

**12/00603/COU****CHANGE OF USE FROM CLASS D2 USE AS A FITNESS CENTRE****UNIT 2C SWAINES INDUSTRIAL ESTATE ASHINGDON ROAD ROCHFORD****APPLICANT: MR GAVIN KING - SHI KON MARTIAL ARTS****ZONING: EMPLOYMENT LAND****PARISH: HAWKWELL PARISH COUNCIL****WARD: HAWKWELL SOUTH**

In accordance with the agreed procedure this item is reported to this meeting for consideration.

This application was included in Weekly List no. 1160 requiring notification of referrals to the Head of Planning and Transportation by 1.00 pm on 21 November 2012, with any applications being referred to this meeting of the Committee. The item was referred by Cllr Mrs H L A Glynn.

The item that was referred is appended as it appeared in the Weekly List, together with a plan.

**1 NOTES**

- 1.1 Planning permission is sought for a change of use from class B8/B1 to a fitness centre (D2).
- 1.2 The building to which this application relates is one of a collection of industrial units located on the northern side of Swaines industrial estate. The change of use application relates to the 1st floor premises (Unit 2c) to be used as a fitness centre above Unit 2B.
- 1.3 Unit 2C is subject to advert consent (ref 12/00604/ADV), which is currently under consideration. The site is located within Swaines industrial estate off Ashingdon Road and to the north of Leecon Way; the unit shares a boundary with residential properties sited on Meesons Mead.

**2 RELEVANT PLANNING HISTORY**

- 2.1 There is an extensive history for this site as it was the old Matchbox factory site. However, there is no planning history specifically relating to Unit 2C, which is part of this application.

2.2 3/53 – Layout of estate and construction of 4 separate factory buildings – Approved 6 February 1953.

2.3 12/00604/ADV – Internally illuminated fascia sign – Pending Consideration.

### **3 CONSULTATIONS AND REPRESENTATIONS**

3.1 HAWKWELL PARISH COUNCIL: No objection.

#### **First Comment**

3.2 ESSEX COUNTY COUNCIL HIGHWAYS: No objection to the proposals, subject to the following conditions being attached to any permission granted.

3.3 Parking spaces shall be provided in accordance with Parking Standards Design and Good Practice September 2009 (Essex Planning Officers Association/ECC).

3.4 ESSEX COUNTY COUNCIL HIGHWAYS: The Highway Authority wishes to raise an objection to the above application:-

1. The proposal does not provide sufficient parking within the site for the proposed development. Furthermore, the parking spaces require dimensions of 5.5m x 2.9m to meet the standards contained in the Parking Standards document issued by Essex County Council. The substandard nature of these parking spaces may well lead to vehicles being displaced onto the highway to the detriment of other road users and general highway safety.

3.5 The proposal would therefore be contrary to the aims and objectives of the Highway Authority's Development Management Policies February 2011 issued by Essex County Council Supplementary Planning Guidance which refers to Parking Standards Design and Good Practice September 2009 (Essex Planning Officers Association/ECC).

3.6 HEAD OF ENVIRONMENTAL SERVICES: The Head of Environmental Services reports that if Members are minded to approve the application, the following conditions should be attached to any consent granted:

- 1) All windows and doors shall be closed during periods when music is played or performed within the premises.

3.7 16 neighbourhood letters received:

3.8 6 objections, 9 in favour (York Road, Somerset Avenue, Ashingdon Road, St Marks Field, Spencer Gardens, Suffolk Court, Craven Close, Leamington Road)

