

BOROUGH OF KETTERING

Committee	Full Planning Committee - 04/10/2016	Item No: 5.4
Report Originator	Pritesh Shah Senior Development Officer	Application No: KET/2016/0510
Wards Affected	All Saints	
Location	Joinery Yard, Hallwood Road, Kettering	
Proposal	Full Application: Change of use from factory to a personal training centre	
Applicant	Mr R Debourgh	

1. PURPOSE OF REPORT

- To describe the above proposals
- To identify and report on the issues arising from it
- To state a recommendation on the application

2. RECOMMENDATION

THE DEVELOPMENT CONTROL MANAGER RECOMMENDS that this application be APPROVED

1. The development hereby permitted shall be begun before the expiration of 3 years from the date of this planning permission.

REASON: To comply with Section 91 of the Town and Country Planning Act 1990 (as amended) and to prevent an accumulation of unimplemented planning permissions.

2. The development hereby permitted shall not be carried out other than in accordance with the approved plans and details submitted with the application shown on the plan list within this decision notice.

REASON: In the interest of securing an appropriate form of development in accordance with Policy 8 of the North Northamptonshire Joint Core Strategy.

3. The building shall be used only for a fitness centre and for no other purpose whatsoever (including any other purpose in Class D2 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended) or in any statutory instrument revoking and re-enacting that Order with or without modification).

REASON: To safeguard the residential amenity of adjacent occupiers and to ensure adequate car parking provision in accordance to Policy 8 of the North Northamptonshire Joint Core Strategy.

4. The premises shall not be open to the public before 10am hours or remain open after 9pm hours on Mondays to Thursday, nor before 10am hours or after 8.30pm hours on Fridays, nor before 10am hours or after 4pm hours on Saturdays. The premises shall not be open at all to members of the public on Sundays or any recognised public holidays.

REASON: To protect the amenities of the occupiers of nearby properties in the interests of amenity in accordance with Policy 8 of the North Northamptonshire Joint Core Strategy.

5. Prior to the development commencing, a scheme for protecting the nearby residential units on Hallwood Rd, Masefield Road and Exeter Street from noise from the proposed development shall be submitted to and approved in writing by the Local Planning Authority. The provisions of this scheme shall include physical controls, operation restrictions and administrative controls, where appropriate. The approved scheme shall be implemented in full and shall thereafter be maintained at all times in accordance with the approved details.

REASON: To ensure the amenity of neighbouring properties is safeguarded in accordance with Policy 8 of the North Northamptonshire Joint Core Spatial Strategy.

Officers Report for KET/2016/0510

This application is reported for Committee decision because there are unresolved material objections.

3.0 Information

Relevant Planning History

- KET/1989/0291 – Enclosure of loading bay to form office. Allowed on appeal.
- KET/1990/0158 – Improvements to accommodation for sanitary purposes. Approved.

Site Description

Officer's site inspection was carried out on 10 August 2016.

The application site comprises an existing vacant factory that is located on the corner of Hallwood Road and Masefield Road in Kettering. The factory is single storey in height and is constructed of brick. There are two distinct parts to the factory, one of which appears older constructed of red brick with a dual pitch roof; and the other part appears to be a more recent addition with buff brick elevations and a flat roof. The last known use for the application site was for a shoe factory 'Gaziano and Girling' which is understood to have relocated to another part of Kettering.

The building is bounded by fencing and within the curtilage there is a small courtyard.

Surrounding the application site is primarily residential development comprising of detached and semi-detached residential dwellings which are 2 storey in scale. There are some bungalows within the locality as well.

Proposed Development

The proposed development seeks the change of use of the factory to a fitness centre which will be based around personal training and boxing sessions. Although the gym will be also open for individual members to train, the applicant also seeks to use the gym to work with local communities and charitable organisations.

As part of the proposed change of use there will be no external alterations to the premises. Internally there will be no alterations with the existing divisions being utilised to separate different gym activities.

Any Constraints Affecting the Site

- Within the confines of Kettering town
Former employment site

4.0 Consultation and Customer Impact

NCC Highways: No objection subject to a condition limiting the use of the facility to a gym.

