

Application Number:	2018/0368	Application Type:	Full
Proposal:	Expansion of the existing gym from Units 1 & 2 into Unit 3	Location:	Unit 3, Rising Bridge Business And Enterprise Village, Blackburn Road, Rising Bridge
Report of:	Planning Manager	Status:	For Publication
Report to:	Development Control Committee	Date:	2 October 2018
Applicant:	Mr L Hamer	Determination Expiry Date:	5 October 2018
Agent:			

Contact Officer:	Neil Birtles	Telephone:	01706-238645
Email:	planning@rossendalebc.gov.uk		

REASON FOR REPORTING	
Outside Officer Scheme of Delegation	
Member Call-In Name of Member: Reason for Call-In:	Cllr Ann Kenyon Parking Issues - some of the information in the application is flawed and needs answers
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

Grant planning permission subject to the conditions set out in the report.

APPLICATION DETAILS

2. SITE

By way of Planning Permission 2016/0053 the applicant changed the authorised use of Units 1 & 2 on the business park from offices to a gym, these being 2 of 4 units located within a large contemporary 2-storey building adjacent to Blackburn Road (A680). This application relates to the attached unit in the block.

The business park comprises of 2 further similar 2-storey buildings set around a central car park, with a barrier-controlled entrance from Blackburn Road. Units 1 & 2 have 12 parking spaces allocated to them, whilst Unit 3 has 6 spaces allocated to it. The car park possesses 64 spaces in total, including 10 disabled-parking spaces, together with a large covered cycle store.

The existing gym (called Fit4Life Health & Fitness) is bounded to the N side by a restaurant called the Spice Room, which possesses its own large car park. To the opposite side of the main road are residential properties.

The area lies within the Urban Boundary of Rising Bridge.

3. RELEVANT PLANNING HISTORY

2008/621 Erection of Office Accommodation (3,021sqm)
Approved 09/12/08

2016/053 Change of use from offices (B1) to health, fitness & rehabilitation centre (D2)
Approved 04/05/16

This application related 557sqm of vacant office floor space. The applicant advised that the premises would provide physical training & physiotherapy/rehabilitation services and also group fitness sessions.

The intended hours of operation were 6am-11pm Monday to Saturday and 6am-10pm on Sunday and Bank Holidays.

The application was accompanied by a Car Park Management Plan.

Permission was granted subject to a number of Conditions :

Condition 3

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.

Condition 4

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.

4. PROPOSAL

The current application seeks to extend the gym into the attached vacant office unit, thereby adding to the floor space of the gym by 232sqm, with no external alteration of the building.

The application is accompanied by a drawing identifying the additional 6 spaces within the existing car park that customers of the gym will be entitled to use. It is also accompanied by a Car Park Management Plan.

5. POLICY CONTEXT

National

National Planning Policy Framework

- Section 2 Achieving Sustainable Development
- Section 6 Building a Strong, Competitive Economy
- Section 7 Ensuring the Vitality of Town Centres
- Section 8 Promoting Healthy & Safe Communities
- Section 9 Promoting Sustainable Transport

Development Plan

RBC Core Strategy (2011)

- AVP6 Area Vision for Haslingden and Rising Bridge
- Policy 1 General Development Locations and Principles
- Policy 8 Transport
- Policy 10 Provision for Employment
- Policy 11 Retail and Other Town Centre Uses
- Policy 24 Planning Applications Requirements

6. CONSULTATION RESPONSES

RBC Environmental Health	No objection
LCC Highways	No objection subject to conditions

7. REPRESENTATIONS

To accord with the General Development Procedure Order letters were sent to neighbours.

No comments have been received other than from the proprietor of the adjacent restaurant (Spice Room), who has advised that :

"I do not oppose the application by fit4life for the extension"

8. ASSESSMENT

In dealing with this application the main issues which need to be considered are :

- 1) Principle; 2) Neighbour Amenity; & 3) Access/Parking

Principle

Notwithstanding that Units 1 & 2 are not located in or immediately adjacent to a Town Centre, and Application 2016/053 proposed to change the use of them from offices to a town centre use, it was concluded that permission should be granted having regard to the duration these units had been vacant (despite the efforts made to find an office occupier), the jobs that would be created and as the premises are on a 'quality' bus route.

It is considered acceptable for the existing business occupying Units 1 & 2 to extend into Unit 3, which is presently vacant.

Neighbour Amenity

The proposal entails no external alterations or extension of the existing building.

The Council's Environmental Health Unit has raised no objection to extension of the business occupying Units 1 & 2 into Unit 3.

No objections have been received from neighbours.

Access/Parking

The Car Park Management Plan submitted with the application states :

“An agreement with the Spice Room is imminent and going through the legal processes at the minute. A licence is to be granted for an additional overspill carpark with 40 dedicated spaces.

As the Spice Room is closed between the hours of 6am-4.30pm this will give Fit4Life members sole access to 61 dedicated spaces between the above said hours.

