
REFERRED ITEM R2

**TITLE: 09/00561/FUL
CHANGE OF USE FROM LIGHT INDUSTRIAL UNIT (B1) TO
FITNESS CENTRE (D2)
UNITS A TO C SWAINES INDUSTRIAL ESTATE
ASHINGDON ROAD ASHINGDON**

APPLICANT: MR TOM ASHTON

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. 1010 requiring notification of referrals to the Head of Planning and Transportation by 1.00 pm on Tuesday, 1 December 2009, 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.

NOTES

- 2.1 Planning permission is sought to change the use from light industrial (B1) to fitness centre (D2).
- 2.2 The host building is located within the Swaines Industrial Estate, to the north of Leecon Way, on an unmade road that provides access to units A – E, Oakwood House and the rear of Unit 5. Unit C to which this application relates is part of a large building that is separated into five units. This particular building backs onto a shared boundary with flatted accommodation in Lesney Gardens. The site is allocated as employment land within the Local Plan. Beyond the small industrial estate is entirely residential development.
- 2.3 The unit has a B1 use class, but is currently vacant. The application form does not disclose how long this unit has been unoccupied for.

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- 2.4 The application proposes to change the use of the unit to a fitness centre. The approximate 170m² of internal floor area would contain a work out area, male and female changing rooms, an office and an equipment store. There are no proposed changes or extensions to the external appearance of the building and the fenestration is to be kept as existing. The fitness centre is proposed to be open from 7.30 am – 9.00 pm Monday to Friday, 8.00 am – 6.30 pm on Saturdays and 8.00 am – 6.00 pm on Sundays and Bank Holidays and will function with four full time staff.
- 2.5 The surrounding units are all used for industrial purposes (B1 and B2) apart from No. 125 Ashingdon Road on the corner of the industrial estate, which has just been occupied by Rochford Heating and Plumbing supplies and sells goods directly to the public. On site observations have established that currently units D and E are also vacant, as is unit 4.
- 2.6 Within the Local Plan, as the land is designated as employment land, the application should be subject to Policy EB1. This policy specifies and provides guidance for proposed uses within a B1, B2 or B8 class. It is considered that the main deliberations with regard to the determination of this application are whether the location is appropriate for a fitness centre, the impact upon the residential properties to the west of the site and potential parking and traffic implications.
- 2.7 The location of a fitness centre is not considered to be objectionable within the industrial estate. The site is located within immediate proximity of residential properties and the town centre. The use will provide a source of employment, however it may give rise to other issues that render the use unacceptable in this particular location.
- 2.8 The unit is within fairly close proximity to the flatted accommodation located in Lesney Gardens. On site observations have established that there is substantial vegetation between the application unit and the ground floor flats. There are rear windows to the unit, however it is not considered that any unreasonable overlooking would be an issue.
- 2.9 It has been suggested by the residents occupying the flats that loud music from the fitness centre could cause unreasonable disturbance. The flats are located within immediate proximity to an industrial estate and building 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 of the adjacent flats is being detrimentally harmed this issue may be a matter for the Council's 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 that would justify refusing the application on this basis.

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- 2.10 The introduction of the fitness centre to this site may increase the numbers of people and vehicle movements to the site and surrounding area. Being located within immediate proximity to residential development this may encourage people to walk to the site and thus reduce the vehicle movements to and from the site. It cannot, however, be determined by the Council how many people will visit the fitness centre and how they will travel. Particular days and times are likely to be more popular than others. The fitness centre is not overly substantive in size and as such it is unlikely that a large volume of people would be present at the site at any one time. It is not considered that additional people or vehicles would be disruptive or a nuisance to the other businesses on site or to residential amenity during normal working hours. 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 9.00 pm (during weekdays). Although the number of visitors cannot be accurately determined it is considered unlikely for the size of the unit that the numbers of people and vehicle movements to and from the site in the later evening would be to such a degree that would detrimentally affect the amenities of nearby residential properties by way of noise and disturbance. It is not considered that the proposed opening hours at the weekends are unreasonable.
- 2.11 Policy TP8 of the Local Plan specifies that for D2 uses a maximum of 1 parking space per 22m² is required. The plans show that the unit has two allocated parking spaces in front of the unit. The plans show an internal floor area of approximately 170.85m². Based on this floor area the fitness centre requires a maximum of between 7 and 8 parking spaces. It is considered that the fitness centre is likely to require more than two spaces to serve all likely customers and staff. The plans denote two areas within immediate proximity of the site that provide communal parking. Whilst on site at approximately 11.30 am there was only one car in the car park to the north west of the site. It is suggested that the other businesses operating from Swaines industrial estate are unlikely to require much parking for visitors, as they do not provide a retail service. It seemed whilst on site that the other businesses within the estate have allocated parking in front or to the side of their units, which negates the need to use the communal space. Delivery vehicles are likely to come and go from the estate on a frequent basis.
- 2.12 There are parking restrictions (double yellow lines) on Leecon Way that run from just west of Unit 1 to the end of Leecon Way. These also extend to the opposite side of the road for the same distance. Further west in Lesney Gardens there are no parking restrictions. As such it would be possible for customers visiting the fitness centre to park in Lesney Gardens should parking not be available in the designated parking areas. There is a doctor's surgery in 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.