KBC Environmental Protection: No objection subject to a condition for a noise protection scheme to be submitted.

Neighbours: There have been 9 letters of objection received which relate to concerns over parking and noise generated by the fitness centre/ gym. Concerns raised consider that there is currently restricted parking in the area and noise shall increase above the last use of the building. Assumptions that clients will walk to the site should not be made.

5.0 Planning Policy

National Planning Policy Framework

Core Planning Principles - bullet point 4 and 12.

Section 2 – Ensuring the vitality of the town centre.

Section 8 – Promoting healthy communities.

Development Plan Policies

North Northamptonshire Joint Core Strategy

Policy 8 - North Northamptonshire Place Shaping Principles

Policy 12 – Town Centre and Town Centre Uses

Policy 22 - Delivering Economic Prosperity

Local Plan

Policy 58 - Employment within towns

6.0 Financial/Resource Implications

None

7.0 Planning Considerations

The key issues for consideration in this application are:-

1. Principle of development
2. Impact on character and scale of existing building and surrounding area
3. Residential amenity
4. Highways and parking

1. Principle of development

The application site is located within the town confines of Kettering where commercial and community types of developments are usually supported.

Policy 22(c) of the JCS seeks to build a sustainable economy by:

Safeguarding existing and committed employment sites for employment use unless it can be demonstrated by the applicant that there is no reasonable prospect for the site being used for that purpose and that an alternative use would:

- *Not be detrimental to a mix of uses within a sustainable urban extension; and/ or*
- *Resolve existing conflicts between land uses.*

The application site comprises a factory with the last known use being a shoe factory. The marketing agents for the building (Berrys) have submitted a letter detailing that the property has been marketed by them since August 2015. The property has since been advertised for sale through a local business distribution list of Berrys' clients, Rightmove, Northamptonshire Business Times, national commercial agent's distribution list and a marketing board outside of the property. Berrys have confirmed that they have had no enquiries for the property other than the applicant.

Gaziano & Girling who were the previous occupiers of the premises have also been contacted who have confirmed that they left the property approximately 3 years ago. The company who are a shoe manufacturer have relocated to another site within Kettering.

From the evidence submitted by the applicant and from discussions with Gaziano & Girling it is considered that the applicant has demonstrated that there is no reasonable prospect of the building being used for employment purposes. The size of the premises is relatively small (216sqm of gross internal floorspace) and therefore would be attractive only to a limited audience. The principle of the scheme is therefore acceptable subject to the proposal not having a detrimental impact on the character of the locality, residential amenity and parking.

Policy 12 (g) of the JCS states the vitality and viability of town centres will be supported by:

Applying the sequential and impact tests set out in the NPPF to the assessment of retail development and other town centre uses that are proposed outside the defined town centre areas (other than small scale rural development and the creation of local centres to meet the day to day needs of residents in the SUEs).

The gymnasium use is considered to be a town centre use and the applicant has provided an assessment of other sites around the town that have been discounted. These sites include premises on Trafalgar Road and Montague Street as well as premises on the 'one way system'. The premises have been discounted for various reasons including size, price and a lack of level access for mobility impaired people.

It is considered that the applicant has made an assessment of town centre sites which have been discounted in accordance with Policy 12 of the JCS.

2. Impact on character and scale of existing building and surrounding area

Policy 8 (d) of the JCS states developments should create a distinctive local character by:

Responding to the site's immediate and wider context and local character to create new streets, spaces and buildings which draw on the best of that local character without stifling innovation.

Bullet point 4 of paragraph 58 of the NPPF states planning policies and decisions should aim to ensure that developments

respond to local character and history, and reflect the identity of local surroundings and materials, while not preventing or discouraging appropriate innovation.

The applicant does not seek any change to the exterior of the building and will utilise existing internal divisions of the factory to accommodate the fitness centre within. As the applicant seeks no change to the building, the proposal is not considered to adversely impact on the character and scale of the existing building or the surrounding area.

3. Residential amenity

Policy 8 (e) of the JCS seeks to ensure quality of life by:

Protecting amenity by not resulting in an unacceptable impact on the amenities of future occupiers, neighbouring properties or the wider area, by reason of noise, vibration, smell, light or other pollution, loss of light or overlooking.

