

Item No. 9

APPLICATION NUMBER	CB/17/01525/FULL
LOCATION	74 Church Lane, Arlesey, SG15 6UX
PROPOSAL	Retrospective: Change of use of existing outbuilding to private gym use comprising 4 no. one-to-one personal training sessions (maximum one person and one hour per session)
PARISH	Arlesey
WARD	Arlesey
WARD COUNCILLORS	Cllrs Dalgarno, Shelvey & Wenham
CASE OFFICER	Julia Ward
DATE REGISTERED	18 April 2017
EXPIRY DATE	13 June 2017
APPLICANT	Mr R Hall
AGENT	
REASON FOR COMMITTEE TO DETERMINE	Councillor Dalgarno has called the application to committee for the following reasons: Noise/ disturbance to adjoining residents; Car parking and highway safety/ inconvenience issues caused by the change of use; Inappropriate development within a residential area.
RECOMMENDED DECISION	Full Application – Recommended for Approval

Site Location:

The application site is a single storey detached bungalow located on the eastern side of Church Lane within the Settlement Envelope of Arlesey.

The bungalow is constructed from light brickwork and dark concrete tiles with a hipped roof. There is an existing single storey outbuilding to the south of the bungalow, within its curtilage. This outbuilding was granted planning permission as a shed/ log cabin on 07/02/17 (ref: CB/16/05456).

The Application:

This application is seeking retrospective planning permission for the change of use of the existing outbuilding to a private gym use comprising 4 no. one-to-one personal training sessions (maximum one person and one hour per session).

RELEVANT POLICIES:

National Planning Policy Framework (NPPF) (July 2018)

12: Achieving well-designed places

Core Strategy and Development Management Policies - North 2009

CS1 Development Strategy
CS14 High Quality Development
DM3 High Quality Development
DM4 Development Within & Beyond Settlement Envelopes

Central Bedfordshire Local Plan - Emerging

The Central Bedfordshire Local Plan has reached submission stage and was submitted to the Secretary of State on 30 April 2018.

The National Planning Policy Framework (paragraph 48) stipulates that from the day of publication, decision-takers may also give weight to relevant policies in emerging plans unless material considerations indicate otherwise.

The apportionment of this weight is subject to:

- the stage of preparation of the emerging plan;
- the extent to which there are unresolved objections to relevant policies;
- the degree of consistency of the relevant policies in the emerging plan to the policies in the Framework.

Reference should be made to the Central Bedfordshire Submission Local Plan which should be given limited weight having regard to the above. The following policies are relevant to the consideration of this application:

LP HQ1: High Quality Development
LP SP7: Development within Settlement Envelopes

Supplementary Planning Guidance/Other Documents

Central Bedfordshire Design Guide (March 2014)

Relevant Planning History:

Case Reference	CB/16/05456/FULL
Location	74 Church Lane, Arlesey, SG15 6UX
Proposal	Erection of shed/log cabin to the side of the property.
Decision	Full Application - Granted
Decision Date	07/02/2017

Consultees:

Parish/Town Council

Arlesey Town Council - Objects to the application on the grounds of insufficient parking at the site and increased noise levels causing a disturbance to neighbours.

Highways

The application seeks a change of a personal gym to one for commercial use. The plans however are not representative of the layout on site. Whilst I can confirm that the width of the building is 5m the distance between the building and the gable of No.74 is 2.6m measured from the rainwater down pipe. Two spaces could be provided in this area although getting in and out of a car could prove to be very tight indeed.

The additional space is said to be provided to the right of the existing driveway by widen the existing driveway into No.74 across the grass verge, but that would place the parking space directly in front of the outward opening doors. Whilst not a highway reason it would of course block access in and out of the proposed gym to the extent that cars would need to over hang onto the widened driveway which of course would be covered by the traffic regulation order for no parking. I would advise that the traffic regulation order not only covers parking on the road but also the grass verge. Cars would therefore park on the highway which would not be permitted.

In order to see if a parking space could be created at a right angle to the proposed gym an accurate plan of the site will need to be provided.

FOLLOWING RECEIPT OF ADDITIONAL PLAN - The submitted plan is not entirely comprehensive, but that said the site has been visited twice (once with this version) so I am confident that parking for three cars can be provided on site. As I have said previously mentioned the distance between the shed and the gable end wall of No.74 is 2.6m where the drainpipe narrows the distance but as a parking space in the 2014 Design Guide need only be 2.5m in width therefore two spaces can be accommodated on the existing driveway with one further spaces to the western side of the shed at 5m in width.

As such the proposal is now considered acceptable in highway terms and the following condition should be imposed.

1/ The vehicle parking spaces shall be kept available for parking at all times.

Reason. To ensure that there is adequate parking within the site.

Pollution

There may be some detriment to amenity from noise from the gym facility including noise from music and instructors, noise from customers arriving and leaving and impact noises from equipment. Pollution has investigated justified complaints regarding noise from gyms in other locations in the district.

However it is understood that the proposed use of the gym building is now only between the hours of 0900 to 1800 on Mondays, Thursdays and Fridays only for one to one training sessions and that gym classes have now been relocated to a different venue.

I do not consider that the existing gym building would be suitable for larger classes where inevitably the music and instructor noise levels would be greater and the impact of persons arriving and leaving the area would also be more intrusive to neighbouring premises.

I further understand that the gym building is to be insulated with plasterboard which would improve the sound insulation properties of the structure. A remaining weak point for noise breakout would be leaving doors and windows open during training sessions and therefore I would advise that these are kept closed. During the site visit it was noted that rubber matting has already been installed to the gym floor to help reduce impact noise.

Having considered the revised proposals I am concerned that more intensive use of the gym facility would be detrimental to neighbouring amenity. If the applicants are willing to accept conditions restricting the business use to the levels they propose the noise impact should not be significant.

I would therefore like to request that the following conditions are attached to any approval;

1. The premises shall only be open to customers between the hours of 0900 to 1800 on Mondays, Thursdays and Fridays and at no other time, for one to one training sessions. There shall be no group classes run at the premises at any time.

Reason: To safeguard the residential amenity which the occupiers of neighbouring properties might reasonably expect to enjoy.

2. No music, musical instruments, or loudspeakers shall be played or used within the premises forming the subject of this permission so as to be audible outside the premises.

Reason - To safeguard the residential amenity which the occupiers of neighbouring properties might reasonably expect to enjoy.

3. Except for access and egress the doors and windows of the gym shall be kept closed at all times whilst customers are visiting the premises.

Reason: To safeguard the residential amenity which the occupiers of neighbouring properties might reasonably expect to enjoy.

4. Within three months of the issuing of this permission the gym building shall be insulated in accordance with a scheme agreed in writing with the local planning authority to reduce emissions of noise arising from its use affecting neighbouring residents. The works and scheme shall thereafter be maintained in accordance with the approved details.

Reason: To safeguard the residential amenity which the occupiers of neighbouring properties might reasonably expect to enjoy.

I would also ask that the following informative is brought to the applicant's attention;

1. The proposed use of the premises will give rise to particular health and safety risks. The applicant is advised to look at the Central Bedfordshire Council website for further information on duties and responsibilities at <http://www.centralbedfordshire.gov.uk/business/health-safety-work/overview.aspx>

Other Representations:

Neighbours

9 letters of objection from a total of 4 addresses have been received to the application from neighbouring occupiers, raising the following objections:

1. The outbuilding has been used as a private gym without planning permission;

2. Training sessions are being carried out early in the morning and late in the evening;
3. Activities are being carried out outside the outbuilding and are exceeding the number stated as 1:1;
4. A commercial gymnasium is inappropriate in this residential area;
5. If the current application is granted, there will no enforcement on times and numbers of people visiting the premises and there will be further increase of the business in the future;
6. The outbuilding is located at the front of the premises and there will be a large number of people turning up at all hours of the day;
7. Noise and disturbance to neighbours caused by activities at the premises, especially when in the garden or when the windows are open;
8. No sound-proofing or air conditioning/ ventilation in the building;
9. There are more suitable premises in the village where the proposed activities can take place;
10. Adverse impact on highway safety due to parking on Church Lane;
11. Use of the premises on a Sunday or Bank Holiday will result in noise and disturbance;
12. The outbuilding does not comply with Building Regulations.

30 letters of support have been received raising the following points:

1. Small business operating from the premises, helping people become fit and healthy;
2. The proposal does not result in noise and disturbance to adjoining occupiers and the users of the premises are considerate.

It is noted that these letters of support are not from immediately adjoining occupiers.

Determining Issues:

The main considerations of the application are;

1. Principle of development
2. Impact of the proposal on the Character and Appearance of the Area

3. Impact of the proposal on the residential amenities of adjoining occupiers
4. Highway considerations
5. Other Considerations

Considerations

1. Principle of development

- 1.1 The existing house is located within the Settlement Envelope of Arlesey. Policy CS1 of the Core Strategy and Development Management Principles (2009) defines Arlesey as a Minor Service Centre which will grow to bring forward large-scale new mixed use development. Policy DM4 of the Core Strategy advises that within the Settlement Envelopes of Minor Service Centres, the Council will approve housing and other settlement related development commensurate with the scale of the settlement, taking account of its role as a service centre.

Paragraph 127 (f) of the National Planning Policy Framework (NPPF) (2018) advises that a planning authority should create places that have a high standard of amenity for existing and future users.

It is considered, therefore, that the use of part of a dwelling for business purposes may be acceptable in some instances, subject to the proposal complying with the requirements of policy DM3 of the Core Strategy and advice within the NPPF, particularly with regards to the impact of the proposal on the residential amenities of neighbouring occupiers.

2. Impact of the proposal on the character and appearance of the area

- 2.1 The outbuilding has previously been approved and is 2.8 metres high with a pitched roof. The building is visible from Church Lane but is set back from the road by some 13 metres and it is considered that the single storey scale of the building does not have a detrimental impact on the character and appearance of the area.

The character of the area is predominantly residential with differing types and styles in the immediate vicinity. The proposed commercial use has the potential to alter the character of this part of Church Lane. The applicant originally applied for the change of use of the garage to one-to-one personal training and small group sessions of aerobics and pilates of up to seven people at one time. However, following concerns raised by consultees and neighbouring occupiers, the applicant has amended the application to 1:1 Personal Training use only (maximum one person and one hour per session). The applicant has confirmed that the days and hours of use are Monday and Thursday from 9am - 6pm and Saturday 9am - Midday.

It is considered that, given the reduction in the scale and type of activities of the business to be run from the premises, the proposal will not significantly alter the predominantly residential character of this part of Church Lane.

3. Impact of the proposal on the residential amenities of neighbouring occupiers

The proposed use has the capacity to have a detrimental impact on the residential amenities of adjoining occupiers given the additional comings and goings to and from the proposed building.

Given the single storey scale of the building, together with the existing close-boarded fencing and mature vegetation along the boundaries with neighbouring properties, it is considered that the proposal would not result in any significant overlooking or loss of privacy to the occupiers of the adjoining properties.

Following advice from the pollution officer, it is considered necessary and relevant to attach a condition restricting the use of music at the premises to ensure that the proposal does not result in any noise and disturbance to adjacent residential occupiers. Having regard to the smaller scale use now being proposed, it is considered that restricting the hours of use from 9am - 6pm (9am - Midday on a Saturday) would be appropriate to ensure that there is no adverse impact to neighbouring occupiers from noise and disturbance from the use. It is also considered appropriate, given the residential area, that a condition requiring a noise insulation scheme is submitted to, and approved in writing by, the local planning authority to ensure that the use does not result in noise and disturbance to adjoining occupiers.

It is considered that given the relatively small scale of the business and the daytime operating hours, the comings and goings to and from the proposal would not result in such a level of noise and disturbance to adjoining occupiers to warrant refusal of the application.

Comments from objectors are acknowledged regarding the possibility of intensification of the proposed use in the future. However, should an intensification of the use occur which results in a material change of use of the premises away from that use which is being applied for, planning permission would be required for any such change of use.

