

DELEGATED APPLICATION REPORT

Application No: 210796/FUL

Address: Unit 7, Sterling Way, Reading

Proposal: Change of use from children's play facility (Use Class E(d)) to gymnastics gym (Use Class E(d))

Target Date: 10/08/21

Case Officer: Connie Davis

Site Description and Surrounding Area:

The application site is situated within a small industrial estate comprising 7 industrial units (all owned by the applicant). Unit 7 comprises a steel portal frame with brick and part clad elevations under a fully insulated pitched roof. The Unit has been in use for approximately 15 years as a soft play centre (Krazy Kids). However, due to the pandemic it has been forced to close.

The site is located south of allocated employment site EM2k: Sterling Way (a Core Employment Area, as defined in Reading Borough Council's adopted Local Plan). The surrounding area to the west is residential and to the north is retail. To the East is Reading Retail Park.

The application site is not listed, nor in a conservation area.

Proposal:

Planning Permission is sought for the proposed change of use of the site from a children's play facility (Use Class E(d)) to gymnastics gym (Use Class E(d)). The gymnastics club is for Virtue Gymnastics who offer a wide variety of classes for children aged 1-17 years.

As presented in the Planning Statement:

The club is affiliated with British Gymnastics along with Great Berkshire Active. At present they are operating their classes from 3 separate venues on weekdays and 2 venues on Saturdays. All of their current lettings are for 39 weeks a year due to current venue term time only conditions. With these new facilities, they would ideally be open 50 weeks a year from 9:00am - 10:30pm seven days per week to cater for an extensive waiting list and to be able to expand the class timetable into a more community-based club.

The number of staff on site per hour would be between 6-8 and the numbers of members per hour would be 48 (between 4-8pm) and about 24 for the remainder of the time.

Ordinarily this change of use would qualify as Permitted Development as both uses fall within the same use class (Class E). However a condition preventing the use changing (even within the same use class) without express planning permission was imposed on the previous planning permission (see planning history).

No external changes to the building are proposed.

Plans/ Documents considered:

Application Form
Decision notice for planning application 05/00007/FUL/DG
Planning Statement
CIL Form
Location Plan
Proposed Block Plan
Elevations

Received 19th May 2021

2166/06 Rev A - Proposed first floor office plan
2166/04 Rev A - Proposed first floor plan
2166/05 Rev B - Proposed ground floor office plan
2166/03 Rev B - Proposed ground floor plan

Received 24th May 2021

269554 - Floor Plans
Received 15th June 2021
Proposed Parking Layout Plan

Received 4th August 2021

Relevant Planning History:

05/00007/FUL - Change of use from industrial unit to children's play facility - Approved

However, condition 11 prevents the change of use of the building to any different use, even those within the same use class.

Consultation Responses:**Internal Consultees**

Transport: No objections subject to conditions

External consultation:

A site notice was displayed between 17th June - 8th July 2021.

57 letters of representation were received; 34 objections, 11 observations and 12 letters of support. However, the letters of observation (bar one) appear to be worded as objections.

Matters raised in objections/ observations:

- Proposal not beneficial for the wider community
- The building should become housing, particularly affordable or migrant housing/ housing for the homeless
- Loud noise will be experienced for nearby shops and restaurants
- Not safe for cyclists or pedestrians
- Increased traffic flow
- The Council should focus more on planting trees or encouraging green initiatives to reduce traffic on roads
- More gyms are not required
- Condition should be imposed that parking should be restricted to spaces associated with the building
- Proposal goes against Policies EM3 and EM4 of the Local Plan
- Unit should be subdivided for multiple uses
- Limited affordable industrial space which should not be given to a gym
- Unit should become Council owned and used by the Community
- Unit should be changed to industrial. If viable, the previous business at the site would not have gone bust
- Empty warehouses should be used for spaces for start-ups and online stores
- Not a safe venue for children given trade lorries come and go from Sterling Way
- British gymnastics does not safeguard its gymnasts
- Limited parking
- Gymnastics is not an inclusive sports and the Council should purchase the site to be used for all sports regardless of ability
- Reference to a previous application (at a different site) which had inadequate parking provision. Considers this would apply in this instance too.
- Not easily accessible for emergency services. Surrounding roads are busy so would not reach the building quickly
- Pollution from traffic
- Virtue doesn't need its own gym as they operate out of existing clubs
- Unfair that other sports clubs have had their applications refused
- Already a lot of clubs and sports activities in Reading for kids

Officer comment: The above will be responded to within the report.

Points raised in Support/ Observation

- The proposal would benefit the community
- Suitable for all
- Traffic would be less than Krazy Kids due to reduced capacity in comparison as well as unsociable hours of operation. Businesses will be closed during peak session time
- Sports facilities are important to young people and the club will be ran by an experienced and qualified team
- More variety of activities than a standard gym
- Unit has been empty for some time - this will bring the site back into use
- Will get the community fit and active (mentally and physically), particularly after Coronavirus

- The club will offer pay as you go activities which will help those on lower incomes
- Good location on bus and cycle routes. New cycle path on Oxford Road will encourage families to cycle to the gym

Officer comment: The above are noted.