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- 2.13 The site is located within immediate proximity of residential development, which may encourage people to walk to the site. Ashingdon Road also has a frequent bus route and Rochford railway station is within walking distance. In accordance with PPG13 emphasis should be placed on the use of public transport and walking as opposed to encouraging the use of the car. It is suggested that due to the size of the unit and the limited fitness equipment available it is likely that most clients will be from the local area.
- 2.14 It is acknowledged that a number of cars could visit the site in connection with the fitness centre and it would be preferable for the unit to have more than two allocated parking spaces, however it is considered that, as the size of the unit is fairly modest and that it is unlikely that large numbers of people would visit the site at any one time, the communal car parking areas could adequately provide enough parking spaces for the fitness centre use as well as maintaining space for visitors/staff of other units. On balance it is not considered that the fitness centre would give rise to such an increase in demand for parking such that the communal parking areas would be inadequate and that significant numbers of vehicles would be displaced onto Lesney Gardens.
- 2.15 **Essex County Highways:** No objections.
- 2.16 12 letters have been received in response to the neighbour notification, which make the following comments and objections:-
- Angry that application is referred to for units A-C when in fact it is only unit C
 - There are only two allocated parking spaces, which do not consider is enough for a fitness centre
 - Problem with security of the site, where the gates for the units A-E are locked every night at about 6pm. Logically the fitness centre would stay open in the evening, causing problems with access
 - With a constant stream of people using the fitness centre this will cause problems with access onto the site for Heavy Goods Vehicles
 - Cars parked on roads causing obstruction and hazards
 - Visitors likely to use private car park
 - The proposal could have detrimental effects on the quality of peace and tranquillity
 - Noise and disturbance if the unit is not sound proofed.
 - Obscure glass should be installed to maintain privacy

APPROVE

- 1 SC4B Time Limits Full - Standard

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- 2 The use hereby permitted shall not open for use outside the hours of 0730 – 2100 Monday to Friday, 0800 to 1830 Saturdays and 0800 to 1800 on Sundays and Bank Holidays.
- 3 The use of Unit C Swaines Industrial Estate hereby permitted shall be restricted to the use solely for a fitness centre/gymnasium and for no other purpose, including any use otherwise permitted within Class D2 of the Schedule to the Town and Country Planning (use classes) Order 1987 (including any Order revoking or re-enacting that Order, with or without modification) or such uses ordinarily incidental to the use hereby permitted.
- 4 Notwithstanding the provisions of Article 3, Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) Order 1995 (including any Order revoking or re-enacting that Order, with or without modification) all of the windows to the rear elevation of the unit marked OBS on drawing 09.194/02 shall be glazed in obscure glass and shall be of a design not capable of being opened. Thereafter the windows shall be retained and maintained in the approved form.
- 5 The fire escape door to the rear elevation of the building, as shown on drawing 09.194/02, must remain shut at all times other than for use in emergencies.

REASON FOR DECISION

The proposal is considered not to cause significant demonstrable harm to any development plan interests, other material considerations, to the character and appearance of the area to the street scene or residential amenity such as to justify refusing the application; nor to surrounding occupiers in neighbouring streets.

