

DONCASTER METROPOLITAN BOROUGH COUNCIL

PLANNING COMMITTEE – 9th January 2018

Application 4

Application Number: 17/02996/COU **Application Expiry Date:** 29th January 2018

Application Type: Change of Use

Proposal Description: Change of use to form a swimming baths (being resubmission of application ref: 17/02312/COU refused on 13/11/17).

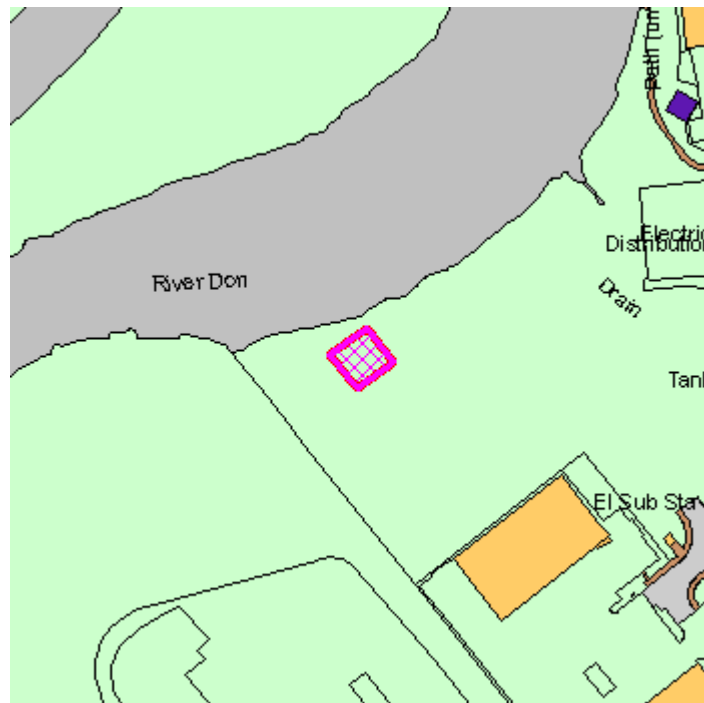
At: Unit 3B Marrtree Business Park Silk Road Wheatley

For: Ms Pegden - Go Swimstars

Third Party Reps: 52 **Parish:** **Ward:** Wheatley Hills And Intake

Author of Report Alicia Murray

MAIN RECOMMENDATION: Refusal



1.0 Reason for Report

1.1 This application is before Planning Committee given the number of representations received in support of the application and at the request of Councillor Jane Kidd who supports the application.

2.0 Proposal and Background

2.1 The application seeks consent to change the use of a newly constructed small industrial unit (B1/B2) to a private swimming school (class D2). No external alterations are proposed.

2.2 The application is a re-submission of the recently refused 17/02312/COU scheme. The proposal has not significantly altered however; there have been discussions about the addition of a mini-bus parking space outside the unit and further details regarding the operation of use.

2.3 The applicants are in need to find a suitable venue to provide swimming tuition for schools as many of the existing swimming centres no longer offer this service. The application is supported by business Doncaster and supports the 'Get Doncaster Moving' initiative.

2.4 The site is a small purpose built industrial estate located off Silk Road leading from Wheatley Hall Road. The area is generally characterised by car garages and other small industrial uses. The application site known as unit 3B sits within a small 15 unit industrial complex, which has limited on-site parking and the units differ in floor space. The unit which is the subject of the application sits in the north-west corner of the site with a communal access parking and turning area to its frontage. None of the other units appear to be let, at the time of the site inspection.

2.5 The 2014 approval permitted 52 car parking spaces for 15 units, as unit 5 has its own dedicated parking and is served by its own access. The applicants existing site plan in fact shows that only 48 spaces have been laid out, as some parking has been lost and amended to make provision for a bin store. This equates to 3.2 spaces per unit.

3.0 Relevant Planning History

3.1 17/02312/COU: Change of use of B1/B2 building to form a swimming baths (D2). Refused 13.11.2017 for the following reason:

1. The proposed use of the unit as a swimming baths without dedicated parking in an existing commercial area would conflict with Policy CS 14 of the Doncaster Core Strategy in that it would lead to an unacceptable risk to child safety given the levels of comings and goings of commercial vehicles to the adjoining units. As well as this the insufficient amount of parking spaces on the site as a whole would aggravate existing parking problems in the area and lead to such a high level of on street parking as to create a danger to the highway safety of thereby be contrary to Doncaster's Core Strategy Policy CS14 (a3) which seeks to ensure that new developments do not undermine the safety of the highway users.

3.2 16/01111/MAT - Erection of 5 industrial units for Class B2/B8 use with ancillary offices on approx 1.41ha of land (Amendment to Condition 10 of application granted under Ref: 14/02840/FULM on 12.03.2015 - BREEAM).

