

APPLICATION REFERRED FROM THE WEEKLY LIST

WEEKLY LIST NO. 1452 – 30 November 2018

18/00954/FUL

24 SIRDAR ROAD, RAYLEIGH

**REMOVAL OF CONDITION 3 ON PLANNING APPLICATION
16/01029/COU – CHANGE OF USE FROM WORKSHOP TO
D2 (GYM)**

1 DETAILS OF REFERRAL

- 1.1 This item was referred from Weekly List No. 1452 requiring notification to the Assistant Director, Environmental Services by 1.00 pm on Wednesday, 5 December 2018 with any applications being referred to this meeting of the Committee.
- 1.2 Cllr I H Ward referred this item on the grounds that the proposed removal of condition 3 would result in a loss of residential amenity to residents living in Woodlands Avenue by virtue of increased noise.
- 1.3 The item that was referred is attached at appendix 1 as it appeared in the Weekly List.
- 1.4 A plan showing the application site is attached at appendix 2.

2 RECOMMENDATION

- 2.1 It is proposed that the Committee **RESOLVES**

To determine the application, having considered all the evidence.

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Application No : 18/00954/FUL Zoning : Employment Land

Case Officer Mr Robert Davis

Parish : Rayleigh Town Council

Ward : Lodge

Location : 24 Sirdar Road Rayleigh SS6 7XF

Proposal : Removal of Condition 3 on planning application
16/01029/COU: Change the use from workshop to D2
(Gym)

SITE AND PROPOSAL

1. The site at 24 Sirdar Road is located towards the north eastern end of the Brook Road Industrial Estate. The 922m² site is broadly triangular in shape. There are further commercial units to the south. Adjacent the site to the north is an access road, beyond which lie the rear garden boundaries of dwellings fronting onto Woodlands Avenue. There is an alleyway linking Woodlands Avenue with Sirdar Road.
2. The site is occupied by a 355m² single storey unit which includes a main 220m² working area and two 36m² side rooms. The building had been rebuilt after suffering extensive fire damage and is now used as a gym.
3. Planning consent, reference 16/01029/FUL, was granted on the 7th March 2018 for the change of use to a gym. The application, with an officer's recommendation for approval, was referred from the Weekly List 1364 and heard at the Development Committee in February 2018. Members approved the application and added additional planning conditions of which Condition 3 is subject to this application. The condition reads as follows:

Notwithstanding the provisions of Use Class D2 to the Town and Country Planning (Use Classes) Order 1987 (as amended) the use hereby approved shall be restricted to use for one to one fitness training and group training to up to 10 persons at a time with sessions being pre-booked and for no other use within Use Class D2.

REASON: In view of the limited parking available within the site in the interests of highway safety and in order to limit the intensity in use, given the close proximity of nearby dwellings in the interests of the amenities those nearby occupiers ought reasonably expect to enjoy.

4. With this restriction in place the applicant contends that it is hard to help more people with their health and fitness and to allow the business to grow. The applicant considers that the building is underutilised and is of such a size that the main room could fit 20-30 people training together with more in the two side rooms.

5. The applicant would like to branch out to allow the business to help overweight children; however 10 children at the site could potentially mean 30 people at the site in total if both parents were to attend. The applicant would also like the potential to host adult and child classes together. It is also intended to start hosting seminars to educate people about healthy eating, how to exercise and make the right lifestyle choices.

PLANNING HISTORY

6. Application No. 15/00659/FUL - Proposed Re-roofing of Existing Building With Part Pitched, Part Flat Roof. Alter Existing Fenestration. Approved.
7. Application No. 16/01029/COU - Change the use from workshop to D2 (Gym). Approved.

Conditions were applied to provide cycle parking, a limitation on the number of users, that no amplified speech shall be broadcast on external areas of the premises, that all doors and windows shall be kept shut during periods when amplified speech or music is broadcast inside the premises and that no internally generated music shall be audible at the premises boundary.