- In principle it is a good use of a redundant building, however parking spaces of just 6 spaces suggests usage will be low but there are no details. Parking overflow into already crowded streets could cause aggravation amongst residents. It states that 60% of users of the fitness facility in Hockley come from Rochford, will the Hockley site close and all uses descend on Rochford.
- From a sustainability and fitness point of view, how about having 4 spaces for vehicles and using the other two proposed spaces for bicycles. I would like to know that there will be no music booming from the proposed facility. It is not clear how the ground floor will be used, is this access or changing rooms, toilets etc?
- If the letters on the proposed signage are 5m then does the Perspex have to be 1m in height. If this was smaller, then this would save the cost of the sign and it would be less of an eyesore.
- We live in very close proximity to the proposed site for this development, and found out via a neighbour who lives in the adjoining street. I am concerned about the possible level of noise that will be created by the fitness centre and concerns that our two young children will be disturbed at night.
- My home is situated at the bottom of the unit with all windows facing into my back garden and in close proximity. I have two teenagers with bedrooms to the rear and feel it will be a massive intrusion on our privacy.
- Lights which shone from these windows when the XXX garage kept forgetting to turn them off leaving them on all night reflecting into these back bedrooms.
- This is an important time in my children's lives at the moment with exams looming but not just that I feel when we are in our garden in the summer months the noise, music, weights being slammed down, people hang out chatting, smoking etc. will be a big intrusion and ruin our privacy. In addition I have concerns about the security and safety aspect as the access behind the potential fitness centre can be accessed by anyone using the centre and it is not hard to climb over my fence, again leaving myself and my children with potential safety risk. I am not saying that unsavoury people will be using the fitness centre but I feel this is not the right place for this kind of establishment so close to residences homes.
- I also feel the hours of the fitness centre running from 8am till 10 pm at night 7 days a week is just going to impact greatly on our peace, We do not want to be coming home after a hard day at work to have this going on at the bottom of our garden winter or summer.
- I will ask that this planning application be denied and I am more than happy for you to come to my home and view how close this centre will be to our home and the negative impact it will inevitably have on our life's. We do not feel this is an appropriate venture for this unit.

- We all think they are about the same thing noise why should we have all this and have to put up with it, would they like it right next to them where they live we would not have bought this house had we known.
- Concerns about parking as the plans only had six parking spaces for cars. As it is now hoping to change to a fitness centre and martial arts it will not provide enough parking for day time, evening and after school clubs.
- Cars will be parking in surrounding areas and also many on Meesons Mead. Our road has a lot of parking with school traffic and also people who live on Ashingdon Road. We have trouble accessing our drive to the front on many occasions.
- Concerns as to how early and late this will be open and also noise levels. It should not be too loud as it is next to all our houses. There were many properties next door to the factory that did not receive any notification letter about change of use. Also we have many houses at the side of our garden who did not have letters.

I am fine with the proposed use but they only have parking for 6 Vehicles max, if they have two staff that leaves 4 spaces. This industrial estate is a very busy one with delivery lorries and vans turning up all day. If they have 20 people turn up they need to find 16 other spaces for cars to park so they will over flow to Meesons Mead and my forecourt.

- I am in support of this application; my children attend the Shi Kon Kung Fu kid's classes and thoroughly enjoy it. The class has grown from strength to strength. It would bring a very positive kids club to the area. I believe the unit has been empty for quite a while so it would be a good thing for it to be used.
- The planned move to Rochford would be great for us as it is within walking distance. The classes are growing in popularity and would benefit a larger space. I believe that the classes provide children with confidence and self esteem.
- I think this is a good thing for the area, gives people something positive to work at and keeps them off the streets.
- Would be a good venue for local people to use.
- Application is a great idea, A popular class to the area and will benefit those who already attend this class. It will bring extra revenue to the local community. It will convert a section of the building that has been empty for 4 years, everyone wins. A bigger space is needed.

- Good idea as this will involve all the children in the area from the age of 4 years to adults. This is something that the area needs.
- The application is a great idea, I absolutely want the application to be allowed to go ahead. It will bring an extremely popular and fantastic class to the area. It will benefit those who already attend this class and also the families can benefit from it. It will bring extra revenue to the local community. Also it will be converting a section of the building that has been empty for 4 years.
- Good venue for local people to use also close by for my family who will not have to travel to Hockley from Rochford.
- Good to have better fitness facilities in Rochford, putting empty units to good and constructive use rather than falling into disrepair or becoming industrialised. Will give opportunities for young people to socialise and improve their fitness locally instead of lurking in an otherwise disused industrial estate. Rochford needs more constructive facilities like this to balance the pubs and beauty salons that seem to dominate the area.