3.3 14/02840/FULM: Erection of 5 industrial units for Class B2/B8 use with ancillary offices on approx. 1.41ha of land.

4.0 Representations

4.1 The application has been advertised in accordance with the requirements of the Planning Practice Guidance via site notice.

4.2 At the time of writing the report 52 representations have been received in support of the application: the representations outline that the proposal would provide a good community facility in the area; much needed new swimming pool; the swim school is the best in the area; highly accessible location; fit for purpose; reduce long waiting lists; help expand a business and provide more jobs.

4.3 This support was primarily from existing users of the swim school.

5.0 Relevant Consultations

5.1 Several responses are awaited due to the applicant requesting the application be reported to committee at the earliest opportunity. Updates will be provided in the pre committee notes.

5.2 Highways – The highways officer retains her concern expressed on the previously refused application 17/02312/COU, with regards the mix of use of facilities catering for children within an area of predominantly industrial use and the sharing car parking facilities.

The highways officer does however acknowledge that there are other instances within the borough where D2 leisure use has been introduced within industrial parks where opening hours outside of normal business operating hours have been conditions.

The Highways officer notes that this resubmission seeks to take opportunity of that and proposes lessons from 5pm onwards mon-fri to the general public and 9-12 on Saturday. The highways officer states that no objections are raised if planning officers are satisfied that the area has sufficient parking to cater for the overlap between lesson arrivals and departures. Furthermore no objection is raised to the proposal to run the swimming lessons during the day providing that this remains for the sole use of school related lessons.

5.3 Environment Agency- No objections

5.4 Public Health - Response awaiting

5.5 Environmental Health - Response awaiting

5.6 Central Area Manager – Response awaiting

5.7 Public Health – Response awaiting

5.8 Local Plans (Flooding) – Response awaiting

5.9 Local Plans (Employment) – Response awaiting

6.0 Relevant Policy and Strategic Context

6.1 In the case of this application, the development plan consists of the Doncaster Core Strategy and Unitary Development Plan. The most relevant policies are Policies CS1 and CS5 of the Core Strategy and Policy EMP6 of the UDP; as the site is designated as Employment Land.

6.2 Other material considerations include the National Planning Policy Framework (NPPF) and the subsequent planning guidance; as well as the Council's supplementary planning guidance.

7.0 Planning Issues and Discussion

Principle of Development

7.1 Marrtree Business Park is a newly erected industrial estate on land allocated as a local employment area within the UDP. Policy EMP6 of the UDP states a preference for retaining local employment sites but does allow other uses on their own merits in accordance with other Development Plan policies. Policy CS5 of the Core Strategy states that major employment sites will be retained for employment uses which may include some small scale supporting uses.

7.2 The proposed use is for a teaching swimming pool for both private lessons and school children, which would fall into use class D2. As the proposed use falls outside of class B1, B2, B8; EMP6 states that the development must be assessed on its own merits. In terms of more appropriate sites for the use in the main urban area, the agent has confirmed that through Business Doncaster they have searched for site via local estate agents, the internet and have not found any other units. Furthermore the estate agent has stated that the site has been advertised in total for over 18 months; including through the development process and there has been no interest.

7.3 Under the previous application the Council's Investment Team outlined the following, which is still relevant today: "The job creation potential is very significant and as such should expect to be supported through our Business Incentive Scheme (application already in process). It is our belief that this use will in all likelihood create more job opportunities in this unit than any distribution use or small scale manufacturer and will also help diversify our business base more into the area of health and wellbeing." The agent has outlined that there would be 1 full time employee and 6 part time employees.

7.4 In a more general sense the provision of further swimming facilities in Doncaster will help broaden the swimming offer and help to increasing levels of physical activity in Doncaster and is part of a raft of wider measures which look to engage Doncaster's communities in becoming active. Therefore the principle of a D2 use in this location could be acceptable subject to consideration of the details of the application such as flood risk, amenity and highway safety.

Flooding

7.5 Paragraph 100 of the National Planning Policy Framework states that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk, but where development is necessary, making it safe without increasing flood risk elsewhere. Policy CS4 of the Core Strategy states that development within flood risk areas will be supported where they pass the Sequential and /or Exception Tests (if they are required). The Doncaster Council Development and Flood Risk SPD states that change of use applications with no operational development do not require the Sequential or Exception Test.

7.6 The application site also lies within flood zone 3A. The applicant submitted a flood risk assessment which notes that while the change of use would be to a more vulnerable use, in conclusion the development is appropriate in this location and complies with national planning policy. The submitted flood risk assessment has been considered by the Environment Agency which has no objection to the proposed change of use.

Highways and Parking

7.7 Policy CS14 of the Core Strategy states that the design of new development should make a positive contribution towards quality, stability, safety and security of private property, public areas and the highway.

