

Application Number:	2022/0067	Application Type:	Removal of Condition (S.73)
Proposal:	Application for removal of condition 6 (hours of operation) pursuant to planning permission 2016/0053, to enable 24-hour use of the gym facility.	Location:	Unit 1 - 3 Rising Bridge Business and Enterprise Village Blackburn Road Rising Bridge BB5 2AL
Report of:	Planning Unit Manager	Status:	For publication
Report to:	Development Control Committee	Date:	24/05/2022
Applicant:	Mr Luke Hamer	Determination Expiry Date:	27/05/2022
Agent:	N/A		

Contact Officer:	James Dalglish	Telephone:	01706 238643
Email:	jamesdalglish@rossendalebc.gov.uk		

REASON FOR REPORTING	
Outside Officer Scheme of Delegation	
Member Call-In Name of Member: Reason for Call-In:	
3 or more objections received	✓
Other (please state):	

HUMAN RIGHTS

The relevant provisions of the Human Rights Act 1998 and the European Convention on Human Rights have been taken into account in the preparation of this report, particularly the implications arising from the following rights:

Article 8

The right to respect for private and family life, home and correspondence.

Article 1 of Protocol 1

The right of peaceful enjoyment of possessions and protection of property.

1. RECOMMENDATION

Approval subject to the conditions set out in this report.

2. **SITE**

The application relates to Units 1-3 of the Rising Bridge Business Park; these being located within a large contemporary two-storey commercial building adjacent to Blackburn Road (the A680). The site is currently in use as a gym, health, fitness and rehabilitation centre as approved under 2016/0053.

The wider site comprises of two further similar two-storey buildings containing additional business units set around an internal car park, with a vehicle entrance to the east on Blackburn Road, this road running along the site's north/north-east boundary and Rising Bridge Road running along its south-west boundary.

The surrounding area is characterised by a mixture of residential and commercial properties. The site is located within the defined urban boundary.

3. **RELEVANT PLANNING HISTORY**

2016/0053 - Change of use from offices (B1) to health, fitness and rehabilitation centre (D2) (Approved)

4. **PROPOSAL**

The application seeks only the removal of condition 6 pursuant to planning permission 2016/0053. The condition in question reads as follows:

"The use hereby permitted shall be limited to 6am to 11pm, Monday to Saturday, and 6am to 10pm on Sunday and Bank Holidays.

Reason: In order to maintain the amenity of the area and to ensure that the development complies with Policy 24 of the Adopted Core Strategy (2011)."

The applicant has stated the following in relation to the current application:

"I require the condition to be changed to allow us to operate a 24-hour facility. This will accommodate for multiple requests from the local community to accommodate for those that work shift patterns. There is a high demand for this.

All research and due diligence has been done in the following essential areas:

Sound limitations

We can ensure that noise levels won't exceed current noise levels, we have tested this via a sound survey against the sound of trucks and lorries from the hours of 10pm- 6am.

Music levels will be linked remotely to a 24-hour remote reception team who will have the ability to control the sound levels.

Security

Full CCTV system with 12 camera s both inside and outside of the facility and a 24/7 remote reception team will be on hand to ensure member safety and control access.

Footfall

We estimate that between the extended hours of 10pm and 6am that we will have no more than 15 members on site at any given time.

Also during the hours of 10pm and 6am a high percentage of those using the gym will work shift patterns meaning they will more than likely train alone or with a partner rather than in groups.”

5. **POLICY CONTEXT**

National

National Planning Policy Framework

Section 2 Achieving Sustainable Development

Section 8 Promoting Healthy and Safe Communities

Section 9 Promoting Sustainable Transport

Section 11 Making Effective Use of Land

Section 12 Achieving Well Designed Places

Development Plan Policies

Rossendale Local Plan

SS: Spatial Strategy

SD1: Presumption in Favour of Sustainable Development

ENV1: High Quality Development in the Borough

LT1: Protection of Playing Pitches, Existing Open Space, Sports and Recreation Facilities

LT2: Community Facilities

Other material considerations

National Planning Practice Guidance

National Design Guide

6. **CONSULTATION RESPONSES**

RBC Environmental Health	No comments to make on the application
LCC Highways	No objection
LCC Property Group	No comments received

7. **NOTIFICATION RESPONSES**

To accord with the General Development Procedure Order notification letters were sent to neighbouring properties. A site notice was also posted.

Three objections and one other representation have been received, raising the following points in summary:

- Car parking issues on car park
- Potential noise and light disturbance at anti-social hours
- Parking and access issues on streets
- Increased traffic
- Will cause pollution

8. **ASSESSMENT**

The main issues for consideration in this instance are:

- a) Neighbour Amenity
- b) Parking / Access

The acceptability in principle and in terms of all other material planning considerations of the current use of the site as a gym facility was established under 2016/0053.

Neighbour Amenity

The proposed scheme would in one sense provide enhanced amenity for local residents in that the existing gym facility would be open 24 hours per day, 7 days per week – enabling those who wish to attend outside the normal hours of operation to do so.

On the other hand, the increased opening hours need to be assessed as to whether they would cause undue disturbance to nearby residential properties at night time.

In this regard, the Council's Environmental Health team has been consulted on the application (as they offer expert advice to the Planning team on such matters).

The Council's Environmental Health team have not raised any objection to the application.

Objector's comments in relation to light and noise pollution from the gym are noted. However, given the siting of the existing gym in relation to residential properties and the lack of any objection from the Environmental Health team, it is not considered that refusal of the application on such grounds could be substantiated in this case.

Parking / Access

The Local Highway Authority (Lancashire County Council) has been consulted on the application and has raised no objection on grounds of parking capacity or access / highway safety.

In the absence of any such objection, whilst noting the comments received from local residents and occupants, it is not considered that refusal of the application on such grounds could be substantiated in this case.

9. **SUMMARY REASON FOR APPROVAL**

The proposed scheme is appropriate in principle and subject to conditions, the scheme is considered acceptable in terms of all other relevant material planning considerations. The development therefore accords with the National Planning Policy Framework and Policies SS, SD1, ENV1, LT1 and LT2 of the Local Plan.

10. CONDITIONS

1. The development shall be carried out in accordance with the following approved plans unless otherwise required by the conditions below:
 - Location plan
 - Proposed Floor Plans
 - Car Parking Plan / Car Park Management Plan

Reason: To ensure the development complies with the approved plans and avoids undue harm to visual or neighbour amenity.

2. There shall be no more than 20 paying customers on the premises at any one time, and only then for so long as it can be demonstrated to the Council's satisfaction that the customers of Fit4Life have agreed to the submitted and approved Car Park Management Plan.

Reason: To ensure the development does not result in unacceptable access and parking impacts.

3. The Car Park Management Plan shall be reviewed and updated quarterly and prominently displayed on the Fit4Life website and in the building for all customers to see.

Reason: To ensure the development does not result in unacceptable access and parking impacts.

4. The premises shall only be used for a health, fitness and rehabilitation centre and for no other purpose including any other purposes in Class D2 of the Schedule to the Town & Country Planning (Use Classes) Order 1987 (or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).

Reason: The Local Planning Authority would wish to retain control over any subsequent change of use of these premises in the interests of safeguarding the amenities of the area and highway safety.

11. INFORMATIVES

1. The proposal complies with the development plan and would improve the economic, social and environmental conditions of the area. It therefore comprises sustainable development and the Local Planning Authority worked proactively and positively to issue the decision without delay. The Local Planning Authority has therefore implemented the requirement in Paragraph 38 of the National Planning Policy Framework.