CONSIDERATIONS

8. The site is within an area allocated as employment land on the Council's Allocation Plan (2014) where new employment development will be expected to be predominantly B1 (Business) and/or B2 (General Industrial) employment uses. Policy ED3 - Existing Employment Land of the Core Strategy 2011 states that existing employment sites which are well used and sustainable will be protected from uses that would undermine their role as employment generators. The change in use to use class D2 gym has previously been considered acceptable and this use remains the lawful use of the building.
9. There will be no change to external areas and no change to the current parking provisions. The adopted parking standards for a Class D2 Gym are maximum standards and relate to the internal floor space of public areas. The maximum number of spaces for this proposal would be 22 spaces based on a 220m² public floor area and 30 spaces including the two side rooms. The applicant has provided a tarmacked area to the side and rear of the building and considers that 15 cars can now be parked on site with additional parking available to the rear of the unit if required. It is also stated that permission has been obtained from businesses occupying the adjacent building and the site opposite to utilise their parking areas when these businesses are closed. The local highways authority has no objection to the proposal.

10. Members are reminded that conditions were imposed on the previous consent such that that no amplified speech shall be broadcast on external areas of the premises (condition 4), that all doors and windows shall be kept shut during periods when amplified speech or music is broadcast inside the premises (condition 5) and that no internally generated music shall be audible at the premises boundary (condition 6). These conditions would remain unaltered.
11. Concerns have been raised from the residents of five dwellings located on Woodlands Avenue. The concerns in the main relate to noise and the parking of vehicles on Woodlands Avenue. Planning enforcement officers have investigated allegations of noise by the breach of conditions 5 and 6 regarding amplified music. The noise concerns were investigated jointly with the Council's environmental health team; no noise could be heard at one of the residential properties visited, or from the track adjacent the site. Monitoring equipment was also installed from the 13th April to 20th April 2018 at the residential property and no noise nuisance was recorded.
12. In the previous application the submitted site layout plan showed provision of 5 car parking spaces. The applicant considers that 15 cars can park at the site although no specific layout has been provided. Photograph images provided by the applicant indicate that more than 5 cars can be accommodated within the site with tandem parking utilised. Given the maximum parking standard for the use proposed and the amount of parking provision proposed, it is considered that this is adequate to allow for greater use of the building and thus variation of condition 3. There are not considered to be any parking related concerns to justify a refusal. Cycle parking provision has been provided at the site.
13. Officers do not consider there to be reasonable grounds to continue to restrict the use of the premises to 10 persons at a time. The applicant has requested that the condition be removed completely but if there must be a limit then, in order to allow the business to grow, ask that 30 to 40 be the limit. Given the floorspace and the available car parking officers consider that increasing the limit to 30 persons at a time would be appropriate and allow the business to grow whilst, mindful of the concerns received from residents in Woodpond Avenue, still allowing the Council control over the usage.

Representations:

ECC HIGHWAYS - No objection

RDC PLANNING ENFORCEMENT - Planning enforcement have no objections to this application.

The site has previously been investigated on three separate occasions in connection with alleged breaches of conditions 5 and 6 under application 16/01029/COU. These cases were subsequently resolved and the respective cases closed.

NEIGHBOURS - Representations have been received from the following five addresses

Woodlands Avenue 18, 20, 22, 25, 32

- o Gym close to bottom of our gardens
- o Nothing but problems from this unit
- o Noise emanating from gym from 5.30am to 10.pm
- o Doors and windows left open during summer
- o Slamming of car doors, thump of heavy weights, 'whoop whoop' noises
- o Like living next to perpetual party
- o Can only imagine the extra noise levels from the Gym and use of its equipment.
- o People using gym and estate parking in Woodlands Avenue
- o Current situations need monitoring more closely
- o Needs to be fitted with sound proofing and air conditioning to help alleviate problem

APPROVE

- 1 The development hereby permitted shall be begun before the 7th March 2020.
- 2 The cycle parking provision, as agreed by the decision letter for 18/00007/DOC, shall be retained in perpetuity.
- 3 Notwithstanding the provisions of Use Class D2 to the Town and Country Planning (Use Classes) Order 1987 (as amended) the use hereby approved shall be restricted to use for one to one fitness training, group training and associated fitness and nutritional activities for to up to 30 persons at a time and for no other use within Use Class D2.
- 4 No amplified speech or music shall be broadcast on external areas of the premises.
- 5 All doors and windows shall be kept shut during periods when amplified speech or music is broadcast inside the premises.
- 6 No internally generated music shall be audible at the premises boundary.