7.8 Parking was the sole concern in the determination of application 17/02312/COU, which considered the lack of dedicated parking would create conflict with the existing commercial area. This was mainly due to the potential unacceptable risk to child safety given the levels of comings and goings of commercial vehicles to the adjoining units once occupied. In addition the proposed use, given the general lack of parking on the site as a whole would aggravate existing parking problems in the area and lead to such a high level of on street parking as to create a danger to the highway safety of thereby be contrary to Doncaster's Core Strategy Policy CS14 (a3) which seeks to ensure that new developments do not undermine the safety of the highway users.

7.9 The refusal was supported by the highway officer who stated that "whilst there may be a number of spaces within the industrial site as a whole, I have mentioned on previous applications, my concerns regarding the mix of use of facilities catering for children within an area of predominantly industrial use and the sharing car parking facilities with units that undoubtedly have larger vehicles accessing daily who may not be aware or consider that small children may be in the area. There are instances where D2 leisure use has been introduced within industrial parks in the borough, however these tend to be in units with dedicated enclosed parking provision or their hours of operation are outside of those of the adjoining units."

7.10 In this particular industrial site, officers noted that whilst there is off street parking for the units these are not designated for the individual units. The 3.2 spaces per unit is also relatively low considering the size of some of the units. Discussions were held with the applicants over controlling the hours of operation of the swim centre and limiting school visits by bus only during day time hours, however these were not agreed and a refusal resulted.

7.11 This resubmission firms up these suggestions within the design and access statement and plans to only operate during day time hours for school visits only. These will arrive by mini bus only and park directly in front of the unit in a dedicated space to reduce the distance between the door of the mini bus and the swim centre. The applicants are also proposing to only operate after 5pm for private swim sessions. Nothing else has changed in terms of the level of car parking provision and or unit uptake.

7.12 The highways officer was re-consulted on this application and deferred the decision back to the planning officer, if officers were satisfied with the level of car parking and acknowledged that other D2 uses have been permitted in the borough. Having said the above each case must be looked at on its own merit and there may be some cases where parking provision is much more generous and the conflict with other uses is lessened for D2 use.

7.13 Officers still have reservations that once fully occupied the industrial premises will have a real conflict with any small child visiting the premises, particularly due to the sporadic parking, lack of pedestrian walkways within the site and the general industrial nature of the site. Whilst limiting the use during the day to schools only may help reduce this concern, this would be difficult to control in holiday periods.

In an evening there are still lots of potential conflict between uses of the school and businesses who may stay open late or work shifts, as the hours of operation are not controlled on the business park. This combined with the potential doubling up of vehicles to cover the 15 minute changing time between sessions (25 users at each lesson time, with 15min cross overs for each lesson change) would still lead to cause aggravation and nuisance in an estate that has a real small amount of parking. This concern may well reduce as the hours get later in an evening however a 5pm this is still likely to be a particular concern.

7.14 This concern was put the applicant in favour of granting temporary 2 year consent so its impact could be assessed once the estate becomes occupied; however for financial reasons including the outlay of the pool this was not agreed by the applicant. On this basis officer's still remain concerned about the lack of parking, exercising the control over the use and operation of the business and the overall safety of the users of the swim school.

Amenity

7.15 Policy CS1 of the Core Strategy supports development proposals that protect local amenity. Policy CS14 states that new development should also have no unacceptable negative effects upon the amenity of neighbouring land uses or the environment.

7.16 The proposed change of use would be in an existing building that adjoins neighbouring commercial buildings. There are no residential buildings in close proximity to the application site. Due to the nature of the proposed use, the existing uses of neighbouring buildings and the hours of opening, there are not considered to be any direct impacts on amenity such as noise or privacy. There may however be a general concern and nuisance factor which may affect the success of the business park overall, through parking conflicts and pedestrians walking through the estate when visiting the school as highlighted above. This is obviously a consideration of the owners in terms of the wider success of the estate and may impact on attracting future tenants.

Other Matters

7.17 It should be made clear that this pool will only operate for swimming lessons only and will not be a public swimming baths. Outside of school and private lessons, the pool will be closed. The swim centre is not open to the public for drop in free swim sessions.

7.17 The Local Planning Authority have asked the applicants whether they would except a temporary 2 year consent in order for the Local Planning Authority to monitor the use and impact on the local highway however this was not accepted by the applicant, given the length of lease they will take out and the outlay costs of the pool.

8.0 Summary and Conclusion

8.1 The proposed use would provide a much needed private swim facility in Doncaster and contribute towards getting the people of Doncaster active. However, through careful consideration the proposed use would result in harm to public safety to the customers of the swim school, due to the sites location, lack of pedestrian walkways and the industrial nature of the site once fully occupied. The proposal would result in harm to highway safety in terms of aggravating an already congested industrial area through a general lack of parking. Whilst the use will provide a new swim school and bring about a much needed facility this does not overcome the harm identified above and as such the application is recommended for refusal.

