

East Area Planning Committee

4 November 2015

Application Number: 15/02288/FUL

Decision Due by: 23 September 2015

Proposal: Change of use from vacant unit (Use Class A3) to gym (Use Class D2). External alterations to facilitate a single entrance.

Site Address: Units 1F And 1G Templars Retail Park Between Towns Road (Site plan at **Appendix 1**)

Ward: Cowley Ward

Agent: Mr Jonathan Best

Applicant: KYARRA S.a.r.l

Application Called in by Councillors Henwood, Anwar, Clarkson and Price.
For the following reasons: concerned with noise and associated parking issues over a period of 24 hours 7 days a week. These issues may have a detrimental impact upon the amenity of local residents.

Recommendation:

APPLICATION BE APPROVED

For the following reasons:

- 1 The Council considers that the proposal accords with the policies of the development plan as summarised below. It has taken into consideration all other material matters, including matters raised in response to consultation and publicity. Any material harm that the development would otherwise give rise to can be offset by the conditions imposed.
- 2 Officers have considered carefully all objections to these proposals. Officers have come to the view, for the detailed reasons set out in the officers report, that the objections do not amount, individually or cumulatively, to a reason for refusal and that all the issues that have been raised have been adequately addressed and the relevant bodies consulted.

subject to the following conditions, which have been imposed for the reasons stated:-

- 1 Development begun within time limit
- 2 Develop in accordance with approved plans

- 3 Materials as specified
- 4 Noise breakout
- 5 Air conditioning, mechanical ventilation
- 6 Restricted use

Main Local Plan Policies:

Oxford Local Plan 2001-2016

- CP1** - Development Proposals
- CP6** - Efficient Use of Land & Density
- CP8** - Design Development to Relate to its Context
- CP9** - Creating Successful New Places
- CP10** - Siting Development to Meet Functional Needs
- CP13** - Accessibility
- CP19** - Nuisance
- CP21** - Noise
- TR3** - Car Parking Standards
- TR4** - Pedestrian & Cycle Facilities
- RC4** - District Shopping Frontage

Core Strategy

- CS1_** - Hierarchy of centres
- CS13_** - Supporting access to new development
- CS18_** - Urb design, town character, historic env
- CS19_** - Community safety
- CS21_** - Green spaces, leisure and sport

Other Material Considerations:

- National Planning Policy Framework
- Planning Practice Guidance

Relevant Site History:

86/00678/NR – Planning permission granted 8/10/1986 for retail park, comprising 13,032m² gross Class I non-food retail floor space, 929 sq. m. garden centre, associated car parking, open space, and new vehicular and pedestrian accesses (Reserved Matters of NOY/893/85) (Amended Plans) (Templars Shopping Park, Between Towns Road).

05/01139/FUL – Planning permission granted 2/09/2005 for demolition of entrance canopies. Alterations including remodelling of front facade and changes to entrance/exit doors on rear elevation. New rear external staircase to unit 5. Modification to parking layout including layout of spaces and landscaping (Units 2, 3,4 and 5 Templars Shopping Park).

09/01944/FUL – Planning permission granted 8/12/2009 for refurbishment of retail

units to include:

- i) external alterations to elevations, relocated entrances etc. to units 3 and 4.
- ii) new entrance features to units 2a to 4 and removal of signage boxes to units 2a and 2b.
- iii) reconfigured footways (including ramp), parking and additional cycle parking
- iv) removal of part of bund to rear service area
- v) new tree planting.
- vi) provision of 395Sq M mezzanine in unit 3 and provision of additional 1228Sq M mezzanine in unit 4 (Amended description).

11/02032/FUL – Planning permission granted 17/11/2011 for Refurbishment of Unit 1 comprising:-

- i) External alterations to the eastern elevations of the building to match the rest of the shopping park to create 4 units, additional glazing and new frontage louvers; (Additional Information)
- ii) Mezzanine floorspace within retail units 1A, 1B and 1C;
- iii) Alterations to the pedestrian and parking areas to front of the retail building and replacement compound/ new plant area within the service area (all as a variation on previous approval), and out of hours deliveries within the car park;
- iv) Formation of three Class A3 cafe-restaurants as a change of use and extension of the south western part of the existing retail building and enhancement of the open space to the south;
- v) Demolition of part of the rear of the existing building and redevelopment of that area and the adjoining garden centre to provide four dwelling houses with related access and car parking. (Additional Information) (Amended Plans)

14/02887/FUL - Reconfiguration of Units 1F and 1G to reduce the size of Unit 1F and increase the size of 1G including mezzanine, and to change the use of Unit 1G from Class A3 (Restaurant) to Class A4 (Public House) purposes, and provision of related service area, car parking and access. Erection of freezer store. Insertion of new fire door and alteration to windows and doors. (Amended description) (Amended plans). REF 29th April 2015.

14/02888/FUL - Removal of condition 24 (restricted to A3 use only) of planning permission 11/02032/FUL to allow the change of use of Unit 1G from A3 (restaurant and cafe) to A4 (drinking establishment - public house) (Amended description and plans). PER 29th April 2015.