The protection of amenity is also highlighted in bullet point 4 of the Core Planning Principles within the NPPF.

The application site is within a residential area with its last known use being a shoe factory. This type of use, although within a residential environment, would have generated some noise from plant and machinery. Therefore another factory could potentially occupy the premises without the need for planning permission and could be more intensive and therefore adversely impacting on the residential amenity of adjacent residents beyond what the former shoe factory use would have done.

Within the business description the applicant has stated the business does not intend to have loud music which could adversely impact on neighbouring residential amenity. Although it may be difficult to effectively control and enforce the sound of any background music, any adverse impact on neighbouring residential amenity can be limited through a condition limiting the timing of the fitness centre which the applicant has confirmed will be open from 10am to 9pm Monday to Thursday; Friday 10am to 8:30pm; Saturday 10am to 4pm and closed Sundays and bank holidays. Furthermore if noise and disturbance does go beyond a level that is acceptable to residential neighbours and therefore becomes a nuisance then other legislation is in place to enforce against it by the Councils Environmental Protection Team.

There is no evidence presented to suggest that the proposed fitness facility will

generate noise disturbance at a level over and beyond the existing factory use. The proposed fitness facility is therefore not considered to adversely impact on neighbouring residential amenity. The proposed development is therefore in accordance with Policy 8 (e) of the JCS.

4. Highways and parking

Policy 8 (b) of the JCS states developments should make safe and pleasant streets by:

Ensuring a satisfactory means of access and provision for parking, servicing and manoeuvring in accordance with adopted standards.

Concerns have been raised by neighbouring residents in relation to on-street parking throughout the day and night which would result from the fitness centre being granted planning permission. These concerns had been relayed to the applicant during the course of the application and through discussions with NCC Highways it was considered that a Parking Beat Survey should be submitted to provide a clear indication of whether or not there is adequate on-street parking within the locality.

A Parking Beat Survey has been provided which was undertaken Wednesday 7 September and Saturday 10 September between 7am and 9pm on both days. The survey included a 50m radius of the application site and then a further survey was conducted 70m of the application site. The survey concluded that traffic flows are minimal with parking available at all hours including during peak times (early mornings, and late evenings).

NCC Highways have confirmed that the survey demonstrates that there are sufficient parking spaces in the vicinity for this specific use of the site. NCC Highways have also requested that a condition be added limiting the use of the building to a fitness centre within the relevant D2 use class.

Other concerns raised include the amount of traffic that will be generated from the proposed use and that Masefield Road is narrow which will cause difficulties for traffic to pass. As noted above the Parking Beat Survey has recognised that there is enough parking within the locality and many of the houses along Masefield Road have private driveways. Given the limited size of the unit and the activities proposed it would be unreasonable to expect large numbers of users at the site at any one time and therefore the amount of traffic to be generated would not be considered to be at a level that would cause a danger to highway safety or cause blockages to the surrounding streets.

The proposed change of use of the building to a fitness centre is therefore not considered to adversely impact on highway safety as it has been demonstrated that there is a satisfactory provision of parking and is in compliance with Policy 8 (b) of the JCS.

Conclusion

To summarise the principle of the change of use from the existing employment use to a fitness centre is acceptable as the applicant has provided clear justification to show the building has been unoccupied for 3 years and marketed since August 2015 with no reasonable prospect of the site being used for other employment purposes and the use is considered to be compatible with the surrounding area. Adjacent residential amenity is also not considered to be adversely impacted given the previous use of the premises. The applicant has also provided a Parking Beat Survey which demonstrates that there is sufficient parking in the vicinity for the fitness centre use without causing a danger to highway safety.

The proposed change of use is therefore considered acceptable in principle and in accordance with Policy 8, 12 and 22 of the JCS; Saved Policy 58 of the Kettering Borough Local Plan; and the NPPF.

Background Papers

Title of Document:

Date:

Contact Officer:

Pritesh Shah, Senior Development Officer on 01536 534316

Previous Reports/Minutes

Ref:

Date: