

## DEVELOPMENT MANAGEMENT COMMITTEE – 8 JANUARY 2020

<b>Application Number</b>	3/19/2218/FUL
<b>Proposal</b>	Change of use of part of the ground floor from B1 (Office/light industrial) to D2 (fitness centre) for a temporary period of 3 years together with associated elevational alterations including provision of new entrance doors and access ramp, ventilation louvres, lighting and 3 AC condensers.
<b>Location</b>	Biomarsh House, 8 Fountain Drive, Hertford, SG13 7UB
<b>Parish</b>	Hertford CP
<b>Ward</b>	Hertford Kingsmead

<b>Date of Registration of Application</b>	30 October 2019
<b>Target Determination Date</b>	25 December 2019
<b>Reason for Committee Report</b>	Council's own application.
<b>Case Officer</b>	James Mead

### **RECOMMENDATION**

That planning permission be **GRANTED** subject to conditions set out at the end of this report.

#### **1.0 Summary of Proposal and Main Issues**

1.1 The proposal seeks planning permission for the change of use of part of the ground floor of Biomarsh House from B1 (Office/Light Industrial) to D2 (Fitness Centre). A small part of the ground floor and the whole first floor of the building would remain in B1 use. The permission would be for a temporary period of three years. This consent is sought as a temporary arrangement, while the intended refurbishment and extension of Hartham Leisure Centre is undertaken (Local Planning Authority reference: 3/19/1882/FUL). This related application is also being considered at this planning committee meeting.

1.2 The proposal includes the provision of 12 customer designated parking spaces and cycle parking facilities. A number of elevational alterations are proposed to the building, including the provision of: entrance doors, an access ramp, ventilation louvres, lighting and air conditioning condensers.

1.3 The main issues for Members consideration are:

- Principle of the Change of Use in a Designated Employment Area
- Leisure Provision
- Design and External Appearance
- Environmental Quality
- Highways and Parking
- Site Description

2.1 The application site comprises part of a two storey industrial building, known as Biomarsh House. An area of hardstanding to the north of the main building is also included within the site boundary. The vehicular access into the site is from Merchant Drive. The site is within the settlement boundary of Hertford, and is to the north-eastern side of this town. Biomarsh House is within the Mead Lane designated employment area, with the locality being characterised by other industrial and employment uses. Beyond the site to the north is open countryside.

### **3.0 Planning History**

No relevant planning history.

### **4.0 Main Policy Issues**

4.1 These relate to the relevant policies in the National Planning Policy Framework 2019 (NPPF) and the adopted East Herts District Plan 2018 (DP).

<b>Main Issue</b>	<b>NPPF</b>	<b>DP Policy</b>
Principle of Change of Use in a Designated Employment Area	Section 6	ED1
Leisure Provision	Section 8	CFLR1
Design and External Appearance	Section 12	DES4
Environmental Quality and Amenity Impacts	Section 15	EQ2
Highways and Parking	Section 9	TRA1, TRA2, TRA3

Other relevant issues are referred to in the 'Consideration of Relevant Issues' section below.

## **5.0 Summary of Consultee Responses**

- 5.1 HCC Highway Authority note that the site benefits from access to public transport. The nearest bus stop is a 9-minute walk away providing local services to Hertford. The site provides 9 parking spaces and 6 cycle spaces and London Road car park is a 13 minute walk away. The proposal accords with the NPPF, in terms of public access. There are no proposed alterations to existing vehicular or pedestrian access. The proposals would have little impact on the highway network as the usage would likely be outside the am and pm peaks. The Local Planning Authority may wish to review their parking standards in respect of the restricted parking on Fountain Drive.
- 5.2 EHDC Environmental Health Advisor advises that there will be a noise impact coming from the proposed exercise studio, proposed fitness suite and the additional three air conditioning units. It is considered that these noise impacts have the potential to adversely impact the occupants of the first floor offices above. Therefore, this consultee notes that the noise impacts need to be assessed and appropriate mitigation measures implemented. A condition requiring a scheme of sound attenuation is recommended.

(Note: EHDC, East Herts District Council; HCC, Hertfordshire County Council)

## **6.0 Town/Parish Council Representations**

6.1 Hertford Town Council has no objection.

## **7.0 Summary of Other Representations**

7.1 One neighbour response has been received neither objecting nor supporting the proposals. The following comments are made:

- No concerns regarding the proposed gym.
- It will be interesting to see if Mead Lane can support the extra numbers of cars.

## **8.0 Consideration of Issues**

### Principle of Change of Use in Designated Employment Area

8.1 Biomarsh House is located within the designated Mead Lane Industrial Estate, wherein Policy ED1 allocates land for B1 (Business), B2 (General Industrial) and B8 (Storage and Distribution) uses. Part III of this policy outlines that the loss of an employment premises (B1, B2, B8) will only be permitted where the following criteria are met:

- a) The retention of the premises for B1, B2 and B8 uses has been fully explored without success (including evidence of at least 12 months of marketing);
- b) The retention of the B1, B2 or B8 use is unable to be facilitated by the partial conversion to a non-employment generating use; and
- c) The proposal does not prejudice the continued viability of existing employment areas and neighbouring uses.

