

The information, recommendations and advice contained in this report are correct as at the date of preparation, which is more than two weeks in advance of the Committee meeting. Because of these time constraints some reports may have been prepared in advance of the final date given for consultee responses or neighbour comment. Any changes or necessary updates to the report will be made orally at the Committee meeting.

Case Officer	Katie Ingram
Application No.	19/00469/FULPP
Date Valid	16th July 2019
Expiry date of consultations	17th September 2019
Proposal	Change of use of two separate restaurant units (Use Class A3) to a gym (Use Class D2)
Address	<b>Units 6 and 7 Westgate Aldershot</b>
Ward	Wellington
Applicant	Legal & General Property
Agent	Miss Debra Bailey
Recommendation	<b>Grant</b>

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Application No.	19/00470/REVPP
Date Valid	16th July 2019
Expiry date of consultations	17th September 2019
Proposal	Variation of Conditions 15 and 23 attached to planning permission 10/00076/FULPP dated 03/12/2010 to allow 24-hour operation of a gym (Class D2) at Units 6 and 7 and to increase the floor space of D2 Use Class in Westgate by 865sqm
Address	<b>Units 6 and 7 Westgate Aldershot</b>
Ward	Wellington
Applicant	Legal & General Property
Agent	Miss Debra Bailey
Recommendation	<b>Grant</b>

## Description

Units 6 and 7 are at the western end of the Westgate piazza. Unit 7 has frontage opposite the Morrisons food store entrance and Unit 6 fronts the southern side of the piazza. They have a combined floor area of 850sqm. Until recently they were occupied by a Toby Carvery restaurant and Harvester restaurant but are now vacant. The application site has a Pizza Express to the east and the Travelodge Hotel to the rear. The other restaurants in the piazza include Nandos, Frankie and Benny's and Mimosa Asian Buffet.

The Westgate development was implemented following approval of planning application 10/00076/FUL in December 2010 for a 'Class A1 food store, cinema (Class D2), hotel (Class C1) and restaurant units (Class A3 with one Class A3/A4/A5 unit)'. From west to east it comprises a Morrisons supermarket, a paved piazza leading to Barrack Road flanked by restaurant units to the north and south, a 7-screen cinema at its eastern end with a side frontage to Barrack Road and a Travelodge Hotel fronting Alexandra Road. The development is served by a 566 space single level basement/ground floor car park. The restaurant and cinema facades to the piazza are made of opaque glass curtain walling and doors and larch and metal panel cladding. Westgate was a mixed use regeneration scheme for Aldershot town centre implemented specifically as a leisure hub linking the foodstore, restaurant uses and cinema with the town centre.

Conditions from planning permission 10/00076/FUL relevant to this planning permission are:

"15. *The following uses hereby permitted shall not be open to customers outside the following times:*

*Class A1 – 0800 – 2200 Mondays to Saturdays, 10-1700 Sundays, 0800 – 2200 hours Bank Holidays*

*Class A3, A4 and A5 uses – 0800 – 2400 Mondays to Sundays (including Public Holidays)*

*Class D2 (cinema) – 0800 – 2400 hours Mondays to Thursdays, 0800 – 2300 hours Fridays to Saturdays, 0800 – 2400 hours Sundays not preceding Public Holidays and 0800 – 0230 hours Sundays preceding Public Holidays*

*Reason - To protect amenities of nearby residential properties*

23. *The finished development shall contain no more than 3,033 sqm of Class C1 (hotel), 3,201 sqm of Class D2 (cinema), 7,663 sqm of Class A1 (foodstore and petrol filling station), 2,148 sqm of Class A3 (restaurant and cafes), and 409 sqm of Class A3/A4/A5. All figures are gross internal area (GIA). There shall be no increase in floor space by means of the installation of additional mezzanine floors or similar structures.*

*Reason – To accord with the terms of the application and to ensure that the development does not have an adverse impact on the vitality and viability of the town centre shopping core as the focus for comparison goods sales in Aldershot. “*

It is noted that the approved drawings designated Unit 7 (Harvester Restaurant) as having a flexible A3/A4/A5 use, whilst the other units were only permitted as A3 uses.