Equality Act 2010:

In determining this application, the Council is required to have regard to its obligations under the Equality Act 2010. However, there is no indication or evidence (including from consultation on the application) that the protected groups identified by the Act have or will have different needs, experiences, issues and priorities in relation to this particular planning application. Therefore, in terms of the key equalities protected characteristics it is considered there would be no significant adverse impacts as a result of the development.

Officer comment: A representation has been made concerning the proposed gym not being an inclusive space. The LPA can only go so far in assessing the broad principle of the change of use and assess inclusivity in terms of matters such as building access. The activities/ classes provided by the operator cannot be controlled by the LPA, nor is that a material consideration in the planning process.

Relevant Planning Policy and Guidance

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that proposals be determined in accordance with the development plan unless material considerations indicate otherwise. Material considerations include relevant policies in the National Planning Policy framework (NPPF) - among them the 'presumption in favour of sustainable development'. However the NPPF does not change the statutory status of the development plan as the starting point for decision making (NPPF paragraph 12).

In this regard, the NPPF states that due weight should be given to the adopted policies of the Local Development Framework (LDF) (Reading Borough Local Plan) according to their degree of consistency with the NPPF (the closer the policies in the plan to the policies in the NPPF, the greater the weight that may be given).

Accordingly, the National Planning Policy Framework and the following development plan policies and supplementary planning guidance are relevant:

Reading Borough Local Plan (2019)

- CR1 Presumption in Favour of Sustainable Development
- CC7 Design and the Public Realm
- CC8 Safeguarding Amenity
- EM1 Provision of Employment
- EM2 Location of New Employment Development
- EM3 Loss of Employment Land
- EM4 Maintaining a Variety of Premises

TR3 Access, Traffic and Highway-Related Matters
TR5 Car and Cycle Parking and Electric Vehicle Charging
OU1 New and Existing Community Facilities

Supplementary Documents:

Revised Parking Standards and Design SPD (2011)

Appraisal

Principle of the change of use

The application site is within the Sterling Way core employment area (area EM2k on the Proposals Map). However, the site is not currently in industrial use, and so this application would not result in the loss of an industrial unit. It should also be noted that the site is a designated employment area, rather than an industrial area. The previous use of the site was an employment space (for the staff members working at Krazy Kids). This proposed use would still generate employment. As such, the amount of employment space would remain at the same level as the previous use and as such is considered acceptable in relation to Policy EM2 in this regard.

The proposal is not considered to result in any loss of employment land, and as such Policy EM3 is not applicable in this instance. Policy EM4 states that *'A range of types and sizes of units should be present in the Borough, and proposals should maintain or enhance this range'*. This proposal will not alter the range of units within the vicinity; it does not involve the creation or closure of a unit, only its use.

Policy OU1 states that *'proposals for new, extended or improved community facilities will be acceptable, particularly where this will involve co-location of facilities on a single site'*. The applicant's agent has confirmed that the business will no longer be operating from its current facility elsewhere in Reading. As such, the existing premises will become available for a new community facility/ use as appropriate and thus the amount of existing community facilities will be maintained.

It is therefore considered that the proposed use would support the objectives of the 2021 NPPF in placing significant weight on the need to support economic growth through the planning system, and the need to support healthy communities. On balance, the proposed change of use is therefore considered to be in accordance with Policies EN2 and EN3 of the Reading Borough Local Plan (2019) in this specific instance given the site is already in an community use and will still generate employment.

However, a condition preventing the change of use of the building to another use, irrespective of Permitted Development rights, is considered appropriate to ensure the Council retain a level of control over the use of the site given that it is within a designated Core Employment Area. Furthermore, this condition was imposed on the provisions permission in 2005 (see planning history). This proposed use is a continuation of the previous use (ie. within the same use class), and so also considered reasonable to continue with this restriction given the designation of the Sterling Way Employment Area. It would also restrict

any undesirable uses on site being carried out under Permitted Development, or those that would result in a decrease in income revenue and employment opportunities. For the reasons above, the condition is considered reasonable to impose and would meet the relevant tests for conditions outlined in the NPPG.

Impact on character of the surrounding area

The proposal does not seek any external alterations to the building and is not considered to result in any harm to the visual amenities of the surrounding area in accordance with Policy CC7 of the Reading Borough Local Plan (2019).

Separate advertisement consent will be required for any proposed signage. An informative will be attached to cover this matter.

Impact on neighbouring amenity

Residential properties are situated in excess of 30m from the site across Norcot Road to the west. On all other elevations, the building is surrounded by retail/ commercial use.

The applicant has proposed the following opening times:

Monday - Sunday: 9:00 - 10.30pm

The number of staff on site per hour would be between 6-8 and the numbers of members per hour would be 48 (between 4-8pm) and about 24 for the remainder of the time.