- 8.2 The proposed D2 (fitness centre) use would not align with the desired businesses uses in a designated employment area. Furthermore, the change of use would result in the loss of B1 floorspace. Therefore, Policy ED1 dictates that the criteria of part III of this policy should be met. The submitted planning statement has not specifically addressed this criteria, and consequently the proposal does not meet the requirements of Policy ED1. The loss of business floorspace weighs against the proposal.
- 8.3 While the proposed D2 use would not constitute a business use (B1, B2 or B8), it would generate employment on the site, with employees from the Hartham Leisure Centre relocated to this temporary fitness centre. Furthermore, the change of use would not result in the complete loss of the business use of Biomarsh House, as part of the ground floor and the whole first floor would remain in B1 use. The temporary nature of the proposed change of use (for three years), also means that the long term viability of the employment area would not be prejudiced through this proposal.
- 8.4 The loss of business floorspace and conflict with Policy ED1 is acknowledged. However, it is considered the employment generating proposed use, retention of some business use in Biomarsh House and temporary nature of the scheme mean that the viability of the designated employment area would not be jeopardised. These other considerations are considered to outweigh the non-compliance with Policy ED1.

#### Leisure Provision

- 8.5 The proposed change of use would provide a leisure facility for usage by the local community. Both national and local policies identify the need to promote health and wellbeing, and it is recognised that leisure facilities are an important element in achieving a fit and healthy population.
- 8.6 Policy CFLR1 encourages new indoor recreation facilities, which meet identified needs. Such facilities should also be located in suitable locations, served by sustainable transport options. There is

clearly a need for a replacement fitness centre, given the significant weekly attendance to the existing Hartham Leisure Centre. Without a replacement facility a substantial number of leisure centre users would be displaced. Additionally, the provision of this temporary facility would support the long-term leisure needs of the District by enabling continued leisure provision for the local community, while works are undertaken at Hartham Leisure Centre.

- 8.7 In regard to whether this location is suitable for the proposed fitness centre, Biomarsh House is in a sustainable location within the settlement boundary of Hertford. There would be scope for some residents of Hertford to access the facility via walking or cycling. Furthermore, Hertford East Railway Station is within reasonable vicinity of the site meaning some users could combine public transport and walking/cycling to access the facility. Given the potential for sustainable journeys to be made to the facility, it is considered the location is suitable for the proposed use.
- 8.8 It is considered that this proposed temporary leisure facility meets a clear need, and supports the continued provision of leisure opportunities in the District. Furthermore, the site is in a suitable location that would allow sustainable journeys to be made to the facility. Therefore, the proposed change of use is in accordance with Policy CFLR1, and this consideration should be assigned significant positive weight.

#### Design and External Appearance

- 8.9 Several elevational alterations are included within the proposed scheme, including the insertion of: new entrances doors, a new access ramp, new ventilation louvres, new lighting and new air conditioning condensers.
- 8.10 These features would not be visually dominating additions to the building, and Biomarsh House would retain its commercial character. Therefore, there would not be an adverse impact upon the character and appearance of the subject building or the surrounding commercial area. From a design perspective, the

proposal accords with Policy DES4. This element of the proposal carries neutral weight in the overall balancing exercise.

### Environment Quality

- 8.11 Policy EQ2 outlines that developments should be designed and operated in a way that minimises direct and cumulative impacts of noise on the surrounding environment. The proposed D2 use would be a use with the potential to generate notable levels of noise. Such noise could impact the operations of surrounding businesses. Acknowledging this, the Environmental Health Advisor has recommended a condition requiring a noise attenuation scheme, prior to the D2 use of the building commencing. This is considered an appropriate approach to take, so to ensure that the noise impacts affecting other businesses in the vicinity is minimised and mitigated. Therefore, a condition requiring this noise attenuation scheme should be attached to the approval, in accordance with Policy EQ2.

### Highways/Parking

- 8.12 Policy TRA2 sets out that proposals should be acceptable in highways safety terms and not result in any severe residual cumulative impact. The Highway Authority was consulted on the application, and this consultee has not objected. The traffic generation from the proposed D2 use would not be significant, and a notable amount of the journeys to the facility are likely to be undertaken outside of am and pm peak times. Therefore, it is not considered the proposal would result in a severe impact on the local highway network. Additionally, no changes are proposed to the existing access arrangements. Consequently, it is not considered there would be an unacceptable impact on highways safety. From a highways safety and traffic generation perspective the proposal would not be contrary to Policy TRA2.
- 8.13 In terms of car parking, Policy TRA3 outlines that development proposals should be assessed on a site-specific basis, and should take into account the provisions of the Supplementary Planning

Document (SPD) 'Vehicle Parking Provision at New Development'. The updated parking standards accompanying the SPD advise that fitness centres should be served by 1 parking space per 15m<sup>2</sup> of gross floor area.