Advertisement consent applications for fascia signs for units 6 and 7 were approved in 2012 (ref 12/00416/ADVPP and 12/00916/ADVPP).

The application is seeking planning permission for a change of use of Units 6 and 7 from a restaurant (Class A3) to a gym (Class D2) and an amalgamation of the two units. It is intended that the gym operates on a 24-hour basis by 'Pure Gym'. The accompanying application therefore seeks variation of the relevant conditions attached to the overarching planning permission in order to permit the use as proposed.

The design and access statement states that 'Pure Gym operate from over 250 locations in the UK providing an economical membership for members of the public. There is a standard entry and security system that has been proven to be effective. It is anticipated that the new gym will create the equivalent of 8 full time staff positions'. The applicant has not provided a floor layout but it is anticipated that activity areas will be for free weights, cardio equipment and fitness studios.

Minor external changes are proposed, as follows:-

Unit 6 northern elevation

- Replace the existing glass swing door with glass automatic slide-opening doors. This will be the main entrance

Unit 7 western elevation

- Replace existing glazed folding screen opening with glass curtain walling and a central bi-parting exit door
- Roof plant replaced by 5 air conditioning compressor units

An acoustic report has been submitted with the application.

**Consultee Responses**

RBC Regeneration Team	Comments received that change of use reflective of industry trends
Environmental Health	No objection subject to receipt of sound proofing scheme
HCC Highways Development Planning	No objection
RBC Planning Policy	No objection as application is not contrary to relevant town centre policies

**Neighbours notified**

In addition to posting site notices 80 letters of notification were sent to adjoining and nearby properties in Westgate, Alexandra Road, Alexandra Terrace and Bell Chase.

**Neighbour comments**

In total 15 letters of objection from addresses in Aldershot, Farnborough, Fleet, Ash and Crondall were received making the following comments:

- There are already 3/5/several gyms in Aldershot; there is a 24-hour gym less than 100m away
- Westgate should be kept as a family and evening entertainment area, especially with projected increase residential populations from the town centre and Wellesley
- A large 24-hour operation is not acceptable in Westgate. This should be one unit, not two
- Reducing the number of restaurants reduces choice and people will go elsewhere
- The dining offering in Westgate also supports users of Princes Hall
- The change of use will waste the considerable investment the Council has made into Westgate, so the conditions of the original consent should be protected
- Adding a gym detracts from the intended character of Westgate as a leisure hub
- The site should enable local independent new restaurants and cafes not any tenant the landlords can easily find. The Council should work with the landlord to enable this
- Aldershot needs more shops, not gyms
- The leases last 10 – 15 years so it is important to protect the original intended purpose
- Westgate will become an extension of the High Street which will be terrible
- Quality dining is not a struggling sector
- A restaurant provides more employment than a gym
- The change of use is contrary to the Aldershot Town Centre Prospectus

2 letters of support from occupiers of addresses in Aldershot have been received:

- A new gym will be beneficial to the local economy and health and wellbeing of local residents
- Retail and dining is not a strong sector and a gym will provide permanent investment
- This chain is the best value for money and will open exercise opportunities for lower earning families and/or young people
- The gym will have a positive impact on visual amenity compared to empty units
- There are several empty units in Aldershot town centre – this will benefit the local economy

## **Policy and determining issues**

The property is located in Aldershot Town Centre and the Westgate Site. The relevant policies of the Rushmoor Local Plan are SS2 (Spatial Strategy), SP1 (Aldershot Town Centre), SP1.3 (Westgate), IN1 (Infrastructure and Community Facilities), IN2 (Transport), DE1 (Design in the Built Environment), DE8 (Indoor and Built Sport and Recreation Facilities) and DE10 (Pollution). Also of relevance is the Rushmoor Car and Cycle Parking Standards SPD, the Shop Front Design Guide SPD and the Aldershot Town Centre Prospectus.