#### **4 MATERIAL PLANNING CONSIDERATIONS**

- 4.1 Unit 2C Swaines Industrial Estate is part of a large building which is separated into 4 units and are of a similar appearance with a metal clad façade. Little planning history can be found for the unit, however the applicant states in the revised design and access statement the property has been vacant since 1st January 2008 and was used by Rochford Tyres who relocated to an adjacent unit. The plans submitted as part of this application shows that the external appearance of the building would not be altered.
- 4.2 Plans show the access to the unit would be from the side of the building, however a plan submitted as part of the advert consent for the unit (12/00604/ADV) shows a door would be installed to the front elevation providing access to the staircase leading to Unit 2C, these works could be seen whilst on site.
- 4.3 This door is considered to be permitted development and such an addition is not unacceptable. Nor is it considered that the proposed external changes would be detrimental to the occupiers of any neighbouring unit. There are no other proposed changes or extensions to the external appearance of the building and the fenestration is to be kept as existing, however an illuminated fascia sign is proposed to the front of the building under application 12/00604/ADV which is currently under consideration.

#### **Change of Use**

- 4.4 The use proposed is for a fitness centre which is D2 use according to the Land Gazetteer 2nd Edition (1997).

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- 4.5 The internal floor area of the unit is approximately 165m<sup>2</sup>, the design and access statement submitted as part of this application states that the unit would incorporate a training area with specialist mat flooring suitable for martial arts use, a reception, changing rooms and toilets.
- 4.6 The fitness centre is proposed to open from 8am – 10pm Monday to Friday, 10am to 4pm Saturdays and 10am to 4pm on Sundays and Bank Holidays and will function with two full time and one part time members of staff.
- 4.7 The units immediately surrounding the site are all used for industrial purposes (B1 and B2) apart from No.125 Ashingdon Road on the corner of the industrial estate which is occupied by Rochford Heating and Plumbing supplies, which sell goods directly to the public. On site observations have established that currently unit 2B and unit 4 are also vacant.
- 4.8 Within the Local Plan the land is designated as employment land therefore the application should be subject to Policy ED3 found in the Core Strategy. ED3 states that existing employment sites which are well used and sustainable will be protected from uses that would undermine their role as employment generators. It is considered that the main deliberations with regard to the determination of this application is whether the location is appropriate for a fitness centre, the impact upon the residential properties to the north of the site and the potential parking and traffic implications.
- 4.9 The location of the fitness centre is not considered to be objectionable within the industrial estate; however the site is in close proximity to residential properties and the town centre. It should also be noted that a fitness centre was granted permission under application 09/00561/COU at another unit within Swaines Industrial estate and was also close to residential properties.
- 4.10 The use proposed would provide a source of employment and would make use of a vacant unit, however it may give rise to other issues which render the use to be unacceptable in this particular location.
- 4.11 As previously mentioned the site is in close proximity to residential properties on Meesons Mead and Ashingdon Road. On site observations have established that there is an alley to the rear of the industrial units and the rear boundaries of the properties on Meesons Mead. There are rear windows to unit 2C, however it is not considered that any unreasonable overlooking would be an issue.
- 4.12 It has been suggested by residents occupying the properties immediately behind the proposed site that excessive noise and loud music from the fitness centre could cause unreasonable disturbance. The residential properties are located in close proximity to the industrial estate buildings and as such some industrial noise should be expected and would not be unreasonable. It is acknowledged by the Council that music could be an issue; however it is not considered that the intensity of the music would be so great that this would vary in noise terms significantly from any other industrial use on the site.

Should the noise levels of the fitness centre be such that the amenity of the residents is being detrimentally harmed then this issue maybe be a matter for the Councils Environmental Health Team. It is not considered that noise levels from the fitness centre would be so great that residential amenity would be adversely affected to a degree which would justify refusing the application on this basis subject to an appropriate condition(s).

