

DARLINGTON BOROUGH COUNCIL

PLANNING APPLICATIONS COMMITTEE

COMMITTEE DATE: 12 February 2014

Page

APPLICATION REF. NO:	13/00926/CU
STATUTORY DECISION DATE:	20 January 2014
WARD/PARISH:	NORTH ROAD
LOCATION:	73 Crosby Street
DESCRIPTION:	Change of use from gymnasium/motor cycle repair shop to fitness centre (D2) (additional information and parking plan received 14 January 2014)
APPLICANT:	MRS EMMA CAMPBELL

APPLICATION AND SITE DESCRIPTION

Planning permission is sought for the change of use of the application property to form a fitness centre over two floors. The property is currently vacant but the ground floor of the building was last used for the assembly and repair of motor cycles and the first floor as a gym.

The applicant has advised that the proposed fitness centre would offer fitness classes, personal training sessions, health education and sports rehabilitation facilities. Sports rehabilitation and personal training sessions would be available Monday to Thursday on a bookable basis and fitness classes for a maximum of 10 would also be available on a bookable basis. It is proposed that the fitness centre will be open 7 days a week.

A reception area, changing facilities, a treatment room and weights room would be created on the ground floor with an office, fitness studio and cardiovascular suite above. No external changes are proposed to the property. Parking for up to 12 vehicles would be provided on land to the rear of the property, accessed off Lawson Street.

The application property is a substantial two-storey brick built property located on Crosby Street, close to its junction with Lawson Street. The adjoining property to the east, 71 Crosby Street, is occupied as flats. The surrounding area is predominantly residential in character with residential properties on the opposite side of Crosby Street and beyond. The site is however bounded by Lawson Street Garage to its south and west sides. Members were minded to grant planning permission for the erection of a terrace of 7 dwellings on land to west of the application property (10/00302/8FUL) subject to the application entering into a Section 106 Agreement. This agreement has not been signed.

PLANNING HISTORY

The following planning permission is relevant:

09/00583/CU – Change of use to motor vehicle manufacturing or assembly place (B2) (retrospective). GRANTED 18 December 2009 for a temporary 3 year period (now expired)

PLANNING POLICY BACKGROUND

The following policies are relevant to consideration of the application:

Darlington Core Strategy Development Plan Document 2011

- CS2 – Achieving High Quality, Sustainable Design
- CS16 – Protecting Environmental Resources, Human Health and Safety

RESULTS OF CONSULTATION AND PUBLICITY

Highway Engineer – The applicant states that 12 no. car parking spaces are available for use by the gym from the hours of 7am to 8pm and are situated on the yard behind the premises. The applicant states that classes are limited to a maximum number of 10 per class with staff numbers in the order of 3 – 4 no equivalent full time staff. The off street parking would therefore mitigate the impact of the development and not cause further parking issues for residents. However patrons of the gym must be made aware of the parking provision in connection with this development and the parking must be available solely for the use of the gym and this should be conditioned with an approval. The existing Lawson Street Garage is still an active business and details of how their services and parking needs will be accommodated by the change of use to the adjacent parking for gym users should be provided for review as the garage parking should not be offset onto the highway as a result as this would be unacceptable. Also request that the access junction to the rear yard off Lawson Street be widened to match the full width of the access gates and dropped kerbs be installed to allow disabled access from the car park to the gym. Secure cycle parking should be provided to the order of 5 no. cycle spaces, details of the location and design should be provided. Subject to the provision of the necessary parking arrangements details raise no highway objection to the proposal, subject to conditions regarding the widening of the vehicular access and cycle parking.

Environmental Health Officer – I can remove my objections based on the information provided during the meeting and submitted afterwards. I would suggest a condition relating to the inaudibility of noise emanating from the premises.

One letter of objection has been received which raises the following issues:

- *The impact the amount of traffic and parking will cause in an already overused street to the detriment of the residents;*
- *Noise caused by members at early morning and late evening sessions;*
- *Parking on the pavement, dangerous for elderly, poor sighted and people in wheelchairs and mobility scooters;*
- *Access for services i.e. police, fire engines, ambulances, refuse collection;*
- *We neither need nor want a fitness centre. Longfield School has a very good one and there are several in Darlington already.*

The Local Ward Members carried out a residents' survey in respect of the application, the results of which are summarised below:

<i>Number of survey forms distributed</i>	<i>124</i>
<i>Number of survey forms returned</i>	<i>17</i>
<i>Other written submission</i>	<i>1</i>
<i>Response</i>	<i>14.5%</i>