The main issues in the determination of this application are the principle of development, design and impact on character of the site and area, impact on neighbouring amenity, parking and highways considerations and access for people with disabilities.

## **Commentary**

### **Principle of development -**

Policy SP1.3 Westgate states that 'Westgate is allocated as a leisure hub. The function of Westgate as a leisure hub will be protected. Within this area, development will be permitted for leisure, entertainment, cultural, hotel and restaurant uses that contribute to the vitality and

viability of the Town Centre'. Supporting text states that retail will not be permitted. Strategy c) of Policy SP1 Aldershot Town Centre is to 'to improve further the town's evening economy by supporting leisure development, entertainment and cultural facilities, and family restaurants focused around the leisure core of Westgate'.

Westgate was a major regeneration scheme for the western side of Aldershot town centre and was implemented as a leisure destination linking the foodstore restaurant uses and cinema with the town centre. The use of the units around the piazza were restricted to restaurant uses by condition 23 and condition 2 requiring the development to be carried out in accordance with the plans.

It is noted that the plans gave flexible permission for an A3 (restaurant) A4 (pub) or A4 (hot food takeaway) use for Unit 7. As it was taken up by an A3 use (Harvester restaurant) it is considered acceptable at this juncture that the flexible A3/A4/A5 use is removed from the permitted use classes on the site.

A gymnasium is a leisure use and is therefore not contrary to Local Plan policy in this regard. It is considered that this gym as proposed will not detract from the function of Westgate as a leisure hub. It will help to attract footfall in the centre day and evening. It is noted that the National Planning Policy Framework (2019) states that planning decisions should take a positive approach to the growth of town centres including their management and adaptation.

Subject to the imposition of a condition that the amalgamated sites shall only be used for the purpose of a gym and no other purpose, it is considered that the principle of the development in this location is acceptable.

It was not considered appropriate to impose a flexible use condition as the application is also seeking permission to change the hours of operation to 0000 to 2400 hours to operate on a 24 hour basis.

### **Design and impact on character of site and area -**

The main and side entrance doors utilise existing entrance bays and the replacement frames would retain the prevailing pattern of the window lights on the facades in Westgate. The plans state that replacement glazing of the doors and surrounds will match existing, on each elevation. This is important so that the correct level of opaqueness of the glazing is retained in keeping with the rest of the restaurant facades in Westgate.

The elevation plans show indicative signage zones. They will be subject to a separate application for advertisement consent and do not form part of this application. Notwithstanding the proposed fascia signage zones are the same as those approved under previous advertisement consents.

Subject to a condition that materials match those existing materials on each elevation, it is considered that the impact of the proposal on the appearance and character of Westgate would be acceptable and in accordance with Policy DE1 of the Local Plan (2019).

### **Impact on neighbouring amenity -**

Adjoining the site is a Pizza Express and adjoining the rear of the site is the Travelodge Hotel separated by a service/fire escape zone. The nearest residential dwelling is 40m to the south on Alexandra Road. A noise impact assessment report was submitted with the application

which has been reviewed by the Council's Environmental Health Office, who stated the following:

'The submitted Noise Impact Assessment by Sharps Redmore, dated 20 May 2019 (Doc Ref: 1918694) is considered acceptable. Whilst the existing party wall construction is considered sufficient to control normal airborne operational noise from the proposed gym use, the report does make several recommendations for controlling impact noise and noise from amplified music. There is no information available as to what types of equipment will be installed or the type of activity that will take place, so the report has assessed typical gym and fitness studio activities that would be likely to cause noise and disturbance, [such as dropping weights and amplified music] and investigated the likely impacts these would have on neighbouring uses/properties. Appropriate mitigation measures are then discussed. Should activities be planned for the proposed use that go beyond what has been assessed within this report then further assessment will be required to determine the level of mitigation required to minimise noise and vibration transmission to neighbouring uses.