Relevant Development Plan Policies and Proposals:

Policies ED1, ED3, CP1, T1, T3 and T8 of the Core Strategy (2011)

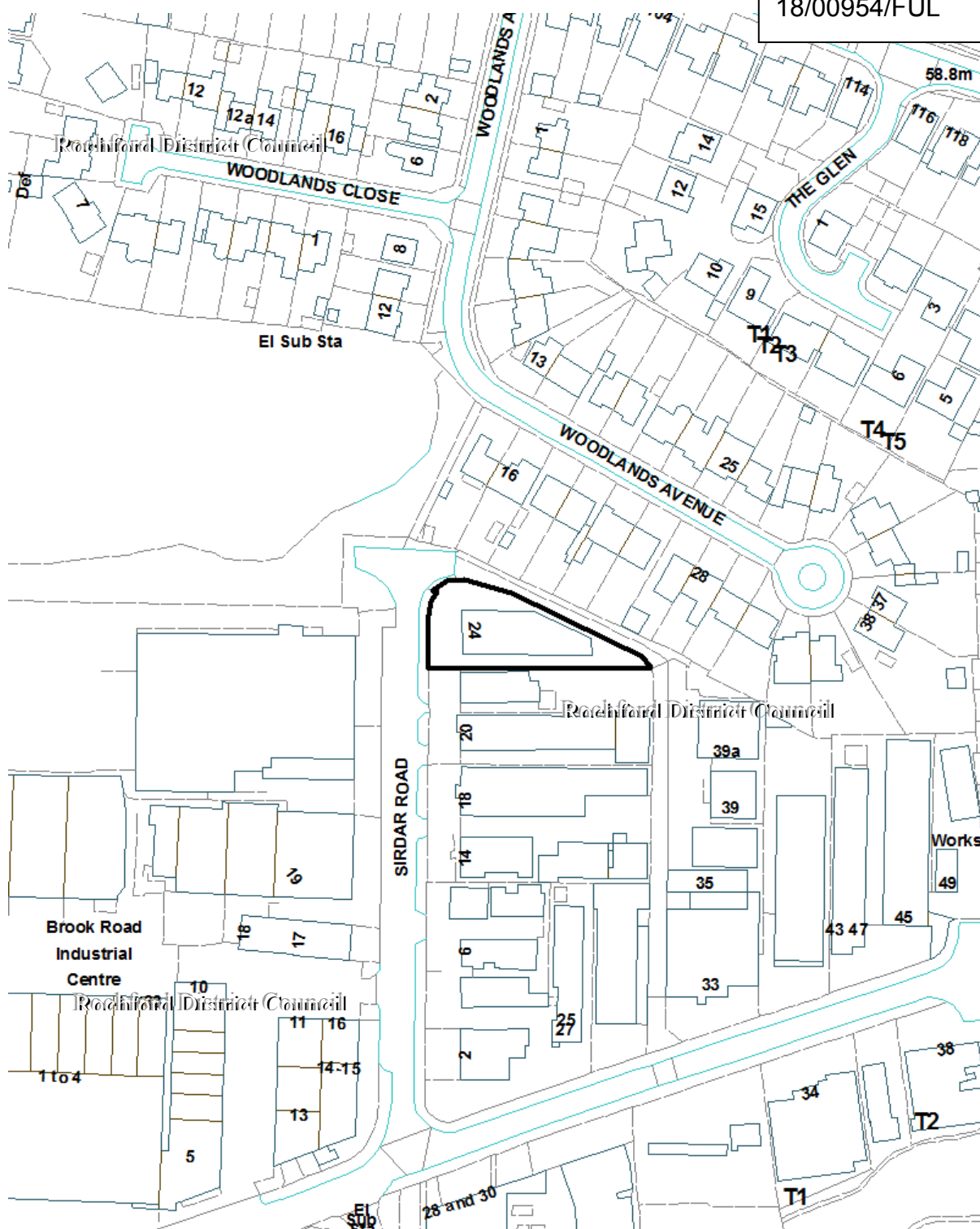
National Planning Policy Framework

Policy EEL2 of the Allocations Plan (2014)

Policies DM30 and DM32 of the Development Plan Document (2014)

The local Ward Member(s) for the above application is/are Cllr I H Ward Cllr R
Milne Cllr S P Smith

18/00954/FUL



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