<i>Support the planning application</i>	<i>5</i>
<i>Do not support the planning application</i>	<i>13</i>

Reasons for supporting the planning application

- *All the houses up to 84 have parking at the rear. Just because they choose to park on the road should not be an objection to the change of use;*
- *North Road has been left in the back waters of Darlington. Any business on this side of town should be encouraged;*
- *Doesn't really affect me;*
- *Do not think the change will have any great impact so content for it to go ahead;*
- *Good idea to have fitness facilities out of town. Will cater for people without transport.*

Reasons for not supporting the planning application

- *Quality of life will be compromised by noise, parking issues. My children will not be safe with extra traffic and people in the area;*
- *The hours are unsociable;*
- *Will increase more youths and noise to the area;*
- *Noise from vehicles coming and going (early morning and late evening);*
- *Motor repair shop has been a cannabis farm, drug users still occupy part of the building;*
- *Primarily a residential area*

Views on proposed opening hours

- *Good opening times not to inconvenience local residents;*
- *Seems to be very reasonable;*
- *Sundays and Bank Holidays should be looked at. Two churches within walking distance from property;*
- *Opening hours will be linked to the parking problems;*
- *Far too early and too late;*
- *No Sunday opening;*

Other points raised:

- *The flats joined to the gym already causing issues without the added stress of the proposed fitness centre;*
- *Elderly residents do not need the noise and carry on from the bottom of a nice quiet street;*
- *Last time it was a gym it led to people coming and going all hours of the night and used for all night parties;*
- *More than enough fitness centres in Darlington;*
- *Houses opposite will be disrupted all day, every day;*
- *If we had residents only parking, then would support the application.*

PLANNING ISSUES

The main issues for consideration in this instance relate to the impact of the use of the building on the amenities of local residents and the character of the locality in general and whether the proposed parking arrangements would be acceptable.

Core Strategy Policy CS16 (Protecting Environmental Resources, Human Health and Safety) states that new development should protect, and where possible, improve environmental resources, whilst ensuring there is no detrimental impact on the environment, general amenity and the health and safety of the community. Policy CS2 (Achieving High Quality, Sustainable Design) also requires that development proposals should provide vehicular access and parking suitable for its use and location, reflecting appropriate maximum parking standards set out in the Tees Valley Highway Design Guide.

The area surrounding the application property is predominantly residential in character although there are a number of commercial enterprises within the close vicinity, including the land immediately to the west side and rear which is used as a repair garage and MOT testing station. Some vehicle storage also takes place on the land. The application property is currently vacant but was last used for the assembly and repair of motorcycles and as a gym. The planning history for the premises in terms of establishing its authorised use in planning terms is not clear however previous applications suggest that the building has previously been used as a shop and as a tele-bank building. The Council's Local Taxation Section has confirmed that the property has been rated for commercial purposes since 1 April 1990.

The principle of the property being used for commercial purposes, in this case a fitness centre, is therefore considered acceptable in terms of the previous uses of the building and the presence of other commercial uses close by, subject to the use being compatible with the amenities of surrounding residential properties.

The applicants have advised that the fitness centre would provide fitness classes, sports rehabilitation and personal training sessions on a 7 day a week basis. The proposed hours of opening would be 7.30am – 8pm Monday to Friday and 9.30am – 6pm on weekends and bank holidays. Classes would be for a maximum of 10 patrons bookable in advance and the sports rehabilitation and personal training sessions would also be bookable in advance. Patrons of the fitness centre would also be able to make use of the fitness equipment during the proposed opening hours.

The fitness centre has the potential to impact upon the amenities of surrounding residential properties in terms of additional comings and goings to the property and noise from the fitness classes. Provided however that these impacts are reasonable and do not cause an unacceptable nuisance then the proposed use could be carried out providing there are appropriate safeguards in place in terms of planning conditions.

In this instance the proposed opening hours are considered to be appropriate in terms of safeguarding the amenities of surrounding residential properties. The majority of classes and fitness sessions will be conducted on a bookable basis, with attendance at classes limited to 10 patrons per class. Information submitted by the applicant indicates that there will be a maximum of two classes per day on weekdays with one class per day on a weekend. Personal training and sports rehabilitation sessions will be held Monday to Thursday. On this basis it is not considered the proposed use of the fitness centre in terms of disturbance from comings and goings would be likely to cause unacceptable harm to amenities of nearby residential properties. If the number of classes were to increase then the proposed opening hours would serve to ensure that any impact would be limited to within these hours.

The applicants have undertaken a noise testing exercise, the results of which were witnessed by the Council's Environmental Health Officer. On this basis he has advised that subject to a condition ensuring that no noise emanating from the premises is audible outside of the premises he would raise no objection to the proposed fitness centre.