- 8.14 The provision of 12 customer designated car parking spaces to serve this 450m<sup>2</sup> fitness centre would be below the parking standards. Whilst this is noted, Policy TRA3 is clear in that parking should be assessed on a site-specific basis.
- 8.15 While the scheme only makes provision for the parking of 12 vehicles, it is noted that the peak times for use of the fitness centre are likely to be early morning, evenings and weekends. At such times the other parking spaces serving Biomarsh House are not likely to be fully occupied. Therefore, the users of the fitness centre are likely to have other parking spaces available to them in the wider car park, at peak times.
- 8.16 In addition, it has already been acknowledged that the site is considered to be in a sustainable location within the built-up area of Hertford. Some residents of Hertford would be able to access the facility via walking. Furthermore, cycling to the site would be a genuine option for users of the facility, and the scheme looks to support this through provision of cycle parking facilities. The site is in reasonable proximity of the Hertford town centre meaning that users of the fitness centre would be able to use public car parks, and then walk to the facility. Hertford East Railway Station is also within walking distance of the site meaning users of the facility could combined public transport journeys with walking/cycling to access the fitness centre.
- 8.17 It is acknowledged that the provision of designated customer parking spaces does not meet the Council's parking standards. However, there would be additional parking spaces available at peak times in the wider Biomarsh House car park. Furthermore, the sustainability of the location means that there would be significant opportunities for journeys to be made to the facility via sustainable modes of transport. The availability of additional parking spaces and



the sustainability of the site would outweigh the non-compliance with the parking standards. Therefore, assessing the scheme on a site-specific basis it is considered the parking arrangements would be adequate, in line with Policy TRA3.

## **9.0 Planning Balance and Conclusion**

- 9.1 The proposed change of use would result in the loss of B1 floorspace and the requirements of Policy ED1 have not been satisfied in the submitted planning statement. While this is noted, it is considered there are other factors that outweigh the non-policy compliance. These considerations include: the employment generating proposed use, the fact the some B1 floorspace would be retained and the temporary nature of the change of use. Given these factors, it is not considered the viability of the designated employment area would be jeopardised. This temporary change of use is deemed acceptable in this designated employment area.
- 9.2 This temporary leisure facility would be in a suitable location and meets a clear need. This temporary fitness centre would support the leisure requirements of the District's population in the long-term by enabling continued leisure provision while works are undertaken at Hartham Leisure Centre.
- 9.3 The external alterations to the building are minor in nature, and consequently there would not be an adverse impact upon the character and appearance of the building or surrounding area. Subject to a pre-occupation condition requiring a noise attenuation scheme, there would not be a detrimental impact upon the operations of nearby businesses.
- 9.4 The change of use would not result in a severe impact on the local highway network or an adverse impact on highways safety. The designated parking provision does not meet the Council's Parking Standards. However, the availability of other parking at peak times and the opportunities for sustainable journeys to be made to the facility outweigh the non-compliance with the parking standards.

There would be sufficient parking to serve the temporary fitness centre.

- 9.5 The application is therefore considered to accord with the relevant adopted policies, and is recommended for approval, subject to conditions.

## **RECOMMENDATION**

That planning permission be **GRANTED** subject to the conditions set out below:

### **Conditions**

1. Temporary Permission – Use (1T091)
2. Approved Plans (2E101)
3. Materials as on plan/application form (2E422)
4. Before the use of the building for D2 purposes is commenced a scheme of sound attenuation works shall be submitted to the Local Planning Authority for written approval, installed and thereafter retained. The scheme of works shall be capable of restricting noise breakout from the D2 use to the offices above.

Reason: To safeguard the amenities of existing businesses, in accordance Policy EQ2 of the East Herts District Plan 2018.

### **Informatives**

1. Justification Grant (JG4)
2. Other Legislation (1OL1)

## **Summary of Reasons for Decision**

East Herts Council has considered the applicant's proposal in a positive and proactive manner with regard to the policies of the Development Plan (Minerals Local Plan, Waste Core Strategy and Development Management Policies DPD 2012 and the East Herts District Plan, the National Planning Policy Framework and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015. The balance of the considerations having regard to those policies is that permission should be granted.

## **KEY DATA**

### **Non-Residential Development**

<b>Use Type</b>	<b>Floorspace (sqm)</b>
Proposed: Leisure (D2)	458
Existing : Business (B1)	458

<b>Parking</b>	<b>Parking Spaces</b>
Proposed	12
Policy Requirement- Zone 4 (75%)	23