### **Parking**

- 4.13 The proposed fitness centre may increase the numbers of people and vehicle movements to the site and surrounding area. Due to the site being located within immediate proximity to residential development this may encourage people to walk to the site reducing vehicle movements.
- 4.14 A travel plan has been submitted as part of this application highlighting that members will be encouraged to use alternative means of transport. Sustainable transport is promoted within the National Planning Policy Framework (NPPF) (paragraphs 29-41).
- 4.15 The fitness centre is not considered to be large in size, and that people or vehicles would be disruptive or a nuisance to the other businesses on site or to residential amenity during normal working hours. However it is likely that an influx of customers are likely to visit the fitness centre after normal working hours, with numbers then likely to decrease until closing time at 10pm (during weekdays). Due to the nature of the centre providing martial arts classes for up to 16 people at one time. There is potential for large numbers of people to be present at the site at any one time, particularly at the end of classes and the start of classes during peak times.
- 4.16 Policy T8 of the Core Strategy requires consideration of parking availability at the site. The parking Standards: Design and Good Practice Supplementary Planning Document adopted December 2010 requires that for a gym one vehicle space per 10 square metres needs to be provided. The proposed development would require at least 16 parking spaces.
- 4.17 The applicant states that the six existing parking spaces would be retained. However it is deemed that the frontage would only accommodate four parking spaces to the Essex County Council Parking Standards. Plans submitted also show additional parking would be provided in front of Units 2B and 3 after 5pm, providing a further five useable spaces. The applicant also states in the supporting Travel Plan document that there are communal parking areas on the estate that could be used.
- 4.18 Concerns have been raised over parking provision, with residents on neighbouring streets already experiencing issues in terms of vehicle movements and parking. Whilst on site it was observed that there were a number of cars parked to the front of the industrial units and there is minimal on street parking on Swaines Industrial estate. No parking restrictions could be seen on Leecon Way or on Lesney Gardens. As such it would be possible

for customers visiting the fitness centre to park on Lesney Gardens, should parking not be available in the designated parking areas. There is a doctor's surgery on Lesney Gardens which results in on street parking throughout the day. With further possible on street parking as a result of the fitness centre the highway could become congested. Meesons Mead directly behind the estate is a narrow road, with minimal on street parking.

- 4.19 The Parking Standards: Design and Good Practice Supplementary Planning Document adopted December 2010 states that 'a lower provision of vehicle parking may be appropriate in urban areas (including town centre locations) where there is good access to alternative forms of transport and existing car parking facilities'. It should be noted that there are good bus links on Ashingdon Road and Rochford train station is also within walking distance. The applicant has also stated within the Design and Access statement that 60% of their members live in Rochford. Neighbour letters in favour of this application state that the fitness centre would be easily accessible as they could walk to it.
- 4.20 It can not be determined by the Council how many people will visit the fitness centre or how they will travel, but particular times and days are likely to be more popular than others. It is acknowledged that a number of cars could visit the site in connection with the fitness centre and on balance it is considered that the fitness centre would give rise to such an increase in demand for parking that the allocated parking area would be inadequate and vehicles would be displaced onto neighbouring residential roads. It is considered that this displaced parking would be a nuisance detrimentally affecting the amenity of occupiers nearby residential properties.
- 4.21 It is proposed that the Committee **RESOLVES** to refuse planning permission, for the following reason:-
- (1) The proposal does not provide sufficient parking within or adjoining the site for the proposed development. Furthermore the parking spaces require dimensions of 5.5m x 2.9m to meet the standards contained in the Parking Standards. The insufficient and substandard nature of these parking spaces may well lead to vehicles being displaced onto the estate road, highway or nearby residential streets to the detriment of other road users, general highway safety and the amenities of occupiers nearby residential properties.