9.0 Recommendation

9.1 Refuse planning permission for the following reason:

1. The proposed use of the unit as a swimming baths without dedicated parking in an existing commercial area would conflict with Policy CS 14 of the Doncaster Core Strategy in that it would lead to an unacceptable risk to child safety given the levels of comings and goings of commercial vehicles to the adjoining units. As well as this the insufficient amount of parking spaces on the site as a whole would aggravate existing parking problems in the area and lead to such a high level of on street parking as to create a danger to the highway safety of thereby be contrary to Doncaster's Core Strategy Policy CS14 (a3) which seeks to ensure that new developments do not undermine the safety of the highway users.

The above objections, considerations and resulting recommendation have had regard to Article 8 and Article 1 of the First Protocol of the European Convention for Human Rights Act 1998. The recommendation will not interfere with the applicant's and/or objector's right to respect for his private and family life, his home and his correspondence.

Appendix 1: Site and Location Plan



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PLANNING STATUS

GO SWIMSTARS

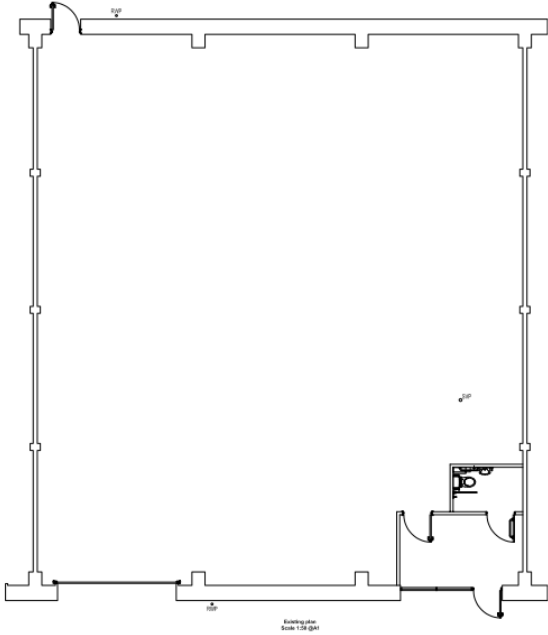
Unit 3B, Guest Park,
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Site and Location plan

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ARCHITECTS

Appendix 2: Existing Plans



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PRELIMINARY STATUS

client
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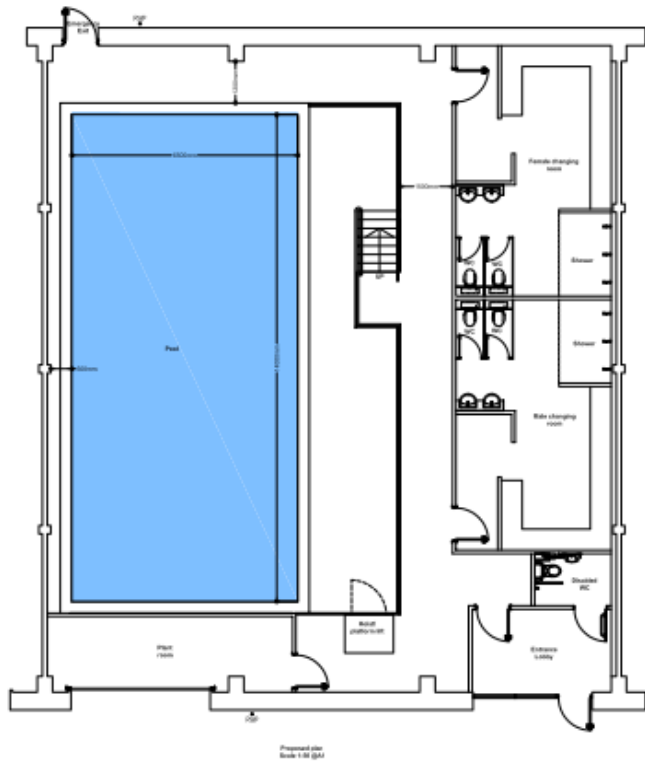
project
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Doncaster
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drawing
Existing plans and Elevations

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Appendix 3: Proposed Plans



Proposed site site back 1/10/21

PLANNING STATUS

0 - Minor updating the scheme
 1 - Changes to be avoided
 2 - Major changes to be avoided
 3 - Major changes to be avoided

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project
 Unit 3D, Guest Park,
 Wheatly Hall road,
 Doncaster
 DN2 4BQ

Proposals

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1111 1111 1111 | 1111 1111 | 1111 1111 1111

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