Environmental Health recommend that the levels of acoustic mitigation proposed for each type of gym activity within the Sharps Redmore Report under section 6 be required as a condition in the event of an approval'

It is recommended that a condition is imposed that prior to the occupation or use of the development, a scheme of provisions for the control of noise emanating from the site be implemented in accordance with the details first submitted to an approved in writing by the Local Planning Authority'.

Subject to the above condition, the application would not cause harm to adjacent or nearby properties by way of noise and would comply with Policies DE1 and DE9 of the Local Plan in this regard.

### **Parking and highway considerations -**

The change of use does not propose any alterations to the car parking or cycle storage provisions within the Westgate site.

No detailed floor layout has so far been provided. However, based on an estimated 775sqm of fitness activity areas accounting for changing rooms and office space the proposed use would generate a requirement of 70 spaces under the Car and Cycle Parking Standards SPD. Using the current standards, the previous restaurant use generated a higher demand of 90 spaces based on dining areas.

Hampshire County Council Highways have reviewed the TRICS database for trip analysis data for the proposed use, and are satisfied that car journeys generated during the Friday evening peak of 1700 hours to 1800 hours would reduce and the morning peak increase would neither be significant over the extant restaurant use. The applicant has also submitted trip analysis data.

There are 26 Sheffield cycle stands on the Westgate site, 12 on the piazza level and 12 in the car park. With a capacity of 52 bicycles it is considered that is sufficient to cater for the demand generated by the proposal.

The application would have appropriate parking provision and would comply with Policy IN2 of the Rushmoor Local Plan and the Car and Cycle Parking Standards SPD.

## Access for people with disabilities -

The proposed gym would retain an existing fully-accessible pedestrian entrance from the piazza.

## Conclusions -

The proposed change of use application and associated application to vary conditions 15 and 23 of planning permission 10/00076/FULPP is considered to be compatible with the function of Westgate as a leisure hub and the terms of the original application, and it would have an acceptable impact on the character and appearance of the site, on the amenity of neighbouring properties and on parking provision and highway safety and would be in accord with Policies SS2, SP1, SP1.3, DE1, DE10, and IN2 of the Rushmoor Local Plan (2019) and the relevant provisions of the Car and Cycle Parking SPD and Shop Front Design Guide SPD.

## Full Recommendations

### A. 19/00469/FULPP

It is recommended that planning permission be **Granted** subject to the following conditions and informatives

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason - As required by Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

- 2 The permission hereby granted shall be carried out in accordance with the following approved drawings - Drawing numbers:

2157 L1 - Location Plan 2157 X01A - Existing floor plans 2157 X02 A - Existing roof plans 2157 P02A – Proposed floor plans 2157 P03A - Proposed elevations 2157 P02A - Proposed roof plans

Reason - To ensure the development is implemented in accordance with the permission granted

- 3 Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order, 1987, (or any other Order revoking or re-enacting that Order) the amalgamated units shall be used only for the purpose of a gym and for no other purpose, including any other purposes within Class D2, without the prior permission of the Local Planning Authority.

Reason - To prevent the introduction of future alternative D2 or other uses that may be contrary to the function of the Westgate site as a leisure hub and in order for appropriate consideration to be given to such matters as impact on neighbours and highways.

- 4 The use hereby approved shall not commence until a scheme of provisions for the control of noise emanating from the site has been implemented in accordance with details to be first submitted to, and approved in writing by the Local Planning Authority. The measures installed shall be thereafter retained as approved.

Reason - To protect the amenity of neighbouring occupiers.\*

- 5 The external materials used in the door replacements to facilitate the use hereby approved, shall match in colour and type those on each existing relevant unit facade.

Reason - To ensure external changes have an acceptable impact on appearance and character of the site and surrounding area.