Additional plans have been submitted showing that an area to the rear of the property will be available to provide 12 no. off-street parking spaces to serve the fitness centre and that these spaces will be solely available for patrons of the fitness centre. A statement from the landlord has been provided in which he confirms that parking for 12 no. vehicles will be exclusively available for the fitness centre, without off-setting vehicles onto the surrounding streets. He has confirmed that there are a number of cars within this area that are due to be scrapped and other vehicles which are being stored within this area which are not related to the operation of the garage. The owners of these vehicles have been given one month to remove these vehicles.

The Highway Engineer considers that this level of parking provision would mitigate the impact of the development and not cause further parking issues for residents. Subject to conditions relating to parking, cycle parking and the improvement of the existing vehicular access onto Lowson Street, he raises no highway objection.

The previous use of the building is also an important matter in consideration of this application as a 'fall back' position. Although the permission for the previous motor cycle repair related use has now expired the building could revert to former commercial uses without the need for planning permission and without any restriction in terms of hours of opening. The planning history suggests that it has previously been used as a shop, a tele-banking business and as a gym, all of which have the potential to cause general disturbance in the locality and create a certain amount of on street parking. This application presents an opportunity to introduce control over the hours of opening of the building and to provide an off-street parking area to serve the proposed fitness centre, to minimise the impact of the use of the building on surrounding residential properties. This fall-back position is therefore considered to be an important material consideration.

On balance therefore it is considered that there are sufficient controls available to the Local Planning Authority to support the application with appropriate restrictive conditions attached to the planning permission.

SECTION 17 OF THE CRIME AND DISORDER ACT 1998

The proposed development has been considered in the context of the requirements placed on the Council by Section 17 of the Crime and Disorder Act 1998, namely, the duty on the Council to exercise its functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent, crime and disorder in its area. The proposed development does not give rise to crime and disorder issues.

CONCLUSION

While the proposed fitness centre has the potential to impact upon the amenities of surrounding residential properties, additional information provided regarding parking arrangements and how the business operates is such that in this instance it is considered that with suitable planning conditions to provide appropriate safeguards any nuisance to local residents would be kept to an acceptable level. The 'fall back' position regarding the previous use of the building is also an important material consideration in determination of this application. As such the proposal is considered to comply with the requirements of Policies CS2 (Achieving High Quality,

Sustainable Design) and CS16 (Protecting Environmental Resources, Human Health and Safety) of the Darlington Core Strategy Development Plan Document 2011.

RECOMMENDATION

THAT PLANNING PERMISSION BE GRANTED SUBJECT TO THE FOLLOWING CONDITIONS:

1. A3 (Standard 3 year implementation period)
2. The fitness centre hereby approved shall not be brought into use until such time as the parking area shown on the plan received on 14 January 2014 has been made available for use. Thereafter the parking area shall be maintained solely for the use of patrons of the fitness centre and for no other purpose.

REASON – To safeguard the residential amenities of the surrounding area and to ensure the provision of adequate off-street parking accommodation and to avoid the congestion of surrounding streets by parked vehicles.

3. The fitness centre hereby approved shall not be brought into use until such time as details of the following have been submitted to and approved in writing by the Local Planning Authority:
 - (a) A scheme for the widening of the car park access junction and installation of drop kerbs to the adjacent footways;
 - (b) Details of a signage scheme to direct patrons of the fitness centre to the car park;
 - (c) Details of a scheme of secure cycle parking and storage details to serve the fitness centre.

Thereafter the works shall be carried out in complete accordance with the approved details prior to the fitness centre hereby approved first being brought into use.

REASON - To safeguard the residential amenities of the surrounding area and to ensure the provision of adequate off-street parking accommodation and to avoid the congestion of surrounding streets by parked vehicles.

4. Noise generated within the premises subject to this permission shall not be audible beyond the boundary of the premises.

REASON – In the interest of residential amenity.

5. The fitness centre hereby approved shall not be operated outside the hours of 7.30am until 8.00pm Monday to Friday and 9.30am until 6pm on weekends and Bank Holidays.

REASON – In the interest of residential amenity.

6. B5 (Development in accordance with the approved plans)

INFORMATIVES

The applicant is advised that works are required within the public highway, to construct a widened vehicle crossing with associated footway works and contact must be made with the Assistant Director – Highways, Design and Projects (contact Mr S Pryke 01325 388582) to

arrange for the works to be carried out or to obtain agreement under the Highways Act 1980 to execute the works.