would be ten spaces available above the peak usage at Slough. In addition, it is noteworthy that the remaining 48 spaces on site (allocated to the adjoining units 1 and 2 Mark House) are very rarely wholly utilised, whilst many of the 42 on-street parking spaces in Mark Road are also vacant. Therefore, it is considered that there would be sufficient parking capacity within the site to accommodate the usage without impacting on the highway. But even if there were a greater usage, there would likely be available parking on the adjacent site or within Mark Road itself to take any overspill. On this basis it is considered that the provision below standard is justified in this case.

There would thus be no impact on highway safety and the Highway Authority has raised no objections.

Three locations are proposed for the provision of sheffield cycle stands (26 cycles in total).

Location 1 - 8 cycles adjacent to the entrance door in lieu of existing landscaping.

Location 2 - 8 cycles adjacent to the entrance to the site

Location 3 - 10 cycles in lieu of existing provision for units 3 and 4.

It is stated that the survey from Slough and also from Hemel Sports Centre do not indicate a need for 26 cycle parking spaces as results there show a maximum of 4 and 8 cycles parked. However, cycle use will be weather dependant and the survey date

(October 8th 2014) was mixed with heavy showers. Nevertheless it is accepted that 26 would appear more than sufficient, although overcapacity would be desirable to encourage cycle use.

The applicants state that a condition should be applied that requires the provision of the cycle spaces shown at Locations 2 and 3 together with a travel plan to monitor cycle usage for 3 years allowing the additional cycle location to be provided if usage exceeds 16.

This is accepted in principle. However, the description of Locations 1 and 2 appear to have been mixed up. Location 1 is next to the entrance door but does not appear to involve any need to lose landscaping. Location 2 on the other hand is adjacent to the site entrance and does involve the loss of landscaping. The loss here would be unfortunate given its prominence to the street scene. It would result in harm to the amenities of the area not to mention the fact that it would not be convenient for cyclists or as secure. Therefore the provision of this area of cycle parking is not supported in visual, security or convenience terms. Locations 1 and 3 are acceptable. An alternative location should be considered for rack 2 such as a car parking space.

Subject to the above, the proposal would accord with Policy CS12 and saved Policy 58 and Appendix 5 of the Dacorum Borough Local Plan 1991-2011.

Impact on Neighbours

The site is an industrial area and there are no nearby or adjoining residential occupiers in the area.

Other than the potential impact of additional on-street car parking, the proposal would have no material impact on the amenities of adjoining uses.

The proposal would accord with Policy CS12.

Sustainability

In accordance with CS29 and Para. 18.22 of the CS a C-Plan and CS29 statement have been submitted. The details are considered acceptable.

CIL

Policy CS35 of the Core Strategy requires all developments to make appropriate contributions towards infrastructure required to support the development. These contributions will normally extend only to the payment of CIL where applicable. The Dacorum Borough Council Community Infrastructure Levy (CIL) was adopted in February 2015 and came into force on the 1st July 2015. This application is not CIL Liabile.

Conclusion

Whilst the proposed development is contrary to the Council's loss of employment land policy, other material considerations amount to an exception to Policy CS15 in this instance. The use of the premises as a bulky leisure use within a peripheral location

of the GEA is complementary to the employment uses of the area, contributing to the regeneration of Maylands Business Park. The evidence submitted with this amended application demonstrates the demand for the facility with associated health benefits for both workers and local residents. In the light of the points made above, it is considered that the applicants have presented a strong enough case to justify an exception being made to Core Strategy Policy CS15. It is therefore recommended that the application be approved.

RECOMMENDATION - That planning permission be **GRANTED** for the reasons referred to above and subject to the following conditions:

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

Reason: To comply with the requirements of Section 91 (1) of the Town and Country Planning Act 1990 as amended by Section 51 (1) of the Planning and Compulsory Purchase Act 2004.

- 2 Before construction works commence a scheme providing for the insulation of the building against the transmission of noise and vibration from the building shall be submitted to and approved in writing by the Local Planning Authority. The scheme so approved shall be carried out before the use commences.**

Reason: To ensure that adequate precautions are implemented to avoid noise nuisance, in accordance with Policy CS32 of the Core Strategy.

- 3 No development shall take place until details of facilities for the storage of refuse shall have been submitted to and approved in writing by the local planning authority. The approved facilities shall then be provided before the development is first brought into use and they shall thereafter be permanently retained unless otherwise agreed in writing with the local planning authority.**

Reason: To accord with Policy 129 of the Dacorum Borough Local Plan 1991-2011.

- 4 Prior to occupation of the development, a “Green Travel plan”, identifying the reduction in staff and visitors travelling to the development by private car, shall have been submitted to and approved in writing by the local planning authority and shall then be carried out in accordance with the approved GT plan. The GT plan will include the following:**

- **Projections into the future based on the intention to increase year on year the proportion of trips by public transport, walking and cycling and reduction in trips made via private motor car.**

On approval the Travel plan and its contents are to be updated on an annual basis one year after the date of their approval. The Plan and its

updated successors is to made fully available upon request to the Local Planning Authority and County Highways Agency

Reason: To promote sustainable transport measures to the development in compliance with Core Strategy policy CS8 and CS29.

- 5 **The development hereby permitted shall not be occupied until parking layout and arrangements including cycle parking shown as Location 1 and Location 3 submitted in accordance with the approved plan No. 12189/01/22 Car Park Layout shall have been provided and permanently retained thereafter. Additional cycle parking is to be provided on site should it be necessary to meet the requirements established in the Green Travel Plan.**

Reason: To ensure the adequate and satisfactory provision of off-street vehicle parking facilities in accordance with Core Strategy Policies CS8, CS28 and CS29.

- 6 **The development hereby permitted shall be carried out in accordance with the following approved plans:**

**0072 005A;
12189/01/22;
Site Location Plan.**

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

Article 31 Statement

Planning permission has been granted for this proposal. The Council acted pro-actively through positive engagement with the applicant at the pre-application stage and during the determination process which lead to improvements to the scheme. The Council has therefore acted pro-actively in line with the requirements of the Framework (paragraphs 186 and 187) and in accordance with the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2012.