- 6 No deliveries shall be taken at the premises except between the hours of 0700 - 2300 - Monday to Sunday (including Bank Holidays)

Reason - In the interests of residential amenity.

### **Informatives**

- 1 **INFORMATIVE** – The Local Planning Authority’s commitment to working with the applicants in a positive and proactive way is demonstrated by its offer of pre-application discussion to all, and assistance in the validation and determination of applications through the provision of clear guidance regarding necessary supporting information or amendments both before and after submission, in line with the National Planning Policy Framework.

- 2 **INFORMATIVE - REASONS FOR APPROVAL-** The Council has granted permission because the proposed change of use is considered to be compatible with the function of Westgate as a leisure hub and the terms of the original application, and it would have an acceptable impact on the character and appearance of the site, on the amenity of neighbouring properties and on parking provision and highway safety and would be in accord with Policies SS2, SP1, SP1.3, DE1, DE10, and IN2 of the Rushmoor Local Plan (2019) and the relevant provisions of the Car and Cycle Parking SPD and Shop Front Design Guide SPD.

It is therefore considered that subject to compliance with the attached conditions, and taking into account all other material planning considerations, including the provisions of the development plan, the proposal would be acceptable. This also includes a consideration of whether the decision to grant permission is compatible with the Human Rights Act 1998.

### **B. 19/00470/FULPP**

Grant variation of conditions 15 and 23 of planning permission 10/00076/FULPP dated 03/12/2010 as follows:

15. *With the exception of Units 6 and 7, the following uses hereby permitted shall not be open to customers outside the following times:*

*Class A1 – 0800 – 2200 Mondays to Saturdays, 10-1700 Sundays, 0800 – 2200 hours Bank Holidays*

*Class A3, A4 and A5 uses – 0800 – 2400 Mondays to Sundays (including Public Holidays)*

*Class D2 (cinema) – 0800 – 2400 hours Mondays to Thursdays, 0800 – 2300 hours Fridays to Saturdays, 0800 – 2400 hours Sundays not preceding Public Holidays and 0800 – 0230 hours Sundays preceding Public Holidays*