4. Highway Considerations

- 4.1 The application site is located on Church Lane (C169) which is a single carriageway classified road. The section by the property has a wide verge and footway. The application site is in close proximity to Arlesey Station and on-street

parking is restricted and reinforced by yellow lines and duration of stay at set times, such as the two hour short stay parking outside the church from Monday to Saturday between 8am and 6pm.

It is considered that the reduction in the scale of the use of the outbuilding during the course of the application to 1:1 Personal Training will result in only moderate vehicle movements to and from the site and these vehicle movements will not result in a detrimental impact on highway amenity or safety in the area.

A revised plan accurately showing the parking spaces at the property was requested from the applicant and following the submission of this plan, it is considered that a total of 3 no. car parking spaces can be located on the site to provide adequate space for visitors to the premises.

Given the location of the application site on a busy road with parking restrictions, it is considered reasonable and necessary to attach a condition requiring the areas shown as parking areas to be retained as such.

5. Other Considerations

5.1 Human Rights and Equality Act issues:

Based on information submitted there are no known issues raised in the context of Human Rights / The Equalities Act 2010 and as such there would be no relevant implications.

Recommendation:

That Planning Permission be GRANTED subject to the following:

RECOMMENDED CONDITIONS / REASONS

- 1 The vehicle parking spaces shown on approved drawing ref: CBC05 shall be kept available for parking at all times.

Reason. To ensure that there is adequate parking within the site.

- 2 The premises shall only be open to customers between the hours of 0900 to 1800 on Mondays and Thursdays and 0900 to Midday on Saturdays and at no other time, including Sundays or Bank Holidays, for one to one training sessions. There shall be no group classes run at the premises at any time.

Reason: To safeguard the residential amenity which the occupiers of neighbouring properties might reasonably expect to enjoy.

- 3 No music, musical instruments, or loudspeakers shall be played or used within the premises forming the subject of this permission so as to be audible outside the premises.

Reason - To safeguard the residential amenity which the occupiers of neighbouring properties might reasonably expect to enjoy.

- 4 Except for access and egress the doors and windows of the gym shall be kept closed at all times whilst customers are visiting the premises. All personal training activities hereby approved shall take place within the building.

Reason: To safeguard the residential amenity which the occupiers of neighbouring properties might reasonably expect to enjoy.

- 5 Within 4 months of the issuing of this permission the gym building shall be insulated in accordance with a scheme agreed in writing with the local planning authority to reduce emissions of noise arising from its use affecting neighbouring residents. The works and scheme shall thereafter be maintained in accordance with the approved details.

Reason: To safeguard the residential amenity which the occupiers of neighbouring properties might reasonably expect to enjoy.

- 6 This permission is for the sole benefit of the occupier of no. 74 Church Lane, Arlesey and shall not extend to any other person.

Reason: To ensure the retention of planning control by the Local Planning Authority on the operation of the business with respect to limiting the impact on adjoining residents to an acceptable level.

- 7 The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers CBC01; CBC02; CBC03; CBC04; CBC05

Reason: To identify the approved plan/s and to avoid doubt.

INFORMATIVE NOTES TO APPLICANT

1. This permission relates only to that required under the Town & Country Planning Acts and does not include any consent or approval under any other enactment or under the Building Regulations. Any other consent or approval which is necessary must be obtained from the appropriate authority.
2. The proposed use of the premises will give rise to particular health and safety risks. The applicant is advised to look at the Central Bedfordshire Council website for further information on duties and responsibilities at <http://www.centralbedfordshire.gov.uk/business/health-safety-work/overview.aspx>
3. Please note that the unnumbered drawings submitted in connection with this application have been given unique numbers by the Local Planning Authority. The numbers can be sourced by examining the plans on the View a Planning Application pages of the Council's website www.centralbedfordshire.gov.uk.

Statement required by the Town and Country Planning (Development Management Procedure) (England) Order 2015 - Part 6, Article 35

The Council acted pro-actively through positive engagement with the applicant during the determination process which led to improvements to the scheme. The Council has therefore acted pro-actively to secure a sustainable form of development in line with the requirements of the Framework (paragraph 38) and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015.

DECISION

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