From 4.30pm onwards joint usage of the car-park will mean that around 41 dedicated spaces will be accessible to our members up until 10pm in the evening.”

In order that LCC Highways could properly assess the proposal, and come to an informed view about the likelihood that it would give rise to un-safe traffic movements/unacceptable on-street parking, the Applicant and the proprietor of the Spice Room were both asked to answer the following three questions :

- 1) What arrangements have previously been in place that would allow users of the gym to make use of the Spice Room car park.
- 2) What arrangements are now in place that would allow users of the gym to make use of the Spice Room car park.
- 3) What arrangements are currently being negotiated that would allow users of the gym to make use of the Spice Room car park.

The Applicant and the proprietor of the Spice Room have both responded. In short, the proprietor of the Spice Room has stated :

- 1) There was an informal agreement enabling users of the gym to make use of the Spice Room car park but this was ended circa June 2017.
- 2) There is no current arrangement in place – an entrance-barrier restricts access to their car park.
- 3) Any new agreement would be short-term (maximum 3 months), with no guarantee of extension, and would require their landlord's permission.

Accordingly, LCC Highways has assessed the proposal on the basis that users of Fit4Life do not/will not have the opportunity to park vehicles on the Spice Room car park.

LCC Highways has raised no objection to permission being granted to the application, subject to conditions. In amplification, it has stated :

“The previously approved planning application for the change of use of units 1 and 2, reference 2016/0053, has several highway related conditions applied including a Car Park Management Plan and a restriction of the number of customers on site at any one time.

That permission does not include the use of the Spice Room car park, however it is stated in the Car Park Management Plan that the condition restricting customer numbers could be considered for removal if additional off-site parking was secured. There have been no subsequent applications to vary the conditions.

Conditions 3 and 4 on the decision 2016/0053 state :-

- 3. 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 Councils satisfaction that the customers of Fit4Life have agreed to the submitted and approved Car Park Management Plan.*
- 4. 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.*

This application, 2018/0368, seeks to extend the existing business into the adjacent unit 3 which will include 6 additional parking spaces within the site car park and 1 additional disabled parking. There is a shared covered cycle store within the car park. The units 1 – 3 will have a total of 21 spaces (including 3 disabled bays) allocated within the car park. Car park attendants have recently been employed to manage the parking of vehicles on the car park.

There is no current formal agreement with the Spice Room for any additional parking, therefore should this application be approved it would be with the same conditions as agreed under the previous approval but with a higher number of customers. I would recommend that 30 customers is stated on the condition.

The enforcement of on-street parking in the area is on-going and the LCC parking enforcement team has visited the area 5 times since May and no enforcement notices have been issued. The parking of vehicles on the double yellow lines on Blackburn Road has been raised by the local Councilor however there has been no evidence of this when the attendant has visited. The applicant states that he has received no complaints from neighboring residents about the parking of vehicles on the surrounding streets and I have no evidence to dispute that.

The single yellow line on Rising Bridge Road to the rear of the site is currently not being enforced due to the lines being faded and covered in chippings and this issue will be rectified as soon as possible. There is an additional car park along Blackburn Road for the use by LCC staff who occupy the units to the rear of the site.

There is no objection to the proposal subject to the conditions below :-

- There shall be no more than 30 paying customers on the premises at any one time, and only then for so long as it can be demonstrated to the Councils satisfaction that the customers of Fit4Life have agreed to the submitted and approved Car Park Management Plan.*

- *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.*

Conclusion

Approval of the application is recommended subject the Conditions requested by LCC Highways and to ensure that the use and hours of operation relating to Unit 3 are consistent with those that currently apply to Units 1 & 2 as a result of Planning Permission 2016/0053.

9. SUMMARY REASON FOR APPROVAL

The extension of the use in Units 1 & 2 into Unit 3 is considered acceptable in principle and, subject to the Conditions, is not considered likely to unduly detract from neighbour amenity or highway safety. The proposal is considered to accord with the National Planning Policy Framework and Policies AVP6 / 1 / 8 / 10 / 11 / 24 of the Council's adopted Core Strategy (2011).

10. CONDITIONS

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

Reason : To accord with Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development shall be carried out in accordance with the following unless otherwise required by the conditions below.

Title	Drwg No	Date Recd
Block Plan	-	12 / 07 / 18
Existing Floor Plans	7063/1	04 / 07 / 18
Proposed Floor Plans	7063/2	04 / 07 / 18
Car Park Plan	v1.2	12 / 07 / 18
Car Park Management Plan	-	12 / 07 / 18

Reason : To define the permission and in the interests of the proper development of the site.

3. There shall be no more than 30 paying customers in total on the premises (comprising of Units 1, 2 & 3) 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.

4. 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.

5. 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 wish to retain control over any subsequent change of use of these premises in the interests of safeguarding the amenities of the area, including highway safety.

6. 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.