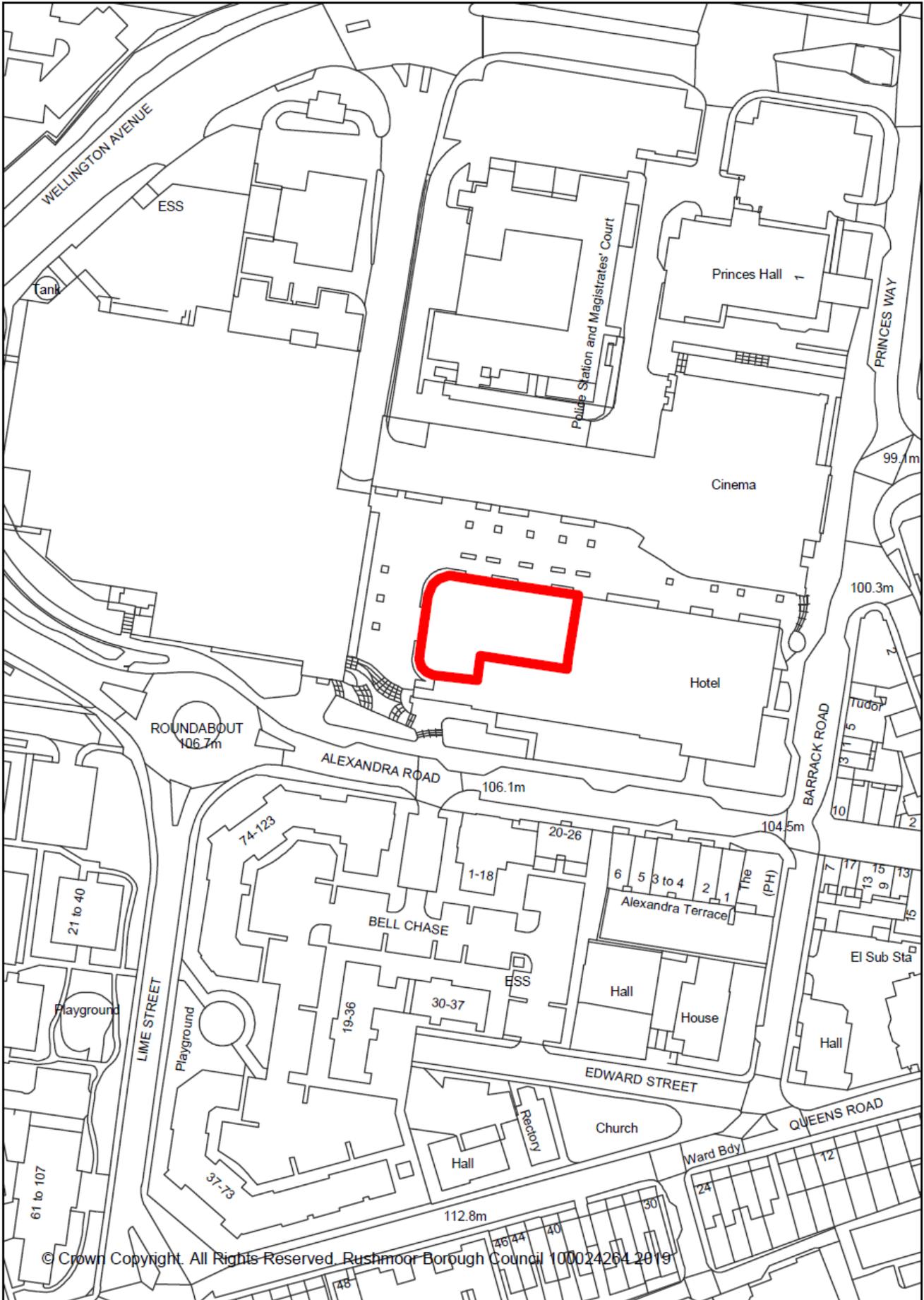
*Reason - To protect amenities of nearby residential properties*

23. *The finished development shall contain no more than 3,033 sqm of Class C1 (hotel), 3,201 sqm of Class D2 (cinema), 7,663 sqm of Class A1 (foodstore and petrol filling station), 850sqm Class D2 (gym), 1298 sqm of Class A3 (restaurant and cafes), and 409 sqm of Class A3/A4/A5. All figures are gross internal area (GIA). There shall be no increase in floor space by means of the installation of additional mezzanine floors or similar structures.*

*Reason – To accord with the terms of the application and to ensure that the development does not have an adverse impact on the vitality and viability of the town centre shopping core as the focus for comparison goods sales in Aldershot. “*

## **Informatives**

- 1 INFORMATIVE – The Local Planning Authority’s commitment to working with the applicants in a positive and proactive way is demonstrated by its offer of pre-application discussion to all, and assistance in the validation and determination of applications through the provision of clear guidance regarding necessary supporting information or amendments both before and after submission, in line with the National Planning Policy Framework.
2. INFORMATIVE –The applicant is advised that all other conditions relating to planning permission 10/00076/FULPP dated 03/12/2010 remain in force.



WELLINGTON AVENUE

ESS

Tank

Police Station and Magistrates' Court

Princes Hall 1

PRINCES WAY

99.1m

Cinema

100.3m



Hotel

ROUNDAABOUT  
106.7m

ALEXANDRA ROAD

106.1m

BARRACK ROAD

104.5m

LIME STREET

21 to 40

Playground

Playground

74-123

1-18

20-26

BELL CHASE

Alexandra Terrace

6 5 3 to 4 2 1 The (PH)

El Sub Sta

19-36

30-37

ESS

Hall

House

Hall

EDWARD STREET

Church

QUEENS ROAD

Hall

Rectory

Ward Bdy

12

112.8m

46 44

40