

Parish:
Ward:
6

Committee date: 26 July 2018
Officer dealing: Mr P Jones
Target date: 29 August 2018

18/01279/FUL

Change of use of building previously used as a brewery to D2 (assembly and leisure) use

**At 2 Binks Close, Standard Way Business Park, Northallerton
For Miss C Murphy**

This application is referred to Planning Committee as the application site is owned by the Council

1.0 SITE, CONTEXT AND PROPOSAL

- 1.1 The unit is semi-detached and constructed of green panel sheeting with a total size of 14.356m x 13.258m. It is proposed to utilise the main internal space as a dance studio with the smaller rooms as a reception/waiting area with kitchen and toilet. The unit has 8 allocated car parking spaces.
- 1.2 This application seeks permission to change the use of an industrial unit at 2 Binks Close, Standard Way Business Park to a dance studio.
- 1.3 The unit is presently empty having previously been occupied by Walls Brewing Company. The applicants intend to run a dance fitness centre from the unit. They have provided details of other premises they have considered together with explanations of why these have not proved appropriate for their needs. Their intended hours of opening for the dance studio are 6.30pm until 9.30pm although private classes on a one to one basis will be run through the day. It is envisaged by the applicant that there will be approximately 4 private sessions each week. .

2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY

- 2.1 There is no relevant history for the application premises; however application 14/01260/FUL, for a change of use of industrial unit to dance studio, was granted for the adjacent unit, 1 Binks Close, in September 2104.

3.0 RELEVANT PLANNING POLICIES

- 3.1 The relevant policies are:

Core Strategy Policy CP1 - Sustainable development
Development Policies DP1 - Protecting amenity
Core Strategy Policy CP12 - Priorities for employment development
Development Policies DP17 - Retention of employment sites
National Planning Policy Framework - published 27 March 2012

4.0 CONSULTATIONS

- 4.1 Northallerton Town Council – No objections.
- 4.2 Highway Authority –
- 4.3 Yorkshire Water – No comments to make.
- 4.4 Network Rail – No comments to make.

4.5 Public comments – No Comments Received.

5.0 OBSERVATIONS

5.1 The main issues for consideration in this case relate to (i) the principle of allowing the proposed change of use in this location, together with any impact this use may have upon (ii) highway safety; or (iii) neighbour amenity.

Principle

5.2 Policy DP17 states that sites and premises used and/or allocated for employment purposes will be safeguarded for that use. The policy identifies four criteria for permitting such a change of use:

- i. The supply and variety of alternative employment land is sufficient to meet local requirements; or
- ii. Evidence can be provided that no suitable and viable alternative employment use can be found in the foreseeable future; or
- iii. There would be substantial planning benefit in permitting an alternative use, for example in removing a use which creates residential amenity problems such as noise or odours; or
- iv. Economic benefits to the area would result by allowing redevelopment, for example by facilitating the retention of a business in the area through funding a new site or premises.

5.3 The requirements of the applicant's business are somewhat complex in terms of the installation of aerial equipment and the resultant requirements for relatively specific roof heights and supporting structures. The applicant has looked at a variety of units in Thirsk and Northallerton and found only this unit to be suitable, with no units being available, that would meet the needs of the business, in a location closer to the town centre or within a property that was not intended for B1, B2 and B8 uses.

5.4 This unit was previously rented by Walls Brewing Co limited who moved into the unit in January 2014. That business failed in 2016 and set up again as Northallerton Brewery. Prior to that it was occupied by a car body repair business from November 2009 to January 2013. The unit was empty for a year until the brewery moved in (they moved from unit 1).

5.5 There are currently a number of other similar units in the vicinity available to let, including one at Barkers Court and a number at Omega Business Village. Additionally there are similar units available at Leeming Bar and the Craft Yard at Bedale.

5.6 Bringing the unit back into use would result in economic benefits to the area through the retention and development of an existing business.

5.7 The property is currently empty (and has been since January 2018). Local signage has been in place since January 2018 by way of a large sign at the entrance to the site and posted in the windows. The unit has been marketed through the HDC website on the property register. The Council's enquiries database has also been used to proactively contact interested parties. Enquiries over the last three years have been for larger or smaller premises or alternatively from operators such as the applicant seeking premises for fitness related activities. Given the scale and form of unit this form of marketing is considered acceptable. In this case it is considered (in consultation with the Council's Economic Development Officer) that the applicants

have acceptably demonstrated that there are no other available properties on the market that would be suitable for this use.

- 5.8 In light of the above it is considered that the proposed change of use would satisfactorily comply with the relevant policies

Parking and Highway Safety

- 5.9 The location of the unit is such that it benefits from eight dedicated car parking spaces with others available nearby. Further information has been sought from the applicants in order to determine class sizes and expected drop off and collection points.
- 5.10 The applicant has advised that there will be only one or two staff on the premises at one time and that classes are run with a maximum capacity of ten people per class. The applicant has also advised that most clients live in Northallerton and tend to car share.
- 5.11 It is likely that there may be more than eight people attending classes at any one time but due to the location of the unit, the availability of parking nearby, and the intended hours of operation which are generally outside of normal working hours.
- 5.12 At the time of writing the comments of the Highways Authority are awaited. An update will be provided to Member at the Committee.

Amenity

- 5.13 The application site is located within an industrial estate where the implications of music associated with the proposed operations are considered to be minimal. It is considered that the proposed development will have no detrimental impact on the amenity of nearby occupiers.

6.0 RECOMMENDATION

- 6.1 That subject to any outstanding consultations permission is **GRANTED** subject to the following conditions:
1. The development hereby permitted shall be begun within three years of the date of this permission.
 2. The permission hereby granted shall not be undertaken other than in complete accordance with the drawings and supporting statement received by Hambleton District Council on 20 June 2018 unless otherwise approved in writing by the Local Planning Authority.
 3. There shall be no more than 10 clients on site at any one time, unless agreed in writing with the Local Planning Authority.

The reasons for the above conditions are:

1. To ensure compliance with sections 91 and 92 of the Town and Country Planning Act 1990 and where appropriate as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
2. In order that the development is undertaken in a form that is appropriate to the character and appearance of its surroundings and in accordance with the Development Plan Policies DP1 and DP17.

3. In order to ensure that the level of occupation of the site is compatible with the locality and that the parking requirements of the site can be met through current provision in accordance with Development Policy DP3.