Representations Received:

36 Van Diemens Lane: There is a decent gym already at Templars' Square; 52% of Pure customers drive to the gym which will put pressure on the John Allen Centre car park spaces and create road havoc in Rymers Lane; This unit was designated for a food venue and the Council must work with such venues to allow this to happen; we - the people of Cowley - have been sidelined and neglected for too long. Let us have a well kept and tidy eating venue that families can enjoy. We deserve that. The previous application for a Hungry Horse pub was superb.

17 Havelock Road: PureGym would be the only 24 hour gym in Oxford so it probably will attract people from further afield; The John Allen centre car park is not locked at

night - should it be under previous planning agreements? If so where will people coming to the gym at night park? We already have a problem with anti-social behaviour and night drinkers in the John Allen recreation ground next to the car park. I see that a 24 hour PureGym application has had strong local opposition in Glasgow. The FeelFit gym above the Coop Supermarket across the street in Templars Square has just expanded with a ladies only gym and more equipment and gym space in addition to martial arts centre. It is cheap and many of us walk there. FeelFit has taken many of the ex-Temple Cowley pool gym members, but it still always looks to have spare capacity so I don't think this new gym would provide for an unmet local need. I would be concerned if this put the local gym out of business.

3 Lawrence Road: despite assertions that local people will walk, most people will use a car. The application's own figures suggest over 50% of users will travel by car. There is no doubt that gym users would park in nearby streets which are already saturated with people avoiding the car park queues and using the streets as an alternative to park and ride to travel into Oxford. There are extensive noise reports, although none seem to fully address the issue of air conditioning units. Would like to request conditions re noise are put in place and stringently applied. There is an assumption throughout the planning application that the only residential areas are those along Rymers Lane and beyond the Retail Park. However, the proposed changes to Templars Square opposite include a hotel and residential units. Indeed, the Castle Parking multi-storey, immediately opposite the application area, is designated in the proposed plans as housing. It could certainly be argued that the occupiers could be potential gym users, who would be able to walk to the unit, as long as the sound proofing really is adequate.

Statutory Consultees:

Oxfordshire County Council Highway Authority: no objection

Issues:

Change of use
Highways
Noise/Nuisance
Design
Other

Officers Assessment:

Site Description

1. The application site is located on the southwest corner of the John Allen Retail Centre (Templars Retail Park), part of the Cowley District Centre, and includes Units 1F and 1G. The units were built in September 2013 and have permission for A3 purposes, but have never been occupied.

Proposal

2. The application is seeking a change of use of units 1F and 1G from use class

A3 (restaurants and cafes) to D2 (assembly and leisure) for use as a gym along with minor external alterations to the building to provide a new entrance to the building. The end occupier would be Pure Gym and the gym would operate 24 hours a day 7 days a week.

Assessment

Background

3. In February 2012 planning permission (11/02032/FUL) was granted for the demolition works, new building and refurbishment of Unit 1 and B&Q's former garden centre. The permission was for four retail units, three cafes or restaurants and four housing units. Two of the three café/restaurant units, 1F and 1G have never been occupied.
4. In April 2015 planning permission (14/02888/FUL) was granted for the use of Unit 1G for A4 purposes (drinking establishments). However, the only occupier interested in the unit was dependent upon the ability to utilise the hoarded unused land to the north (at the rear) for servicing and parking, and a related application for this (14/02887/FUL) was subsequently refused permission.
5. The two units are currently empty and marketing has been unable to let the space on the basis of planning permission 14/02888/FUL and there remains no interest in them for A3 purposes.

Change of Use

6. Cowley centre (Templars Square shopping centre and John Allen Retail Park) is very successful economically; it enjoys the highest rental income of the district centres, and generally low vacancy rates. However, the general environment around the district centre is somewhat sterile and bland without much social activity or vibrancy. The centre is well served by public transport and accessible to the local population by foot and bicycle, but also has a good deal of low-cost car parking.
7. Given its character, its capacity to accommodate further growth (retail and other uses), and its larger catchment area than the other district centres, Cowley centre is classified as a primary district centre in the Oxford Core Strategy (OCS), and is therefore placed higher in the sequential hierarchy than other district centres. Growth will be focused on appropriate sites such as the multi-storey car parks, Templars Square and the John Allen Retail Park.
8. Policy CS1 of the OCS states district centres are suitable for retail, leisure, employment and other uses serving district-level needs. The primary district centre is suitable for uses serving a larger catchment area than other district centres. Planning permission will be granted for such development provided it is of an appropriate scale and design and maintains or improves the mix of uses available.

9. The frontage to the retail park is strictly speaking covered by Policy RC4 (District Shopping frontage) of the OLP, which seeks to secure 65% of all uses in Class A1 retail use. Whilst the frontage facing onto the car park is shown on the Proposals Map to be subject to Policy RC4 now the original building has been subdivided and these new units created it is perhaps hard to argue that these new frontages created are subject to this policy since in practice they are not shown on the Proposals Map.
10. Therefore in these circumstances the proposal should to be considered in the context of its location within the Cowley/Templar's Square Primary District Shopping centre. Policy CS1 (Hierarchy of centres) of the OCS does specifically state that 'district centres are suitable for retail, leisure, employment and other uses that serve a District centre'. Therefore officers consider the change of use to be appropriate for the District centre.