Shaun Scrutton

Head of Planning and Transportation

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**Relevant Development Plan Policies and Proposals**

T8, ED3, of the Rochford District Council Core Strategy 2011

National Planning Policy Framework

Parking Standards Design and Good Practice December 2010

Supplementary Planning Document 5

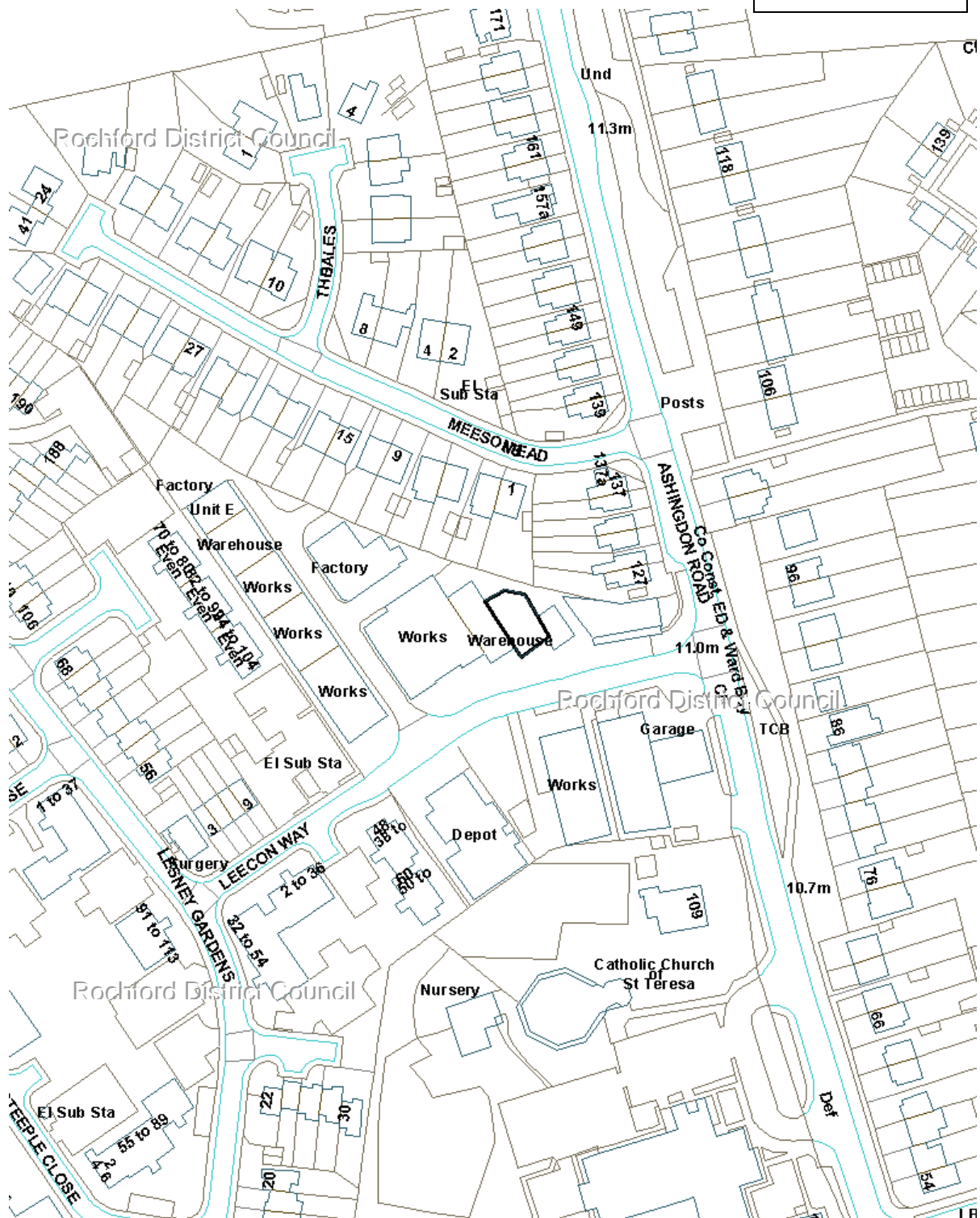
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