It is not considered internal gymnastics activities would have a detrimental impact in terms of noise for nearby residents and businesses in comparison to the previous use of the site. Whilst the business would be open for a longer period of time, activities will be concentrated indoors. Noise from vehicles entering and existing the site are not considered to cause any greater level of disturbance than existing movement on Norcot Road and Oxford Road, or in connection with existing uses within the industrial area .

As such, the proposal is considered acceptable in relation to Policy CC8 of the Reading Borough Local Plan (2019). A condition securing these hours of use will be attached to the permission.

Transport

A number of representations related to transport/ highway safety matters.

The RBC Transport officer has confirmed that the proposal is acceptable in respect of vehicle and cycle parking based on the projected number of staff and visitors. 30 vehicle parking spaces are already on site for use which is deemed acceptable, along with 6 existing cycle parking spaces (Sheffield bike stands). This level of provision is deemed acceptable given the sustainable location of the site such as being on a well-served bus route. Compliance conditions will be attached to ensure that bicycle and vehicle and parking spaces are kept free for business use at all times. Ensuring vehicle parking spaces are

available at all times is also required so an acceptable level of parking is provided on site to reduce the risk of parked cars spilling into undesignated areas as concerns were raised about this during the public consultation.

Policy OU1 also states *'New community facilities should be located where there is a choice of means of travel (including walking and cycling), and in existing centres where possible'*. Given the sustainable and accessible location, the proposal is considered acceptable in this regard.

Representations also made comment on the safety of children accessing the site, as well as pedestrian and cycle safety. There is a zebra crossing in close proximity to the site, with pavement extending along Norcot Road. Within the estate itself, the pavement ceases meaning those in the estate, will, for a short period of time, will likely need to walk on the edge of the car park. Given the short distance, this is not considered to pose a hazard that would warrant refusal of the application. The gym is also proposed to be utilised by children, many of whom may be accompanied by an adult to ensure safety when walking across the car park.

As mentioned above, cycle parking is provided on site, and the site has not been flagged as a danger for cyclists by the RBC Transport Officer.

As such, the proposal is considered acceptable in relation to Policies TR3, TR5 and OU1 of the Reading Borough Local Plan (2019).

Other Matters

Matters raised in representations that have not been discussed in the main body of the report:

- 1) **The site should be used for housing** - The LPA are required to assess each application on its own merits in accordance with policy. Should an application for housing at the site be submitted, this will be assessed. The site is not currently allocated for housing.
- 2) **Matters on traffic, cycle provision and pollution** - Transport matters are addressed in the report. Pollution would have been generated from previous users of the site and there is not considered the increase would be substantially more harmful. Furthermore, the site is located in a sustainable location where alternative/ public transport can be sought which could result in the reduction of pollution.
- 3) **The Council should focus more on planting trees or encouraging green initiatives to reduce traffic on roads** - This application is not submitted by the Council, but rather to the Council for assessment. It is not considered that planting trees is relevant to this application for a strict internal change of use. As above, the site is located in a sustainable location which is well served by public transport. As such, traffic on the roads has the potential to be reduced if users make use of the more

sustainable transport measures. This is of course a personal choice made by each customer, however facilities are in place to support walking/ cycling and bus use.

- 4) **No need for more gyms** - Each application is assessed on its own merits. Within the immediate vicinity (ie within the estate) there is not a proliferation of sports facilities. It is also considered that the prospect of bringing the site back into employment generating sports use is positive; the LPA are presented with no other formal applications at the site for alternative uses (industrial, residential, retail, alternative sport facilities), subdivision of the site, nor is the Council able to purchase the site.
- 5) **British gymnastics do not safeguard their gymnasts** - This is not a matter for the LPA to comment on. Proposals are assessed and determined on policy regardless of the applicant or their affiliations.
- 6) **Other applications for similar facilities have been refused** - Each application is assessed on its own merits in relation to policy. Applications for similar/ the same proposal in different locations may result in different outcomes due to varying site constraints and considerations in different locations
- 7) **Emergency services would find it difficult getting to the site due to traffic on surrounding roads** - This scenario is considered applicable to all buildings and properties in the surrounding area and is not considered a basis to refuse the application.
- 8) **Virtue doesn't need its own gym** - It is not a matter for the LPA to dictate as to whether a business wants/ needs to acquire a premises. However, it has been advised that at present Virtue have only been able to operate in term time from their current premises and so this site would provide an all year round facility. Whilst not conditional upon any approval, Virtue's use of other sites will cease, as noted earlier in the report.

CIL (Community Infrastructure Levy)

The proposal is not liable for the Community Infrastructure Levy as the site has been in a lawful use for a continuous period at least six months the last 3 years and does not create any newbuild floor space.

Conclusion

It is considered that the proposal is acceptable for the reasons set out in this report.

RECOMMENDATION:

GRANT Planning Permission subject to conditions.

1) TL1

- 2) Approved Plans
- 3) Hours of operation
- 4) Vehicle parking as specified
- 5) Cycle parking as specified
- 6) Use restricted to gymnastics gym

Informatives

- 1) Terms
- 2) Separate advertisement consent is required
- 3) Positive and Proactive