Relevant Development Plan Policies and Proposals

TP8, of the Rochford District Council Adopted Replacement Local Plan
As saved by Direction of the Secretary of State for Communities and Local Government in exercise of the power conferred by paragraph 1(3) of schedule 8 to the Planning and Compulsory Purchase Act 2004. (5 June 2009)

Supplementary Planning Document 5 (Vehicle Parking Standards)



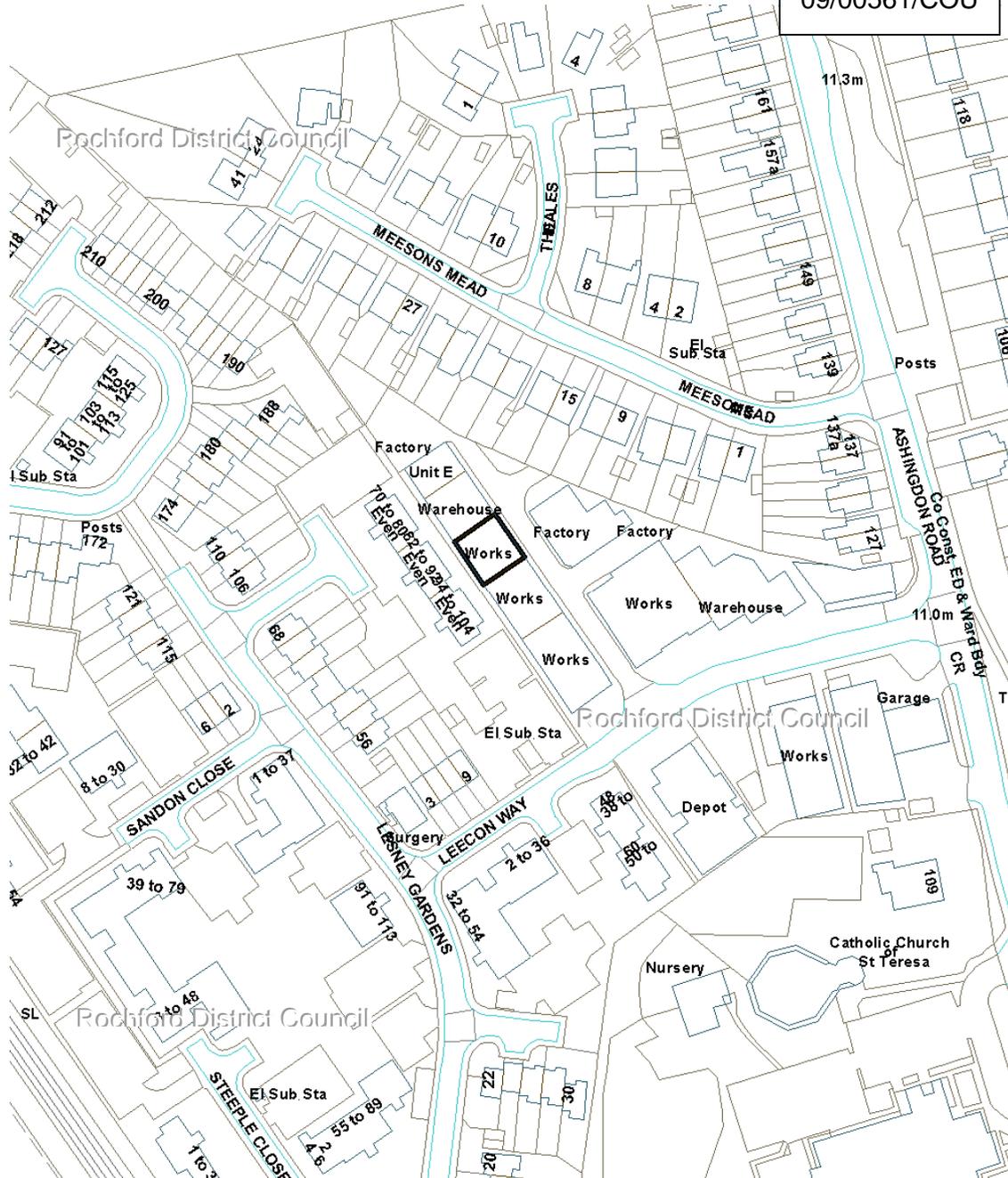
Shaun Scrutton
Head of Planning and Transportation

For further information please contact Katie Simpson on (01702) 546366.

The local Ward Members for the above application are Cllrs P A Capon and Mrs H L A Glynn

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