Highways

11. No additional car parking is proposed to what already services the whole of the John Allen Centre (Templars Retail Park) as part of this proposal. When comparing the OLP requirements for A3 uses against D2 uses a D2 use requires less car parking. The two vacant A3 units would require 34 car parking spaces compared to 21 for the D2 use. Therefore it could be said the change of use would reduce the pressure on the existing car park when compared to the current use.
12. The Highway Authority has raised no objections to the proposal as they consider this type of application will not have a significant transport impact. The change of use from an A3 unit to a gym is unlikely to have a highway impact, especially as it does not have any associated parking. According to the Highway Authority most users are likely to travel to the proposed gym by foot, cycle or bus.
13. With regards to cycle parking an additional 28 spaces were proposed all located within close proximity to the three A3 units, as part of the original application (ref.: 11/02032/FUL for the refurbishment of Unit 1) which accorded with the requirements of the OLP. These cycle parking spaces have been provided. No additional cycle parking is proposed as part of this current application. However when you compare the requirements of the OLP for A3 use and D2 use a D2 requires less cycle parking. The two vacant A3 units would require 21 cycle parking spaces compared to 11 for the D2 use. Therefore the original number of cycle parking spaces proposed under ref.: 11/02032/FUL is more than adequate enough to provide cycle parking provision for the proposed change of use.

Noise/Nuisance

14. Noise can significantly affect the environment, health and quality of life enjoyed by individuals and communities. Policy CP21 of the OLP states planning permission will be refused for developments which will cause unacceptable noise. Particular attention will be given to noise levels close to

noise-sensitive developments; and in public and private amenity space, both indoor and outdoor.

15. Environmental Development officers have read through the noise report submitted with the application and have also discussed some of the issues with one of the London boroughs who have a 24 hour Pure Gym in their area.
16. Noise generated by gym activities broadly falls into two categories, one generated by group participation often with associated music and the other impact sound from the use of heavy weights. Both of these have a capacity to be structure borne but can be contained within the commercial units proposed to minimise noise breakout and therefore an adverse environmental effect.
17. Considering the sound attenuation details, presented with the application, Officers are satisfied that the noise impact on existing and proposed residential properties and the adjacent 'Costa Coffee' can be reduced to an acceptable level. For this purpose a condition is suggested to ensure the noise breakout is limited to predicted values in the Environmental Noise Impact statement and Noise Transfer Assessment 8.0 submitted by 'red acoustics' in report R1110-REP01-SJW (22/7/15) and that the applicant carry out testing and commissioning to ensure compliance and provide the Local Planning Authority with information prior to bringing the development into use.
18. A condition is also suggested in respect of external plant noise primarily because of the proposed 24 hour use.

Design

19. New access doors are proposed in replacement of the existing and an internal lobby created. Access to the club is secure at all times of the day with an entry pod with security cameras. Members have a unique PIN number which is required to gain entry to the building via a key pad. The alterations to the front elevation are not significant and will create a focal entrance point.
20. The proposed alterations are considered acceptable in terms of policy CS18 of the Core Strategy 2026 and CP1, CP8 and CP10 of the Oxford Local Plan 2001-2016 in that they respect the character and appearance of the area and create an appropriate visual relationship with the form, grain, scale, and details of the site and the surrounding area.

Other

21. The proposal will create 20 equivalent full time jobs in a variety of roles and staff will be on site 24hours/day
22. The submitted plans show a mezzanine however this category of work does not amount to 'development' as set out in Section 55(2) of the Town and Country Planning Act 1990 i.e. interior alterations (except mezzanine floors which increase the floorspace of retail premises by more than 200 square metres). These premises are not retail therefore the mezzanine is permitted

development and as such has not been taken into account.

Conclusion:

23. For the reasons given above and taking into account all other matters raised Officers conclude that the proposal accords with all the relevant policies within the Oxford Core Strategy 2026 and the Oxford Local Plan 2001-2016 and therefore recommends Members approval the application.

Human Rights Act 1998

Officers have considered the Human Rights Act 1998 in reaching a recommendation to grant planning permission, subject to conditions. Officers have considered the potential interference with the rights of the owners/occupiers of surrounding properties under Article 8 and/or Article 1 of the First Protocol of the Act and consider that it is proportionate.

Officers have also considered the interference with the human rights of the applicant under Article 8 and/or Article 1 of the First Protocol caused by imposing conditions. Officers consider that the conditions are necessary to protect the rights and freedoms of others and to control the use of property in accordance with the general interest. The interference is therefore justifiable and proportionate.

Section 17 of the Crime and Disorder Act 1998

Officers have considered, with due regard, the likely effect of the proposal on the need to reduce crime and disorder as part of the determination of this application, in accordance with section 17 of the Crime and Disorder Act 1998. In reaching a recommendation to grant planning permission, officers consider that the proposal will not undermine crime prevention or the promotion of community safety.

Background Papers:

Contact Officer: Lisa Green

Extension: 2614

Date: 21st October 2015